

Agenda for a hearing by the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Local Alcohol Policy) to be held via Audio Visual Conference on **WEDNESDAY, 28 SEPTEMBER 2022** commencing at **9.00am**.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. REPORTS

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|-----|---|----|
| 4.1 | Hearings Report on the Local Alcohol Policy | 5 |
| 4.2 | Deliberations Report for the Local Alcohol Policy
<i>(Report will be circulated as part of a Supplementary Agenda)</i> | SA |

5. EXCLUSION OF THE PUBLIC

It is intended to discuss this matter in the open section of the meeting, however, should in depth legal advice be requested from the Committee a resolution may be passed to exclude the public to hold these discussions.

GJ Ion
CHIEF EXECUTIVE

POLICY & REGULATORY COMMITTEE

Reports to:	Council
Chairperson:	Cr Jan Sedgwick
Deputy Chairperson:	Cr Noel Smith
Membership:	The Mayor, all Councillors and Mrs Maxine Moana-Tuwahangi (Maangai Maaori)
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies)

Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws, reviewing the District Plan and overseeing civil defence and emergency management issues.

In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve the consultation process for Council bylaws.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee¹, Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

¹ For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

The Committee is delegated the following powers to act:

Governance Policies

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

Bylaws

- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Recommend to Council new or amended bylaws for adoption.

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule 1 of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule 1 of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule 1, Resource Management Act 1991.

Other Resource Management Issues

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers and duties under that Act, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.

- Monitor and approve submissions in relation to National Policy Statements.

Civil Defence and Emergency Management

- Monitor the performance of Waikato District's civil defence and emergency management response against Council's requirements under the Civil Defence and Emergency Management Act including:
 - a. implementation of Government requirements; and
 - b. co-ordinating with, and receiving reports from, the Waikato Region Civil Defence and Emergency Management Group Joint Committee.

Other Delegations

- Exercise all of the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training or events, in accordance with Council policy.

To	Policy and Regulatory Committee
Report title	Hearings report on Local Alcohol Policy
Date:	28 September 2022
Report Author:	Anthea Sayer, Corporate Planner
Authorised by:	Sue O’Gorman, General Manager Customer Support

1. Purpose of the report

Te Take moo te puurongo

To enable the hearing and receiving of submissions on the draft Local Alcohol Policy.

2. Executive summary

Whakaraapopotanga matua

The draft Local Alcohol Policy was consulted on between 10 August 2022 and 11 September 2022. A total of 141 submissions were received with 28 submitters requesting to speak at the Council hearing. Council deliberations on the draft policy are scheduled to commence immediately following the hearing.

A hearings schedule will be circulated on the day as it is likely to change from the time of writing this report.

3. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee:

- a. receives the late submission received by The Bottle - O Te Rapa (submitter ID 4716) and St Stephen’s Tamahere Church (submitter ID 4726); and**
 - b. hears and considers the verbal submissions on the draft Local Alcohol Policy pursuant to section 83 of the Local Government Act 2002.**
-

4. Background

Koorero whaimaarama

The draft Local Alcohol Policy was approved for consultation by the Policy and Regulatory Committee on 1 August 2022. The policy sets alcohol licensing criteria for when, where and how alcohol is sold in the district. District licensing bodies must consider the policy when they make decisions about alcohol licence applications.

Proposed changes to the policy included:

- Restrictions on standalone bottle stores in some parts of the district;
- A new discretionary condition prohibiting off-licences from being able to offer 'buy now pay later' schemes;
- A definition of 'site' to avoid any confusion as to what constitutes a site;
- Additional clarity where there is a requirement for there to be a certain distance between a proposed licensed premises and an existing facility or other licensed premises;
- For special licences, removal of the provision prohibiting a one-way door condition applying earlier than two hours before the conclusion of the event; and
- Two new clauses related to remote sales noting when alcohol can be bought online and delivered and who receives the delivery of alcohol.

Submissions are included in Attachment 2 (submissions from those who wish to be heard and Attachment 3 (all submissions received).

4. Discussion and analysis

Taataritanga me ngaa tohutohu

Formal consultation took place between 10 August 2022 and 11 September 2022. Consultation was advertised on Council's Facebook page, a public notice published in local newspapers and a media release issued. Those who submitted during pre-engagement, licence holders, Waikato district community boards and committees and iwi were also invited to make a submission.

Shape Waikato is Council's main portal for engagement with the community. The Local Alcohol Policy page on Shape Waikato received 190 views and 128 individual visitors.

In total, Council received 141 submissions on the draft policy. 28 submitters have requested to be heard although this number is likely to reduce as hearings scheduling progresses.

Two submissions were received in the two days after submissions closed (Bottle-O Te Rapa and St Stephen's Tamahere Church). Staff recommend Council approves that the submissions are received and considered during deliberations.

4.1 Options **Ngaa koowhiringa**

No options are available for Council to consider because the purpose is to receive the report and hear submissions. Council deliberations are scheduled to proceed immediately following hearings.

4.2 Financial considerations **Whaiwhakaaro puutea**

There are no material financial considerations associated with the recommendations of this report.

4.3 Legal considerations **Whaiwhakaaro-aa-ture**

Staff confirm that the recommendation complies with the Council's legal and policy requirements. Consultation has been undertaken in accordance with section 83 of the Local Government Act 1990. Council is required to provide an opportunity to persons interested to present their views to the local authority.

4.4 Strategy and policy considerations **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

4.5 Maaori and cultural considerations **Whaiwhakaaro Maaori me oona tikanga**

Although the matters covered in this hearing report do not directly relate to Maaori, the disproportionate negative impact alcohol has on Maaori has been recognised as part of the policy review. Mana whenua/iwi were invited to make a submission through the formal consultation process.

4.6 Climate response and resilience considerations **Whaiwhakaaro-aa-taiao**

The matters in this report have no known impact on climate change or resilience for the Council.

4.7 Risks **Tuuraru**

There are no risks associated with this report.

5. Significance and engagement assessment Aromatawai paahekoheko

5.1 Significance Te Hiranga

The decisions and matters of this report are assessed as of medium significance, in accordance with the Council's [Significance and Engagement Policy](#).

5.2 Engagement Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The community and stakeholders were consulted in accordance with section 83 of the Local Government Act 2002.					

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Affected Businesses

6. Next steps Ahu whakamua

This report enables Council to hear submissions on the draft Local Alcohol Policy. Deliberations on the draft policy is scheduled immediately following hearing of submitters.

7. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

8. Attachments Ngaa taapirihanga

Attachment 1 – Schedule of hearings as at 21 September 2022

Attachment 2 - Submissions from those who wish to be heard

Attachment 3 – All submissions received

Local Alcohol Policy Hearing Schedule

Wednesday 28 September 2022

Please note this schedule is subject to change and only includes submitters who have confirmed their speaking time as at 21 September 2022

Time	Submission ID	Name	Agenda page #
9.00 am	NA	Introduction and overview of hearing report	
9.10 am	4708/4715	Double 9 Limited and SVVAPP Holdings Limited	1
9.20 am			
9.30 am	4703	Greg Hoar, Super Liquor Holdings	11
9.40 am			
9.50 am	4705	Finn Jackson	16
10.00 am	4695	Chris Rayner	16
10.10 am	4572	Matthew Fyfe	17
10.20 am	4710	GDL – Paul Radich	17
10.40 am	4714	Nathan Cowie – Alcohol Healthwatch	23
10.50 am			
11.00 am			
11.10 am			
11.20 am			
11.30 am			
11.40 am			
11.50 am			
12.00 pm			
12.10 pm			
12.20 pm	4711	Richard Hoskin - Waikato Public Health Service, Te Whatu Ora	50

Waikato District Council – Local Alcohol Policy submissions from submitters who wish to be heard

Submission ID: 4708

Name: Double 9 Limited

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission



Attachment: Yes

08 September 2022

To
The Corporate Planner
Waikato District Council

By Email: consult@waidc.govt.nz

Submission – Draft Local Alcohol Policy 2022

Submitter : Double 9 Limited T/a “The Bottle-O Pokeno”
Physical Address : 
Contact Person : 
Presenting in person : YES

Summary:

Double 9 Limited submits **THAT** it **opposes**:

- 1) Clause 5.6.1.i – Opposition on the inclusion proposed Clause 5.6.1.i “buy now, pay later” as an additional discretionary condition for off-licences in Waikato District.

Our opposition is to the **proposed wordings of the clause** and not its intent.

Double 9 Limited further submits **THAT**:

- 2) Clause 5.6.1.i be removed with a note to wait for further directions from MBIE on the issue of “Buy Now Pay Later”, and
- 3) A Definition be included for “Customer” as interpreted by Consumer Guarantees Act 1993

Detailed Submission:

As part of consultation for reviewing its Local Alcohol Policy, Waikato District Council undertook an early engagement process on the proposed draft. We submitted on the questions asked at the time.

The proposed clause 5.6.1.i was not included in the early engagement process. This clause is a later inclusion¹. The proposed clause currently reads as:

*“Licencees are **prohibited** from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to **any customer** whether remotely or on premises, **regardless of whether** the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card.”*

¹ [220801-p-r-open-agenda.pdf \(waikatodistrict.govt.nz\)](#) – Ref page 44 and 47 of the agenda

The above wordings of the clause are concerning. The draft policy does not identify or include a formal definition of terms/words:

- a) "Customer" or "Any Customer"
- b) "Buy now pay later"

To ensure we make an informed submission, clarifications were sought through our agents on the definitions of the above two terms from WDC.

WDC response is:

"As we have already commenced our formal consultation on the Local Alcohol Policy (LAP), we are unable to provide definitions for 'buy now pay later' and 'customer'. However, we welcome any comments, amendments or additions (including definitions) by way of submission on the LAP."

"The definitions were not included as part of the draft LAP so unfortunately, there aren't any official definitions."

Issues:

Issue 1 – Trade Disruption

Currently there are 153 licensed premises² within Waikato Region. Of these there are 64 on-licences, 46 club-licences and 43 off-licences.

Almost all of these licensed premises have trade agreements or supply arrangements either directly or indirectly through various suppliers. For a number of trade reasons, majority of them have inter-supply arrangements within the district from other licencees. E.g., A Bottle-Store would supply on wholesale basis to a club or an on-licensed premises. Typical examples include:

- 1) Golf-clubs
- 2) Restaurants
- 3) Corporate accounts
- 4) Sports clubs and bars
- 5) Trade accounts – A bigger trade entity supplying a smaller trader
- 6) Special Events – like charity events or annual events

The trade payment terms would normally be agreed as per standard industry practice which will be on some form of credit from the suppliers. i.e., Supplied Now and paid at a later date as per the industry practice. These arrangements will typically be known as "On-Account Customers". The arrangement may also include products which are on the basis of sale or return. The "On-Account Customer" will generally be GST registered entities.

The current wording of the clause is problematic as it does not distinguish between a standard day to day customer and a trade customer. In other terms a Business-to-Business (B2B) trade arrangements will be captured within the existing wordings of the clause.

² Refer – WDC Local Alcohol Policy Review Research Report – July 2022 – Page 7

The wordings of the clause appear to be unreasonable and will have unintended consequences including significant impact on the businesses caught by the wordings of the condition where there is not an issue identified.

There are some examples of the definition of customer / consumer which can form the basis for defining a customer for the purposes of this review of Local Alcohol Policy.

Under the Consumer Guarantees Act 1993³, Clause 2 (1),

consumer means a person who –

- (a) *acquires from a supplier goods or services of a kind ordinarily acquired for personal, domestic, or household use or consumption; and*
- (b) *does not acquire the goods or services, or hold himself or herself out as acquiring the goods or services, for the purpose of—*
 - (i) *resupplying them in trade; or*
 - (ii) *consuming them in the course of a process of production or manufacture; or*
 - (iii) *in the case of goods, repairing or treating in trade other goods or fixtures on land*

Trade customers / consumers are not included in the above interpretation.

It is assumed that WDC's intent to suggest exclusion of "buy now pay later" was aimed as "consumers" as defined above. If so

It is submitted **THAT**:

- 1) a definition of Customer on the above lines be included in the adopted Local Alcohol Policy which excludes Business to Business (B2B) entities.

Issue 2 – The intent of the clause

WDC by way of inclusion of this clause in its current form has made it clear of its intention to support the initiatives for reduction of alcohol harm in the district.

However, it appears the late inclusion of the clause is a spot reaction to the recent media attention brought to notice of a not so popular industry practice of accepting payments through various merchants offering "buy now pay later" services.

Again, the wordings do not identify the definition of "buy now pay later". The inclusion of words "*regardless of whether the buy now pay later is executed through a third party or not*" is ambiguous and presents a challenge on its own.

A typical "buy now pay later" type schemes will be characterized in a category where loan is offered to a customer at the point of sale by the services provider so they can make a purchase on credit but without a credit card. Soft credit checks may or may not be undertaken by these merchant service providers.

³ <https://www.legislation.govt.nz/act/public/1993/0091/24.0/DLM311058.html>

The WDC draft policy documents does not include any risks assessments or detailed data specifically attributed to the harm associated with such “Buy Now Pay Later” services offered through various merchant services.

Generally, there will be very few licensed outlets offering such “Buy Now Pay Later” services. There is no data available or included for the purpose of this consultation. It appears to be a response to a perceived issue without any evidence of the nature, scale or impact of the issue.

We are also aware the discussions are currently underway within the MBIE for this particular issue.

By inclusion of such clause without a detailed assessments and with missing interpretations and definitions, WDC runs the risk of adopting something which may be contradicting to a future overarching rule / law within the specified/relevant Acts or regulations.

Inclusion of “Buy Now Pay Later” can be included as advise note on for the licencees that its Waikato DLC’s view that such services encourage abuse of alcohol and provision of such merchant services by licencees is discouraged.

It is submitted **THAT:**

- 2) WDC holds the inclusion of “buy now pay later” clause and wait for further directions from the MBIE on this issue.

Further suggestions:

- 1.) Clause 5.2.2 – Cap on Bottle-Stores off-licencees only

We submit that the cap limits be extended to all new off-licencees. The proposed restriction on new off-licencees for bottle stores only is discriminating.

When assessing the effects or number of off-licencees within the catchments, supermarkets or pubs and bars are included in the data⁴. However, the proposed wordings suggest that it alright to have any number of off-licencees (other than a bottle Store) within close proximity to other licensed premises as far as elements of clause 5.2.1 of draft LAP are met.

Conclusion:

For the reasons explained above, our submission for the purpose of this Draft LAP is **THAT:**

- 1) **Clause 5.6.1.i be removed with a note to wait for further directions from MBIE on the issue of “Buy Now Pay Later”, and**
- 2) **Definition be included for “Customer” as interpreted by Consumer Guarantees Act 1993**

Sincerely

For Double 9 Limited

⁴ Refer – WDC Local Alcohol Policy Review Research Report – July 2022 – Page 7

Submission ID: 4715

Name: SVVAPP Holdings Limited

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes





08 September 2022

To
The Corporate Planner
Waikato District Council

By Email: consult@waidc.govt.nz

Submission – Draft Local Alcohol Policy 2022

Submitter : SVVAPP Holdings Limited T/a “The Bottle-O Tuakau”
Physical Address : 
Contact Person : 
Presenting in person : YES

Summary:

SVVAPP Holdings Limited submits **THAT** it **opposes**:

- 1) Clause 5.6.1.i – Opposition on the inclusion proposed Clause 5.6.1.i “buy now, pay later” as an additional discretionary condition for off-licences in Waikato District.

Our opposition is to the **proposed wordings of the clause** and not its intent.

SVVAPP Holdings Limited further submits **THAT**:

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Detailed Submission:

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It is submitted **THAT**:

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Again, the wordings do not identify the definition of "buy now pay later". The inclusion of words "*regardless of whether the buy now pay later is executed through a third party or not*" is ambiguous and presents a challenge on its own.

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It is submitted **THAT:**

- 2) WDC holds the inclusion of “buy now pay later” clause and wait for further directions from the MBIE on this issue.

Further suggestions:

- 1.) Clause 5.2.2 – Cap on Bottle-Stores off-licencees only

We submit that the cap limits be extended to all new off-licencees. The proposed restriction on new off-licencees for bottle stores only is discriminating.

When assessing the effects or number of off-licencees within the catchments, supermarkets or pubs and bars are included in the data⁴. However, the proposed wordings suggest that it alright to have any number of off-licencees (other than a bottle Store) within close proximity to other licensed premises as far as elements of clause 5.2.1 of draft LAP are met.

Conclusion:

For the reasons explained above, our submission for the purpose of this Draft LAP is **THAT:**

- 1) **Clause 5.6.1.i be removed with a note to wait for further directions from MBIE on the issue of “Buy Now Pay Later”, and**
- 2) **Definition be included for “Customer” as interpreted by Consumer Guarantees Act 1993**

Sincerely

For SVVAPP Holdings Limited



⁴ Refer – WDC Local Alcohol Policy Review Research Report – July 2022 – Page 7

Submission ID: 4703

Name: Greg Hoar, Super Liquor Holdings

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes

2022 Waikato District Council Draft LAP Submissions

The Waikato District Council submission form to its draft Local Policy includes the question, do you have any other comments to make on the draft Local Alcohol Policy?

Super Liquor Holding makes the following submission

Super Liquor Background

Super Liquor is a New Zealand franchisor with over 175 stores across New Zealand, from Kaitaia in the North to Invercargill in the South. Each store is a locally operated business which has entered into a franchise agreement with Super Liquor. Each franchisee receives the benefits of, and honours the obligations of participating in, the Super Liquor branded system. The Super Liquor franchisee offer is based on creating a long-term sustainable retail business.

Super Liquor franchisees represent a broad spectrum of small and medium sized businesses that are positioned in both urban and rural locations. Franchisees pride themselves on being part of the communities they serve, supporting local businesses, charities, and sports clubs. Super Liquor has a co-operative group culture.

As a business, Super Liquor supports Option 1, where the Council retains the current Local Alcohol Policy. However, if the Council chooses Option 2, where the draft Local Alcohol Policy is adopted, then Super Liquor would like to submit the following submission to ensure that the LAP introduced, is introduced on a level playing field.

For ease of reference, Super Liquor refers to the paragraph numbers used in the Waikato District Council document named 'Draft Local Alcohol Policy – tracked changes version'.

3 Definitions – new licence

Super Liquor Holdings (SLH) supports the 'new licence' definition. This being, "A premise that has not been subject to a licence (with the exception of Special Licences) for more than 12 months prior to the filing of an application. Note: a licensed premises that changes ownership but continues to hold a licence is not considered to be a new licensed premises. A change of licence type is considered an application for a new licence".

5 Off-Licence Policies

5.2.2 Restriction on bottle stores

SLH opposes the provision in the draft LAP to differentiate between bottle stores and other off premise licenses such as grocery stores and supermarkets in respect to a suggested cap. SLH supports an open and competitive market. All off-licensed premises should be treated equally. A supermarket should not be given a commercial advantage in terms of location. The policy needs to reflect a fair playing field for all off licence holders. To differentiate between supermarkets and other retail operators (such as bottle stores), would further consolidate supermarkets perceived duopoly retail power and serve to further perpetuate their competitive advantage over other retailers. If a Supermarket is allowed a liquor licence, then so should a bottle store.

Alcohol related harm stems from alcohol, not specific types of alcohol. There is no evidence that SLH can find to demonstrate the sale, supply and consumption of alcohol will be undertaken any more safely and responsibly by differentiating between supermarkets, grocery stores, and bottle stores.

Nor is there any evidence that demonstrates the harm caused by inappropriate consumption is minimised by licence type differentiation. Yet the proposed policy promotes differentiation between types of licence holder. SLH believes that each application should be judged on its merits and not governed by an overriding provision.

SLH also disagrees with the 1km distance criteria and submits that the towns in the Waikato District are growing in population. The district based on population per off licence, is not overrepresented by off licenses. The research report comments on this point on page 7. Specifically, “There **has not been** a dramatic increase in the number of licensed premises since the LAP was developed. In September 2014 there was a total of 141 permanent licences comprising 50 on-licences, 40 off-licences and 51 club licences.” We believe it would be wrong for the Council to impose such a condition, particularly as Te Kauwhata and Tamahere currently do not have a standalone bottle store.

Using the councils report the following table highlights the ratio of off licenses per population:

Township	Population	# off licences	Total # of standalone bottle stores	Population per standalone bottle store
Pokeno	4550	3	2	2275
Tuakau	6478	5	2	3239
Te Kauwhata	3145	2	0	0
Huntly	9307	6	3	3102
Ngaruawahia	8760	6	2	4230
Raglan	4376	7	2	2188
Tamahere	6512	2	0	0

5.3 Location of off-licence premises by reference to proximity to facilities of a particular kind(s)

SLH submits in a similar vein to its submission under 5.2.2 in relation to the differentiation between bottle stores, grocery stores and supermarkets. Alcohol is alcohol and that off licence policies need to be consistent between the different types of retail outlets. Exposure to alcohol in supermarkets and grocery stores is higher for young people as they are allowed, as of right, to enter supermarkets on their own without a parent or legal guardian. However, minors are not allowed into a bottle store as of right. Bottle stores that have specified areas, limiting exposure to alcohol to those people that are not legal drinking age. These being:

1. Restricted area:

(a) means an area that is designated (under section 119 or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted; and

2. Supervised area:

(a) means an area that is designated (under section 119 or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian;

SLH submits that consistent application of policy to the three types of off licenses described will ensure a level playing field between these retail outlets and a consistent application of control and compliance.

5.4.1 Further issuing of standalone bottle store off-licences in the district

5.4.1 There is a presumption against the issuing of new off-licences for standalone bottle stores in Tuakau, Te Kauwhata, Huntly, Ngaruawahia and Raglan as well as other district localities where the deprivation level is 7 or higher unless it is demonstrated to the DLC that a new standalone bottle store would not result in significant adverse effects including: (i) the amenity and good order of the locality being reduced to more than a minor extent and ii) any other potential adverse effect which may give rise to alcohol-related harm.

SLH opposes this condition for the same reasons as above, these being a level playing field and that the effects of alcohol from supermarkets, grocery stores and bottle stores associated with a hotel or tavern are the same. SLH submits that the term “significant adverse effects” needs to be clearly defined. It may be interpreted in a range of different ways by applicants, objectors, agencies and the DLC. A definition would assist in clarifying.

Using the councils report the following is the ratio of off licenses per population. We note that there are currently no stand alone bottle stores in Te Kauwhata or Tamahere.

Township	Population	# off licences	Total # of standalone bottle stores	Population per standalone bottle store
Pokeno	4550	3	2	2275
Tuakau	6478	5	2	3239
Te Kauwhata	3145	2	0	0
Huntly	9307	6	3	3102
Ngaruawahia	8760	6	2	4230
Raglan	4376	7	2	2188
Tamahere	6512	2	0	0

5.4.2 For the purposes of clause 5.4.1, a bottle store associated with a hotel or tavern is not a standalone bottle store.

SLH submits that these types of off licenses need to be treated the same as supermarkets, grocery stores and bottle stores.. A level playing field and effects need to be consistently applied and managed.

5.6 Discretionary conditions of off-licences

SLH agrees with the majority of the proposed discretionary conditions for off-licences proposed in the draft LAP, with the exception of the following:

(c) “Kinds of products to be sold” - SLH is concerned that this condition may be applied to some licensees and not others, resulting in an unfair playing field. We believe that if a product is not appropriate for sale and consumption, then it should be applied universally at one point in time, and not by a licence by licence approach.

Buy Now, Pay Later

(i) Licensees are prohibited from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to any customer whether remotely or on premises, regardless of whether the 'buy now pay later' is executed through a third party or not

SLH does agree that the **formal 'Buy Now, Pay Later schemes** (such as LayBuy or AfterPay) should not be used as a method of payment to buy alcohol, however *definition of 'buy now, pay later' needs to be clearly defined to avoid confusion of the use of credit cards or customers purchasing on an account basis. Currently, customers, sole traders and companies can be sold products on an account from time to time. These customers may be local business or individuals that may purchase product on a return basis (e.g. Weddings, Function Centres, Funerals, Corporate functions, Real Estate Agents etc) who may be also be affected by this policy. We request that this definition is clearly defined to include **formal 'Buy Now, Pay Later' schemes only.***

5.7.1 Remote sales

The first part of the policy to verify that the buyer and receiver of a delivery is not under 18 years of age repeats section 59 (subsection 3) of the SSAA. SLH submits that the second part, delivering to a received that is not intoxicated is unreasonable. For example, Courier drivers are not trained in intoxication and should not be subject to a requirement to do so.

I request to present Super Liquors submission to Council by myself at the hearing on 28 September 2022.

Thank you.

Yours sincerely



Greg Hoar
National Operations Manager
Super Liquor Holdings Ltd

Submission ID: 4705

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

I support the submission drafted by the local community board.

Attachment: No

Name: [REDACTED] **Submission ID:** 4695

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

The first objective of the LAP as stated in 2.1 of the policy is to: Reflect the views of local communities as to the appropriate location, number, hours and conditions that should be applied to licensed premises within their communities: This objective is not achieved by the restriction of maximum trading hours for on-licensed venues as outlined in 4.5 of the policy:

- i. Monday to Sunday: 7.00am to 1.00am the following day.
- ii. New Year's Eve: 7.00am to 2.00am the following day.

Raglan is a destination tourist location for people from around the world and New Zealand and the 1am closing time for on-licensed venues is not reflective of Raglan's unique position in the Waikato as a world-renowned tourist destination. Post Covid the entertainment industry has been struggling to get back on its feet and the restrictive opening hours provide a very limited window to operate. In general most people will go out to watch a band or dance to a Dj after dinner and as times have changed so evening meal times have become later, typically finishing dinner around 9pm and heading out for entertainment around 10pm. This leaves a very short window of 3 hours to operate an entertainment venue, which in turn reduces the calibre of artist that venues and promoters can afford to book, and has led some promoters to skip Raglan from their touring schedule, thus in turn having a negative impact on the economic prosperity of the entire community

Other negative effects of the 1am closing time that impact the wider community, is the effective dumping out onto the streets of a venue full of people, energized and not ready to stop enjoying themselves at 1am. This has led to the creation of an 'after party' culture where groups of people go back to someone's house in a suburban area, away from the controlled environment of the venue, creating a disturbance to the surrounding neighbourhood.

The 1am closing time also contributes to an increased risk of confrontations between individuals and groups of people, when the whole venue is emptied out onto the street en masse at 1am. Raglan has experienced first-hand massive bloody street brawls that could have been avoided had the venue not

been forced to push everyone out of the venue and onto the street at 1am. There is plenty of widely available evidence that later closing times for controlled on-licensed venues allows people to depart from the venue across a wider range of varying times, reducing confrontations, and allowing security staff to manage any issues that may occur in a more controlled manner.

There has been no attempt by Council to consult with the community about the appropriate hours or conditions for on licensed premises to operate in this review, or in the initial forming of the LAP in 2013. Council's consultation has focused solely on bottle stores and off license premises, completely ignoring the needs and desire of the community for night time entertainment, which is a vital part of creating healthy, vibrant and connected communities. Despite the Raglan Community Board making a submission in the early engagement of this review, specifically asking Council to consider reviewing opening hours for on-license venues, Council has completely ignored this suggestion from the Raglan Community Board in the creation of the draft Local Alcohol Policy. In this instance Council has not met its obligations under the special consultative procedure in the Local Government Act 2002.

There is no obvious reason or need to serve alcohol at 7am, so one possible solution would be to amend 4.5 of the draft policy to:

- i. Monday to Sunday: 9.00am to 3.00am the following day.
- ii. New Year's Eve: 9.00am to 4.00am the following day. This would not increase the number of hours alcohol is served but merely shift the times to better reflect the times we live in and the view of the local community as to the appropriate hours and conditions that should be applied to licensed premises within their communities.

Attachment: No

Submission ID: 4572

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

It's a terrible way to let existing shops control the alcohol market.

- Alcohol store/stores may close down.
- Increased risk of people traveling to other regions while intoxicated.
- Existing stores may not be able to handle demand.

Attachment: No

Submission ID: 4710

Name: General Distributors Limited ('GDL')

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes



SUBMISSION ON THE WAIKATO DRAFT LOCAL ALCOHOL POLICY

To: Waikato District Council ("**Council**")

Submitter: General Distributors Limited ("**GDL**")

Summary

1. GDL welcomes the opportunity to submit on the Waikato Draft Local Alcohol Policy ("**Draft LAP**"). As an off-licence holder in the Waikato District, GDL has an interest in the matters raised in the Draft LAP.
2. GDL supports the objectives of minimising alcohol-related harm in the district and the use of local alcohol policies as a tool in ensuring safe consumption of alcohol.
3. GDL generally supports the Draft LAP and in particular the introduction of a discretionary condition to prohibit off-licence holders from offering "buy now pay later" schemes. In relation to remote sales, GDL is concerned the proposed policy in relation to age verification and assessment of intoxication is unworkable and needs to be amended so that it is a discretionary condition, drafted in a manner consistent with remote sales conditions approved by the Alcohol Regulatory and Licensing Authority.
4. GDL wishes to be heard in relation to this submission.

