

7.4 LOCAL ALCOHOL POLICY - APPROVAL TO CONSULT

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WHAKARĀPOPOTOTANGA

EXECUTIVE SUMMARY

1. Council has completed extensive research to inform the review of the 2017 Local Alcohol Policy (the LAP), which is included in the Social Impact Assessment (SIA). The evidence in the SIA indicates that alcohol-related harm is still a significant issue in Porirua and that the communities' wellbeing and safety should be prioritised. The assessment also highlights that Council has the opportunity to strengthen efforts in reducing alcohol harm in Porirua City through changes to the Local Alcohol Policy.
2. This report recommends that Council consider a new Local Alcohol Policy with policy measures that could have greater impact in reducing alcohol-related harm. These measures are based on an equity-led and harm minimisation approach.
3. We propose the following policy measures for consideration in the draft LAP:
 - Introduce priority areas targeting those most vulnerable to alcohol harm.
 - Introduce density specific measures in the priority areas.
 - Restrict and customise hours of sale to on and off-licences, priority areas and to the rest of the city.

KAUPAPA

PURPOSE

This paper seeks approval to consult on the recommended options included in the draft Local Alcohol Policy.

NGĀ TŪTOHUTANGA

RECOMMENDATIONS

That Te Puna Kōrero:

1. Receive this report, including the supporting evidence in the SIA.
2. Approve the Statement of Proposal and draft Local Alcohol Policy for consultation.
3. Agree that formal consultation will take place from 10 December 2024 to 7 March 2025.
4. Agree to delegate authority to the Chief Executive to make minor editorial changes to the Statement of Proposal prior to publication.

Reports contain recommendations only. Refer to the meeting minutes for the final decision.

HE WHAKAMĀRAMA BACKGROUND

1. Under the Sale and Supply of Alcohol Act 2012 (the Act) Councils can adopt a LAP to regulate the sale and supply of alcohol within their city or district.
2. Councils are required to consult the Police, the Medical Health Officer in the district and local licensing inspectors when developing or reviewing their LAP³.
3. Communities can be involved in the development or review of the LAP through the public consultation process, allowing them to influence local alcohol availability.
4. The benefit of adopting a LAP is that, once it is in force, a council-appointed District Licensing Committee (DLC) must consider it when making decisions about alcohol licensing applications⁴.
5. By having a LAP, communities can:
 - Limit the location of licences in particular areas or near certain types of facilities such as, in specific neighbourhoods or near schools or churches (this doesn't apply to special licences)
 - Limit the density of licences by specifying whether new licences or licence types should be issued in a particular area (this does not apply to special licences)
 - Impose conditions on groups of licences, such as a 'one-way door' condition that would allow patrons to leave premises but not re-enter after a certain time.
 - Restrict or extend the maximum opening hours set in the new Act.
6. The Alcohol Regulatory and Licensing Authority (ARLA) must also have regard to the LAP (including a range of other matters) when making decisions about alcohol licensing matters.
7. A recent amendment to the Act has removed the ability for parties to appeal provisional policies to the Alcohol Regulatory and Licensing Committee, making it easier for communities to have a say in alcohol licensing decisions.
8. Porirua has 82 alcohol licences. Twenty-one are for clubs, 29 are for off licences (where alcohol is taken off the premises) and 31 are for on licences (where alcohol is consumed on the premises). While the number of licences has declined slightly over the last five years (by 2), the number of licences in areas of high deprivation has stayed the same. Thirty-four of the licences are in high deprivation areas and make up 47 per cent of all licences in Porirua⁵.

Review and consultation

9. The Act provides councils with guidance on what must be considered during the development and review of an LAP. When creating a LAP, territorial authorities are required to consider:
 - The objectives and policies of the District Plan.
 - Demographics and health indicators of residents and demography of visitors.
 - Numbers of existing licences in the district, and location and opening hours of each.
 - Areas where bylaws prohibit alcohol in a public place.
 - The nature and severity of alcohol-related harm in the district⁶.

³ S78(4), Sale and Supply of Alcohol 2012

⁴ Pursuant to section 108 of the Act, a licence may be refused if, in the opinion of the DLC, the issue of the licence, or the consequences of the issue of the licence would be inconsistent with a relevant LAP.

⁵ Data as at August 2024. SIA, Pages 14-19.

⁶ These matters have been addressed by the Council in the SIA.