GDL as an off-licence holder

5. GDL is a wholly owned subsidiary of Woolworths and is responsible for operating Countdown stores nationwide. GDL owns and operates 190 supermarkets under the Countdown and Metro banners, and 4 "eStores" across New Zealand. Another subsidiary of Woolworths, Wholesale Distributors Limited, is the franchisor for over 70 SuperValue and FreshChoice supermarkets, which are locally owned and operated businesses.
6. GDL has been part of New Zealand communities for more than 90 years. GDL's purpose across its business is to make Kiwis' lives a little better every day. GDL is committed to contribute positively to New Zealand communities, and their team of more than 20,000 people work hard to deliver safe, fresh and affordable groceries to New Zealanders.
7. As a holder of over 175 off-licences in New Zealand, GDL is an experienced licence holder and is committed to being a responsible retailer of alcohol. GDL acknowledges that it has a shared responsibility to prevent alcohol-related harm and ensure that consumption of alcohol is undertaken safely and responsibly.
8. In the Waikato district, GDL holds two off-licences for Countdown Pokeno and Countdown Huntly.

Buy now pay later – Policy 5.6.1(i)

9. An LAP can include policies on discretionary conditions¹ but cannot fetter a District Licensing Committee's ("**Committee**") discretion with respect to conditions when issuing licences.² Before imposing any such conditions, the Committee must be satisfied the condition is reasonable and not inconsistent with the Act.³
10. Draft Policy 5.6.1(i) in the Draft LAP introduces a new discretionary condition prohibiting licensees from offering "buy now pay later" schemes for the sale of alcohol:⁴

Licensees are prohibited from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to any customer whether remotely or on premises, regardless of whether the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card.

11. GDL supports this policy, which may be imposed as a discretionary condition on a case by case basis (as required). In the alcohol context, "buy now pay later" schemes have the potential to increase consumption of alcohol and in turn, increase alcohol-related harm in our communities. As a responsible retailer of alcohol, GDL does not offer "buy now pay later" scheme for any of its products and does not consider it appropriate to offer these payment schemes for alcohol products.

Remote sale of alcohol*Remote sale of alcohol hours – Policy 5.5.2*

12. The Draft LAP proposes to introduce a new policy with maximum trading hours for the remote sale of alcohol as follows:

5.5.2 For remote sellers, alcohol may be sold remotely at any time on any day, but alcohol must not be delivered on Christmas Day, Good Friday, before 1pm on Anzac Day or between 11:00pm 6:00am the following day.

13. GDL supports the proposed policy as it reflects the off-licence hours for remote sales as provided for in the Act.⁵

Steps to verify age and assess intoxication – Policy 5.7.1

14. The Draft LAP proposes to introduce the following specific policy in relation to remote sales:⁶

5.7.1 The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver is not intoxicated.

15. GDL endorses licensees taking measures to ensure that when alcohol is sold remotely, it is done so in a responsible and safe manner. GDL is an experienced remote seller and has a range of measures in place to ensure alcohol is sold responsibly including age verification processes and

¹ Act, section 77(1)(f).

² *Auckland Council v Woolworths NZ Ltd & Others* [2021] NZCA 484 at [125].

³ Act, section 117.

⁴ Draft LAP, policy 5.6.1(i).

⁵ Act, sections 48 and 49.

⁶ Draft LAP, policy 5.7.1

alert systems to advise delivery drivers when an order contains alcohol. Our internal policy is also that we will not deliver alcohol products to a customer's home after 8pm.

16. The way in which GDL's operates means that alcohol is primarily purchased as part of a customer's grocery shop. For online orders alcohol is present in approximately 8% of orders.
17. While GDL understands the desire to ensure the responsible remote sale of alcohol, it is concerned there is no evidence provided in the Local Alcohol Policy Review Research Report (or any of the consultation material released with the Draft LAP) to suggest remote sales are an issue in the Waikato district or that this proposed policy (relating to age verification and assessment of intoxication) is necessary to address any alleged issues relating to remote sales.⁷
18. Further, the proposed policy is onerous, unworkable and would add significant cost. As currently drafted, the policy would require a delivery driver to return the alcohol to the store if an address is unattended as the driver would be unable to verify age or assess intoxication. This would significantly impact the efficiency of the delivery process, particularly given for Countdown as this would mean the driver would have to either re-deliver the entire order at another time or only deliver the items that are not alcohol. This is unworkable for us, our drivers and our customers.
19. Under the Act it is not illegal to deliver alcohol to an unattended address, but this policy prevents GDL from doing so if no "receiver" is present. The Act also does not require age to be verified on delivery, but rather when the contract for sale is entered into. For GDL, this requirement is achieved by a customer verifying when they create an online account that they are 18 years of age and again on the website (via a tick box system) before the sale is completed that they (and any receiver) are 18 years of age or older. GDL considers the policy needs to be amended so that intoxication is only required to be assessed if the receiver is present, consistent with remote sales conditions approved by the Alcohol Regulatory and Licensing Authority (a copy of the decision is enclosed with this submission).
20. Further, GDL considers this proposed standalone remote sales policy is outside the scope the matters that can be included in an LAP⁸ and is most appropriately included as a discretionary condition that the Committee may consider imposing on an off-licence.
21. GDL seeks that Policy 5.7 be included as a discretionary condition in Policy 5.6 and amended to reflect remote sales conditions approved (shown in blue strikethrough and underline):

~~5.7~~ **Specific policies relating to remote sales**

- ~~5.7.4 j.~~ The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver (where present) is not intoxicated.

Restrictions on the number of off-licences

22. The Draft LAP proposes a restriction on the number of standalone bottle stores in the Waikato district. In the original LAP, policy 5.5.3 clarifies this restriction does not limit the number of other types of off-licence premises or restrict the issue of new licences. The Draft LAP proposes to delete this policy.

⁷ Local Alcohol Policy Review Research Report, July 2022.

⁸ Act, section 77.

23. GDL considers this a helpful clarification. Without any guidance provided by Council as to the reason behind the deletion, GDL considers the policy should be included in the Draft LAP for clarity and the avoidance of doubt as follows:

Other off-licences

- 5.5.3 Except for standalone bottle store off-licences as provided in clause 5.5.1, this policy does not limit the number of other types of off- licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.

Signature: **GENERAL DISTRIBUTORS LIMITED**



Paul Radich

National Alcohol Responsibility Manager

Date: 9 September 2022

Address for Service: Paul Radich
paul.radich@countdown.co.nz

Submission ID: 4714

Name: Nathan Cowie, Alcohol Healthwatch

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes



Submission on the Waikato District Council Draft Local Alcohol Policy

9 September 2022

Alcohol Healthwatch is an independent charitable trust working to reduce alcohol-related harm. We are contracted by the Ministry of Health to provide a range of regional and national health promotion services. These include: providing evidence-based information and advice on policy and planning matters; coordinating networks and projects to address alcohol-related harms, such as alcohol-related injury and fetal alcohol spectrum disorder; and coordinating or otherwise supporting community action projects.

Thank you for the opportunity to provide feedback on the Waikato District Council Draft Local Alcohol Policy.

We would like the opportunity to speak to our submission.

If you have any questions on the comments we have included in our submission, please contact:

Dr Nicki Jackson
Executive Director
Alcohol Healthwatch
P.O. Box 99407, Newmarket, Auckland 1149
P: (09) 520 7039
E: director@ahw.org.nz

Summary of recommendations

- Alcohol Healthwatch **endorses** Option 2 – Council Adopts the draft Local Alcohol Policy (LAP).
- Alcohol Healthwatch supports the proposed LAP for its control on the location of new on-licences, the protection provided by on-licence trading hours across the district, and the strong controls on the location of new off-licences. Further amendments to the LAP, as outlined below, may be useful for meaningfully and equitably minimising alcohol harm in the district.

On-licence provisions

- Alcohol Healthwatch **does not support** the on-licence opening hour of 7am.
- Alcohol Healthwatch **supports** an off-licence closing hour of 1am – we **recommend** on-licence trading hours of **8am-1am** (within the national maximum trading hours).
- Alcohol Healthwatch **supports** the discretionary conditions for on-licences, but **recommend** additional conditions in our full submission to minimise harm.

Off-licence provisions

- Alcohol Healthwatch **supports** giving District Licensing Committees (DLCs) and the Alcohol Regulatory and Licensing Authority (ARLA) direction to have regards to the proximity of other licences when new off-licence premises are being proposed, where this is considered relevant
- Alcohol Healthwatch **supports** restricting new bottle store off-licences being granted, within one kilometre of any existing bottle store off-licence or licensed supermarket or grocery store
- Whilst Alcohol Healthwatch **supports** no new bottle store off-licence application being issued for any premises located within 100 metres of any school, early childcare facility, library, place of worship, or public park, we **do not support** that exceptions regarding demonstrating no significant impact. We would prefer that the policy had a blanket protection for sensitive sites located within 100m of a proposed outlet. We further recommend adding Marae and alcohol and other drug addiction treatment centres to the existing list of sensitive sites.
- Alcohol Healthwatch **recommends** a cap on the maximum number of bottle store off-licences permitted in Tuakau, Te Kauwhata, Huntly, Ngaruawahia, and Raglan. This would be **preferable** to a presumption that an off-licence will not be issued where the good order of the locality would likely be reduced. For localities where the deprivation level is 7 or higher, we propose stating that no further licences will be granted if it exceeds the number at the time of policy adoption.
- Alcohol Healthwatch **recommends** that the restrictions to the issue of further off-licences also apply to tavern off-licences.
- Alcohol Healthwatch **does not support** the proposed off-licence closing hour of 10pm. We **recommend** 9pm.
- Alcohol Healthwatch **does not support** the proposed off-licence opening hour of 7am. We **recommend** 10am.
- Alcohol Healthwatch **supports** the discretionary conditions relating to off-licences but **recommend** additional criteria in our full submission in relation to single sales, and price.
- Alcohol Healthwatch **recommends** measures are put in place to ensure that Council is aware of all premises in the district selling alcohol online, to allow effective monitoring and compliance activities.

Club licence provisions

- Alcohol Healthwatch **recommends** maximum trading hours of 9am to **1am** the following day for club licences. We note the present typo in the draft policy which states 1pm the following day.
- Alcohol Healthwatch **supports** the discretionary conditions for club licences.

Special licence provisions

- Alcohol Healthwatch **recommends** the LAP specify maximum trading hours for special licences, preferably not exceeding 8am to 4am the following day.
- Alcohol Healthwatch **supports** the inclusion of guideline maximum trading hours, but **recommend** these hours be 8am to 1am the following day.
- Alcohol Healthwatch **supports** the discretionary conditions for special licences.
- Alcohol Healthwatch **recommends** a discretionary condition for events with over 1000 attendees (or as otherwise considered appropriate) that requires an Event Alcohol Risk Management Plan.
- Alcohol Healthwatch **recommends** the LAP include provisions that protect children in the region, by not allowing special licences to be granted for child-focussed events.

Introduction

1. Firstly, Alcohol Healthwatch commends the Waikato District Council on their commitment to review their Local Alcohol Policy (LAP).
2. We wish to acknowledge the efforts of the policy team, Council members and stakeholders in reviewing the LAP on behalf of their community. We further acknowledge the provision of data from health authorities and the Police, in the presence of competing commitments resulting from the global pandemic.
3. We strongly believe that a LAP is a package of measures which, when used comprehensively, can significantly minimise rates of hazardous drinking and subsequent alcohol-related harm. For this reason, we recommend that the LAP is considered not just as a collection of isolated elements but as a cohesive package to reduce alcohol-related harm, insofar as can be achieved with measures relating to licensing.
4. A LAP which has the effect of reducing the overall availability of alcohol has significant potential to further minimise alcohol-related harm and improve community well-being. Measures that reduce accessibility and availability of alcohol have particular benefits for those who experience significant inequities in harm (i.e. Māori and those socio-economically disadvantaged). To date, alcohol outlets in New Zealand have been inequitably distributed to the most deprived neighbourhoods and the unequal harms from this must be addressed.
5. By incorporating evidence-based measures to address both the physical and temporal availability of alcohol, a LAP can support other harm reduction interventions in the local area and assist in sending a strong signal to communities regarding the harms associated with alcohol use.
6. The content of a LAP must be determined on its ability to contribute to achieving the object (section 4) of the Sale and Supply of Alcohol Act 2012,¹ that being:
 - (a) *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
 - (b) *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

For the purposes of subsection (1), 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).*
7. Therefore, a LAP must seek to do two things: Firstly, it needs to **minimise** alcohol-related harm across the Waikato District. Secondly, it needs to **prevent** further alcohol-related harm from happening (where able). Given alcohol is, by far, the most harmful of all drugs available in society,^{2,3} residents deserve the strongest protections available from its range of harms.
8. We note that a recent study published found no significant changes in crime following the adoption of local alcohol policies in New Zealand.⁴ The authors note that the failure to identify significant reductions in crime may partly reflect the lack of meaningful reductions

in trading hours, as many Territorial Authorities explicitly acknowledged that their LAP trading hours reflected actual trading hours at the time of policy adoption. This meant that, in many Territorial Authorities, the majority of on-licences were unaffected by the adopted trading hours in the LAP.

9. Local Government has a mandated role to promote the social, economic, environmental, and cultural well-being of their communities. Inequities in harm from alcohol will significantly reduce wellbeing for current and future generations, and must be urgently addressed. In particular, the council must consider the burden of alcohol-related harm on Māori. Māori are significantly more likely to drink hazardously than non-Māori,⁵ and experience higher levels of both acute and chronic health harm from alcohol.^{6,7} Research on premature deaths and disability attributable to alcohol has shown that alcohol-related mortality in Māori was double that of non-Māori in 2007.⁸ This is especially relevant to the Waikato District, which has a higher proportion of Māori residents (26.4%) than New Zealand as a whole (16.5%).⁹
10. Young Māori males (15-24 years) have been shown to have disproportionately higher risks of hazardous drinking from living close to licensed outlets¹⁰ and tamariki Māori have at least five times the exposure to alcohol advertising compared to European/other children, with a significant proportion of this exposure arising from shop-front advertising and signage.¹¹
11. Alcohol Healthwatch **supports** Councils around the country to develop wider alcohol harm reduction strategies that extend beyond licensing issues covered in a LAP. We further recommend Councils contribute to discussions on alcohol legislation at a national level with a view to influencing alcohol consumption and related harms at a local level. While **alcohol remains more affordable than ever before**¹², it is a hard ask for Territorial Authorities to create a paradigm shift in the local drinking culture. Councils must advocate for evidence-based law change to **address the low price of alcohol, its high availability and pervasive marketing**.
12. As the previous Minister of Justice has announced a review into New Zealand's liquor laws, to be scoped this Parliamentary term, it is especially important that the voice of local government is heard. We encourage all local governments to write to the current Minister outlining their experiences with upholding community wishes for greater control of alcohol availability (e.g. through licence application processes and/or LAP adoption and appeal processes). As an example, we commend the letter to the Minister co-signed and sent by the Mayor of Whanganui District Council on the challenges they have faced upholding community wishes through licensing decisions and LAP processes.
13. Since 24 March 2022, ten Councils have voted in favour of calling on the Government to review the liquor laws and/or endorsing MP Chlöe Swarbrick's Members' Bill (the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill. This includes Auckland Council, Christchurch City Council, Whanganui District Council, Hamilton City Council, Palmerston North City Council, Waipa District Council, Hauraki District Council, Gisborne District Council, New Plymouth District Council, and Dunedin City Council. More Councils are looking to follow this leadership, in endorsing the following recommendation:

That the Council:

(a) endorses the Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill, which aims to:

i. remove the special appeal process through Local Alcohol Policies.

- ii. wind down alcohol advertising and sponsorship of sport.
 - (a) requests the Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill, be supported by the Government and Members of Parliament;
 - (b) requests the New Zealand Government review the Sale and Supply of Alcohol Act 2012; and
 - (c) delegates (an Elected Member) to advocate to central government and to Members of Parliament in support of the proposed Bill. As stated above, the priority objective of the Sale and Supply of Alcohol Act 2012 is to “improve community input into local alcohol licensing decisions”.
14. Alcohol Healthwatch **strongly encourages** Waikato District Council to also show their support for the Bill and call on the Government to undertake a wide review of the Sale and Supply of Alcohol Act 2012 this Parliamentary term.

Importance of community input into the LAP

15. As stated above, the priority objective of the Sale and Supply of Alcohol Act 2012 is to “improve community input into local alcohol licensing decisions”.
16. LAPs were intended as a method for communities to have a greater say on local alcohol availability. This is emphasised in the Court of Appeal decision ([2021] NZCA 484) in relation to Auckland Council’s Provisional Local Alcohol Policy:

[32] The second and more general point is that revealed community preference has an important role to play under the Act. That is shown by provision for local alcohol policies, the extent to which it is permissible for such policies to govern the supply of alcohol, and delegation of decision-making to territorial authorities. As Mr McNamara submitted for the Council, a local alcohol policy is a means by which communities can implement, through participatory processes, some of their own policies on alcohol-related matters in their districts. Because those policies are the product of a process designed to discover and implement a community preference, they need not be evidence-based. If an objectively unreasonable preference finds its way into a proposed local alcohol policy, the remedy lies in an appeal to ARLA.

Local Alcohol Policies within the context of a global health pandemic (COVID-19)

17. It is clear that the global pandemic has had an immediate impact on alcohol consumption in New Zealand, and that it represents a picture of both good news and bad news.
18. Health Promotion Agency research¹³ found that **19%** of New Zealanders (who had consumed alcohol in the past four weeks) reported **increasing their alcohol use** during Level 4 lockdown in April 2020, when compared to consumption patterns pre-lockdown. Almost one-half of drinkers (47%) had consumed the usual amount, and **34% had consumed less** (Figure 1). Although these findings are from a national study, we see no reason why they may not apply to residents in the Waikato District.
19. Post lockdown in July 2020, the proportion of drinkers that had increased their consumption reduced from 19% in Level 4 to 14% in Level 1, while the proportion drinking less reduced from 34% to 22% (Figure 1).

Of those who reported drinking in the last four weeks:

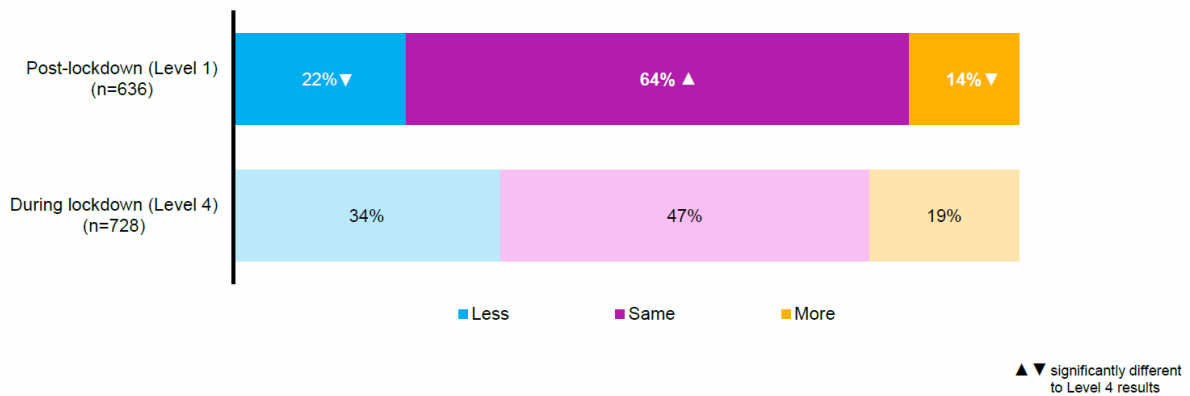


Figure 1. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic.

20. When looking at changes in the average amount of alcohol consumed per week during Level 4 lockdown, results show an increase (from 12.82 standard drinks per week pre-lockdown to 14.09 drinks during Level 4). This reduced to 13.47 drinks per week in Level 1. This finding points towards the reduced intake by many New Zealanders not offsetting the increased volume of alcohol consumed by those who increased their consumption. It is likely that heavy drinkers were the drinkers who consumed more, whilst it was low-risk drinkers that consumed less.

21. It is imperative that we do everything we can to support New Zealanders who have maintained lower levels of drinking during, and after, Level 4 lockdown. This is the ‘good news’ of alcohol use during the global pandemic.

22. Findings by ethnicity show that 22% of Māori drinkers increased their consumption in Level 4 lockdown, when compared to pre-lockdown. This **prevalence did not decrease** following the cease of Level 4 lockdown, with 22% reporting higher consumption in Level 1 when compared to pre-lockdown (Figure 2). This has important implications for minimising alcohol harm among Māori in the Waikato District and upholding Tiriti obligations to promote and protect the health of Māori.

23. Among Pasifika drinkers, the proportion that increased their consumption had halved at Level 1, from 20% in Level 4 lockdown to 10% in Level 1.¹³ Therefore, there remain significant inequities by ethnicity in post-lockdown drinking.

Of those who reported drinking in the last four weeks:

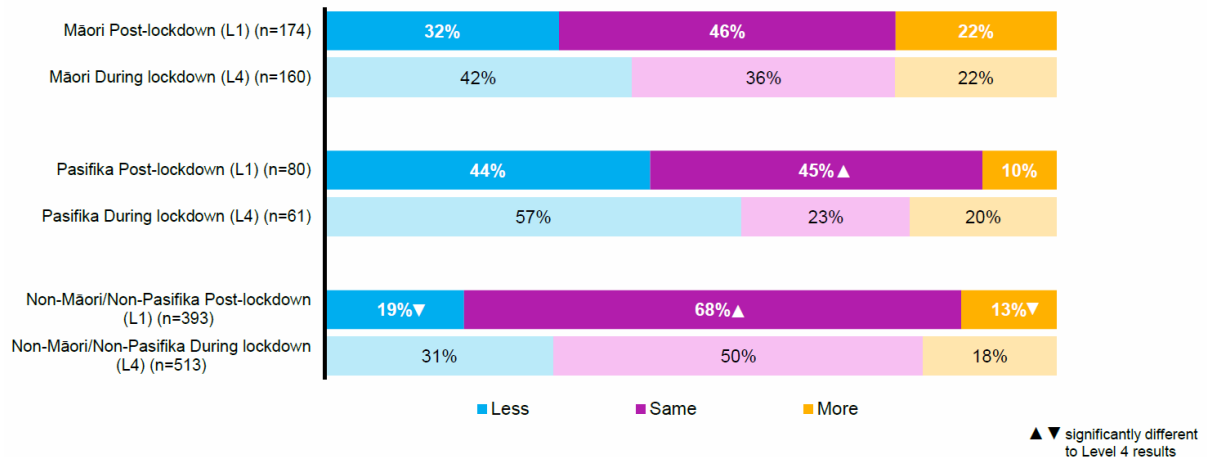


Figure 2. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic, by ethnicity.

24. Age differences in drinking during and post-lockdown were striking. It is clear that a higher proportion of 18–24 year olds reduced their consumption during Level 4 lockdown, when compared to other age groups. However, as Figure 3 shows, the proportion of young adults that increased their consumption did not change between Level 4 lockdown (19%) and Level 1 (23%).¹³

Of those who reported drinking in the last four weeks:

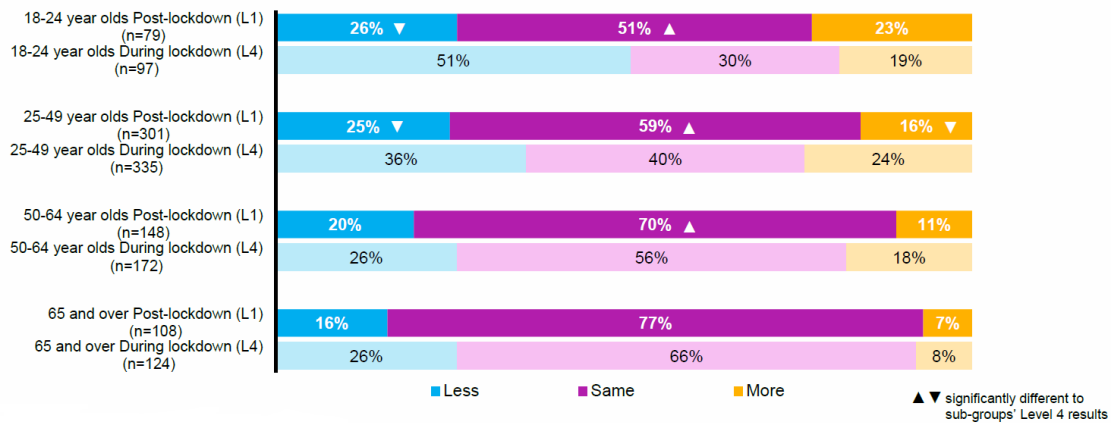


Figure 3. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic, by age group.

25. Across all study participants, reasons given for drinking more included: 1) It helps me relax/switch off, 2) I have been feeling stressed out/anxious, and 3) I have been bored.¹³
26. Reasons given for drinking less included: 1) haven't been able to, or haven't wanted to, socialise as much or go out/visit the pub etc., 2) money/cost, 3) haven't wanted to go out and buy alcohol, 4) physical health reasons (e.g. weight, health condition, to be healthier), and 5) the lockdown period was a good time to reduce how much I drink and I want to continue drinking less.¹³
27. National data from the August 2021 lockdown paint a similar picture. Among those who drank alcohol in the last 4 weeks, 22% reported drinking more than usual during the August 2021 lockdown with 23% drinking less than usual. A larger proportion bought alcohol online (29%) during the August 2021 lockdown when compared to April 2020 (17%). Of particular concern, 10% of drinkers reported that a mental health problem developed or got worse due to their drinking in the August 2021 lockdown.¹⁴
28. We suggest that the context of the global pandemic warrants additional considerations in relation to alcohol licensing decisions and local alcohol policy development and review. A LAP can play a significant role in minimising alcohol harm, particularly among those who have increased their consumption during the pandemic.
29. Previous public health and economic crises inform the predictions of alcohol use going forward. Researchers propose that the COVID-19 pandemic will influence consumption via two main pathways:¹⁵
- increase consumption*: due to psychological distress triggered by financial difficulties, social isolation and uncertainty about the future
 - reduce consumption*: due to income reductions from unemployment and reduced working hours leading to tighter budgets.
30. It is suggested that some impacts will be immediate, whilst others will occur over a longer time period.¹⁵ The longer term impacts of the pandemic are believed to include a normalisation of home drinking, reinforcing or introducing drinking as a way to self-

medicate symptoms of stress, anxiety, and boredom and increased prevalence of alcohol dependence.¹⁶⁻¹⁹

31. Many people will use alcohol to cope with the on-going impacts of the pandemic. Research shows that individuals who drink for coping reasons are at a heightened risk of developing problems with alcohol.²⁰ Depression and anxiety have been found to be associated with drinking to cope.²⁰
32. A cross-sectional study in Australia found that depression and anxiety were associated with increased alcohol consumption during the first few months of COVID-19 pandemic.^{21,22}
33. Factors such as unemployment and time spent unemployed may also play a role in increased alcohol harm, in addition to redundancies and job losses leading to increased workloads for others and reduced workplace morale.²³
34. Alcohol use has always played a role in New Zealand's reduced productivity and levels of unemployment, and is inversely related to economic growth. At a time when New Zealand needs full employment and maximum productivity, we need to take alcohol control measures that effectively reduce harm. Persons trapped in the mire of unemployment and debt are likely to have heightened vulnerability to developing new, or exacerbating existing, alcohol and related problems.²³
35. Increases in alcohol use are likely to lead to a long-term increase in newly diagnosed patients with alcohol use disorders.²⁴
36. At a time when New Zealanders are also likely to feel anxious, stressed and vulnerable, efforts should encourage measures that limit alcohol, not facilitate it.²⁵ The World Health Organisation advises that restrictions on access to alcohol should be upheld or even reinforced during the pandemic.²⁶
37. A particular issue in New Zealand has been the expansion of bottle stores selling alcohol online. It has been argued that, in Australia, the licensing system has not kept pace with the changes in the market, and that online sales operate under much lower levels of scrutiny than the traditional bricks and mortar store.²⁷
38. In New Zealand, we witnessed an overnight increase in bottle stores selling online during Level 4 in 2020. However, there remains a lack of knowledge regarding who is selling online as off-licences have the default ability to sell in a physical shop as well as online. Compliance is therefore challenging, as there appears to be no list of online sellers (apart from those with a S40 remote sales only licence).
39. We **recommend** measures are put in place to ensure that Council is aware of all premises in the district selling online, so that monitoring and compliance activities can be effectively carried out.
40. Certainly, alcohol use places a major burden on health care.²⁸ Reducing the harm from alcohol will reduce any future burden on the health services.
41. In relation to the COVID-19 illness, alcohol is an immunosuppressant and increases acute respiratory distress syndrome via multiple pathways.^{29,30} Alcohol use disorders need to be considered as a predictor for COVID-19 disease severity and Intensive Care Unit admission.²⁹

Prevalence of health harms from alcohol in the Waikato District

42. The LAP Review Research Report highlights the involvement of alcohol in fatal and serious injuries in motor vehicle crashes in the Waikato District.
43. In relation to hospital admissions that are wholly attributable to alcohol use, it is shown below (Figure 4) that the Waikato District has a lower admission rate than the national average.

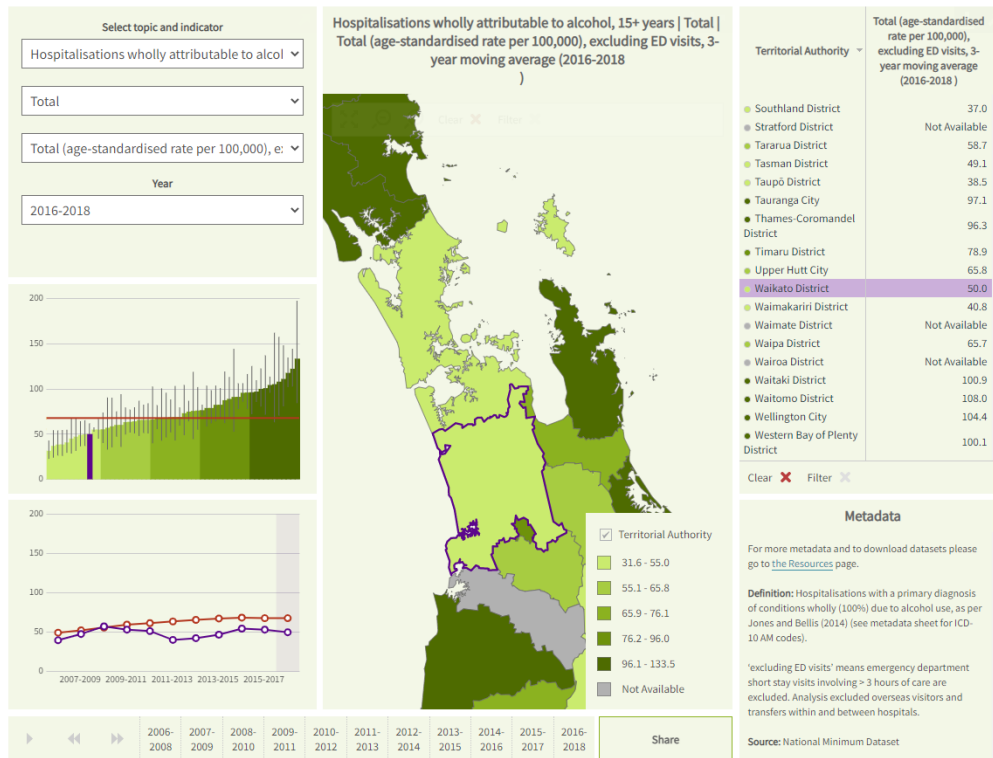


Figure 4. Hospitalisations wholly attributable to alcohol, 15+ years, 2016-2018 (Waikato District Council highlighted).

44. Further analysis by sex shows that the admission rate among males and females (not shown) is lower than many other councils across the country (Figure 5).

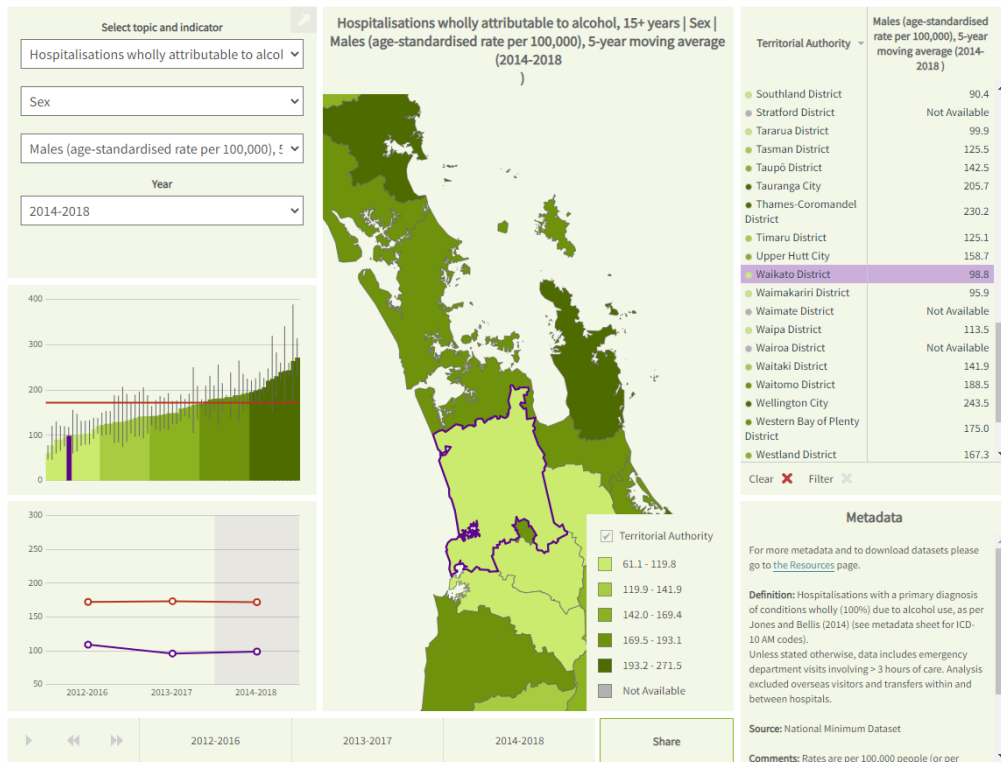


Figure 5. Hospitalisations wholly attributable to alcohol among males, 15+ years, 2014-2018 (Waikato District Council highlighted).

42. Further analysis by drinking pattern shows that the admission rate due to acute intoxication is lower than the national average (Figure 6).

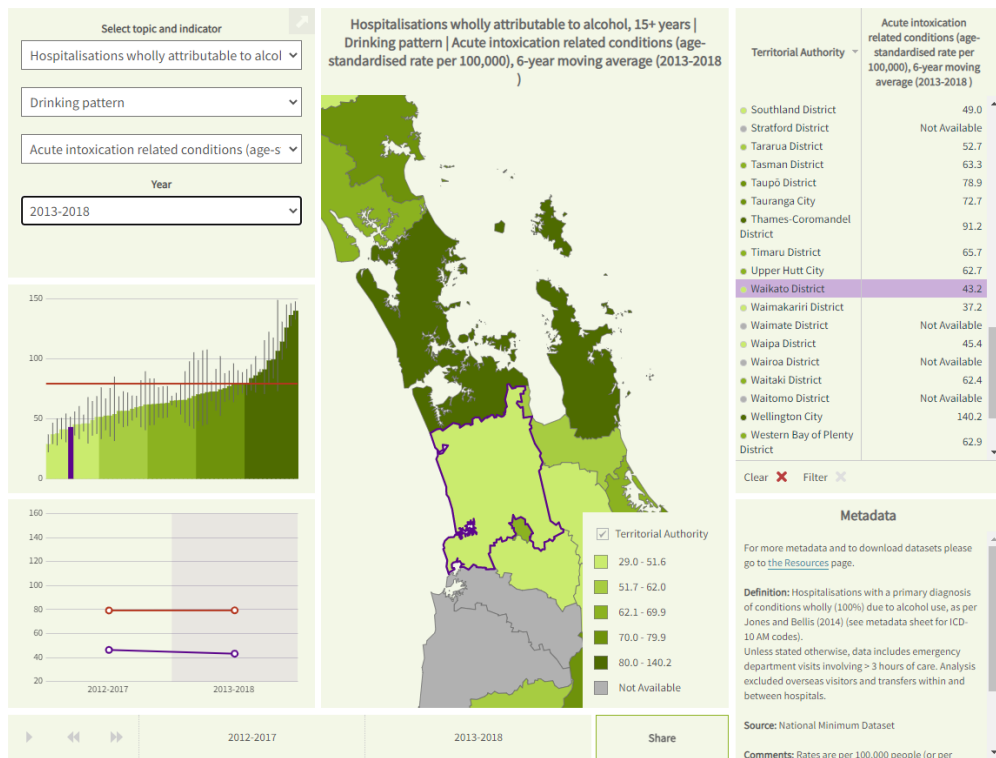


Figure 6. Hospitalisations wholly due to acute intoxication, 15+ years, 2013-2018 (Waikato District Council highlighted).

45. In relation to admissions due to chronic drinking, Waikato District appears to have an admission rate that is lower than many other councils across the country (Figure 7).

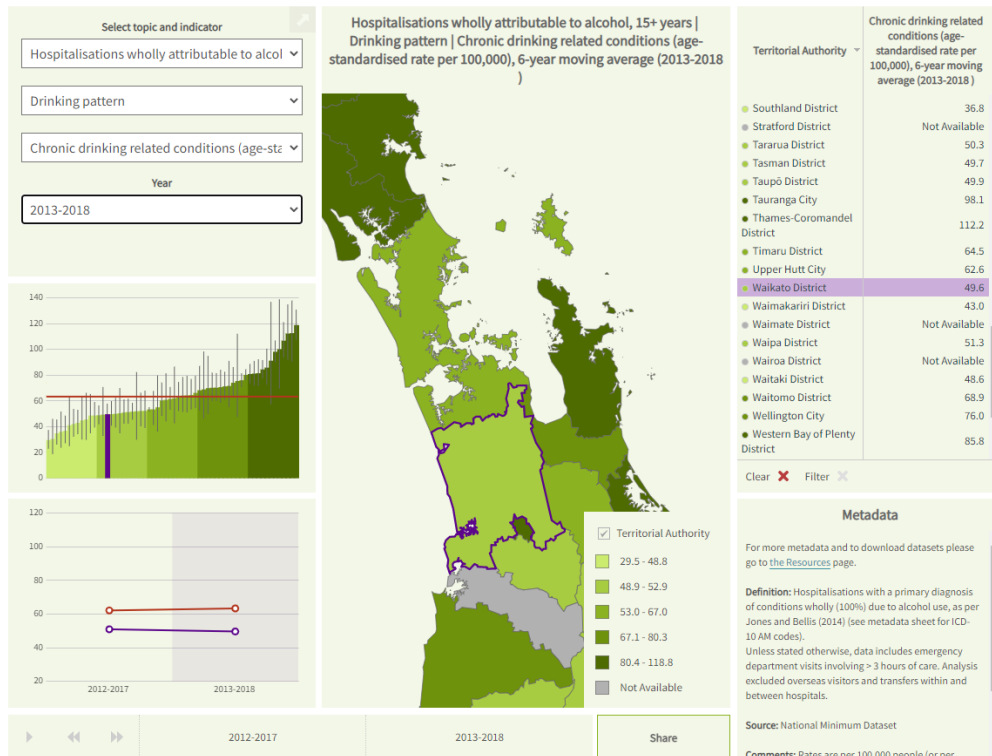


Figure 7. Hospitalisations wholly due to chronic drinking patterns, 15+ years, 2013-2018 (Waikato District Council highlighted).

46. However, no Territorial Authority is immune to alcohol harm. Evidence-based measures that reduce the availability of alcohol will bring about benefits to the region.

Off-licences

48. Off-licences sell over 80% of all alcohol in New Zealand.³¹ This means that the majority of alcohol is purchased (often cheaply) and consumed in situations where there may be little control or supervision, such as private homes or public places.
49. A minority of the alcohol sold is consumed at on-licence premises or at licensed events, where there must be supervision, control and an expectation of host responsibility.
50. New Zealand research³² shows that 73% of all alcohol consumed in very heavy drinking occasions is consumed in private homes. Around one in every ten heavy drinking occasions occurs in bars.
51. The closure of hospitality businesses during COVID-19 lockdowns has meant that off-licence availability became the main supply of alcohol to communities.
52. As such, evidence-based strategies to minimise the harm from off-licence availability are essential and desirable, and can make a meaningful difference to the well-being of local residents. Restrictions to availability are also pro-equity, given the unequal distribution of off-licences to the most deprived areas.

Trading hours - closing

53. Alcohol Healthwatch **supports** maximum trading hours for off-licences that are less than the national maximum trading hours. We recognise that the proposed closing time of

10pm is one hour earlier than the national maximum trading hours. To further reduce alcohol harm, we **recommend** a closing hour of 9pm for Waikato District off-licences.

54. The Court of Appeal decision ([2021] NZCA 484) in relation to Auckland Council's Provisional Local Alcohol Policy stated that there was no onus on Authorities to justify departure from the national default hours:

[32] So far as trading hours are concerned, ss 43–45 establish no presumption in favour of the default hours and nothing in them requires that a local authority justify departure from those hours. The default hours are merely those that apply if a territorial authority has chosen not to establish a local alcohol policy.

55. The decision by the Alcohol Regulatory and Licensing Authority (ARLA) on Auckland Council's Provisional Local Alcohol Policy ([2017] NZARLA PH 247-254), the Authority did not consider that the closing hour restriction of 9pm was unreasonable in light of the object of the Act (see paragraph 146).³³
56. New Zealand research has shown that the purchase of alcohol from an off-licence premise after 10pm was approximately twice as likely to be made by heavier drinkers.³⁴
57. New Zealand research has demonstrated the positive impacts of reduced trading hours on the wellbeing of young people.³⁵ The introduction of the default maximum trading hours in New Zealand in 2013, which saw all bars and clubs close at 4am and no off-licence alcohol sales after 11pm, was found to be associated with a reduction in the number of assault-related hospitalisations by 11%. The decline was the largest among 15 to 29-year-olds (who made up more than half of those hospitalised), at 18%. There was also a reduction in the number of night-time assaults coming to Police attention.
58. While these results point to the role of very late trading hours on alcohol-related harm, we agree with the authors of the study who suggest that further reductions in trading hours could provide many benefits.
59. In Switzerland, the province of Geneva reduced their off-licence trading hours from 24 hours per day to 7.00am to 9.00pm, and also prohibited the sale of alcohol from petrol stations and video stores. An examination of the effect of the policy change to reduce the availability of alcohol demonstrated that it led to an estimated reduction in the rate of hospitalisation due to intoxication by 35.7% among 10-15 year olds, and a 24.6% reduction in 16-19 year olds.³⁶
60. In the Swiss province of Vaud, the capital city of Lausanne reduced the trading hours for all shops (including liquor shops) such that they had to be closed between 8pm on Friday and Saturday and 6am the next morning. Two years later, the hours were reduced across the whole province with restaurants and off-licences selling beer and spirits (but not wine) being required to close between 9pm and 6am every night of the week. However, the shops in the city of Lausanne were still required to close at 8pm. An analysis of its effects found reduced hospitalisations for alcohol intoxication (by 29%) across all age groups in Lausanne. Again, the greatest reduction was found among those aged 16-19 years (56.4%), monotonically decreasing with age. However, as the absolute number of admissions for alcohol intoxication were higher in adulthood than adolescence, the estimated change in number of cases was also relevant to public health among 20–69-year-olds.³⁷
61. In a province of Germany, trading hours for off-licences were reduced from 24 hours per day to 5am to 10pm. When compared to the control provinces, the policy resulted in 7% fewer hospitalisations for intoxication among adolescents aged 15-19 years.³⁸

62. Given the evidence that sales restrictions in the evening are associated with reduced heavy drinking and adverse consequences (especially among young people), Alcohol Healthwatch **strongly recommends** a closing hour of 9pm to every Territorial Authority across the country.
63. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs may reduce the potential for appeals to the entire element, although this remains to be tested in the legal appeals.

Trading hours - opening

64. Alcohol Healthwatch **does not support** the proposed off-licence opening hour of 7am.
65. In regards to the early opening hour of 7am, we believe it is not unreasonable to require an off-licence premises to open after 10am (or at least 9am).
66. Core hours for bottle stores and supermarkets in Scotland include an opening hour of 10am,³⁹ and although our average consumption is less than the Scots, we see no reason why a similar approach could not be adopted here.
67. Research in Russia showed that the introduction of later opening hours was associated with reduced alcohol use, but that the magnitude of the effects of restricting the closer hour was 3.5-4 times stronger than the effects of later opening hours.⁴⁰ Unfortunately, there is a lack of New Zealand research on off-licence opening hours and harm.
68. The purpose of the LAP is to minimise harm; one of the ways this can be addressed is through reducing the exposure of alcohol (and its advertising) to children on their journey from home to school.
69. Research has documented the association between exposure to alcohol advertising around schools and intentions to use alcohol among very young adolescents.⁴¹ Exposure to in-store displays of alcohol may also predict an increased probability of drinking.⁴² Existing and new outlets will pose a risk in relation to exposure to alcohol advertising.
70. Protecting the current generation (particularly vulnerable groups such as children) from harm can greatly assist in minimising future harm from alcohol use in Waikato District communities.
71. Furthermore, a later opening hour will restrict the accessibility of alcohol to those with an alcohol dependence. Social service providers in New Zealand have previously described to us the negative impact of early opening hours on persons with alcohol dependence.
72. Alcohol Healthwatch believes that there are many more positive benefits accrued from a later opening hour when compared to any loss of profits from the off-licence sector. Furthermore, economic imperatives regarding the chosen elements included in a LAP (e.g. justifying early opening hours using economic reasons) are not permitted.⁴³ Rather, minimising harm, and reflecting community views should be what determines the shape of a LAP.

Issue of new licences

73. The importance of restrictions to off-licence availability of alcohol are underpinned by a number of New Zealand studies demonstrating a significant association between off-licence density and a range of alcohol-related harms.^{44–48}
74. As described previously, Māori and Pacific young males (15-24 years) have been found to be more negatively impacted by living close to alcohol outlets (note: on-licence and off-licence types combined).¹⁰
75. Research in Manukau, Auckland, found that areas with a higher density of off-licences had lower alcohol prices, longer operating hours, and later weekend closing times.⁴⁹ These factors are strongly associated with alcohol harm.
76. Further, there is an accumulating body of international evidence showing that off-licences are associated with greater levels of harm in deprived areas compared to least deprived areas.^{50–54} Although two New Zealand studies did not find this relationship.^{45,46} Research also shows that low income drinkers experience more harm per litre of alcohol consumed, when compared to higher income drinkers with the same level of drinking.⁵⁵
77. Alcohol Healthwatch recognises the relative stability in the total number of off-licences across the duration of the Waikato District Council Local Alcohol Policy.
78. In spite of the limited growth of off-licences, we support further geographic areas and high deprivation areas being protected from additional bottle stores. However, we **do not support** the policy approach of a *presumption against* the issuing of new bottle stores.
79. We **recommend** that the policy state reinstate the cap for new standalone bottle stores in Huntly, Ngaruawahia, and Raglan and include new caps in Tuakau and Te Kauwhata. We believe this is a stronger approach than having a presumption against the issuing of a new licence and evaluating the significant adverse effects of its issue.
80. For areas of deprivation 7 and above, we recommend the LAP state that no further licences will be granted if it exceeds the number at the time of policy adoption. As each Census may result in new areas of deprivation being identified, it is likely to be difficult to specify caps in the policy.
81. It is important that the policy specify at what level deprivation will be measured. A proposed premises could be classified as being in Statistics New Zealand Statistical Area 1 (SA1) or 2 (SA2). Or a larger surrounding area could be considered, with deprivation examined in the SA2s and SA1s that are within that larger area.
82. Also, we **recommend** the cap also apply to tavern off-licences. These types of off-licence premises have the potential to be similar in appearance to standalone bottle stores.
83. We further **recommend** that an off-licence cap is specified for the district as a whole, rather than relying on the DLC to consider applications for new off-licences. This would be in addition to the above restrictions and would provide a clear message to communities about the limit to the density of licences and signal the serious harms from alcohol.
84. We **support** giving District Licensing Committees and the Alcohol Regulatory and Licensing Authority direction to have regards to the proximity of other licences when new off-licence premises are being proposed, where this is considered relevant.
85. Further, we **strongly support** restricting new bottle store off-licences being granted within one kilometre of any existing bottle store off-licence or licensed supermarket or grocery store.

Sensitive sites

86. Alcohol Healthwatch **supports** protections for sensitive sites regarding the location of new off-licences.
87. Whilst Alcohol Healthwatch **supports** no new bottle store off-licence application being issued for any premises located within 100 metres of any school, early childcare facility, library, place of worship, or public park, we **do not support** that exceptions regarding demonstrating no significant impact. We would prefer that the policy had a blanket protection for sensitive sites located within 100m of a proposed outlet.
88. Also, we **recommend** an extension to the list of premises that are protected under the policy. We **recommend** Marae, medial facilities, and alcohol treatment centres being included in the list of sensitive sites.

Discretionary conditions

89. Alcohol Healthwatch **supports** the discretionary conditions relating to off-licences in the draft LAP.
90. It is recognised that New Zealand's liquor laws already provide for licensing committees to include conditions on a licence on a case-by-case basis.
91. However, we believe that the inclusion of discretionary conditions in a LAP can provide transparency to both the licence applicant and the community as to expectations around the sale of alcohol. Conditions are especially important when outlets are located in vulnerable areas and/or near sensitive sites such as schools.
92. We recommend additional discretionary conditions are included in the draft LAP, as described below.
 - a) Discretionary conditions to restrict advertising and signage
93. Whilst we **support** the CPTED condition, Alcohol Healthwatch **recommends** including a discretionary condition to control the total amount of alcohol advertising that is visible within 500m from schools and early childhood facilities.
94. The Alcohol Regulatory and Licensing Authority (ARLA) issued the following signage and advertising conditions on an off-licence that was within 500m of a primary school and pre-school and nursery ([2021] NZARLA 123):
 - (i) *Signage shall be limited to displaying the store name and logo on the existing roof display.*
 - (ii) *No bright colours shall be used in the external decoration of the premises.*
 - (iii) *No specific product or price specials shall be displayed externally.*
 - (iv) *No external advertising shall be displayed by way of flags or sandwich boards outside the store.*
95. From November 12, 2019, Ireland no longer permits alcohol advertising within 200m of schools, crèches, or council playgrounds.⁵⁶ The Waikato District Council could follow the leadership shown in Ireland and require (in the local alcohol policy) a similar provision to apply to licensed premises.
96. Harm from signage and advertising also extends to Waikato District residents with alcohol use disorders. Research shows that heavy or problem drinkers can be more responsive to alcohol advertising and imagery (particularly of their favourite drink), placing them at risk of triggering alcohol use in relapse and maintaining alcohol dependence.^{57,58}

97. It is suggested that reducing alcohol cues in outdoor advertisements (especially scenes showing drinking and/or alcohol products) could potentially reduce the occurrence of episodes of acute craving and cue reactivity in persons with alcohol dependence.⁵⁸
98. Further, the Law Commission noted⁵⁹ that the pervasiveness of alcohol signs and advertising at liquor stores is likely to have a negative impact on community well-being. They stated that large obtrusive alcohol price advertisements and product branding on shop fronts, adjoining walls and sandwich boards is, in part, due to the pressure to compete with other liquor stores in a local community. They considered that the presence of this advertising can significantly lower the aesthetic value of an area, which in turn has flow-on effects for the community in terms of reduced amenity values and community welfare.
- b) Discretionary conditions to restrict single sales
99. Alcohol Healthwatch **recommends** discretionary conditions in the LAP that restrict the sale of single alcoholic beverages (known as single sales). Restrictions on single sales can greatly assist compliance with liquor bans throughout the region and may reduce pre-loading or side-loading surrounding licensed premises.
100. International research has documented the association between single sales and alcohol-related violence and crime.⁶⁰ Furthermore, an intervention to reduce single sales was found to reduce rates of alcohol-related ambulance attendances among 15 to 24 year olds.⁶¹
101. Single units of alcohol are likely to be favoured by those who are heavy drinkers and also price sensitive; namely adolescents and young adults, and those with an alcohol dependence. Many off-licences include conditions prohibiting single sales. For example, the Auckland District Licensing Committee⁶² imposed a condition on a licence that no single sales of:
- i. Beer or ready to drink spirits (RTDs) in bottles, cans, or containers of less than 440mls in volume may occur except for craft beer; and*
 - ii. Shots or pre mixed shots.*
102. Again, the ARLA decision in the case of a bottle store in Pleasant Point ([2021] NZARLA 123), the following condition on single sales was imposed:
- [157] No single sales of beer, cider, or RTDs priced at, or less than, \$6.00 per unit are to be sold.*
103. The adopted Whanganui District Council Local Alcohol Policy has the following single sales condition:
- The licensee must not break down the retail packaging of packages containing less than 445ml units of beer, cider or RTDs for sale from the licensed premises, except where the retail packaging of those alcohol products has been accidentally damaged and in which case the licensee may re-package those alcohol products for sale in packages containing no less than 4 units.*
104. We see no reason why this provision cannot be included as a discretionary condition within the draft Local Alcohol Policy. We **recommend** any condition on single sales specifies container sizes of 500ml or less, so that 440ml and 500ml containers that can be found littered in parks and public spaces are captured rather than excluded by the condition.

c) Discretionary conditions that relate to the type of product sold and/or its price

105. Alcohol Healthwatch **supports** the discretionary condition that relates to kinds of product sold but **recommend** it is extended to also cover the price that it is sold.
106. Many new bottle store applications around the country are seeking to be 'boutique' bottle stores. In a decision by the Auckland DLC regarding a new off-licence seeking to be a boutique store, the DLC outlined conditions (see paragraph 136)⁶³ around RTDs, pricing, and advertising that would align with it being a store that sold more premium products.
- (h) *No sales of:*
RTDs 7% abv or above
No RTDs over 500ml
Shots
Light spirits (being spirits under 14% ABV)
Single sales from packs
Cask wine
 - (i) *RTD pricing as follows:*
No RTD 4 pack below \$12.99
No RTD 6 pack below \$16.99
No RTD 10 or 12 pack below \$26.99
No RTD 18 pack below \$36.99
 - (j) *External advertising on the front window is limited to a maximum of 25% and the name/brand of the store.*
 - (k) *There will be no advertising of alcohol products or brands outside the premises (apart from the trading name of the premises), such as (but not limited to) sandwich boards, billboards, flags, or similar forms of advertising.*
 - (l) *There will be no floor displays inside the premises.*

107. Discretionary conditions that relate to the type of product sold and/or its price should be considered by the Waikato District Council.

d) Discretionary conditions for remote sales

108. It is clear that the global health pandemic has accelerated the online delivery of alcohol. We recommend that DLC's have available to them conditions that reduce the harm from this high accessibility of alcohol.
109. As example of a condition is shown below, issued by the Hamilton City Council DLC [2021ALC-1803] on a remote seller licence:

The licensee must take reasonable steps to verify that the buyer (and if applicable, the receiver) is not under the purchase age. The licensee must ensure that the sale will not be made unless the buyer (and if applicable, the receiver) completes a declaration that they are 18 years of age or over on first entering the internet site and again immediately before the sale is completed.

The outside of the delivery package must contain the following words:

COURIER WARNING
CONTAINS ALCOHOL

Do not leave at destination without proof of delivery.

Do not leave with persons under 18 years of age. If the receiver appears to be under the age of 25 years check valid identification such as current passport, NZ drivers licence or Hospitality NZ 18+ Card/ Kiwi Access Card, to ensure the receiver is 18 years of age or over.

Do not leave with intoxicated persons.

Contains alcoholic product.

110. Alcohol Healthwatch **recommends** Waikato District Council consider if these types of discretionary conditions can be included with a draft Local Alcohol Policy.

Discretionary conditions relating to Buy-Now, Pay-Later services

111. We support licensees being prohibited from accepting buy now pay later (BNPL) as a method of payment for the sale and supply of alcohol to any customer, purchasing remotely or in person.
112. The buy now pay later sector is emerging and regulatory authorities are at early stages in their response to this novel market innovation.
113. Alcohol Healthwatch believes that alcohol retailers should not be allowed to offer BNPL services as an alternative payment method.
114. Alcohol Healthwatch's perspective is that the availability of alcohol products on BNPL platforms may enable alcohol purchases and/or trigger the desire to purchase alcohol (and purchase more alcohol than planned) at a perceived lower price.
115. The price of alcohol and its affordability are well-known to be key drivers of consumption in Aotearoa New Zealand.⁶⁴ Of particular concern, alcohol has been regularly increasing in affordability over many years and in 2020, was more affordable than at any other time since the late 1980s.¹²
116. Nielsen research shows that, in New Zealand supermarkets, alcohol products are the most sensitive of all products to price promotion.⁶⁵ It has also been found that the majority (55%) of New Zealand drinkers purchase their alcohol when sold on promotion (cited in⁶⁶).
117. We therefore believe there are fundamental risks in having alcohol available at (perceived) reduced prices, akin to the negative impacts of discounting and promotions of alcohol on increasing alcohol use. Alcohol Healthwatch is concerned that vulnerable drinkers are at an especially high risk when alcohol products for sale are perceived to be at a lower cost (as they would be using BNPL services).
118. The availability of alcohol at low alcohol prices facilitates moderate drinkers becoming heavy drinkers, and heavy drinkers transitioning to dependent drinkers. We suggest that BNPL services are, in effect, offering alcohol products at a low price even if the full cost is received later.
119. The alcohol industry is technologically innovative, as seen from the large increase in the number of off-licences that offer internet sales and deliveries since the COVID-19 pandemic. Likely, online alcohol purchases via BNPL services and rapid online delivery will continue to evolve and expand in New Zealand. Whilst there are only a few alcohol retailers (mainly boutique wine retailers) currently offering BNPL services as an alternative payment method, we believe there is a risk that this will change.