10. Council must follow the Special Consultative Procedure (SCP) in reviewing a LAP. A statement of proposal forms the basis of consultation for a SCP. It outlines the purpose of the consultation and the scope of decisions to be made after views have been considered.
11. The statement of proposal is attached as Attachment 1.
12. The proposal includes:
 - a. the draft LAP;
 - b. a summary of proposed changes to the existing LAP and the rationale of considering these;
 - c. information on the consultation process and how to make a submission.
13. After consultation, a council must give public notice of the LAP.⁷ The LAP is adopted 30 days after it is publicly notified (some provisions require three months' notice before coming into effect)⁸ and must be submitted to ARLA.

Social Impact Assessment (SIA)

14. The purpose of the SIA report is to inform the review of the Local Alcohol Policy (LAP). This report has been prepared to assist the Council and community to decide whether changes should be made to the LAP, based on specific evidence relating to alcohol in both a national and local context.
15. The SIA:
 - a. Discusses the impacts of alcohol harm and alcohol-related problems for Porirua, focusing on community wellbeing, in terms of culture, economy, health and the environment.
 - b. Assesses the operation of the current LAP and how it is addressing the negative impacts of alcohol while also balancing the benefits.
 - c. Helps the Council meet the legislative requirements of the review under the Act and the Local Government Act ('the LGA').
 - d. Suggests options for changes to better meet the objective of the Act, which is largely to provide for the safe and responsible sale, supply, and consumption of alcohol and the minimisation of harm caused by its excessive or inappropriate use.
16. In preparing the SIA, the Council undertook pre-engagement which included public and targeted surveys and targeted community information gathering sessions. We also sought the feedback and input of the New Zealand Police, the regional Medical Officer of Health and the Porirua City Council alcohol licensing officers. We also sought the data sources from multiple Central Government agencies.
17. The evidence base is large, and covers a broad range of data, both specific to our communities in Porirua, and in a wider national and international context. We looked through literature and evidence in the following areas:
 - Theories and evidence of the impact of alcohol harm
 - Evidence of policy levers and interventions to improve alcohol harm
 - Presentations for alcohol-related injuries
 - Hospital stays for long-term health issues due to alcohol
 - Victimisations and incidences caused by alcohol
 - Evidence collected from Porirua communities

⁷ S80, Sale and Supply of Alcohol Act 2012

⁸ S81, Sale and Supply of Alcohol Act 2012

- Impact of alcohol harm nationally and in Porirua
- Porirua demographics
- Health impacts
- Social impacts (crime)

Key findings

18. We acknowledge that many people enjoy the social aspects of consuming alcohol which also benefits hospitality and retail businesses. For most, having a drink with dinner or at social events, has little impact to themselves or others around them.
19. However, there is evidence to show, that there is a minority group in the community who do drink harmfully and/or hazardously. For these people, the impact of alcohol consumption is far-reaching in terms of health and social implications. We also know that these impacts extend to those around them, particularly partners and tamariki. Identifying these vulnerable groups is important in order to fulfil Council obligations under the Act, especially in regards to the minimisation of alcohol harm.
20. Unfortunately, alcohol harm predominantly affects our lower socio-economic groups however this does not mean it doesn't exist in other parts of the community. Māori within Porirua City have a higher proportion of residents in the top decile of deprivation. Research indicates that alcohol advertising adversely influences young people, leading to worse outcomes the earlier they begin drinking.
21. While it is positive to see signs of a decline in the proportion of people drinking (particularly a drop in harmful drinking), as well as an apparent decline in young people drinking, it is important that we continue to do what we can to reduce alcohol harm in Porirua.
22. The full SIA is included as Attachment 2.

Regional connections in alcohol policy and regulation

23. In the Wellington region (Upper and Lower Hutt, Wellington, and Porirua) it is well-known that many people from outside of Wellington City consume alcohol before heading into the city, for its popular night life and extensive hospitality options. This common social practice increases the risk of alcohol-related harm for Wellington City.
24. We acknowledge that there are benefits for Porirua City to explore a more aligned and collaborative approach with our regional colleagues to alcohol regulation.
25. However, the timing at this stage is not aligned for the region to develop a unified approach to a LAP. Officers will maintain close connections with our regional counterparts for future collaboration.

NGĀ MATAPAKI ME NGĀ KŌWHIRINGA

DISCUSSION AND OPTIONS

Introduction

26. The SIA supports recommendations that Council should consider developing additional policy measures to effectively reduce alcohol harm, prioritising targeted approaches for the most vulnerable population.
27. The evidence and research also strongly suggest that:
 - Porirua has persistent issues relating to alcohol harm.
 - There are higher risk factors and disproportionate alcohol harms in areas of high deprivation. Off-licences, in particular, are associated with disproportionate harm for some communities.