120. Alcohol Healthwatch strongly believes that BNPL services can impose financial hardship on hazardous drinkers and dependent drinkers if the BNPL sector is left unregulated or without any control over alcohol products sold on these platforms.
121. It is important to note that 7% of male drinkers and 5% of female drinkers in 2012/13 reported experiencing financial harms from their drinking. This equated to 165,000 drinkers.⁶⁷ Increasing any further financial impacts, through BNPL, would be unacceptable.
122. From the Ministry of Business, Innovation and Employment discussion document on BNPL, results from a survey conducted in January 2021 showed that 63% of BNPL consumers were extremely, or somewhat concerned, about their level of debt compared with 38% of the general population. Data covering around 35 to 40 per cent of the New Zealand BNPL market, suggested that consumers who had both BNPL and credit cards were more likely to be in arrears with their credit card debt (late or missed instalments) compared to consumers who only hold credit cards.⁶⁸

On-licence hours

123. Of the mechanisms available in a LAP, restricting the trading hours of licensed premises is likely to have one of the greatest impacts on reducing harm.^{69,70} This is because a consistent and strong body of high-quality evidence has demonstrated the impact of on-licence trading hours on alcohol-related harm.
124. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs may reduce the potential for appeals to the entire element, but recognise this is yet to be tested.
125. Alcohol Healthwatch **supports** the proposed (continuation of) on-licence closing hour of 1am. Research shows that late trading hours increase the amount of time alcohol can be consumed and a patron's level of fatigue, lowering their ability to inhibit aggression.⁷¹
126. Alcohol Healthwatch **does not support** the proposed on-licence opening hour of 7am. This opening hour is outside the national maximum on-licence trading hours of 8am to 4am.
127. Alcohol Healthwatch **supports** the discretionary conditions for on-licences in the proposed LAP.

Club licences

128. Club licences, in particular those held by sports clubs, have been shown in research to contribute to the risky drinking behaviours among participants at the club.⁷²
129. In addition, club licence density in New Zealand has been shown to be significantly associated with higher levels of violence and a range of alcohol-related offences.^{45,73} In New Zealand, the effects of club licence density on violence are shown to be stronger in areas with low populations (e.g. rural areas and small towns).⁴⁵ Analysis of Pasifika youth drinking patterns in New Zealand found that participation in a sports team or club outside of school was independently associated with increased risk of binge drinking.⁷⁴
130. Alcohol Healthwatch **recommends** maximum trading hours of 9am to **1am** the following day for club licences. We note the present typo in the draft policy which states 1pm the following day.

131. Club licences have fewer obligations than on-licences, as they are afforded some leniency under the Act. Minors are also present in the drinking environment. For these reasons, club licences should not have the same privileges as on-licence taverns, without operating under the same conditions as these premises. Clubs seeking a level playing field with taverns should seek a tavern licence.
132. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs may reduce the potential for appeals to the entire element, although we recognise it is yet to be tested in the appeals process.
133. Alcohol Healthwatch **supports** the discretionary conditions for club licences, particularly the requirement for a certified manager to be on duty at particular times and circumstances.

Special licences

134. Alcohol Healthwatch **do not support** special licence trading hours being determined on a case by case basis. We recommend that maximum trading hours for special licences be specified in the LAP.
135. I/we support a guideline of **8am** to 1am the following day as maximum trading hours for special licences. A 7am opening hour is outside the national maximum hours for on-licences.
136. Any extension of trading beyond these guideline maximum hours should only be issued in exceptional circumstances as determined by the District Licensing Committee.
137. Alcohol Healthwatch **supports** the discretionary conditions for special licences.
138. Alcohol Healthwatch **recommends** a discretionary condition for any event with over 1000 attendees (or as otherwise considered appropriate), to require an Event Alcohol Risk Management Plan.
139. Alcohol Healthwatch **strongly recommends** the Council adopt special licence provisions that protect children in the region, mirroring the approach used in Wairoa. The Wairoa District Council Local Alcohol Policy requires that:

Licences will not be granted for child-focussed events. A child focussed event is an event that is centred around minors. This includes but is not limited to galas, children's sports games, school kapa haka events, etc.

Monitoring, evaluation, and review

140. Alcohol Healthwatch **recommends** the Council develop a monitoring and evaluation plan for the LAP. It is important that monitoring occurs throughout the six-year duration of the LAP, with results regularly reported to Council.
141. Alcohol Healthwatch suggests to every Council to include a broad range of indicators in a monitoring and evaluation plan, e.g.:
- number/rate of alcohol-related police events (e.g. drunk custodies, breach of liquor ban, late night assaults, drink-drive offences);
 - alcohol-related Emergency Department presentations, wholly-alcohol attributable hospitalisations, ambulance pick up data;
 - crash-analysis data (single, night time vehicle crashes);
 - alcohol consumption data (annual New Zealand Health Survey)

- feedback from community members and local enforcement agencies (licensing inspectors, Medical Officer of Health, and Police).
142. However, Alcohol Healthwatch **recommends** a cautious approach to interpreting monitoring and evaluation data. Changes in reporting practices around alcohol-related Emergency Department presentations, for example, could indicate a higher number of presentations due to more consistent data collection practices. Some indicators may require a longer lead time before harm reductions become detectable, for example alcohol-related chronic diseases may take a long time to show any change. However, some alcohol-related chronic diseases (e.g. gastritis) may be more responsive to short term changes in the regulation of licensed environments.
143. As stated earlier, the pandemic will greatly affect alcohol use in the coming years. Having up-to-date data is essential to monitor trends in alcohol harm, with the option to bring a review of the LAP forward if necessary.

Conclusion

144. Alcohol Healthwatch **supports** many provisions in the draft LAP, but recommends some additional protections to be put in place for the duration of the policy. These measures will help minimise the harms from alcohol, especially those exacerbated by the effects of the global health pandemic.

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Submission ID: 4711

Name: Waikato Public Health Service, Te Whatu Ora (Health NZ)

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes

Submission

Waikato District Council Local Alcohol Policy 2022

To: Waikato District Council
Private Bag 544
Ngaruawahia 3742
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Details of submitter: Waikato Public Health Service, Te Whatu Ora (Health NZ)

Address for Service: Waikato Public Health Service
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Contact Person: Dr Richard Hoskins
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Hearing: Waikato DHB wishes to verbally support its submission

Date: 12 August 2022

Introduction

1. Waikato Public Health Service is now part of National Public Health Services, Te Whatu Ora – Health New Zealand. Te Whatu Ora leads the day-to-day running of the health system across New Zealand with functions delivered at local, district, regional and national levels. It weaves the functions of the 20 former District Health Boards into its regional divisions and district offices, ensuring continuity of services in the health system.

National Public Health Services is a division of Te Whatu Ora. The National Public Health Service and its partners work alongside whānau, communities and other sectors to consider all the factors that impact on health and wellbeing, and deliver national, regional and local programmes to achieve pae ora (healthy futures). It works towards pae ora by engaging with the wider determinants that impact on people's health, focusing on oranga/wellbeing, prevention, protection and population-level intervention.

The National Public Health Service partners with the Māori Health Authority and the Public Health Agency to work alongside whānau, communities, and other sectors, drawing on Mātauranga Māori and data to provide health promotion, prevention and health protection at local, regional and national levels.

The Waikato Public Health Service is part of the Te Manawa Taki region which comprises the Waikato Public Health Services, Toi Te Ora Public Health Service (Bay of Plenty and Lakes / Taupo, Taranaki Public Health and Hauora Tairāwhiti Public Health.

Waikato Public Health Service welcomes the opportunity to provide further comment on Council's proposed Local Alcohol Policy 2022.

Submission and recommendations

2. Waikato Public Health Service **supports** option 2 *council adopts its draft Local Alcohol Policy*. Our organisation fully supports the changes proposed by Council and acknowledges Council's leadership in consulting thoroughly to improve and strengthen its current policy.

Key Information

3. The harmful use of alcohol is associated with a significant health burden resulting in physical, psychological and social impacts.
4. Hospital Emergency Departments (EDs) often bear the brunt of alcohol-related harm. For the two-year period 1 June 2020 to 31 May 2022 there were 574 alcohol-related presentations for patients who reside in the Waikato District, to Waikato's five hospital EDs. Sixty percent of these were male and 45% of presentations were for people with a recorded prioritised ethnicity of Māori. The highest number of presentations to ED were those aged 18-34 years.¹ There were 16 alcohol-related deaths at the Waikato Hospital ED facility in Hamilton during this time.²
5. It is now well established that people living in deprived areas of New Zealand live closer to pubs, bars, clubs and off-licensed premises than those living in wealthier areas.^{3 4}
6. Hay et al (2009) reports that most alcohol outlets have other outlets located within 2km. In poorer areas of New Zealand there is greater access to pubs and bars than restaurants which are more common in wealthier areas. As a consequence, those living in poorer areas are more routinely exposed to alcohol promotion via signage, advertising, price competition and marketing of events such as happy hour than those living in wealthier areas.
7. For those residing in the Waikato District, 45% (261) of alcohol-related ED presentations were from those living in NZ Deprivation 2018 deciles 8-10; 34% (194 presentations) were from those living in deciles 4-7, and 21% (119 presentations) were from those living in deciles 1-3.

¹ Inpatient Management System (iPM) via Costpro database, Waikato DHB

² Deaths are ED episodes that were flagged as alcohol-related and during which time the patient died.

³ Cameron, M.P.; Cochrane, W., Livingston, M. (2017). The relationship between alcohol outlets and harm: a spatial panel analysis for New Zealand, 2007-2014. Commissioned Research Report Prepared for the Health Promotion Agency. Department of Economics, University of Waikato.

⁴ Hay, G., Whigham, P., Kypri, K., Langley, J. (2009). Neighbourhood deprivation and access to alcohol outlets: A national study. University of Otago, Dunedin

Conclusion

8. Our organisation applauds Waikato District Council for the strength of their proposed LAP. Young people, those living in areas of social deprivation, and Māori are some groups disproportionately affected by alcohol harm. Health, Police and ACC are the key agencies that bear the brunt of alcohol-related harm. We are in full support of the proposed changes to improve and strengthen the district's LAP.

Yours sincerely



Dr Richard Hoskins

Medical Officer of Health

Waikato District Council – Local Alcohol Policy submissions

Submission ID: 4551

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Totally agree, there should be no new alcohol stores in the Waikato District. I hope this applies to the proposed liquor store in the new Te Kowhai shops too. And again, totally agree that "buy now, pay later" should never be an option for the purchase of alcohol.

Attachment: No

Submission ID: 4552

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4553

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4554

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

We have more than enough locations to purchase alcohol - there's no need for more off-license premises.

Attachment: No

Submission ID: 4555

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4556

Name: Jonathon Phillips

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

No new liquor outlets anywhere in the district.

Attachment: No

Submission ID: 4557

Name: [REDACTED]

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

Comments are:

- agree no new bottle stores required
- revise thinking around Durham precinct and sale of a glass of liquor only with food on site. It's a great spot for business and passerbys. Have often ordered meals to takeaway and would enjoy a quiet glass in sunshine while I wait?! It's not the kind of location or price point that will see people sitting drinking to excess. Other local pubs/clubs for that purpose that many visitors to town would not frequent.
- vape shops - disappointed to see these appearing in Waikato dc small towns. Utterly unnecessary. Attract youth, enable access to vaping - while many of our local people can barely afford basic costs in life. Addiction and desperation drives needless crime, smash n grabs, ram raids, stores held up.

Attachment: No

Submission ID: 4558

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4559

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4560

Name: Kim Conchie

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4561

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4562

Name: Anthea Jackson

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4563

Name: Dwayne Henshilwood

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

I would like to see that alcohol licenses aren't allocated to sites which also contain pokie machines.

Where this currently exists a shrinking lid policy needs to be in place and no further licenses awarded to subsequent applicants.

Attachment: No

Submission ID: 4564

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

Enforcing

Attachment: No

Submission ID: 4565

Name: Angelina Muru

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4566

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4567

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

This is a positive step in getting our youth engage in more productive nation building - happy to support!

Attachment: No

Submission ID: 4568

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4569

Name: [REDACTED]

Wish to speak to submission: No 1

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

No more bottle stores! Huntly has too many as it is. Keep wine and beer in supermarket but no more standalone stores, even better limit the town to 2 max!

Attachment: No

Submission ID: 4570

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4571

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4572

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

It's a terrible way to let existing shops control the alcohol market.

- Alcohol store/stores may close down.
- Increased risk of people traveling to other regions while intoxicated.
- Existing stores may not be able to handle demand.

Attachment: No

Submission ID: 4573

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

The landscape of Raglan is ever changing and growing at a steady rate.

Dismissing the ability for a bottle store to open up in new commercial areas such as Rangitahi in the future just limit the options with future growth and encourage driving around town with increased congestion.

Attachment: No

Submission ID: 4574

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Totally against anything regulated by government (any).

First: smokefree

Second: booze free

Third: sex free?...

Attachment: No

Submission ID: 4575

Name: Anonymous

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Support the local existing outlets is all we need.

Attachment: No

Submission ID: 4576

Name: [REDACTED]

Wish to speak to submission: No 1

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Well done, covers most issues in a fair and equitable manner for the community.

Attachment: No

Submission ID: 4577

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4578

Name: Sue Conquest

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4579

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

No. I support the Council's stance to keep our community safe, reduce harm, and prevent new standalone businesses.

Attachment: No

Submission ID: 4580

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4581

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Move on with the previous policy. No need for change. Focus on more pressing issues please.

Attachment: No

Submission ID: 4582

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4583

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

Our communities do not need alcohol to be distributed within the region. The increase in crime, domestic household issues and poverty is overshadowed by the sale and consumption of alcohol. The next generation do not have a choice or a voice. There needs to be one to represent the most vulnerable in our community.

Attachment: No

Submission ID: 4584

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Assuming the current local alcohol policy allows new businesses, I support that on the basis of good competition and fair pricing, rather than having a monopoly. Small towns are expensive to live in.

Attachment: No

Submission ID: 4585

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

We don't need any more alcohol stores around.

Attachment: No

Submission ID: 4586

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4587

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Alcohol is fine, it's giving education to the people using it.

Attachment: No

Submission ID: 4588

1

Name: Anonymous

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

How restricting and small minded it is of a small growing town with currently no liquor stores. Having one or 2 to provide competition is not unrealistic and will only support local growth bringing money into a local business.

Attachment: No

Submission ID: 4589

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Supermarkets should be allowed to sell spirits. ie Alcoholic beverages containing any percentage of ethanol.

Attachment: No

Submission ID: 4590

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4591

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4592

Name: Anonymous

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

n/a

Do you have any other comments to make on the draft Local Alcohol Policy?

No standalone bottle stores. It isn't needed.

Attachment: No

Submission ID: 4593

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4594

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4595

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Keep it as is except, get rid of "buy now pay later".

Attachment: No

Submission ID: 4596

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4597

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Yes, adopt the new draft - alcohol remains the no 1 harmful drug when misused affecting health and lives. We don't have standalone heroin outlets and that drug causes less harm overall (not that I am advocating for that availability!!).

Attachment: No

Submission ID: 4598

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

This could have been made easier by clarifying the key point differences between the current and draft policies. Instead, I lost my already entered details in having to refer to the Document Library. They could have been filed above the form.

Attachment: No

Submission ID: 4599

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

No new bottle stores

Attachment: No

Submission ID: 4600

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4601

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Too many bottle shops in very short distance

Attachment: No

Submission ID: 4602

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

You are local bodies; you are going beyond your entitlement. You need a voted mandate to pass restrictions.

Attachment: No

Submission ID: 4603

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4604

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

I do not support any standalone alcohol stores in Te Kauwhata.

Attachment: No

Submission ID: 4605

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4607

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4608

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Why do u need to restrict something we don't have?

Attachment: No

Submission ID: 4620

Name: [REDACTED]

Wish to speak to submission: No

1

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

Ban all liquor stores.....they are the cause of many social problems and attract those who can't afford to even buy food but have money to spend on drinking.

Attachment: No

Submission ID: 4623

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4626

Name: Andrea Barr

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Use of alcohol has become embedded in our culture both now and historically. There are very few social occasions now where alcohol is not an important feature at all levels of society.

However, ease of availability and the deliberate development of new products aimed at hooking young people is endemic worldwide. Widely available research on the effects of alcohol on the body and brain; relationships and rising crime is ignored. The incidence of foetal alcohol syndrome is at an all-time high.

The manufacturers of alcohol products and the owners of liquor centres have become powerful voices in protecting the status quo while looking for opportunities to expand their businesses and opportunities to access alcohol products.

It is naive to think legislation will solve the problems related to alcohol consumption.

Alcohol has been around since early times and use is embedded in society. However, combined with the presence of readily available illegal drugs we have a significant section of our society at all levels addicted to these substances.

The ambulance at the bottom of the cliff which is a common way of addressing problematic issues, and the mistaken belief that legislation will solve problems goes nowhere to addressing the medical and social ills caused by alcohol and drug use. Concern about the numbers of licenced premises is the very short tip of the iceberg. There are bigger issues at stake, and I believe a multi-disciplinary approach is required.

However, the current state of our health, legal and social systems combined with the rise of misinformation and the power of big business has given the worst time to tackle all the issues that need to be addressed.

Attachment: No

Submission ID: 4627

Name: John Marcon

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

Alcoholic liquor remains New Zealand's most dangerous drug with one adult in five adversely affected by its excessive consumption costing the nation some six billion dollars annually. It remains a major factor in domestic violence especially against women, places a massive burden on the health sector, is a significant factor in road crashes and workplace accidents. At least 2000 babies are born with mental health issues caused by alcohol consumption during pregnancy. every reasonable effort needs to be taken to discourage excessive consumption. National and international studies have demonstrated conclusively that multiplicity of outlets, hours of opening and price are significant factors in encouraging consumption.

I oppose the establishment of any additional public liquor outlets in Te Kauwhata on the grounds that there are:

1. Three local sources of alcohol for sale - supermarket, Te Kauwhata Tavern, Rangiriri Hotel
2. Liquor industry pressure for increase points of sale and longer hours of opening is based on their and others research that shows these factors increase consumption.

Attachment: No

Submission ID: 4628

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

I think the two main changes NEED to happen - those two changes are the buy now, pay later plan and also there is TOO many places to buy booze. No more is needed...

Attachment: No

Submission ID: 4629

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4632

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Alcohol is not an essential product and also it is directly related to crime statistics for example family violence. Why support more availability in smaller Waikato towns when it will be a disadvantage to under resourced communities not equipped to cope with it.

Attachment: No

Submission ID: 4633

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4634

Name: Peter Taylor

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4635

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4636

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4637

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4641

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4644

Name: Ross Galbreath

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4645

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4647

Name: Mike Keir

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

I support restrictions on any further liquor outlets, particularly in areas of high deprivation. Alcohol is by far the most damaging and destructive drug in our communities.

Attachment: No

Submission ID: 4648

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4649

Name: [REDACTED]

Wish to speak to submission: No 1

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Next stop pokie bars!

Attachment: No

Submission ID: 4650

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4651

Name: Ric Odom

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4652

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4653

Name: Ric Odom

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Add Pokeno to s. 5.4.1 to limit further bottle shops being opened.

Attachment: No

Submission ID: 4654

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

In Pokeno we already have 2 liquor stores - Pokeno Liquor an Pokeno Bottle and also Pokeno Countdown is also selling alcohol. I personally would like not to see more liquor outlets within Pokeno having 1 would have been fine but another 1 at a different end of the town ship especially Pokeno BottleO is a joke when the local Community Hall is hire ones who are hiring the hall they can just walk cross road. I have seen youth hanging around town late at night having a liquor store is absolutely outrageous. No more liquor stores in Pokeno .

Attachment: No

Submission ID: 4655

Name: Charles Riddle

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4657

Name: Dr Graeme Woodfield CNZM

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

A close watch needs to be kept on the total number of alcohol outlets in the District.

Who will monitor the Policy (if enacted)?

Late night and early morning closing times will need to be watched carefully.

Council could consider restrictions on advertising of alcohol; particularly at sports events.

Attachment: No

Submission ID: 4658

Name: Gillian Marie

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4659

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

I believe there are already too many bottle stores and too many alcohol related problems. The more restrictions to excessive use the better.

Attachment: No

Submission ID: 4660

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4661

Name: Colin Sherrard

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4662

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

We need a liquor store in Te Kauwhata for more business opportunities never had one.

Attachment: No

Submission ID: 4663

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

I'm not in favour of allowing further alcohol outlets in the town. Will create further harm and anti-social behaviour. I'm also concerned about the crime this will bring such as robberies and ram raids.

Attachment: No

Submission ID: 4664

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

I would not like to see standalone liquor stores in Te Kauwhata.

Attachment: No

Submission ID: 4666

Name: Wendy Peach

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4667

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

It proposes no more standalone bottle shops in Te Kauwhata, but we currently don't have any. The town is only growing, we shouldn't be limiting options at this point.

Attachment: No

Submission ID: 4668

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4669

Name: Virginia Foster

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4670

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

It would be devastating to our small town to have another liquor store in our district. With 3 locations already selling alcohol and the effect alcohol currently has on our tamariki, rangatahi, the wellbeing of kaumatua and the culture of drinking out of licensed premises such as the pubs. I don't want to encourage this furthermore with standalone liquor outlets.

Our future generations need positive steps to a more supportive future without accessibility to alcohol.

Our town's economy can be heightened by creating pathways for our people to take part in, rather than a spiral of addiction.

My question would be:

What are the benefits of a liquor store in our district?

My answer: nothing

No money goes back to the community.

People don't move to our district based on having liquor stores.

Thanks for your time.

Attachment: No

Submission ID: 4671

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4672

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

The Community House feels that we have two liquor outlets in the town and that is enough. Our Tavern is a Trust Tavern that puts funds back into the community so more competition would put pressure on the money available for grants.

Attachment: No

Submission ID: 4673

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Te Kauwhata has two outlets on the main street currently selling alcohol; New World and the Tavern. There could be the option of a licensed cafe or restaurant at some point. Currently it is suggested that a new building next to the library may become a bottle store. With the draft Policy this correctly should not be permitted. Only a few kilometres from Te Kauwhata is the Rangiriri Hotel, another liquor retailer. Drinkers who say that outlets don't stock their required labels should just ask the outlets, in turn, if they would stock their preference. Most people go further afield for other needs and 20 -30 minutes gets to the nearest of theses.

Attachment: No

Submission ID: 4674

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

If I am not mistaken prohibition has never worked. It has however created some very rich and powerful persons through its mob like practices.

Attachment: No

Submission ID: 4675

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

I think that it has been over-looked that Te Kauwhata does not have a standalone liquor store, only 2 off-licences. Although I agree the other named towns have multiple and don't need more, but Te Kauwhata is different, at least one would be great.

Attachment: No

Submission ID: 4676

Name: [REDACTED]

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4677

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

Licensed venues should be able to stay open til 4am. No one way doors.

Attachment: No

Submission ID: 4678

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4679

Name: Marianne Korver, Community Patrol

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

I do not want any standalone liquor outlet in Te Kauwhata. There are sufficient placed in the village to obtain alcohol.

Attachment: No

Submission ID: 4680

Name: [REDACTED]

Wish to speak to submission: No

1

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

There are enough places to buy alcohol.

To provide more is just encouraging negative behaviours and I completely disagree with the proposed new one.

Attachment: No

Submission ID: 4681

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Please leave it as is, the trust tavern and the New World is enough. As stated, the Tavern gives back to the community.

Attachment: No

Submission ID: 4682

Name: Amelia Lategan

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4683

Name: John Cunningham

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4684

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Stopping any standalone shops emerging is anti-competitive and large companies like New World should not be able to monopolize small business opportunities, especially when they like petrol stations expand into other business streams like alcohol sales which are not their core business.

Attachment: No

Submission ID: 4685

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Amendment be made to the following policy.

There is a presumption against the issuing of new off-licences for standalone bottle stores in Tuakau, Te Kauwhata, Huntly, Ngaruawahia and Raglan as well as other district localities where the

deprivation level is 7 or higher unless it is demonstrated to the DLC that a new standalone bottle store would not result in significant adverse effects including:

- i. the amenity and good order of the locality being reduced to more than a minor extent;*
- ii. any other potential adverse effect which may give rise to alcohol-related harm.*

There should be no allowance for new off premise licences in areas of deprivation higher than 7. No discretion should be given to the DLC in these areas. There should be no new liquor licences issued in these areas.

As an area moves below dep 7 then no new licences should be issued until the local alcohol policy is renewed again to give the community time to submit on their local alcohol policy.

This is a policy that should act conservatively in our local communities and community interests should be at the forefront over business interests.

If the above amendments aren't implemented, then any new bottle stores in dep 7 areas need to come with strict monitoring.

Attachment: No

Submission ID: 4686

Name: Nitesh Khanna

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

No liquor, vape or and drugs stores please.

Attachment: No

Submission ID: 4687

Name: Tim Gillott

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4688

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

There are enough alcohol outlets already in the Waikato area.

Attachment: No

Submission ID: 4689

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4690

Name: Blake

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4691

Name: Jan White

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4692

Name: ██████████-Tasman Liquor Company Limited

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

This submission is by Tasman Liquor Company Limited, T/A Tasman & Allied Liquor, The Bottle-O, Merchants Liquor, Liquor Centre, and Liquor Spot (Tasman). We would prefer there to be no local alcohol policy but recognise the level playing field the current LAP provides to the off-license sector.

The following are our other submission points:

CI 5.1 & 5.4 Restrictions on the number of standalone bottle stores in some parts of the district

Tasman Liquor Company Limited, T/A Tasman & Allied Liquor, The Bottle-O, Merchants Liquor, Liquor Centre and Liquor Spot (Tasman) opposes the provision in the draft LAP of a cap for only new bottle stores in the district. If a cap is to be initiated, the cap must apply to all retail outlets to ensure that the issues being identified with alcohol are addressed across the total retail sector. The potential issues identified will not be solved by a cap on bottle stores alone. All alcohol has the potential to result in alcohol related harm including beer and wine sold through supermarkets and grocery stores. It is not a council's role to determine commercial outcomes – restricting a cap in the way proposed will simply result in a commercial advantage for supermarkets and grocery stores and will not solve the issues of alcohol that the policy is referring to.

Treating bottle stores with a cap will result in supermarkets continuing their duopoly which has been well publicized, offering alcoholic beverages at lower prices than bottle stores in general. The research paper clearly indicates that the district is growing and growing at a rapid rate. Communities that expand need additional services including retail. The district is not already overrepresented compared to the national average of retail off licences per population. A cap is unreasonable on this basis.

Tasman requests that the term “significant adverse effects” be explained. Interpreting this statement could result in confusion to the DLC, applicants, agencies and the public.

A bottle store associated with a hotel or tavern is not a standalone bottle store. Tasman submits that these types of off-licence need to be treated the same as supermarkets, grocery stores and bottle stores.

CI 5.6.1(i) Buy now, pay later schemes

Tasman opposes this clause which reads:

“Licensees are prohibited from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to any customer whether remotely or on premises, regardless of whether the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card.”

Retail outlets including supermarkets and grocery stores, have arrangements for customers to purchase alcohol on account or on the basis of return of unused product. The condition will prevent this happening. This is unreasonable and will have unintended consequences as it will significantly impact the businesses caught by the condition where there is not an issue identified. The council has not identified what issue the condition is addressing – it seems to be a response to a perceived issue without evidence of the nature, scale, or impact of the issue.

CI 3 Site definition

The draft policy states:

The physical premises that relates to the particular licence application.

It may be clearer to identify the site as the legal site that the premises is located on.

CI 5.2 & 5.3 Distance between licensed premises and existing facility of other licensed premises

The proposed condition differentiates between supermarkets and grocery stores and bottle stores. Tasman submits that the effect of alcohol is the issue that needs to be managed. Excluding supermarkets and grocery stores will not solve the issue that the council is considering. It appears from the council’s research paper that the restrictions relating to bottle stores is a result of a request from the Medical Officer Health – evidence has not been sighted that indicates that there should be a differentiation. Indeed, Tasman submits that with the growth of the districts population that a cap is unnecessary and unreasonable.

Likewise, the distance between a bottle store and facilities of a particular kind has been defined – for the reason above, Tasman submits that either this applies to all retail outlets (supermarkets and grocery stores) but more properly is deleted as being unnecessary and unreasonable.

CI 5.7.1 Remote sales

The policy regarding delivering to a receiver that is not intoxicated is unreasonable. It is a requirement to verify age of a receiver in accordance with section 59 SSAA and Regulation 14 that the person is not under the purchase age. Courier drivers as an example, are not trained in identifying intoxication and should not be subject to a requirement to do so. The SSAA does not require it and it is unreasonable to expect it from a LAP.

Attachment: No

Submission ID: 4693

Name: Chris Plant

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4694

Name: Olivia Taylor, Foodstuffs North Island Limited

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

If Council was to amend the LAP as proposed Foodstuffs does not support the inclusion of a discretionary condition prohibiting off-licence holders from accepting 'buy now pay later' as a method of payment.

Otherwise, Foodstuffs is comfortable with the other changes to the Waikato District Council's Local Alcohol Policy (DLAP).

Introduction

As you will know, Foodstuffs North Island Limited (Foodstuffs) is the franchisor of various off-licensed supermarkets, grocery stores, and wholesalers under the PAK'nSAVE, Gilmours, New World and Four Square brands. Foodstuffs also has an ownership interest in Liquorland Limited. We write here on behalf of Foodstuffs and its stores.

Who we are

As a proudly 100% Kiwi owned and operated businesses, the two Foodstuffs Co-operatives have grown from humble beginnings to become some of New Zealand's biggest grocery distributors. Our stores are active members of their communities and, as small, medium, and large employers, they continuously strive to give back by sponsoring and giving support to a wide range of charitable initiatives, sports teams and schools.

Foodstuffs' stores in the Waikato Council district are:

- Ngaruawahia New World
- Matangi Four Square
- Fred's Four Square
- Te Kauwhata New World
- Raglan Four Square

We may in the future open more stores in your district.

Steps undertaken by Foodstuffs to ensure our stores are responsible retailers of alcohol.

Foodstuffs works hard to ensure that it, and every one of its stores, is a responsible seller of alcohol. As a business, we ensure our stores understand fully their obligations under the current legislation regarding the sale of alcohol.

Before a new employee can sell alcohol to customers, they must complete induction training which teaches the employee about their responsibilities under the Sale and Supply of Alcohol Act 2012 (Act). All employees must then undertake refresher courses which they must pass. There are voluntary online courses which store owners can recommend to their staff and, on occasion, Foodstuffs may require employees to complete this online course in addition to their mandatory training. After receiving training, staff are required to sign an acknowledgement stating that they understand their obligations under the Act.

All duty managers and operation managers are required to carry out their Licence Controller Qualification and Foodstuffs requires that all stores have at least two people who hold General Manager's Certificates, with supermarkets having a much larger number than this.

Our point-of-sale systems prompt the verification of age when an alcohol product is scanned. All stores have an 'Under 25: ID required' policy which requires any purchaser, and any member of a purchasing group, who looks under the age of 25 to provide proof of their age.

Additionally, we have an independent programme in place where all our stores are 'mystery shopped' to ensure proof of age compliance is being adhered to. If there was to be any failure (whether uncovered by our internal programme or a Police controlled purchase operation), Foodstuffs imposes heavy penalties. These may include fines, additional training programmes, and referring repeat offenders to our Board of Directors which can result in a store owner's franchise agreement with Foodstuffs being terminated.

Due to the seriousness of the consequences of any alcohol audit failure, our store owners are vigilant in ensuring that the Act is adhered to, in particular the prohibitions on supply to minors and intoxicated persons.

Discretionary conditions

Buy now pay later

It is proposed to include a discretionary condition prohibiting off-licence holders from accepting 'buy now pay later' as a method of payment in the DLAP.

Foodstuffs supports the retention of the current maximum trading hours element and appreciates that the Council's suggested discretionary conditions set out in clause 5.6.1 of the amended LAP are discretionary matters for consideration by the District Licensing Committee. However, Foodstuffs considers that the proposed discretionary condition set out in clause 5.6.1(i) is not a matter permitted to be included in a local alcohol policy (i.e., it is ultra vires) or is otherwise unreasonable.

Section 77 of the Act sets out the only matters which can be in a local alcohol policy. In particular, section 77(3) of the Act states that a local alcohol policy must not include policies on any matter not related to licensing.

Clause 5.6.1(i) states that 'Licensees are prohibited from accepting 'buy now pay later' as a method of payment for the sale and supply of alcohol to any customer whether remotely or on premises,

regardless of whether the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card.' The proposed condition appears to be essentially a form of price control, which prohibits purchases made via finance that allows payment of the full amount to be deferred to a later date (other than in respect of a 'standard bank credit card').

Neither the term 'buy now pay later' or 'standard bank credit card' is defined in the amended LAP, and so the condition could potentially prohibit a great number of customers' intended transactions, which for grocery stores and supermarkets are likely to be part of a full grocery shop and which in today's credit market would be commonplace. The condition also appears to be an attempt to shift onto licensees, the responsibilities of lenders (the ability of a customer to afford the relevant finance being a matter unrelated to licensing under the Act).

As ARLA recognised in *McCutcheon v Level Eighteen Limited – Thirsty Liquor Wickman Way* [2021] NZARLA 26, 'the method of payment is a matter for the licensee's acceptance of the customer's offer to purchase...the provision of a portable eftpos has little to do with the sale of the alcohol, let alone the safe and responsible sale of alcohol. Instead, it has more to do with good business practice and customer relations.' The way a customer organises their finances is simply not a matter related to licensing under the Act. Therefore, a customer's payment method is not a matter that can be the subject of an LAP. But in any event, price control is a matter that falls clearly outside of the ambit of the Act in general and for that reason also it is not permitted in a local alcohol policy.

While Foodstuffs appreciates that there are a lot of different opinions on the introduction of price control in relation to alcohol, price control was at the forefront of consideration by Parliament for potential inclusion in the Alcohol Reform Bill, as the Law Commission report had recommended that the Government investigate the merits of introducing a minimum pricing scheme, as well as recommending a large increase in the excise tax on alcohol. However, neither price control mechanism was supported by the Government. Instead, the Minister of Justice at the time noted that 'introducing minimum pricing on alcohol...would hit moderate drinkers in the pocket when there is no compelling evidence that increasing the price of alcohol is the correct approach'.

In fact, the only reference to pricing schemes for alcohol (as opposed to advertising restrictions) in the Act is at section 397(1)(d), which empowers the Governor-General to make regulations for the purpose only of any investigations to be undertaken in relation to the possibility of introducing minimum pricing schemes for alcohol, requiring sellers of alcohol to give the chief executive information relating to their alcohol sales. Even very large discounts on alcohol are not 'irresponsible' (provided they cannot be seen or heard from outside the licensed premises). Price control mechanisms are therefore not matters that can be considered to have been delegated to territorial authorities or, for that matter, to licensing decision-makers. They cannot be the subject of a discretionary condition.

Foodstuffs also notes that, in practice, it would be almost impossible to ensure compliance with the condition. While Foodstuffs does not intend for its franchisees to offer forms of 'buy now pay later' such as 'Afterpay', where a 'buy now pay later' scheme is linked to a Visa or Mastercard (for example, Klarna), the retailer will only see the transaction as a Visa or Mastercard transaction.

Foodstuffs appreciates the opportunity to provide input into the amended LAP provisions and would be happy to provide further information or comment if that would assist.

Restriction on issue of further off-licences – clarification

Foodstuffs supports the Council's recognition in the LAP of the differences between grocery store and supermarket premises on the one hand and bottle store premises on the other. However, we note, in relation to the proposed restrictions on the issue of further off-licences for bottle stores in clauses 5.2.2 and 5.4.1 of the amended LAP that the policy as currently drafted appears to inadvertently prevent existing businesses changing ownership (which always requires a new licence to be issued to the new owner even though there is no addition or increase to the number of off-licences). Foodstuffs therefore suggests that those clauses refer to the defined term 'New Licences', rather than 'new bottle store off-licence', for example: 'No New Licence shall be issued for any bottle store premises...'.

Other comments

We would be happy to provide further information or comment if that would assist at this stage. We also look forward to participating in the Councils' more formal consultation by providing oral submission in due course.

Attachment: No

Submission ID: 4695

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

The first objective of the LAP as stated in 2.1 of the policy is to: Reflect the views of local communities as to the appropriate location, number, hours and conditions that should be applied to licensed premises within their communities: This objective is not achieved by the restriction of maximum trading hours for on-licensed venues as outlined in 4.5 of the policy:

- i. Monday to Sunday: 7.00am to 1.00am the following day.
- ii. New Year's Eve: 7.00am to 2.00am the following day.

Raglan is a destination tourist location for people from around the world and New Zealand and the 1am closing time for on-licensed venues is not reflective of Raglan's unique position in the Waikato as a world-renowned tourist destination. Post Covid the entertainment industry has been struggling to get back on its feet and the restrictive opening hours provide a very limited window to operate. In general most people will go out to watch a band or dance to a Dj after dinner and as times have changed so evening meal times have become later, typically finishing dinner around 9pm and heading out for entertainment around 10pm. This leaves a very short window of 3 hours to operate an entertainment venue, which in turn reduces the calibre of artist that venues and promoters can afford to book, and has led some promoters to skip Raglan from their touring schedule, thus in turn having a negative impact on the economic prosperity of the entire community

Other negative effects of the 1am closing time that impact the wider community, is the effective dumping out onto the streets of a venue full of people, energized and not ready to stop enjoying themselves at 1am. This has led to the creation of an 'after party' culture where groups of people go

back to someone's house in a suburban area, away from the controlled environment of the venue, creating a disturbance to the surrounding neighbourhood.

The 1am closing time also contributes to an increased risk of confrontations between individuals and groups of people, when the whole venue is emptied out onto the street en masse at 1am. Raglan has experienced first-hand massive bloody street brawls that could have been avoided had the venue not been forced to push everyone out of the venue and onto the street at 1am. There is plenty of widely available evidence that later closing times for controlled on-licensed venues allows people to depart from the venue across a wider range of varying times, reducing confrontations, and allowing security staff to manage any issues that may occur in a more controlled manner.

There has been no attempt by Council to consult with the community about the appropriate hours or conditions for on licensed premises to operate in this review, or in the initial forming of the LAP in 2013. Council's consultation has focused solely on bottle stores and off license premises, completely ignoring the needs and desire of the community for night time entertainment, which is a vital part of creating healthy, vibrant and connected communities. Despite the Raglan Community Board making a submission in the early engagement of this review, specifically asking Council to consider reviewing opening hours for on-license venues, Council has completely ignored this suggestion from the Raglan Community Board in the creation of the draft Local Alcohol Policy. In this instance Council has not met its obligations under the special consultative procedure in the Local Government Act 2002.

There is no obvious reason or need to serve alcohol at 7am, so one possible solution would be to amend 4.5 of the draft policy to:

- i. Monday to Sunday: 9.00am to 3.00am the following day.
- ii. New Year's Eve: 9.00am to 4.00am the following day. This would not increase the number of hours alcohol is served but merely shift the times to better reflect the times we live in and the view of the local community as to the appropriate hours and conditions that should be applied to licensed premises within their communities.

Attachment: No

Submission ID: 4696

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No

Submission ID: 4697

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

I agree with council member Chris Rayner.

Attachment: No

Submission ID: 4698

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

I agree with the submission made by community board member Chris Rayner.

Attachment: No

Submission ID: 4699

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

I agree with the submission of Raglan Community Board member, Chris Rayner.

Attachment: No

Submission ID: 4700

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

I agree with the submission of Raglan Community Board member, Chris Rayner.

Attachment: No

Submission ID: 4701

Name: Eleanor Skeet

1

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

Please make live music venues be able to open later. It is really good for creating more jobs for the art and entertainment industries! Currently a gig can only have 2 maybe 3 acts on the bill which is really limiting. It would be great for the local community to push this out as it would attract more interest from tourism and local artists to be able to showcase their work, so supporting the arts in many ways.

Attachment: No

Submission ID: 4702

Name: [REDACTED]

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

There enough alcohol outlets in our small town and I think it is disgusting that there is alcohol available for sale in supermarkets, as children can see their parents buying alcohol on a regular basis with the groceries. This normalises alcohol consumption.

Attachment: No

Submission ID: 4703

Name: Greg Hoar, Super Liquor Holdings

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes

2022 Waikato District Council Draft LAP Submissions

The Waikato District Council submission form to its draft Local Policy includes the question, do you have any other comments to make on the draft Local Alcohol Policy?

Super Liquor Holding makes the following submission

Super Liquor Background

Super Liquor is a New Zealand franchisor with over 175 stores across New Zealand, from Kaitia in the North to Invercargill in the South. Each store is a locally operated business which has entered into a franchise agreement with Super Liquor. Each franchisee receives the benefits of, and honours the obligations of participating in, the Super Liquor branded system. The Super Liquor franchisee offer is based on creating a long-term sustainable retail business.

Super Liquor franchisees represent a broad spectrum of small and medium sized businesses that are positioned in both urban and rural locations. Franchisees pride themselves on being part of the communities they serve, supporting local businesses, charities, and sports clubs. Super Liquor has a co-operative group culture.

As a business, Super Liquor supports Option 1, where the Council retains the current Local Alcohol Policy. However, if the Council chooses Option 2, where the draft Local Alcohol Policy is adopted, then Super Liquor would like to submit the following submission to ensure that the LAP introduced, is introduced on a level playing field.

For ease of reference, Super Liquor refers to the paragraph numbers used in the Waikato District Council document named 'Draft Local Alcohol Policy – tracked changes version'.

3 Definitions – new licence

Super Liquor Holdings (SLH) supports the 'new licence' definition. This being, "A premise that has not been subject to a licence (with the exception of Special Licences) for more than 12 months prior to the filing of an application. Note: a licensed premises that changes ownership but continues to hold a licence is not considered to be a new licensed premises. A change of licence type is considered an application for a new licence".

5 Off-Licence Policies

5.2.2 Restriction on bottle stores

SLH opposes the provision in the draft LAP to differentiate between bottle stores and other off premise licenses such as grocery stores and supermarkets in respect to a suggested cap. SLH supports an open and competitive market. All off-licensed premises should be treated equally. A supermarket should not be given a commercial advantage in terms of location. The policy needs to reflect a fair playing field for all off licence holders. To differentiate between supermarkets and other retail operators (such as bottle stores), would further consolidate supermarkets perceived duopoly retail power and serve to further perpetuate their competitive advantage over other retailers. If a Supermarket is allowed a liquor licence, then so should a bottle store.

Alcohol related harm stems from alcohol, not specific types of alcohol. There is no evidence that SLH can find to demonstrate the sale, supply and consumption of alcohol will be undertaken any more safely and responsibly by differentiating between supermarkets, grocery stores, and bottle stores.

Nor is there any evidence that demonstrates the harm caused by inappropriate consumption is minimised by licence type differentiation. Yet the proposed policy promotes differentiation between types of licence holder. SLH believes that each application should be judged on its merits and not governed by an overriding provision.

SLH also disagrees with the 1km distance criteria and submits that the towns in the Waikato District are growing in population. The district based on population per off licence, is not overrepresented by off licenses. The research report comments on this point on page 7. Specifically, “There **has not been** a dramatic increase in the number of licensed premises since the LAP was developed. In September 2014 there was a total of 141 permanent licences comprising 50 on-licences, 40 off-licences and 51 club licences.” We believe it would be wrong for the Council to impose such a condition, particularly as Te Kauwhata and Tamahere currently do not have a standalone bottle store.

Using the councils report the following table highlights the ratio of off licenses per population:

Township	Population	# off licences	Total # of standalone bottle stores	Population per standalone bottle store
Pokeno	4550	3	2	2275
Tuakau	6478	5	2	3239
Te Kauwhata	3145	2	0	0
Huntly	9307	6	3	3102
Ngaruawahia	8760	6	2	4230
Raglan	4376	7	2	2188
Tamahere	6512	2	0	0

5.3 Location of off-licence premises by reference to proximity to facilities of a particular kind(s)

SLH submits in a similar vein to its submission under 5.2.2 in relation to the differentiation between bottle stores, grocery stores and supermarkets. Alcohol is alcohol and that off licence policies need to be consistent between the different types of retail outlets. Exposure to alcohol in supermarkets and grocery stores is higher for young people as they are allowed, as of right, to enter supermarkets on their own without a parent or legal guardian. However, minors are not allowed into a bottle store as of right. Bottle stores that have specified areas, limiting exposure to alcohol to those people that are not legal drinking age. These being:

1. Restricted area:

(a) means an area that is designated (under section 119 or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted; and

2. Supervised area:

(a) means an area that is designated (under section 119 or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian;

SLH submits that consistent application of policy to the three types of off licenses described will ensure a level playing field between these retail outlets and a consistent application of control and compliance.

5.4.1 Further issuing of standalone bottle store off-licences in the district

5.4.1 There is a presumption against the issuing of new off-licences for standalone bottle stores in Tuakau, Te Kauwhata, Huntly, Ngaruawahia and Raglan as well as other district localities where the deprivation level is 7 or higher unless it is demonstrated to the DLC that a new standalone bottle store would not result in significant adverse effects including: (i) the amenity and good order of the locality being reduced to more than a minor extent and ii) any other potential adverse effect which may give rise to alcohol-related harm.

SLH opposes this condition for the same reasons as above, these being a level playing field and that the effects of alcohol from supermarkets, grocery stores and bottle stores associated with a hotel or tavern are the same. SLH submits that the term “significant adverse effects” needs to be clearly defined. It may be interpreted in a range of different ways by applicants, objectors, agencies and the DLC. A definition would assist in clarifying.

Using the councils report the following is the ratio of off licenses per population. We note that there are currently no stand alone bottle stores in Te Kauwhata or Tamahere.

Township	Population	# off licences	Total # of standalone bottle stores	Population per standalone bottle store
Pokeno	4550	3	2	2275
Tuakau	6478	5	2	3239
Te Kauwhata	3145	2	0	0
Huntly	9307	6	3	3102
Ngaruawahia	8760	6	2	4230
Raglan	4376	7	2	2188
Tamahere	6512	2	0	0

5.4.2 For the purposes of clause 5.4.1, a bottle store associated with a hotel or tavern is not a standalone bottle store.

SLH submits that these types of off licenses need to be treated the same as supermarkets, grocery stores and bottle stores.. A level playing field and effects need to be consistently applied and managed.

5.6 Discretionary conditions of off-licences

SLH agrees with the majority of the proposed discretionary conditions for off-licences proposed in the draft LAP, with the exception of the following:

(c) “Kinds of products to be sold” - SLH is concerned that this condition may be applied to some licensees and not others, resulting in an unfair playing field. We believe that if a product is not appropriate for sale and consumption, then it should be applied universally at one point in time, and not by a licence by licence approach.

Buy Now, Pay Later

(i) Licensees are prohibited from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to any customer whether remotely or on premises, regardless of whether the 'buy now pay later' is executed through a third party or not

SLH does agree that the **formal 'Buy Now, Pay Later schemes** (such as LayBuy or AfterPay) should not be used as a method of payment to buy alcohol, however *definition of 'buy now, pay later' needs to be clearly defined to avoid confusion of the use of credit cards or customers purchasing on an account basis. Currently, customers, sole traders and companies can be sold products on an account from time to time. These customers may be local business or individuals that may purchase product on a return basis (e.g. Weddings, Function Centres, Funerals, Corporate functions, Real Estate Agents etc) who may be also be affected by this policy. We request that this definition is clearly defined to include **formal 'Buy Now, Pay Later' schemes only.***

5.7.1 Remote sales

The first part of the policy to verify that the buyer and receiver of a delivery is not under 18 years of age repeats section 59 (subsection 3) of the SSAA. SLH submits that the second part, delivering to a received that is not intoxicated is unreasonable. For example, Courier drivers are not trained in intoxication and should not be subject to a requirement to do so.

I request to present Super Liquors submission to Council by myself at the hearing on 28 September 2022.

Thank you.

Yours sincerely



Greg Hoar
National Operations Manager
Super Liquor Holdings Ltd

Submission ID: 4704

Name: [REDACTED]

Wish to speak to submission: No

1

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

I agree with the submission put forward by community board member Chris Rayner.

Attachment: No

Submission ID: 4705

Name: [REDACTED]

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 3

Do you have any other comments to make on the draft Local Alcohol Policy?

I support the submission drafted by the local community board.

Attachment: No

Submission ID: 4706

Name: Sue Robertson, Tamahere Community Committee

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

4. On licence policies

4.7.1 CCTV to cover the exterior exit areas along with associated carpark up to 50m from each exit.

This will give more visibility to what is happening outside the premises.

5. Off-licence policies

5.4.1 Reword "There is a presumption against the issuing of new off-licences for standalone bottle stores throughout the district unless it is demonstrated to the DLC that a new standalone bottle store would not result in..."

The Committee is aware that excessive alcohol consumption has a negative community effect regardless of socio-economic profiles and a proliferation of off-licence bottle stores "feeds" the problem. We think that the same presumption should apply throughout Waikato district.

5.5.1 Maximum trading hours - change opening time from 7am to 10am therefore having opening hours from 10.00am until 10.00pm.

We do not see the need for these businesses to be open before 10.00am.

5.6.1

Under (g) subheading CCTV third bullet point "CCTV is installed in suitable locations to monitor vulnerable areas (areas that are not easily or continuously monitored by staff) which should include areas inside the building and car parks and loading bays".

This will give more visibility to what is happening outside the premises.

Attachment: No

Submission ID: 4707

Name: Tuakau Cosmopolitan Club Inc

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 1

Do you have any other comments to make on the draft Local Alcohol Policy?

Our submission is in opposition to clause 5.6.1.i - buy now pay later.

The proposed draft currently reads as:

"Licensees are prohibited from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to any customer whether remotely or on premises, regardless of whether the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card."

The wordings of the above clause do not differentiate between a trade customer and a day-to-day customer.

We submit that this clause be removed from the draft LAP pending further review from MBIE or other authorities.

Attachment: No

Submission ID: 4708

Name: Double 9 Limited

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes

08 September 2022

To
The Corporate Planner
Waikato District Council

By Email: consult@waidc.govt.nz

Submission – Draft Local Alcohol Policy 2022

Submitter : Double 9 Limited T/a “The Bottle-O Pokeno”
Physical Address : [REDACTED]
Contact Person : [REDACTED]
Presenting in person : YES

Summary:

Double 9 Limited submits **THAT** it **opposes**:

- 1) Clause 5.6.1.i – Opposition on the inclusion proposed Clause 5.6.1.i “buy now, pay later” as an additional discretionary condition for off-licences in Waikato District.

Our opposition is to the **proposed wordings of the clause** and not its intent.

Double 9 Limited further submits **THAT**:

- 2) Clause 5.6.1.i be removed with a note to wait for further directions from MBIE on the issue of “Buy Now Pay Later”, and
- 3) A Definition be included for “Customer” as interpreted by Consumer Guarantees Act 1993

Detailed Submission:

As part of consultation for reviewing its Local Alcohol Policy, Waikato District Council undertook an early engagement process on the proposed draft. We submitted on the questions asked at the time.

The proposed clause 5.6.1.i was not included in the early engagement process. This clause is a later inclusion¹. The proposed clause currently reads as:

*“Licencees are **prohibited** from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to **any customer** whether remotely or on premises, **regardless of whether** the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card.”*

¹ [220801-p-r-open-agenda.pdf \(waikatodistrict.govt.nz\)](#) – Ref page 44 and 47 of the agenda

The above wordings of the clause are concerning. The draft policy does not identify or include a formal definition of terms/words:

- a) "Customer" or "Any Customer"
- b) "Buy now pay later"

To ensure we make an informed submission, clarifications were sought through our agents on the definitions of the above two terms from WDC.

WDC response is:

"As we have already commenced our formal consultation on the Local Alcohol Policy (LAP), we are unable to provide definitions for 'buy now pay later' and 'customer'. However, we welcome any comments, amendments or additions (including definitions) by way of submission on the LAP."

"The definitions were not included as part of the draft LAP so unfortunately, there aren't any official definitions."

Issues:

Issue 1 – Trade Disruption

Currently there are 153 licensed premises² within Waikato Region. Of these there are 64 on-licences, 46 club-licences and 43 off-licences.

Almost all of these licensed premises have trade agreements or supply arrangements either directly or indirectly through various suppliers. For a number of trade reasons, majority of them have inter-supply arrangements within the district from other licencees. E.g., A Bottle-Store would supply on wholesale basis to a club or an on-licensed premises. Typical examples include:

- 1) Golf-clubs
- 2) Restaurants
- 3) Corporate accounts
- 4) Sports clubs and bars
- 5) Trade accounts – A bigger trade entity supplying a smaller trader
- 6) Special Events – like charity events or annual events

The trade payment terms would normally be agreed as per standard industry practice which will be on some form of credit from the suppliers. i.e., Supplied Now and paid at a later date as per the industry practice. These arrangements will typically be known as "On-Account Customers". The arrangement may also include products which are on the basis of sale or return. The "On-Account Customer" will generally be GST registered entities.

The current wording of the clause is problematic as it does not distinguish between a standard day to day customer and a trade customer. In other terms a Business-to-Business (B2B) trade arrangements will be captured within the existing wordings of the clause.

² Refer – WDC Local Alcohol Policy Review Research Report – July 2022 – Page 7

The wordings of the clause appear to be unreasonable and will have unintended consequences including significant impact on the businesses caught by the wordings of the condition where there is not an issue identified.

There are some examples of the definition of customer / consumer which can form the basis for defining a customer for the purposes of this review of Local Alcohol Policy.

Under the Consumer Guarantees Act 1993³, Clause 2 (1),

consumer means a person who –

- (a) *acquires from a supplier goods or services of a kind ordinarily acquired for personal, domestic, or household use or consumption; and*
- (b) *does not acquire the goods or services, or hold himself or herself out as acquiring the goods or services, for the purpose of—*
 - (i) *resupplying them in trade; or*
 - (ii) *consuming them in the course of a process of production or manufacture; or*
 - (iii) *in the case of goods, repairing or treating in trade other goods or fixtures on land*

Trade customers / consumers are not included in the above interpretation.

It is assumed that WDC's intent to suggest exclusion of "buy now pay later" was aimed as "consumers" as defined above. If so

It is submitted **THAT**:

- 1) a definition of Customer on the above lines be included in the adopted Local Alcohol Policy which excludes Business to Business (B2B) entities.

Issue 2 – The intent of the clause

WDC by way of inclusion of this clause in its current form has made it clear of its intention to support the initiatives for reduction of alcohol harm in the district.

However, it appears the late inclusion of the clause is a spot reaction to the recent media attention brought to notice of a not so popular industry practice of accepting payments through various merchants offering "buy now pay later" services.

Again, the wordings do not identify the definition of "buy now pay later". The inclusion of words "regardless of whether the buy now pay later is executed through a third party or not" is ambiguous and presents a challenge on its own.

A typical "buy now pay later" type schemes will be characterized in a category where loan is offered to a customer at the point of sale by the services provider so they can make a purchase on credit but without a credit card. Soft credit checks may or may not be undertaken by these merchant service providers.

³ <https://www.legislation.govt.nz/act/public/1993/0091/24.0/DLM311058.html>

The WDC draft policy documents does not include any risks assessments or detailed data specifically attributed to the harm associated with such “Buy Now Pay Later” services offered through various merchant services.

Generally, there will be very few licensed outlets offering such “Buy Now Pay Later” services. There is no data available or included for the purpose of this consultation. It appears to be a response to a perceived issue without any evidence of the nature, scale or impact of the issue.

We are also aware the discussions are currently underway within the MBIE for this particular issue.

By inclusion of such clause without a detailed assessments and with missing interpretations and definitions, WDC runs the risk of adopting something which may be contradicting to a future overarching rule / law within the specified/relevant Acts or regulations.

Inclusion of “Buy Now Pay Later” can be included as advise note on for the licencees that its Waikato DLC’s view that such services encourage abuse of alcohol and provision of such merchant services by licencees is discouraged.

It is submitted **THAT:**

- 2) WDC holds the inclusion of “buy now pay later” clause and wait for further directions from the MBIE on this issue.

Further suggestions:

- 1.) Clause 5.2.2 – Cap on Bottle-Stores off-licencees only

We submit that the cap limits be extended to all new off-licencees. The proposed restriction on new off-licencees for bottle stores only is discriminating.

When assessing the effects or number of off-licencees within the catchments, supermarkets or pubs and bars are included in the data⁴. However, the proposed wordings suggest that it alright to have any number of off-licencees (other than a bottle Store) within close proximity to other licensed premises as far as elements of clause 5.2.1 of draft LAP are met.