- The current LAP has had little impact on reducing or preventing alcohol harm. Some of the suburbs that have high levels of alcohol harm (crime, victimisation, alcohol-related health issues) also have high numbers of alcohol licences, in particular off-licences.
28. Council acknowledges that hazardous drinking⁹ happens in all communities and that alcohol harm does not discriminate, it impacts all communities in some way and those impacts are often not due to peoples own drinking but the hazardous and harmful drinking of others.
 29. That said, the evidence suggests that there are disproportionate impacts on some communities more than others and for equity to be achieved as a community, policy options must look to find better ways to reduce the impacts of alcohol to better support those communities most vulnerable to alcohol harm.
 30. Council has responsibility to encourage the safe sale and supply of alcohol from our local businesses and the industry, this also means we have responsibility to identify which communities are most at risk of alcohol harm and consider whether these areas are suitable for alcohol licences.
 31. People that don't drink harmfully will still have access to alcohol through both on and off-licences across the city. The proposed restrictions may require changes to how our community are purchasing alcohol but are intended to reduce harm for the most vulnerable.
 32. The evidence also recognises that most people drink responsibly, and that the alcohol industry is a key part of the local economy. Porirua has a strong hospitality industry, and the future growth of the city provides significant opportunity to continue developing this area.
 33. The proposed policy options included below are based on an equity-led and harm minimisation approach to reflect the research and evidence included in the SIA¹⁰. The options consider opportunities to balance the economic and growth opportunities for Porirua while maintaining a harm reduction approach within the areas more vulnerable to alcohol-related harm.
 34. More broadly, the proposed options aim to support:
 - The reduction of off-licences over time in areas of the city most vulnerable to alcohol harm.
 - Making alcohol less accessible in areas vulnerable to alcohol harm.
 - Provide a wider range of discretionary conditions to tackle key issues identified for particular licence applications.
 - A balanced approach between protecting those most vulnerable with future growth and hospitality.
 35. Under the Act the DLC must consider the LAP and may refuse to issue a licence that is inconsistent with a LAP or may impose conditions on a licence for consistency with a LAP.
 36. However, it is important to remember that this Committee assesses alcohol licence decisions on a case-by-case basis as well as considering the rules set out in the LAP. For example, should an LAP outline priority areas that have greater restrictions on alcohol, they can still

⁹ 'Hazardous drinking' refers to an established alcohol drinking pattern that carries a risk of harming the drinker's physical or mental health or having harmful social effects on the drinker or others. It is determined by using the World Health Organisation's AUDIT⁹ checklist - a score of 8 or more indicates hazardous drinking.

¹⁰ Refer specifically to sections on:

- Alcohol harm in Porirua pages 25-32
- Alcohol and young people pg 43
- Alcohol advertising pg 43-44
- Impact of alcohol on Pacific and Māori communities pages 47-48
- An equity based policy and harm reduction approach pages 57 and 58

consider applications in these areas if there is a good reason to do so. This is relevant in new growth areas which may benefit from a new restaurant or supermarket, for example.

37. The current LAP includes principles to help guide the DLC when considering discretionary conditions only. These principles may be updated based on feedback received from the community.

OPTIONS

GENERAL POLICY OPTIONS

Focus area one: Establishing priority areas

38. The LAP can establish specific priority areas in particular suburbs within the city that show higher instances of alcohol-related harm. If established, these areas can then have specific conditions to better manage the sale and supply of alcohol. Suburbs outside of these priority areas could then have less restrictions if this was deemed appropriate. Examples include reduced hours, tighter density provisions, sinking lid provisions and/or restrictions on the total number of alcohol premises.
39. Potential priority areas have been identified as suburbs who score highly in two or more of the following risk factors:
 - High density of alcohol licences
 - Socioeconomic deprivation levels between 8-10¹¹
 - Evidence of high rates of victimisations from police data (these are higher than the rest of the city)¹².

Option 1: Status Quo

40. Council has the same rules in place across the entire city, and does not include any priority areas. This approach takes a blanket view to alcohol rules across a wide range of demographics and does not specifically target those that may be most vulnerable to harm. Continuing to take this approach is not recommended, particularly as the city grows, placing the same restrictions across the city may not be appropriate.

Option 2 (recommended option): Establish priority areas

41. Based on the data available against the criteria priority areas to consider, include:
 - a. Porirua City Central
 - b. Titahi Bay
 - c. Rānui /Mungavin¹³
 - d. Cannons Creek
 - e. Elsdon-Takapūwāhia
42. Under the Act, councils must ensure that the consumption of alcohol is undertaken safely and responsibly, and that alcohol-related harm should be minimised.
43. In Porirua, there are a significant proportion of people who are highly deprived and a significant proportion at the other end of the scale who experience low deprivation, with very few in the middle.