Conclusion:

For the reasons explained above, our submission for the purpose of this Draft LAP is **THAT:**

- 1) **Clause 5.6.1.i be removed with a note to wait for further directions from MBIE on the issue of “Buy Now Pay Later”, and**
- 2) **Definition be included for “Customer” as interpreted by Consumer Guarantees Act 1993**

Sincerely

For Double 9 Limited

[Redacted Signature]

⁴ Refer – WDC Local Alcohol Policy Review Research Report – July 2022 – Page 7

Submission ID: 4709

Name: Community Law Waikato

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes



8 September 2022

Waikato District Council
Private Bag 544
NGARUAWAHIA 3642

Dear Sir/Madam,

Submissions on Waikato District Council (WDC) Draft Local Alcohol Policy (LAP)

1. Community Law Waikato (**CLW**) are a charitable trust and law firm established to provide free legal services to residents of the Waikato region. I write this submission on behalf of CLW.
2. The Waikato District lies within the CLW catchment area and we represent many clients who reside in the Waikato District. In assisting our clients with their legal matters, we have firsthand experience of the effects of alcohol related harm (**ARH**) on individuals, families and communities.
3. Part of the services CLW provide include advice, assistance and education to communities in relation to participation in alcohol licence processes. CLW have particular priority/focus on assisting community voices in relation to new off-licence applications in highly deprived communities.
4. We commend the WDC on the proposed LAP. We recognise the legal and logistical difficulties in relation to implementation of LAP's and note WDC's encouraging steps towards limiting new off-licences in highly deprived areas and bordering community centres like places of worship, schools, and parks.
5. CLW submit that the LAP should be implemented with recommendations discussed further below.
6. If the amendments are not accepted, then CLW supports the implementation of the LAP as proposed.

Community Participation in Alcohol Licensing

Impediments to participation in alcohol licensing processes

7. Community members face significant impediments when objecting to licence applications. This stems from inequities in the process and inequalities in access to resources (such as legal representation and education).
8. In our view, LAP's benefit communities by reducing the burden on community objectors to raise certain specified matters of public and community interest.

Jadin Hooper - Barrister & Solicitor

jadin@clwaikato.org.nz | 0800 529 482

Level 2, 109 Anglesea Street, PO Box 1319, Hamilton 3240

www.clwaikato.org.nz

9. Community members may object to alcohol licence applications. In order to validly object, an objector must comply with the strict requirements of the Act, for example:
 - a. An objector must have a “greater interest... than the public generally.”
 - b. An objector must become aware of the application, and then file their objection within 15 working days of the first public notification of the licence application.
 - c. An objector may only object in relation to limited technical matters.
 - d. An objector must prepare and produce evidence (including calling witnesses), prepare submissions, and appear in the DLC hearing.
 - e. An objector can ordinarily not raise additional matters later, without seeking the consent of the DLC.
10. Hearings are conducted via an adversarial process, which is similar to the Court process.
 - a. DLC’s often require formalities such as lodging written briefs of evidence and submissions.
 - b. Many applicants are represented by lawyers who are well trained and experienced both in procedure and how to exploit it.
 - c. Evidence is often challenged on legalistic grounds. Lay objectors are not well equipped to object to these legalistic challenges.
11. These are onerous and difficult requirements to comply with. An objector risks losing the opportunity to have any say in relation to the application if they miss any requirement. If they do find themselves in a DLC hearing, much time is spent defending their evidence and submitting on matters which could be dealt with by an LAP.
12. The proposed LAP will allow the community to put matters before DLC’s (which DLC’s must have regard to) without the need to participate in the onerous process from scratch in every case.

Effects of impediments

13. We submit that by reducing the burden on objectors to raise technical matters, community participation is better facilitated by ensuring that the focus is on the quality of the objector’s knowledge and experience of the effects of ARH in the community.
14. A community member living in a highly deprived area might have strong and persuasive view, but might lack the resources or education to effectively participate in DLC processes.
15. Even if a community member has good grounds to object to a licence application, and good evidence, they might be deterred by the legal requirements, the costs of instructing counsel to assist them, the time and involvement an objection requires, or not understand the correct basis for a valid objection.
16. If a community member does make an objection, their participation and evidence is at risk of being eroded by legalistic challenges to it, difficulties with adhering to the procedural requirements, or lack of experience with speaking to their evidence and submissions in the hearing forum.
17. There is a real risk that the community is left with no voice in relation to alcohol licence applications.

18. Community groups do excellent work in the ARH reduction space. However, community groups are often not given standing to object to licences on the basis that they do not have a “greater interest... than the public generally.” That makes it difficult for communities to pool resources to participate in the process as a community group.
19. The delegate of the Medical Officer of Health, the Police and the Licensing Inspector have opportunities to raise issues. In our experience, these agencies have done excellent work in the Waikato to raise concerns relating to effects of ARH, proximity to vulnerable sites, and licenses in highly deprived areas. However, the agencies cannot always speak to what it is like to live and work in those areas as members of the community. Through community voices, DLC’s can add vital context and experience to what it is like for the community.
20. To that end, lowering the bar for participation for the community (without opening floodgates) and focusing community participation on their experiences and observations is a worthy aim of LAP’s.

How an LAP can reduce impediments to community participation

21. An LAP allows a community to set certain minimum standards in relation to issuing new licences. They can be considered by a DLC without a community member raising them.
22. That is, in our submission, a key advantage of LAP’s. The LAP allows the community to decide on additional factors that the DLC must have regard to when determining an application. That reduces the burden on community objectors to raise the issues and removes the requirement that those elements be tested in an adversarial hearing context. It ensures that those minimum requirements are considered without the need for an objector to raise them or defend them.
23. By putting relevant factors in the LAP, the DLC can instead look to its community objectors to give their personal views and experiences, to give critical context to considerations such as vulnerability of community, effects on local amenity, and effects of alcohol related harm particularly on areas of high deprivation.

Summary

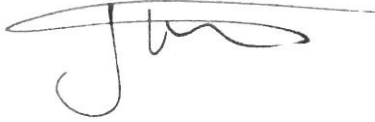
24. I/we **support** requiring DLC’s and the Alcohol Regulatory and Licensing Authority to have regard to:
 - a. Proximity of other licensed premises;
 - b. Proximity to sensitive sites and vulnerable sites;
 - c. Suitability of one-way licence conditions;
 - d. Suitability of discretionary conditions in order to meet the objective of the Act to minimise the effects of ARH;
25. I/we **recommend**:
 - e. Reduced maximum trading hours;
 - f. Expanding the list of sensitive and vulnerable sites to include Marae, skate parks, community centres, and other sensitive and vulnerable areas that the DLC determines are at risk of harm from activity relating to excessive consumption of alcohol;
 - g. Restricting new off licenses for bottle stores in communities of high deprivation.

26. I/we **do not** wish to speak to our submissions.

27. If you have any questions please do not hesitate to contact me. My number and email address is in the footer of this letter.

Yours faithfully

Community Law Waikato

A handwritten signature in black ink, appearing to read 'Jadin Hooper', with a long horizontal line extending from the top of the 'J'.

Jadin Hooper – BSc/LL.B(Hons)

Barrister & Solicitor

jadin@clwaikato.org.nz

07 788 0095



Submission ID: 4710

Name: General Distributors Limited ('GDL')

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes



SUBMISSION ON THE WAIKATO DRAFT LOCAL ALCOHOL POLICY

To: Waikato District Council ("**Council**")

Submitter: General Distributors Limited ("**GDL**")

Summary

1. GDL welcomes the opportunity to submit on the Waikato Draft Local Alcohol Policy ("**Draft LAP**"). As an off-licence holder in the Waikato District, GDL has an interest in the matters raised in the Draft LAP.
2. GDL supports the objectives of minimising alcohol-related harm in the district and the use of local alcohol policies as a tool in ensuring safe consumption of alcohol.
3. GDL generally supports the Draft LAP and in particular the introduction of a discretionary condition to prohibit off-licence holders from offering "buy now pay later" schemes. In relation to remote sales, GDL is concerned the proposed policy in relation to age verification and assessment of intoxication is unworkable and needs to be amended so that it is a discretionary condition, drafted in a manner consistent with remote sales conditions approved by the Alcohol Regulatory and Licensing Authority.
4. GDL wishes to be heard in relation to this submission.

GDL as an off-licence holder

5. GDL is a wholly owned subsidiary of Woolworths and is responsible for operating Countdown stores nationwide. GDL owns and operates 190 supermarkets under the Countdown and Metro banners, and 4 "eStores" across New Zealand. Another subsidiary of Woolworths, Wholesale Distributors Limited, is the franchisor for over 70 SuperValue and FreshChoice supermarkets, which are locally owned and operated businesses.
6. GDL has been part of New Zealand communities for more than 90 years. GDL's purpose across its business is to make Kiwis' lives a little better every day. GDL is committed to contribute positively to New Zealand communities, and their team of more than 20,000 people work hard to deliver safe, fresh and affordable groceries to New Zealanders.
7. As a holder of over 175 off-licences in New Zealand, GDL is an experienced licence holder and is committed to being a responsible retailer of alcohol. GDL acknowledges that it has a shared responsibility to prevent alcohol-related harm and ensure that consumption of alcohol is undertaken safely and responsibly.
8. In the Waikato district, GDL holds two off-licences for Countdown Pokeno and Countdown Huntly.

Buy now pay later – Policy 5.6.1(i)

9. An LAP can include policies on discretionary conditions¹ but cannot fetter a District Licensing Committee's ("**Committee**") discretion with respect to conditions when issuing licences.² Before imposing any such conditions, the Committee must be satisfied the condition is reasonable and not inconsistent with the Act.³
10. Draft Policy 5.6.1(i) in the Draft LAP introduces a new discretionary condition prohibiting licensees from offering "buy now pay later" schemes for the sale of alcohol:⁴

Licensees are prohibited from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to any customer whether remotely or on premises, regardless of whether the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card.

11. GDL supports this policy, which may be imposed as a discretionary condition on a case by case basis (as required). In the alcohol context, "buy now pay later" schemes have the potential to increase consumption of alcohol and in turn, increase alcohol-related harm in our communities. As a responsible retailer of alcohol, GDL does not offer "buy now pay later" scheme for any of its products and does not consider it appropriate to offer these payment schemes for alcohol products.

Remote sale of alcohol*Remote sale of alcohol hours – Policy 5.5.2*

12. The Draft LAP proposes to introduce a new policy with maximum trading hours for the remote sale of alcohol as follows:

5.5.2 For remote sellers, alcohol may be sold remotely at any time on any day, but alcohol must not be delivered on Christmas Day, Good Friday, before 1pm on Anzac Day or between 11:00pm 6:00am the following day.

13. GDL supports the proposed policy as it reflects the off-licence hours for remote sales as provided for in the Act.⁵

Steps to verify age and assess intoxication – Policy 5.7.1

14. The Draft LAP proposes to introduce the following specific policy in relation to remote sales:⁶

5.7.1 The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver is not intoxicated.

15. GDL endorses licensees taking measures to ensure that when alcohol is sold remotely, it is done so in a responsible and safe manner. GDL is an experienced remote seller and has a range of measures in place to ensure alcohol is sold responsibly including age verification processes and

¹ Act, section 77(1)(f).

² *Auckland Council v Woolworths NZ Ltd & Others* [2021] NZCA 484 at [125].

³ Act, section 117.

⁴ Draft LAP, policy 5.6.1(i).

⁵ Act, sections 48 and 49.

⁶ Draft LAP, policy 5.7.1

alert systems to advise delivery drivers when an order contains alcohol. Our internal policy is also that we will not deliver alcohol products to a customer's home after 8pm.

16. The way in which GDL's operates means that alcohol is primarily purchased as part of a customer's grocery shop. For online orders alcohol is present in approximately 8% of orders.
17. While GDL understands the desire to ensure the responsible remote sale of alcohol, it is concerned there is no evidence provided in the Local Alcohol Policy Review Research Report (or any of the consultation material released with the Draft LAP) to suggest remote sales are an issue in the Waikato district or that this proposed policy (relating to age verification and assessment of intoxication) is necessary to address any alleged issues relating to remote sales.⁷
18. Further, the proposed policy is onerous, unworkable and would add significant cost. As currently drafted, the policy would require a delivery driver to return the alcohol to the store if an address is unattended as the driver would be unable to verify age or assess intoxication. This would significantly impact the efficiency of the delivery process, particularly given for Countdown as this would mean the driver would have to either re-deliver the entire order at another time or only deliver the items that are not alcohol. This is unworkable for us, our drivers and our customers.
19. Under the Act it is not illegal to deliver alcohol to an unattended address, but this policy prevents GDL from doing so if no "receiver" is present. The Act also does not require age to be verified on delivery, but rather when the contract for sale is entered into. For GDL, this requirement is achieved by a customer verifying when they create an online account that they are 18 years of age and again on the website (via a tick box system) before the sale is completed that they (and any receiver) are 18 years of age or older. GDL considers the policy needs to be amended so that intoxication is only required to be assessed if the receiver is present, consistent with remote sales conditions approved by the Alcohol Regulatory and Licensing Authority (a copy of the decision is enclosed with this submission).
20. Further, GDL considers this proposed standalone remote sales policy is outside the scope the matters that can be included in an LAP⁸ and is most appropriately included as a discretionary condition that the Committee may consider imposing on an off-licence.
21. GDL seeks that Policy 5.7 be included as a discretionary condition in Policy 5.6 and amended to reflect remote sales conditions approved (shown in blue strikethrough and underline):

~~5.7~~ **Specific policies relating to remote sales**

- ~~5.7.4 j.~~ The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age, and that the receiver (where present) is not intoxicated.

Restrictions on the number of off-licences

22. The Draft LAP proposes a restriction on the number of standalone bottle stores in the Waikato district. In the original LAP, policy 5.5.3 clarifies this restriction does not limit the number of other types of off-licence premises or restrict the issue of new licences. The Draft LAP proposes to delete this policy.

⁷ Local Alcohol Policy Review Research Report, July 2022.

⁸ Act, section 77.

23. GDL considers this a helpful clarification. Without any guidance provided by Council as to the reason behind the deletion, GDL considers the policy should be included in the Draft LAP for clarity and the avoidance of doubt as follows:

Other off-licences

- 5.5.3 Except for standalone bottle store off-licences as provided in clause 5.5.1, this policy does not limit the number of other types of off- licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.

Signature: **GENERAL DISTRIBUTORS LIMITED**



Paul Radich

National Alcohol Responsibility Manager

Date: 9 September 2022

Address for Service: Paul Radich
paul.radich@countdown.co.nz

Submission ID: 4711

Name: Waikato Public Health Service, Te Whatu Ora (Health NZ)

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes

Submission

Waikato District Council Local Alcohol Policy 2022

To: Waikato District Council
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Details of submitter: Waikato Public Health Service, Te Whatu Ora (Health NZ)

Address for Service: Waikato Public Health Service
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Contact Person: Dr Richard Hoskins
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Hearing: Waikato DHB wishes to verbally support its submission

Date: 12 August 2022

Introduction

1. Waikato Public Health Service is now part of National Public Health Services, Te Whatu Ora – Health New Zealand. Te Whatu Ora leads the day-to-day running of the health system across New Zealand with functions delivered at local, district, regional and national levels. It weaves the functions of the 20 former District Health Boards into its regional divisions and district offices, ensuring continuity of services in the health system.

National Public Health Services is a division of Te Whatu Ora. The National Public Health Service and its partners work alongside whānau, communities and other sectors to consider all the factors that impact on health and wellbeing, and deliver national, regional and local programmes to achieve pae ora (healthy futures). It works towards pae ora by engaging with the wider determinants that impact on people's health, focusing on oranga/wellbeing, prevention, protection and population-level intervention.

The National Public Health Service partners with the Māori Health Authority and the Public Health Agency to work alongside whānau, communities, and other sectors, drawing on Mātauranga Māori and data to provide health promotion, prevention and health protection at local, regional and national levels.

The Waikato Public Health Service is part of the Te Manawa Taki region which comprises the Waikato Public Health Services, Toi Te Ora Public Health Service (Bay of Plenty and Lakes / Taupo, Taranaki Public Health and Hauora Tairāwhiti Public Health.

Waikato Public Health Service welcomes the opportunity to provide further comment on Council's proposed Local Alcohol Policy 2022.

Submission and recommendations

2. Waikato Public Health Service **supports** option 2 *council adopts its draft Local Alcohol Policy*. Our organisation fully supports the changes proposed by Council and acknowledges Council's leadership in consulting thoroughly to improve and strengthen its current policy.

Key Information

3. The harmful use of alcohol is associated with a significant health burden resulting in physical, psychological and social impacts.
4. Hospital Emergency Departments (EDs) often bear the brunt of alcohol-related harm. For the two-year period 1 June 2020 to 31 May 2022 there were 574 alcohol-related presentations for patients who reside in the Waikato District, to Waikato's five hospital EDs. Sixty percent of these were male and 45% of presentations were for people with a recorded prioritised ethnicity of Māori. The highest number of presentations to ED were those aged 18-34 years.¹ There were 16 alcohol-related deaths at the Waikato Hospital ED facility in Hamilton during this time.²
5. It is now well established that people living in deprived areas of New Zealand live closer to pubs, bars, clubs and off-licensed premises than those living in wealthier areas.^{3 4}
6. Hay et al (2009) reports that most alcohol outlets have other outlets located within 2km. In poorer areas of New Zealand there is greater access to pubs and bars than restaurants which are more common in wealthier areas. As a consequence, those living in poorer areas are more routinely exposed to alcohol promotion via signage, advertising, price competition and marketing of events such as happy hour than those living in wealthier areas.
7. For those residing in the Waikato District, 45% (261) of alcohol-related ED presentations were from those living in NZ Deprivation 2018 deciles 8-10; 34% (194 presentations) were from those living in deciles 4-7, and 21% (119 presentations) were from those living in deciles 1-3.

¹ Inpatient Management System (iPM) via Costpro database, Waikato DHB

² Deaths are ED episodes that were flagged as alcohol-related and during which time the patient died.

³ Cameron, M.P.; Cochrane, W., Livingston, M. (2017). The relationship between alcohol outlets and harm: a spatial panel analysis for New Zealand, 2007-2014. Commissioned Research Report Prepared for the Health Promotion Agency. Department of Economics, University of Waikato.

⁴ Hay, G., Whigham, P., Kypri, K., Langley, J. (2009). Neighbourhood deprivation and access to alcohol outlets: A national study. University of Otago, Dunedin

Conclusion

8. Our organisation applauds Waikato District Council for the strength of their proposed LAP. Young people, those living in areas of social deprivation, and Māori are some groups disproportionately affected by alcohol harm. Health, Police and ACC are the key agencies that bear the brunt of alcohol-related harm. We are in full support of the proposed changes to improve and strengthen the district's LAP.

Yours sincerely



Dr Richard Hoskins

Medical Officer of Health

Submission ID: 4712

Name: Andrew Sharp

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

We already have a bottle store in town plus a supermarket. Accessing alcohol is not a problem. It's unfortunate that people think that somehow increasing the number of outlets is a risk to the community whereas in reality it makes no commercial sense to open another liquor store as it wouldn't turn a profit.

My concern is that people are therefore under the illusion that these initiatives actually make any difference whatsoever to the wellbeing of the community.

Meanwhile we are a fractured community because most parents refuse to send their kids to the local schools because of the complete disaster that is our education system, particularly the local college where bullying thrives and standards are out the window. This is causing much damage to this small but rapidly growing town yet is being completely ignored.

So while fiddling around the edges may make us feel good from time to time we ignore the low hanging fruit at our peril and choose managed decline rather than actual change.

Attachment: No

Submission ID: 4713

Name: Chris Rayner, Raglan Community Board

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

Note - this early engagement submission has been resubmitted as part of formal engagement on the Local Alcohol Policy.

As part of the early engagement for the review of the Local Alcohol Policy Raglan Community Board would like the opportunity to discuss and review the 1am closing time for entertainment venues in Raglan, namely, clubs, bars and events using special licenses.

The Board has not come to a unanimous agreement on the detail of this issue, or whether in fact the closing time should change, but we are in agreement that it should be considered as part of this LAP

review process. We have outlined below some of the reasons why we are asking the LAP review to consider changing the 1am closing time for licensed venues in Raglan.

It has been brought to some board members' attention that the 1am closing time has a number of negative effects and does not reflect Raglan's unique position in the Waikato as a world-renowned tourist destination. Post Covid the night time economy has been struggling to get back on its feet and the restrictive opening hours provide a very limited window to operate. The majority of people will go out to watch a band or dance to a Dj after dinner and as times have changed so evening meal times have become later, typically finishing dinner around 9pm and heading out for entertainment after 10pm. From looking at the entry data for our local venue The Yot Club, it's clear that the vast majority of people enter the venue after 10pm. This leaves a very short window of 3 hours to operate, which in turn affects the calibre of artist that venue operators and promoters can afford to book and has led some promoters to skip Raglan from their touring schedule.

Other negative effects of the 1am closing time that impacts the wider community is the effective dumping out on to the streets of a venue full of people, amped up not ready to stop partying, this has led to the creation of an 'after party' culture where groups of people go back to someone's house in a suburban area, away from the controlled environment of the venue. The 1am closing time also creates an increased risk of confrontations between groups of people, when the whole venue is emptied out onto the street en masse at 1am. There is plenty of evidence that later closing times for controlled liquor licensed venues allows people to depart from the venue across varying times, reducing confrontations, and allowing security staff to manage any issues that may occur in a more controlled manner.

Raglan has a long and beautiful history with music of all genres, we would like this upcoming review of the Local Alcohol Policy to consider the unique nature of Raglan and importance of the entertainment industry to the local economy.

Attachment: No

Submission ID: 4714

Name: Nathan Cowie, Alcohol Healthwatch

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes



Submission on the Waikato District Council Draft Local Alcohol Policy

9 September 2022

Alcohol Healthwatch is an independent charitable trust working to reduce alcohol-related harm. We are contracted by the Ministry of Health to provide a range of regional and national health promotion services. These include: providing evidence-based information and advice on policy and planning matters; coordinating networks and projects to address alcohol-related harms, such as alcohol-related injury and fetal alcohol spectrum disorder; and coordinating or otherwise supporting community action projects.

Thank you for the opportunity to provide feedback on the Waikato District Council Draft Local Alcohol Policy.

We would like the opportunity to speak to our submission.

If you have any questions on the comments we have included in our submission, please contact:

Dr Nicki Jackson
Executive Director
Alcohol Healthwatch
P.O. Box 99407, Newmarket, Auckland 1149
P: (09) 520 7039
E: director@ahw.org.nz

Summary of recommendations

- Alcohol Healthwatch **endorses** Option 2 – Council Adopts the draft Local Alcohol Policy (LAP).
- Alcohol Healthwatch supports the proposed LAP for its control on the location of new on-licences, the protection provided by on-licence trading hours across the district, and the strong controls on the location of new off-licences. Further amendments to the LAP, as outlined below, may be useful for meaningfully and equitably minimising alcohol harm in the district.

On-licence provisions

- Alcohol Healthwatch **does not support** the on-licence opening hour of 7am.
- Alcohol Healthwatch **supports** an off-licence closing hour of 1am – we **recommend** on-licence trading hours of **8am-1am** (within the national maximum trading hours).
- Alcohol Healthwatch **supports** the discretionary conditions for on-licences, but **recommend** additional conditions in our full submission to minimise harm.

Off-licence provisions

- Alcohol Healthwatch **supports** giving District Licensing Committees (DLCs) and the Alcohol Regulatory and Licensing Authority (ARLA) direction to have regards to the proximity of other licences when new off-licence premises are being proposed, where this is considered relevant
- Alcohol Healthwatch **supports** restricting new bottle store off-licences being granted, within one kilometre of any existing bottle store off-licence or licensed supermarket or grocery store
- Whilst Alcohol Healthwatch **supports** no new bottle store off-licence application being issued for any premises located within 100 metres of any school, early childcare facility, library, place of worship, or public park, we **do not support** that exceptions regarding demonstrating no significant impact. We would prefer that the policy had a blanket protection for sensitive sites located within 100m of a proposed outlet. We further recommend adding Marae and alcohol and other drug addiction treatment centres to the existing list of sensitive sites.
- Alcohol Healthwatch **recommends** a cap on the maximum number of bottle store off-licences permitted in Tuakau, Te Kauwhata, Huntly, Ngaruawahia, and Raglan. This would be **preferable** to a presumption that an off-licence will not be issued where the good order of the locality would likely be reduced. For localities where the deprivation level is 7 or higher, we propose stating that no further licences will be granted if it exceeds the number at the time of policy adoption.
- Alcohol Healthwatch **recommends** that the restrictions to the issue of further off-licences also apply to tavern off-licences.
- Alcohol Healthwatch **does not support** the proposed off-licence closing hour of 10pm. We **recommend** 9pm.
- Alcohol Healthwatch **does not support** the proposed off-licence opening hour of 7am. We **recommend** 10am.
- Alcohol Healthwatch **supports** the discretionary conditions relating to off-licences but **recommend** additional criteria in our full submission in relation to single sales, and price.
- Alcohol Healthwatch **recommends** measures are put in place to ensure that Council is aware of all premises in the district selling alcohol online, to allow effective monitoring and compliance activities.

Club licence provisions

- Alcohol Healthwatch **recommends** maximum trading hours of 9am to **1am** the following day for club licences. We note the present typo in the draft policy which states 1pm the following day.
- Alcohol Healthwatch **supports** the discretionary conditions for club licences.

Special licence provisions

- Alcohol Healthwatch **recommends** the LAP specify maximum trading hours for special licences, preferably not exceeding 8am to 4am the following day.
- Alcohol Healthwatch **supports** the inclusion of guideline maximum trading hours, but **recommend** these hours be 8am to 1am the following day.
- Alcohol Healthwatch **supports** the discretionary conditions for special licences.
- Alcohol Healthwatch **recommends** a discretionary condition for events with over 1000 attendees (or as otherwise considered appropriate) that requires an Event Alcohol Risk Management Plan.
- Alcohol Healthwatch **recommends** the LAP include provisions that protect children in the region, by not allowing special licences to be granted for child-focussed events.

Introduction

1. Firstly, Alcohol Healthwatch commends the Waikato District Council on their commitment to review their Local Alcohol Policy (LAP).
2. We wish to acknowledge the efforts of the policy team, Council members and stakeholders in reviewing the LAP on behalf of their community. We further acknowledge the provision of data from health authorities and the Police, in the presence of competing commitments resulting from the global pandemic.
3. We strongly believe that a LAP is a package of measures which, when used comprehensively, can significantly minimise rates of hazardous drinking and subsequent alcohol-related harm. For this reason, we recommend that the LAP is considered not just as a collection of isolated elements but as a cohesive package to reduce alcohol-related harm, insofar as can be achieved with measures relating to licensing.
4. A LAP which has the effect of reducing the overall availability of alcohol has significant potential to further minimise alcohol-related harm and improve community well-being. Measures that reduce accessibility and availability of alcohol have particular benefits for those who experience significant inequities in harm (i.e. Māori and those socio-economically disadvantaged). To date, alcohol outlets in New Zealand have been inequitably distributed to the most deprived neighbourhoods and the unequal harms from this must be addressed.
5. By incorporating evidence-based measures to address both the physical and temporal availability of alcohol, a LAP can support other harm reduction interventions in the local area and assist in sending a strong signal to communities regarding the harms associated with alcohol use.
6. The content of a LAP must be determined on its ability to contribute to achieving the object (section 4) of the Sale and Supply of Alcohol Act 2012,¹ that being:
 - (a) *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
 - (b) *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

For the purposes of subsection (1), 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).*
7. Therefore, a LAP must seek to do two things: Firstly, it needs to **minimise** alcohol-related harm across the Waikato District. Secondly, it needs to **prevent** further alcohol-related harm from happening (where able). Given alcohol is, by far, the most harmful of all drugs available in society,^{2,3} residents deserve the strongest protections available from its range of harms.
8. We note that a recent study published found no significant changes in crime following the adoption of local alcohol policies in New Zealand.⁴ The authors note that the failure to identify significant reductions in crime may partly reflect the lack of meaningful reductions

in trading hours, as many Territorial Authorities explicitly acknowledged that their LAP trading hours reflected actual trading hours at the time of policy adoption. This meant that, in many Territorial Authorities, the majority of on-licences were unaffected by the adopted trading hours in the LAP.

9. Local Government has a mandated role to promote the social, economic, environmental, and cultural well-being of their communities. Inequities in harm from alcohol will significantly reduce wellbeing for current and future generations, and must be urgently addressed. In particular, the council must consider the burden of alcohol-related harm on Māori. Māori are significantly more likely to drink hazardously than non-Māori,⁵ and experience higher levels of both acute and chronic health harm from alcohol.^{6,7} Research on premature deaths and disability attributable to alcohol has shown that alcohol-related mortality in Māori was double that of non-Māori in 2007.⁸ This is especially relevant to the Waikato District, which has a higher proportion of Māori residents (26.4%) than New Zealand as a whole (16.5%).⁹
10. Young Māori males (15-24 years) have been shown to have disproportionately higher risks of hazardous drinking from living close to licensed outlets¹⁰ and tamariki Māori have at least five times the exposure to alcohol advertising compared to European/other children, with a significant proportion of this exposure arising from shop-front advertising and signage.¹¹
11. Alcohol Healthwatch **supports** Councils around the country to develop wider alcohol harm reduction strategies that extend beyond licensing issues covered in a LAP. We further recommend Councils contribute to discussions on alcohol legislation at a national level with a view to influencing alcohol consumption and related harms at a local level. While **alcohol remains more affordable than ever before**¹², it is a hard ask for Territorial Authorities to create a paradigm shift in the local drinking culture. Councils must advocate for evidence-based law change to **address the low price of alcohol, its high availability and pervasive marketing**.
12. As the previous Minister of Justice has announced a review into New Zealand's liquor laws, to be scoped this Parliamentary term, it is especially important that the voice of local government is heard. We encourage all local governments to write to the current Minister outlining their experiences with upholding community wishes for greater control of alcohol availability (e.g. through licence application processes and/or LAP adoption and appeal processes). As an example, we commend the letter to the Minister co-signed and sent by the Mayor of Whanganui District Council on the challenges they have faced upholding community wishes through licensing decisions and LAP processes.
13. Since 24 March 2022, ten Councils have voted in favour of calling on the Government to review the liquor laws and/or endorsing MP Chlöe Swarbrick's Members' Bill (the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill. This includes Auckland Council, Christchurch City Council, Whanganui District Council, Hamilton City Council, Palmerston North City Council, Waipa District Council, Hauraki District Council, Gisborne District Council, New Plymouth District Council, and Dunedin City Council. More Councils are looking to follow this leadership, in endorsing the following recommendation:

That the Council:

(a) endorses the Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill, which aims to:

i. remove the special appeal process through Local Alcohol Policies.

- ii. wind down alcohol advertising and sponsorship of sport.
 - (a) requests the Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill, be supported by the Government and Members of Parliament;
 - (b) requests the New Zealand Government review the Sale and Supply of Alcohol Act 2012; and
 - (c) delegates (an Elected Member) to advocate to central government and to Members of Parliament in support of the proposed Bill. As stated above, the priority objective of the Sale and Supply of Alcohol Act 2012 is to “improve community input into local alcohol licensing decisions”.
14. Alcohol Healthwatch **strongly encourages** Waikato District Council to also show their support for the Bill and call on the Government to undertake a wide review of the Sale and Supply of Alcohol Act 2012 this Parliamentary term.

Importance of community input into the LAP

15. As stated above, the priority objective of the Sale and Supply of Alcohol Act 2012 is to “improve community input into local alcohol licensing decisions”.
16. LAPs were intended as a method for communities to have a greater say on local alcohol availability. This is emphasised in the Court of Appeal decision ([2021] NZCA 484) in relation to Auckland Council’s Provisional Local Alcohol Policy:

[32] The second and more general point is that revealed community preference has an important role to play under the Act. That is shown by provision for local alcohol policies, the extent to which it is permissible for such policies to govern the supply of alcohol, and delegation of decision-making to territorial authorities. As Mr McNamara submitted for the Council, a local alcohol policy is a means by which communities can implement, through participatory processes, some of their own policies on alcohol-related matters in their districts. Because those policies are the product of a process designed to discover and implement a community preference, they need not be evidence-based. If an objectively unreasonable preference finds its way into a proposed local alcohol policy, the remedy lies in an appeal to ARLA.

Local Alcohol Policies within the context of a global health pandemic (COVID-19)

17. It is clear that the global pandemic has had an immediate impact on alcohol consumption in New Zealand, and that it represents a picture of both good news and bad news.
18. Health Promotion Agency research¹³ found that **19%** of New Zealanders (who had consumed alcohol in the past four weeks) reported **increasing their alcohol use** during Level 4 lockdown in April 2020, when compared to consumption patterns pre-lockdown. Almost one-half of drinkers (47%) had consumed the usual amount, and **34% had consumed less** (Figure 1). Although these findings are from a national study, we see no reason why they may not apply to residents in the Waikato District.
19. Post lockdown in July 2020, the proportion of drinkers that had increased their consumption reduced from 19% in Level 4 to 14% in Level 1, while the proportion drinking less reduced from 34% to 22% (Figure 1).

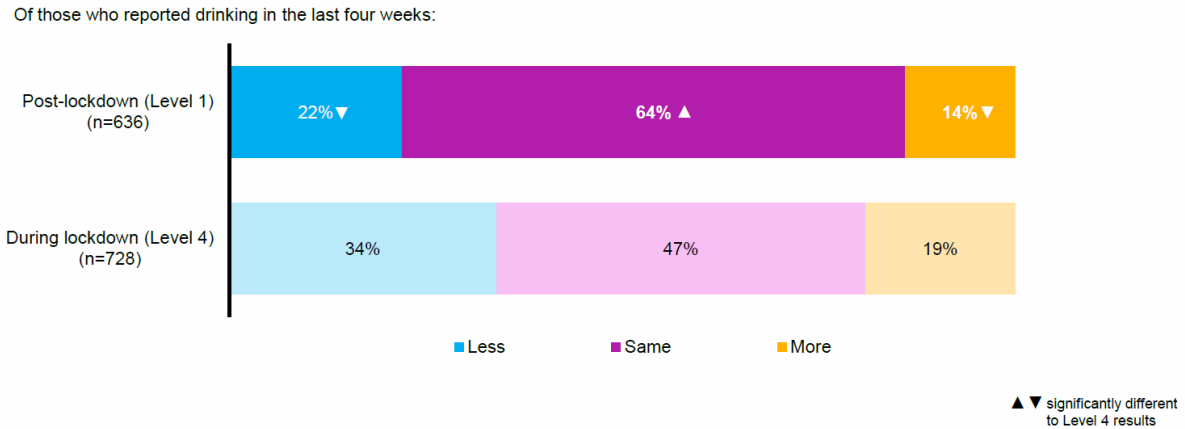


Figure 1. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic.

20. When looking at changes in the average amount of alcohol consumed per week during Level 4 lockdown, results show an increase (from 12.82 standard drinks per week pre-lockdown to 14.09 drinks during Level 4). This reduced to 13.47 drinks per week in Level 1. This finding points towards the reduced intake by many New Zealanders not offsetting the increased volume of alcohol consumed by those who increased their consumption. It is likely that heavy drinkers were the drinkers who consumed more, whilst it was low-risk drinkers that consumed less.
21. It is imperative that we do everything we can to support New Zealanders who have maintained lower levels of drinking during, and after, Level 4 lockdown. This is the ‘good news’ of alcohol use during the global pandemic.
22. Findings by ethnicity show that 22% of Māori drinkers increased their consumption in Level 4 lockdown, when compared to pre-lockdown. This **prevalence did not decrease** following the cease of Level 4 lockdown, with 22% reporting higher consumption in Level 1 when compared to pre-lockdown (Figure 2). This has important implications for minimising alcohol harm among Māori in the Waikato District and upholding Tiriti obligations to promote and protect the health of Māori.
23. Among Pasifika drinkers, the proportion that increased their consumption had halved at Level 1, from 20% in Level 4 lockdown to 10% in Level 1.¹³ Therefore, there remain significant inequities by ethnicity in post-lockdown drinking.

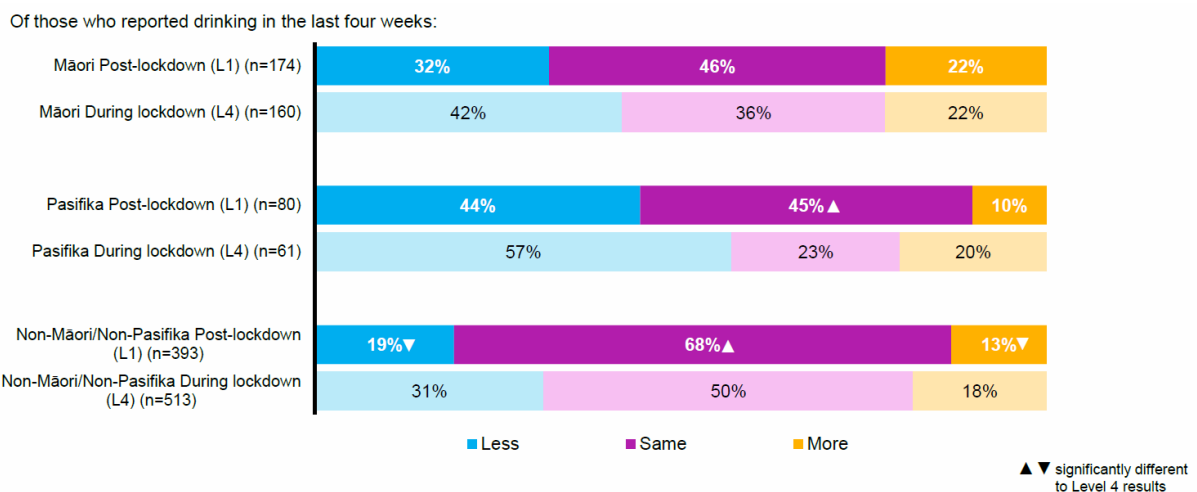


Figure 2. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic, by ethnicity.

24. Age differences in drinking during and post-lockdown were striking. It is clear that a higher proportion of 18–24 year olds reduced their consumption during Level 4 lockdown, when compared to other age groups. However, as Figure 3 shows, the proportion of young adults that increased their consumption did not change between Level 4 lockdown (19%) and Level 1 (23%).¹³

Of those who reported drinking in the last four weeks:

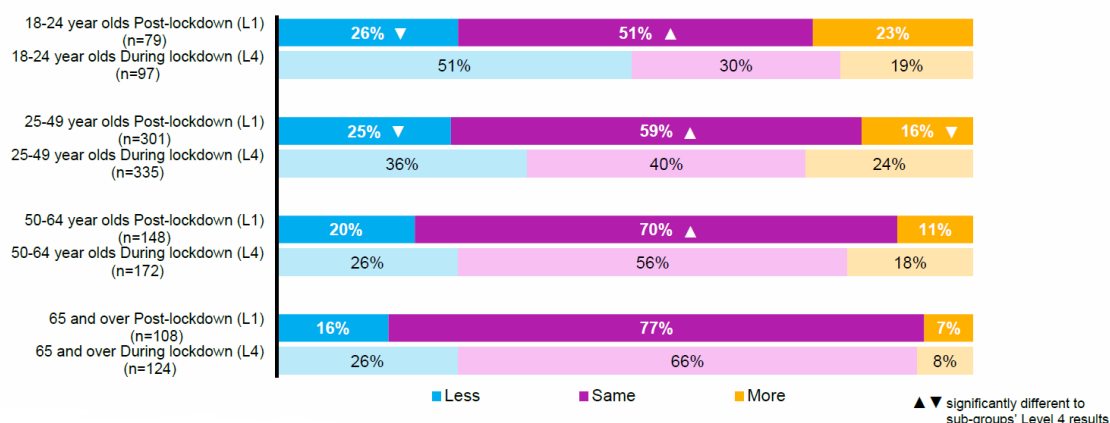


Figure 3. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic, by age group.

25. Across all study participants, reasons given for drinking more included: 1) It helps me relax/switch off, 2) I have been feeling stressed out/anxious, and 3) I have been bored.¹³
26. Reasons given for drinking less included: 1) haven't been able to, or haven't wanted to, socialise as much or go out/visit the pub etc., 2) money/cost, 3) haven't wanted to go out and buy alcohol, 4) physical health reasons (e.g. weight, health condition, to be healthier), and 5) the lockdown period was a good time to reduce how much I drink and I want to continue drinking less.¹³
27. National data from the August 2021 lockdown paint a similar picture. Among those who drank alcohol in the last 4 weeks, 22% reported drinking more than usual during the August 2021 lockdown with 23% drinking less than usual. A larger proportion bought alcohol online (29%) during the August 2021 lockdown when compared to April 2020 (17%). Of particular concern, 10% of drinkers reported that a mental health problem developed or got worse due to their drinking in the August 2021 lockdown.¹⁴
28. We suggest that the context of the global pandemic warrants additional considerations in relation to alcohol licensing decisions and local alcohol policy development and review. A LAP can play a significant role in minimising alcohol harm, particularly among those who have increased their consumption during the pandemic.
29. Previous public health and economic crises inform the predictions of alcohol use going forward. Researchers propose that the COVID-19 pandemic will influence consumption via two main pathways:¹⁵
- increase consumption*: due to psychological distress triggered by financial difficulties, social isolation and uncertainty about the future
 - reduce consumption*: due to income reductions from unemployment and reduced working hours leading to tighter budgets.
30. It is suggested that some impacts will be immediate, whilst others will occur over a longer time period.¹⁵ The longer term impacts of the pandemic are believed to include a normalisation of home drinking, reinforcing or introducing drinking as a way to self-

medicate symptoms of stress, anxiety, and boredom and increased prevalence of alcohol dependence.¹⁶⁻¹⁹

31. Many people will use alcohol to cope with the on-going impacts of the pandemic. Research shows that individuals who drink for coping reasons are at a heightened risk of developing problems with alcohol.²⁰ Depression and anxiety have been found to be associated with drinking to cope.²⁰
32. A cross-sectional study in Australia found that depression and anxiety were associated with increased alcohol consumption during the first few months of COVID-19 pandemic.^{21,22}
33. Factors such as unemployment and time spent unemployed may also play a role in increased alcohol harm, in addition to redundancies and job losses leading to increased workloads for others and reduced workplace morale.²³
34. Alcohol use has always played a role in New Zealand's reduced productivity and levels of unemployment, and is inversely related to economic growth. At a time when New Zealand needs full employment and maximum productivity, we need to take alcohol control measures that effectively reduce harm. Persons trapped in the mire of unemployment and debt are likely to have heightened vulnerability to developing new, or exacerbating existing, alcohol and related problems.²³
35. Increases in alcohol use are likely to lead to a long-term increase in newly diagnosed patients with alcohol use disorders.²⁴
36. At a time when New Zealanders are also likely to feel anxious, stressed and vulnerable, efforts should encourage measures that limit alcohol, not facilitate it.²⁵ The World Health Organisation advises that restrictions on access to alcohol should be upheld or even reinforced during the pandemic.²⁶
37. A particular issue in New Zealand has been the expansion of bottle stores selling alcohol online. It has been argued that, in Australia, the licensing system has not kept pace with the changes in the market, and that online sales operate under much lower levels of scrutiny than the traditional bricks and mortar store.²⁷
38. In New Zealand, we witnessed an overnight increase in bottle stores selling online during Level 4 in 2020. However, there remains a lack of knowledge regarding who is selling online as off-licences have the default ability to sell in a physical shop as well as online. Compliance is therefore challenging, as there appears to be no list of online sellers (apart from those with a S40 remote sales only licence).
39. We **recommend** measures are put in place to ensure that Council is aware of all premises in the district selling online, so that monitoring and compliance activities can be effectively carried out.
40. Certainly, alcohol use places a major burden on health care.²⁸ Reducing the harm from alcohol will reduce any future burden on the health services.
41. In relation to the COVID-19 illness, alcohol is an immunosuppressant and increases acute respiratory distress syndrome via multiple pathways.^{29,30} Alcohol use disorders need to be considered as a predictor for COVID-19 disease severity and Intensive Care Unit admission.²⁹

Prevalence of health harms from alcohol in the Waikato District

42. The LAP Review Research Report highlights the involvement of alcohol in fatal and serious injuries in motor vehicle crashes in the Waikato District.
43. In relation to hospital admissions that are wholly attributable to alcohol use, it is shown below (Figure 4) that the Waikato District has a lower admission rate than the national average.

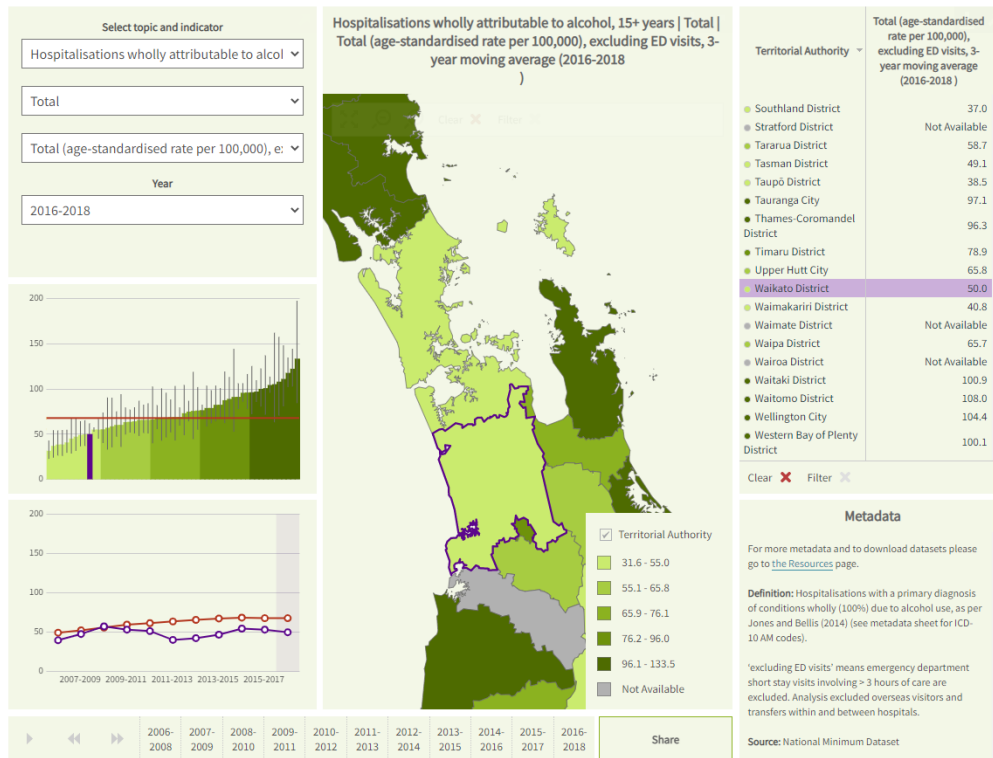


Figure 4. Hospitalisations wholly attributable to alcohol, 15+ years, 2016-2018 (Waikato District Council highlighted).

44. Further analysis by sex shows that the admission rate among males and females (not shown) is lower than many other councils across the country (Figure 5).

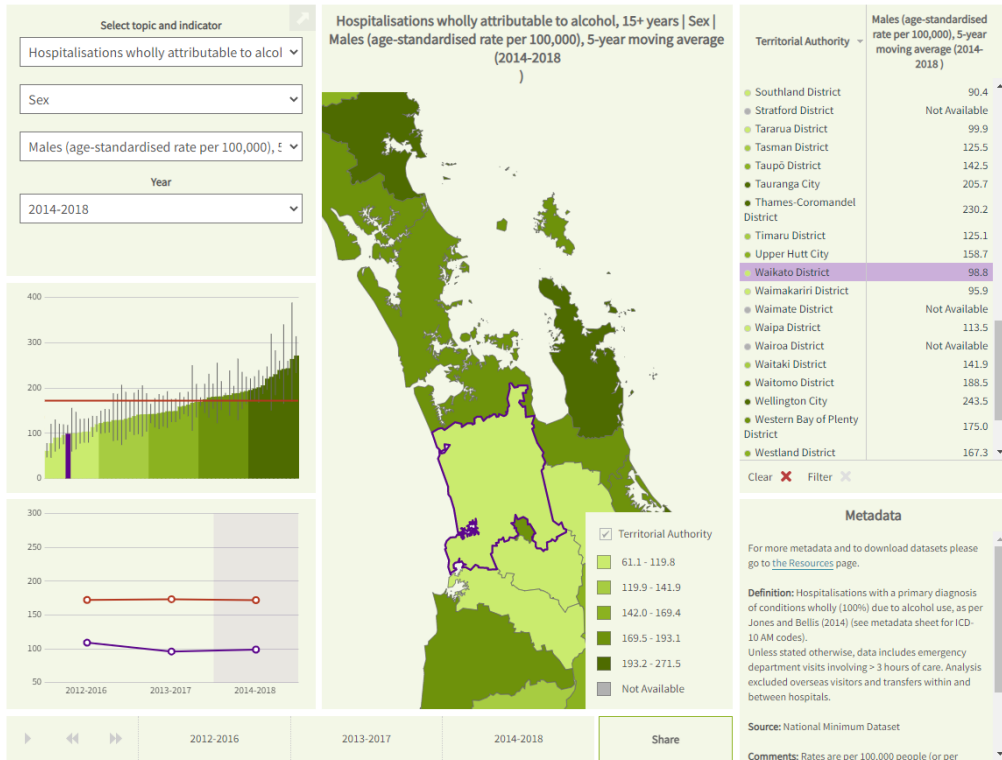


Figure 5. Hospitalisations wholly attributable to alcohol among males, 15+ years, 2014-2018 (Waikato District Council highlighted).

42. Further analysis by drinking pattern shows that the admission rate due to acute intoxication is lower than the national average (Figure 6).

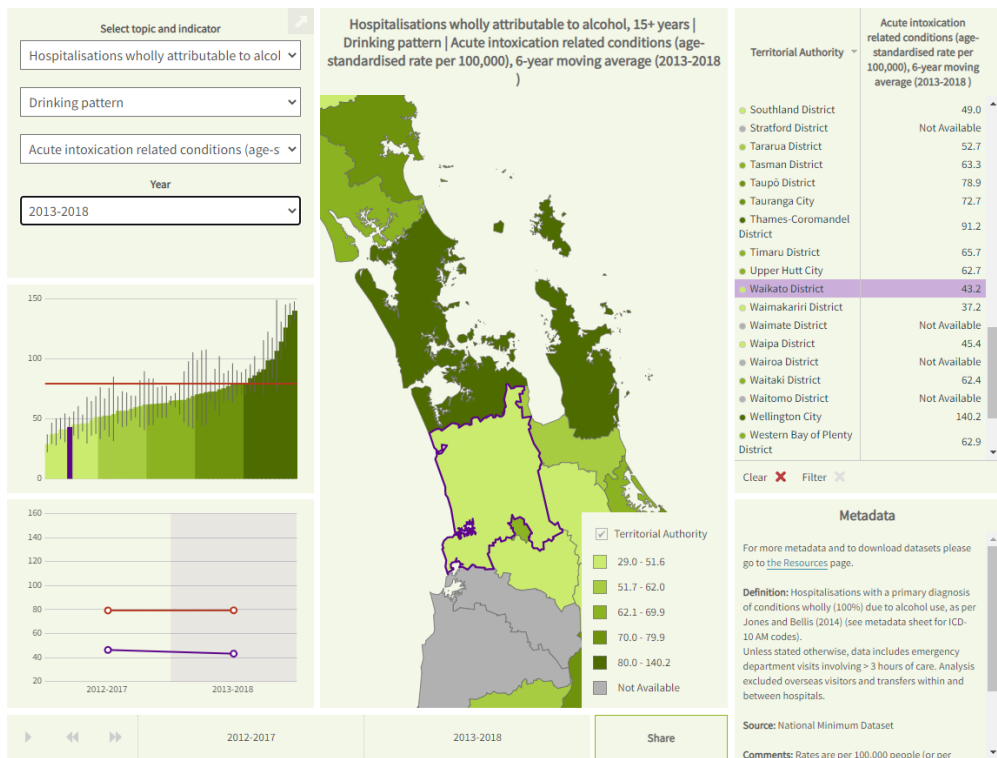


Figure 6. Hospitalisations wholly due to acute intoxication, 15+ years, 2013-2018 (Waikato District Council highlighted).

45. In relation to admissions due to chronic drinking, Waikato District appears to have an admission rate that is lower than many other councils across the country (Figure 7).

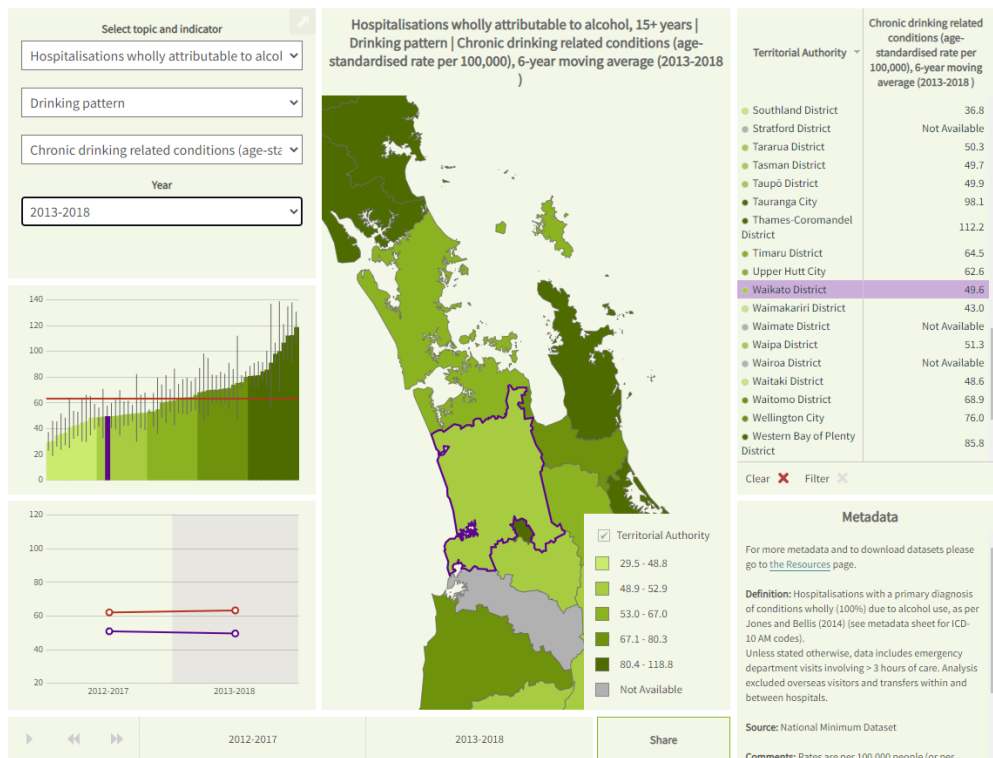


Figure 7. Hospitalisations wholly due to chronic drinking patterns, 15+ years, 2013-2018 (Waikato District Council highlighted).

46. However, no Territorial Authority is immune to alcohol harm. Evidence-based measures that reduce the availability of alcohol will bring about benefits to the region.

Off-licences

48. Off-licences sell over 80% of all alcohol in New Zealand.³¹ This means that the majority of alcohol is purchased (often cheaply) and consumed in situations where there may be little control or supervision, such as private homes or public places.
49. A minority of the alcohol sold is consumed at on-licence premises or at licensed events, where there must be supervision, control and an expectation of host responsibility.
50. New Zealand research³² shows that 73% of all alcohol consumed in very heavy drinking occasions is consumed in private homes. Around one in every ten heavy drinking occasions occurs in bars.
51. The closure of hospitality businesses during COVID-19 lockdowns has meant that off-licence availability became the main supply of alcohol to communities.
52. As such, evidence-based strategies to minimise the harm from off-licence availability are essential and desirable, and can make a meaningful difference to the well-being of local residents. Restrictions to availability are also pro-equity, given the unequal distribution of off-licences to the most deprived areas.

Trading hours - closing

53. Alcohol Healthwatch **supports** maximum trading hours for off-licences that are less than the national maximum trading hours. We recognise that the proposed closing time of

10pm is one hour earlier than the national maximum trading hours. To further reduce alcohol harm, we **recommend** a closing hour of 9pm for Waikato District off-licences.

54. The Court of Appeal decision ([2021] NZCA 484) in relation to Auckland Council's Provisional Local Alcohol Policy stated that there was no onus on Authorities to justify departure from the national default hours:

[32] So far as trading hours are concerned, ss 43–45 establish no presumption in favour of the default hours and nothing in them requires that a local authority justify departure from those hours. The default hours are merely those that apply if a territorial authority has chosen not to establish a local alcohol policy.

55. The decision by the Alcohol Regulatory and Licensing Authority (ARLA) on Auckland Council's Provisional Local Alcohol Policy ([2017] NZARLA PH 247-254), the Authority did not consider that the closing hour restriction of 9pm was unreasonable in light of the object of the Act (see paragraph 146).³³
56. New Zealand research has shown that the purchase of alcohol from an off-licence premise after 10pm was approximately twice as likely to be made by heavier drinkers.³⁴
57. New Zealand research has demonstrated the positive impacts of reduced trading hours on the wellbeing of young people.³⁵ The introduction of the default maximum trading hours in New Zealand in 2013, which saw all bars and clubs close at 4am and no off-licence alcohol sales after 11pm, was found to be associated with a reduction in the number of assault-related hospitalisations by 11%. The decline was the largest among 15 to 29-year-olds (who made up more than half of those hospitalised), at 18%. There was also a reduction in the number of night-time assaults coming to Police attention.
58. While these results point to the role of very late trading hours on alcohol-related harm, we agree with the authors of the study who suggest that further reductions in trading hours could provide many benefits.
59. In Switzerland, the province of Geneva reduced their off-licence trading hours from 24 hours per day to 7.00am to 9.00pm, and also prohibited the sale of alcohol from petrol stations and video stores. An examination of the effect of the policy change to reduce the availability of alcohol demonstrated that it led to an estimated reduction in the rate of hospitalisation due to intoxication by 35.7% among 10-15 year olds, and a 24.6% reduction in 16-19 year olds.³⁶
60. In the Swiss province of Vaud, the capital city of Lausanne reduced the trading hours for all shops (including liquor shops) such that they had to be closed between 8pm on Friday and Saturday and 6am the next morning. Two years later, the hours were reduced across the whole province with restaurants and off-licences selling beer and spirits (but not wine) being required to close between 9pm and 6am every night of the week. However, the shops in the city of Lausanne were still required to close at 8pm. An analysis of its effects found reduced hospitalisations for alcohol intoxication (by 29%) across all age groups in Lausanne. Again, the greatest reduction was found among those aged 16-19 years (56.4%), monotonically decreasing with age. However, as the absolute number of admissions for alcohol intoxication were higher in adulthood than adolescence, the estimated change in number of cases was also relevant to public health among 20–69-year-olds.³⁷
61. In a province of Germany, trading hours for off-licences were reduced from 24 hours per day to 5am to 10pm. When compared to the control provinces, the policy resulted in 7% fewer hospitalisations for intoxication among adolescents aged 15-19 years.³⁸

62. Given the evidence that sales restrictions in the evening are associated with reduced heavy drinking and adverse consequences (especially among young people), Alcohol Healthwatch **strongly recommends** a closing hour of 9pm to every Territorial Authority across the country.
63. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs may reduce the potential for appeals to the entire element, although this remains to be tested in the legal appeals.

Trading hours - opening

64. Alcohol Healthwatch **does not support** the proposed off-licence opening hour of 7am.
65. In regards to the early opening hour of 7am, we believe it is not unreasonable to require an off-licence premises to open after 10am (or at least 9am).
66. Core hours for bottle stores and supermarkets in Scotland include an opening hour of 10am,³⁹ and although our average consumption is less than the Scots, we see no reason why a similar approach could not be adopted here.
67. Research in Russia showed that the introduction of later opening hours was associated with reduced alcohol use, but that the magnitude of the effects of restricting the closer hour was 3.5-4 times stronger than the effects of later opening hours.⁴⁰ Unfortunately, there is a lack of New Zealand research on off-licence opening hours and harm.
68. The purpose of the LAP is to minimise harm; one of the ways this can be addressed is through reducing the exposure of alcohol (and its advertising) to children on their journey from home to school.
69. Research has documented the association between exposure to alcohol advertising around schools and intentions to use alcohol among very young adolescents.⁴¹ Exposure to in-store displays of alcohol may also predict an increased probability of drinking.⁴² Existing and new outlets will pose a risk in relation to exposure to alcohol advertising.
70. Protecting the current generation (particularly vulnerable groups such as children) from harm can greatly assist in minimising future harm from alcohol use in Waikato District communities.
71. Furthermore, a later opening hour will restrict the accessibility of alcohol to those with an alcohol dependence. Social service providers in New Zealand have previously described to us the negative impact of early opening hours on persons with alcohol dependence.
72. Alcohol Healthwatch believes that there are many more positive benefits accrued from a later opening hour when compared to any loss of profits from the off-licence sector. Furthermore, economic imperatives regarding the chosen elements included in a LAP (e.g. justifying early opening hours using economic reasons) are not permitted.⁴³ Rather, minimising harm, and reflecting community views should be what determines the shape of a LAP.

Issue of new licences

73. The importance of restrictions to off-licence availability of alcohol are underpinned by a number of New Zealand studies demonstrating a significant association between off-licence density and a range of alcohol-related harms.^{44–48}
74. As described previously, Māori and Pacific young males (15-24 years) have been found to be more negatively impacted by living close to alcohol outlets (note: on-licence and off-licence types combined).¹⁰
75. Research in Manukau, Auckland, found that areas with a higher density of off-licences had lower alcohol prices, longer operating hours, and later weekend closing times.⁴⁹ These factors are strongly associated with alcohol harm.
76. Further, there is an accumulating body of international evidence showing that off-licences are associated with greater levels of harm in deprived areas compared to least deprived areas.^{50–54} Although two New Zealand studies did not find this relationship.^{45,46} Research also shows that low income drinkers experience more harm per litre of alcohol consumed, when compared to higher income drinkers with the same level of drinking.⁵⁵
77. Alcohol Healthwatch recognises the relative stability in the total number of off-licences across the duration of the Waikato District Council Local Alcohol Policy.
78. In spite of the limited growth of off-licences, we support further geographic areas and high deprivation areas being protected from additional bottle stores. However, we **do not support** the policy approach of a *presumption against* the issuing of new bottle stores.
79. We **recommend** that the policy state reinstate the cap for new standalone bottle stores in Huntly, Ngaruawahia, and Raglan and include new caps in Tuakau and Te Kauwhata. We believe this is a stronger approach than having a presumption against the issuing of a new licence and evaluating the significant adverse effects of its issue.
80. For areas of deprivation 7 and above, we recommend the LAP state that no further licences will be granted if it exceeds the number at the time of policy adoption. As each Census may result in new areas of deprivation being identified, it is likely to be difficult to specify caps in the policy.
81. It is important that the policy specify at what level deprivation will be measured. A proposed premises could be classified as being in Statistics New Zealand Statistical Area 1 (SA1) or 2 (SA2). Or a larger surrounding area could be considered, with deprivation examined in the SA2s and SA1s that are within that larger area.
82. Also, we **recommend** the cap also apply to tavern off-licences. These types of off-licence premises have the potential to be similar in appearance to standalone bottle stores.
83. We further **recommend** that an off-licence cap is specified for the district as a whole, rather than relying on the DLC to consider applications for new off-licences. This would be in addition to the above restrictions and would provide a clear message to communities about the limit to the density of licences and signal the serious harms from alcohol.
84. We **support** giving District Licensing Committees and the Alcohol Regulatory and Licensing Authority direction to have regards to the proximity of other licences when new off-licence premises are being proposed, where this is considered relevant.
85. Further, we **strongly support** restricting new bottle store off-licences being granted within one kilometre of any existing bottle store off-licence or licensed supermarket or grocery store.

Sensitive sites

86. Alcohol Healthwatch **supports** protections for sensitive sites regarding the location of new off-licences.
87. Whilst Alcohol Healthwatch **supports** no new bottle store off-licence application being issued for any premises located within 100 metres of any school, early childcare facility, library, place of worship, or public park, we **do not support** that exceptions regarding demonstrating no significant impact. We would prefer that the policy had a blanket protection for sensitive sites located within 100m of a proposed outlet.
88. Also, we **recommend** an extension to the list of premises that are protected under the policy. We **recommend** Marae, medial facilities, and alcohol treatment centres being included in the list of sensitive sites.

Discretionary conditions

89. Alcohol Healthwatch **supports** the discretionary conditions relating to off-licences in the draft LAP.
90. It is recognised that New Zealand's liquor laws already provide for licensing committees to include conditions on a licence on a case-by-case basis.
91. However, we believe that the inclusion of discretionary conditions in a LAP can provide transparency to both the licence applicant and the community as to expectations around the sale of alcohol. Conditions are especially important when outlets are located in vulnerable areas and/or near sensitive sites such as schools.
92. We recommend additional discretionary conditions are included in the draft LAP, as described below.
 - a) Discretionary conditions to restrict advertising and signage
93. Whilst we **support** the CPTED condition, Alcohol Healthwatch **recommends** including a discretionary condition to control the total amount of alcohol advertising that is visible within 500m from schools and early childhood facilities.
94. The Alcohol Regulatory and Licensing Authority (ARLA) issued the following signage and advertising conditions on an off-licence that was within 500m of a primary school and pre-school and nursery ([2021] NZARLA 123):
 - (i) *Signage shall be limited to displaying the store name and logo on the existing roof display.*
 - (ii) *No bright colours shall be used in the external decoration of the premises.*
 - (iii) *No specific product or price specials shall be displayed externally.*
 - (iv) *No external advertising shall be displayed by way of flags or sandwich boards outside the store.*
95. From November 12, 2019, Ireland no longer permits alcohol advertising within 200m of schools, crèches, or council playgrounds.⁵⁶ The Waikato District Council could follow the leadership shown in Ireland and require (in the local alcohol policy) a similar provision to apply to licensed premises.
96. Harm from signage and advertising also extends to Waikato District residents with alcohol use disorders. Research shows that heavy or problem drinkers can be more responsive to alcohol advertising and imagery (particularly of their favourite drink), placing them at risk of triggering alcohol use in relapse and maintaining alcohol dependence.^{57,58}

97. It is suggested that reducing alcohol cues in outdoor advertisements (especially scenes showing drinking and/or alcohol products) could potentially reduce the occurrence of episodes of acute craving and cue reactivity in persons with alcohol dependence.⁵⁸
98. Further, the Law Commission noted⁵⁹ that the pervasiveness of alcohol signs and advertising at liquor stores is likely to have a negative impact on community well-being. They stated that large obtrusive alcohol price advertisements and product branding on shop fronts, adjoining walls and sandwich boards is, in part, due to the pressure to compete with other liquor stores in a local community. They considered that the presence of this advertising can significantly lower the aesthetic value of an area, which in turn has flow-on effects for the community in terms of reduced amenity values and community welfare.
- b) Discretionary conditions to restrict single sales
99. Alcohol Healthwatch **recommends** discretionary conditions in the LAP that restrict the sale of single alcoholic beverages (known as single sales). Restrictions on single sales can greatly assist compliance with liquor bans throughout the region and may reduce pre-loading or side-loading surrounding licensed premises.
100. International research has documented the association between single sales and alcohol-related violence and crime.⁶⁰ Furthermore, an intervention to reduce single sales was found to reduce rates of alcohol-related ambulance attendances among 15 to 24 year olds.⁶¹
101. Single units of alcohol are likely to be favoured by those who are heavy drinkers and also price sensitive; namely adolescents and young adults, and those with an alcohol dependence. Many off-licences include conditions prohibiting single sales. For example, the Auckland District Licensing Committee⁶² imposed a condition on a licence that no single sales of:
- i. *Beer or ready to drink spirits (RTDs) in bottles, cans, or containers of less than 440mls in volume may occur except for craft beer; and*
 - ii. *Shots or pre mixed shots.*
102. Again, the ARLA decision in the case of a bottle store in Pleasant Point ([2021] NZARLA 123), the following condition on single sales was imposed:
- [157] No single sales of beer, cider, or RTDs priced at, or less than, \$6.00 per unit are to be sold.*
103. The adopted Whanganui District Council Local Alcohol Policy has the following single sales condition:
- The licensee must not break down the retail packaging of packages containing less than 445ml units of beer, cider or RTDs for sale from the licensed premises, except where the retail packaging of those alcohol products has been accidentally damaged and in which case the licensee may re-package those alcohol products for sale in packages containing no less than 4 units.*
104. We see no reason why this provision cannot be included as a discretionary condition within the draft Local Alcohol Policy. We **recommend** any condition on single sales specifies container sizes of 500ml or less, so that 440ml and 500ml containers that can be found littered in parks and public spaces are captured rather than excluded by the condition.

c) Discretionary conditions that relate to the type of product sold and/or its price

105. Alcohol Healthwatch **supports** the discretionary condition that relates to kinds of product sold but **recommend** it is extended to also cover the price that it is sold.

106. Many new bottle store applications around the country are seeking to be 'boutique' bottle stores. In a decision by the Auckland DLC regarding a new off-licence seeking to be a boutique store, the DLC outlined conditions (see paragraph 136)⁶³ around RTDs, pricing, and advertising that would align with it being a store that sold more premium products.

(h) *No sales of:*

RTDs 7% abv or above

No RTDs over 500ml

Shots

Light spirits (being spirits under 14% ABV)

Single sales from packs

Cask wine

(i) *RTD pricing as follows:*

No RTD 4 pack below \$12.99

No RTD 6 pack below \$16.99

No RTD 10 or 12 pack below \$26.99

No RTD 18 pack below \$36.99

(j) *External advertising on the front window is limited to a maximum of 25% and the name/brand of the store.*

(k) *There will be no advertising of alcohol products or brands outside the premises (apart from the trading name of the premises), such as (but not limited to) sandwich boards, billboards, flags, or similar forms of advertising.*

(l) *There will be no floor displays inside the premises.*

107. Discretionary conditions that relate to the type of product sold and/or its price should be considered by the Waikato District Council.

d) Discretionary conditions for remote sales

108. It is clear that the global health pandemic has accelerated the online delivery of alcohol. We recommend that DLC's have available to them conditions that reduce the harm from this high accessibility of alcohol.

109. As example of a condition is shown below, issued by the Hamilton City Council DLC [2021ALC-1803] on a remote seller licence:

The licensee must take reasonable steps to verify that the buyer (and if applicable, the receiver) is not under the purchase age. The licensee must ensure that the sale will not be made unless the buyer (and if applicable, the receiver) completes a declaration that they are 18 years of age or over on first entering the internet site and again immediately before the sale is completed.

The outside of the delivery package must contain the following words:

COURIER WARNING
CONTAINS ALCOHOL

Do not leave at destination without proof of delivery.

Do not leave with persons under 18 years of age. If the receiver appears to be under the age of 25 years check valid identification such as current passport, NZ drivers licence or Hospitality NZ 18+ Card/ Kiwi Access Card, to ensure the receiver is 18 years of age or over.

Do not leave with intoxicated persons.

Contains alcoholic product.

110. Alcohol Healthwatch **recommends** Waikato District Council consider if these types of discretionary conditions can be included with a draft Local Alcohol Policy.

Discretionary conditions relating to Buy-Now, Pay-Later services

111. We support licensees being prohibited from accepting buy now pay later (BNPL) as a method of payment for the sale and supply of alcohol to any customer, purchasing remotely or in person.
112. The buy now pay later sector is emerging and regulatory authorities are at early stages in their response to this novel market innovation.
113. Alcohol Healthwatch believes that alcohol retailers should not be allowed to offer BNPL services as an alternative payment method.
114. Alcohol Healthwatch's perspective is that the availability of alcohol products on BNPL platforms may enable alcohol purchases and/or trigger the desire to purchase alcohol (and purchase more alcohol than planned) at a perceived lower price.
115. The price of alcohol and its affordability are well-known to be key drivers of consumption in Aotearoa New Zealand.⁶⁴ Of particular concern, alcohol has been regularly increasing in affordability over many years and in 2020, was more affordable than at any other time since the late 1980s.¹²
116. Nielsen research shows that, in New Zealand supermarkets, alcohol products are the most sensitive of all products to price promotion.⁶⁵ It has also been found that the majority (55%) of New Zealand drinkers purchase their alcohol when sold on promotion (cited in⁶⁶).
117. We therefore believe there are fundamental risks in having alcohol available at (perceived) reduced prices, akin to the negative impacts of discounting and promotions of alcohol on increasing alcohol use. Alcohol Healthwatch is concerned that vulnerable drinkers are at an especially high risk when alcohol products for sale are perceived to be at a lower cost (as they would be using BNPL services).
118. The availability of alcohol at low alcohol prices facilitates moderate drinkers becoming heavy drinkers, and heavy drinkers transitioning to dependent drinkers. We suggest that BNPL services are, in effect, offering alcohol products at a low price even if the full cost is received later.
119. The alcohol industry is technologically innovative, as seen from the large increase in the number of off-licences that offer internet sales and deliveries since the COVID-19 pandemic. Likely, online alcohol purchases via BNPL services and rapid online delivery will continue to evolve and expand in New Zealand. Whilst there are only a few alcohol retailers (mainly boutique wine retailers) currently offering BNPL services as an alternative payment method, we believe there is a risk that this will change.

120. Alcohol Healthwatch strongly believes that BNPL services can impose financial hardship on hazardous drinkers and dependent drinkers if the BNPL sector is left unregulated or without any control over alcohol products sold on these platforms.
121. It is important to note that 7% of male drinkers and 5% of female drinkers in 2012/13 reported experiencing financial harms from their drinking. This equated to 165,000 drinkers.⁶⁷ Increasing any further financial impacts, through BNPL, would be unacceptable.
122. From the Ministry of Business, Innovation and Employment discussion document on BNPL, results from a survey conducted in January 2021 showed that 63% of BNPL consumers were extremely, or somewhat concerned, about their level of debt compared with 38% of the general population. Data covering around 35 to 40 per cent of the New Zealand BNPL market, suggested that consumers who had both BNPL and credit cards were more likely to be in arrears with their credit card debt (late or missed instalments) compared to consumers who only hold credit cards.⁶⁸

On-licence hours

123. Of the mechanisms available in a LAP, restricting the trading hours of licensed premises is likely to have one of the greatest impacts on reducing harm.^{69,70} This is because a consistent and strong body of high-quality evidence has demonstrated the impact of on-licence trading hours on alcohol-related harm.
124. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs may reduce the potential for appeals to the entire element, but recognise this is yet to be tested.
125. Alcohol Healthwatch **supports** the proposed (continuation of) on-licence closing hour of 1am. Research shows that late trading hours increase the amount of time alcohol can be consumed and a patron's level of fatigue, lowering their ability to inhibit aggression.⁷¹
126. Alcohol Healthwatch **does not support** the proposed on-licence opening hour of 7am. This opening hour is outside the national maximum on-licence trading hours of 8am to 4am.
127. Alcohol Healthwatch **supports** the discretionary conditions for on-licences in the proposed LAP.

Club licences

128. Club licences, in particular those held by sports clubs, have been shown in research to contribute to the risky drinking behaviours among participants at the club.⁷²
129. In addition, club licence density in New Zealand has been shown to be significantly associated with higher levels of violence and a range of alcohol-related offences.^{45,73} In New Zealand, the effects of club licence density on violence are shown to be stronger in areas with low populations (e.g. rural areas and small towns).⁴⁵ Analysis of Pasifika youth drinking patterns in New Zealand found that participation in a sports team or club outside of school was independently associated with increased risk of binge drinking.⁷⁴
130. Alcohol Healthwatch **recommends** maximum trading hours of 9am to **1am** the following day for club licences. We note the present typo in the draft policy which states 1pm the following day.

131. Club licences have fewer obligations than on-licences, as they are afforded some leniency under the Act. Minors are also present in the drinking environment. For these reasons, club licences should not have the same privileges as on-licence taverns, without operating under the same conditions as these premises. Clubs seeking a level playing field with taverns should seek a tavern licence.
132. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs may reduce the potential for appeals to the entire element, although we recognise it is yet to be tested in the appeals process.
133. Alcohol Healthwatch **supports** the discretionary conditions for club licences, particularly the requirement for a certified manager to be on duty at particular times and circumstances.

Special licences

134. Alcohol Healthwatch **do not support** special licence trading hours being determined on a case by case basis. We recommend that maximum trading hours for special licences be specified in the LAP.
135. I/we support a guideline of **8am** to 1am the following day as maximum trading hours for special licences. A 7am opening hour is outside the national maximum hours for on-licences.
136. Any extension of trading beyond these guideline maximum hours should only be issued in exceptional circumstances as determined by the District Licensing Committee.
137. Alcohol Healthwatch **supports** the discretionary conditions for special licences.
138. Alcohol Healthwatch **recommends** a discretionary condition for any event with over 1000 attendees (or as otherwise considered appropriate), to require an Event Alcohol Risk Management Plan.
139. Alcohol Healthwatch **strongly recommends** the Council adopt special licence provisions that protect children in the region, mirroring the approach used in Wairoa. The Wairoa District Council Local Alcohol Policy requires that:

Licences will not be granted for child-focussed events. A child focussed event is an event that is centred around minors. This includes but is not limited to galas, children's sports games, school kapa haka events, etc.

Monitoring, evaluation, and review

140. Alcohol Healthwatch **recommends** the Council develop a monitoring and evaluation plan for the LAP. It is important that monitoring occurs throughout the six-year duration of the LAP, with results regularly reported to Council.
141. Alcohol Healthwatch suggests to every Council to include a broad range of indicators in a monitoring and evaluation plan, e.g.:
- number/rate of alcohol-related police events (e.g. drunk custodies, breach of liquor ban, late night assaults, drink-drive offences);
 - alcohol-related Emergency Department presentations, wholly-alcohol attributable hospitalisations, ambulance pick up data;
 - crash-analysis data (single, night time vehicle crashes);
 - alcohol consumption data (annual New Zealand Health Survey)

- feedback from community members and local enforcement agencies (licensing inspectors, Medical Officer of Health, and Police).
142. However, Alcohol Healthwatch **recommends** a cautious approach to interpreting monitoring and evaluation data. Changes in reporting practices around alcohol-related Emergency Department presentations, for example, could indicate a higher number of presentations due to more consistent data collection practices. Some indicators may require a longer lead time before harm reductions become detectable, for example alcohol-related chronic diseases may take a long time to show any change. However, some alcohol-related chronic diseases (e.g. gastritis) may be more responsive to short term changes in the regulation of licensed environments.
143. As stated earlier, the pandemic will greatly affect alcohol use in the coming years. Having up-to-date data is essential to monitor trends in alcohol harm, with the option to bring a review of the LAP forward if necessary.

Conclusion

144. Alcohol Healthwatch **supports** many provisions in the draft LAP, but recommends some additional protections to be put in place for the duration of the policy. These measures will help minimise the harms from alcohol, especially those exacerbated by the effects of the global health pandemic.

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Submission ID: 4715

Name: SVVAPP Holdings Limited

Wish to speak to submission: Yes

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

See full submission

Attachment: Yes

08 September 2022



To

By Email: consult@waidc.govt.nz

The Corporate Planner

Waikato District Council

Submission – Draft Local Alcohol Policy 2022

Submitter : SVVAPP Holdings Limited T/a “The Bottle-O Tuakau”
Physical Address : 
Contact Person : 
Presenting in person : YES

Summary:

SVVAPP Holdings Limited submits **THAT** it **opposes**:

- 1) Clause 5.6.1.i – Opposition on the inclusion proposed Clause 5.6.1.i “buy now, pay later” as an additional discretionary condition for off-licences in Waikato District.

Our opposition is to the **proposed wordings of the clause** and not its intent.

SVVAPP Holdings Limited further submits **THAT**:

- 2) Clause 5.6.1.i be removed with a note to wait for further directions from MBIE on the issue of “Buy Now Pay Later”, and
- 3) A Definition be included for “Customer” as interpreted by Consumer Guarantees Act 1993

Detailed Submission:

As part of consultation for reviewing its Local Alcohol Policy, Waikato District Council undertook an early engagement process on the proposed draft. We submitted on the questions asked at the time.

The proposed clause 5.6.1.i was not included in the early engagement process. This clause is a later inclusion¹. The proposed clause currently reads as:

*“Licencees are **prohibited** from accepting 'buy now pay later' as a method of payment for the sale or supply of alcohol to **any customer** whether remotely or on premises, **regardless of whether** the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card.”*

¹ [220801-p-r-open-agenda.pdf \(waikatodistrict.govt.nz\)](#) – Ref page 44 and 47 of the agenda

The above wordings of the clause are concerning. The draft policy does not identify or include a formal definition of terms/words:

- a) "Customer" or "Any Customer"
- b) "Buy now pay later"

To ensure we make an informed submission, clarifications were sought through our agents on the definitions of the above two terms from WDC.

WDC response is:

"As we have already commenced our formal consultation on the Local Alcohol Policy (LAP), we are unable to provide definitions for 'buy now pay later' and 'customer'. However, we welcome any comments, amendments or additions (including definitions) by way of submission on the LAP."

"The definitions were not included as part of the draft LAP so unfortunately, there aren't any official definitions."

Issues:

Issue 1 – Trade Disruption

Currently there are 153 licensed premises² within Waikato Region. Of these there are 64 on-licences, 46 club-licences and 43 off-licences.

Almost all of these licensed premises have trade agreements or supply arrangements either directly or indirectly through various suppliers. For a number of trade reasons, majority of them have inter-supply arrangements within the district from other licencees. E.g., A Bottle-Store would supply on wholesale basis to a club or an on-licensed premises. Typical examples include:

- 1) Golf-clubs
- 2) Restaurants
- 3) Corporate accounts
- 4) Sports clubs and bars
- 5) Trade accounts – A bigger trade entity supplying a smaller trader
- 6) Special Events – like charity events or annual events

The trade payment terms would normally be agreed as per standard industry practice which will be on some form of credit from the suppliers. i.e., Supplied Now and paid at a later date as per the industry practice. These arrangements will typically be known as "On-Account Customers". The arrangement may also include products which are on the basis of sale or return. The "On-Account Customer" will generally be GST registered entities.

The current wording of the clause is problematic as it does not distinguish between a standard day to day customer and a trade customer. In other terms a Business-to-Business (B2B) trade arrangements will be captured within the existing wordings of the clause.

² Refer – WDC Local Alcohol Policy Review Research Report – July 2022 – Page 7

The wordings of the clause appear to be unreasonable and will have unintended consequences including significant impact on the businesses caught by the wordings of the condition where there is not an issue identified.

There are some examples of the definition of customer / consumer which can form the basis for defining a customer for the purposes of this review of Local Alcohol Policy.

Under the Consumer Guarantees Act 1993³, Clause 2 (1),

consumer means a person who –

- (a) *acquires from a supplier goods or services of a kind ordinarily acquired for personal, domestic, or household use or consumption; and*
- (b) *does not acquire the goods or services, or hold himself or herself out as acquiring the goods or services, for the purpose of—*
 - (i) *resupplying them in trade; or*
 - (ii) *consuming them in the course of a process of production or manufacture; or*
 - (iii) *in the case of goods, repairing or treating in trade other goods or fixtures on land*

Trade customers / consumers are not included in the above interpretation.

It is assumed that WDC's intent to suggest exclusion of "buy now pay later" was aimed as "consumers" as defined above. If so

It is submitted **THAT**:

- 1) a definition of Customer on the above lines be included in the adopted Local Alcohol Policy which excludes Business to Business (B2B) entities.

Issue 2 – The intent of the clause

WDC by way of inclusion of this clause in its current form has made it clear of its intention to support the initiatives for reduction of alcohol harm in the district.

However, it appears the late inclusion of the clause is a spot reaction to the recent media attention brought to notice of a not so popular industry practice of accepting payments through various merchants offering "buy now pay later" services.

Again, the wordings do not identify the definition of "buy now pay later". The inclusion of words "*regardless of whether the buy now pay later is executed through a third party or not*" is ambiguous and presents a challenge on its own.

A typical "buy now pay later" type schemes will be characterized in a category where loan is offered to a customer at the point of sale by the services provider so they can make a purchase on credit but without a credit card. Soft credit checks may or may not be undertaken by these merchant service providers.

³ <https://www.legislation.govt.nz/act/public/1993/0091/24.0/DLM311058.html>

The WDC draft policy documents does not include any risks assessments or detailed data specifically attributed to the harm associated with such “Buy Now Pay Later” services offered through various merchant services.

Generally, there will be very few licensed outlets offering such “Buy Now Pay Later” services. There is no data available or included for the purpose of this consultation. It appears to be a response to a perceived issue without any evidence of the nature, scale or impact of the issue.

We are also aware the discussions are currently underway within the MBIE for this particular issue.

By inclusion of such clause without a detailed assessments and with missing interpretations and definitions, WDC runs the risk of adopting something which may be contradicting to a future overarching rule / law within the specified/relevant Acts or regulations.

Inclusion of “Buy Now Pay Later” can be included as advise note on for the licencees that its Waikato DLC’s view that such services encourage abuse of alcohol and provision of such merchant services by licencees is discouraged.

It is submitted **THAT:**

- 2) WDC holds the inclusion of “buy now pay later” clause and wait for further directions from the MBIE on this issue.

Further suggestions:

- 1.) Clause 5.2.2 – Cap on Bottle-Stores off-licencees only

We submit that the cap limits be extended to all new off-licencees. The proposed restriction on new off-licencees for bottle stores only is discriminating.

When assessing the effects or number of off-licencees within the catchments, supermarkets or pubs and bars are included in the data⁴. However, the proposed wordings suggest that it alright to have any number of off-licencees (other than a bottle Store) within close proximity to other licensed premises as far as elements of clause 5.2.1 of draft LAP are met.

Conclusion:

For the reasons explained above, our submission for the purpose of this Draft LAP is **THAT:**

- 1) **Clause 5.6.1.i be removed with a note to wait for further directions from MBIE on the issue of “Buy Now Pay Later”, and**
- 2) **Definition be included for “Customer” as interpreted by Consumer Guarantees Act 1993**

Sincerely

For SVVAPP Holdings Limited



⁴ Refer – WDC Local Alcohol Policy Review Research Report – July 2022 – Page 7

Submission ID: 4716 LATE SUBMISSION

Name: The Bottle - O Te Rapa

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

No option selected

Do you have any other comments to make on the draft Local Alcohol Policy?

The proposed draft currently reads as:

“Licensees are prohibited from accepting 'buy now pay later' as a method of payment for the sale and supply of alcohol to any customer whether remotely or on premises, regardless of whether the 'buy now pay later' is executed through a third party or not. This condition does not apply to payments made by a standard bank credit card.”

The wordings of the above clause do not differentiate between a trade customer and a day-to-day customer.

We submit that this clause be removed from the draft LAP pending further review from MBIE or other authorities.

Attachment: No

Submission ID: 4726 LATE SUBMISSION

Name: St Stephen’s Tamahere Church

Wish to speak to submission: No

What is your preferred option for the future of the Local Alcohol Policy?

Option 2

Do you have any other comments to make on the draft Local Alcohol Policy?

n/a

Attachment: No