¹¹ <https://www.ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/>

¹² <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>

¹³ Mungavin is referred to as Cannons Creek East in the statistical areas 2 NZDep2018.

44. Evidence shows that residents with high deprivation are more likely to experience poor outcomes across a range of health and wellbeing measures and are more likely to experience alcohol-related harm¹⁴.
45. Refer to Attachment 1 (page 40) for a map of the priority areas, including the location of currently licenced premises.

Focus area two: Sensitive site definitions

46. Sensitive sites are places where the target users have been identified as having a greater vulnerability than the public generally to alcohol-related harm as an outcome from direct exposure to alcohol. For example, children and young people and people who are receiving treatment for drug and alcohol addictions.
47. The evidence gathered through the SIA indicates that the current sensitive site provisions have been largely ineffective largely as they cannot apply to any licences issued before the 2017 LAP was introduced. This means that some existing licences are exempt from those provisions.
48. However, following amendments to the Act in 2023¹⁵ and the removal of the reverse sensitivity clause¹⁶, (Clause 7.2(d) of the current LAP) new sensitive site provisions will now apply to all licence types and applications. This covers new licence applications and the renewal of licences, including licences issued prior to 2017. Under the current LAP settings, supermarkets do not have to meet these requirements.
49. In addition to the amendments to the Act, there are several other options for Council and the community to consider which could take a more targeted approach to alcohol harm reduction.

Option 1: Status Quo (recommended)

50. The current sensitive sites are defined as:
 - a. A school (which does not include early childcare or kindergartens).
 - b. A drug and/or alcohol treatment service provider.
51. The main purpose of introducing sensitive site provisions is to ensure the exposure of alcohol to vulnerable communities is managed appropriately. This is why the current sensitive site provisions focus is on school-age children and people accessing alcohol and drug treatment services.
52. As noted above, amendments to the Act mean that the current provisions will now be applied to all licence applications, whereas previously they did not apply to any licences issued prior to 2017. The changes to the Act alone mean that the current provisions, as they will apply to more licences, will likely have greater effect on reducing alcohol exposure and offer more protection to tamariki and rangatahi than they have previously.
53. Subsequently, any application lodged will be assessed against their proximity to sensitive sites and if required by the Alcohol Licensing Inspector, the applicant must also complete an Impact Assessment. This aims to address the impact of alcohol exposure and any proposed mitigation of the exposure, and provide reasons that:
 - a. the users of the sensitive sites are unlikely to be directly exposed to the sale or supply of alcohol and its related activities; or
 - b. any exposure can be mitigated by the applicant to a minor or less than minor exposure.

¹⁴ SIA, pg 42-49, 'Literature review on alcohol harm'

¹⁵ (the Sale and Supply of Alcohol (Community Participation) Act 2023)

¹⁶ Reverse sensitivity: Proximity to a sensitive site will not be considered for new licence applications for premises for which an existing licence is held at the date of the application, unless the nature of the application differs significantly from the current licence. This is to protect the pre-existing use rights in those premises.

54. Refer to Attachment 1 (page 41) which provides a map of the current options as well as options available for sensitive sites.

Option 2 – Extending definition of sensitive sites to include Early Childhood Education Centres.

55. This option suggests Council retains the current defined sensitive sites and extends the definition to include:
- a. Early Childhood Centres (any centres registered with Ministry of Education and/or Kohanga Reo NZ)
56. This option would provide more protections for one of our vulnerable groups, children and young people, who are can be vulnerable and at risk of alcohol-related harm, through the exposure of alcohol and alcohol advertising. Extending the sensitive site provisions could extend the protections and lower the exposure to children under the age of five and closely aligns with our strategic priority of keeping rangatahi and tamariki at the heart of our city.
57. A disadvantage of this option is that there are many Early Childhood Centres (ECE's) facilities in Porirua and it could be overly burdensome for current and new licencees to be reviewed against ECE's in Porirua. ECE's were specifically excluded from the current policy during the previous appeals process as there are more ECE facilities in Porirua and private establishments are able to open relatively easily across Porirua without the consideration of what licensed venues may be within close proximity. The process to establish primary, intermediate and high schools are somewhat more rigorous and are less likely to have a significant increase in numbers.

Option 3: Include additional sensitive sites

58. This option includes:
- a. Early Childhood Centres (any centres registered with Ministry of Education and/ or Kohanga reo NZ)
 - b. Pharmacies
 - c. GP offices
 - d. Maraes
 - e. Churches
59. The benefit of this option is that it may provide greater protections to spaces of cultural and spiritual importance.
60. The disadvantage is similar to option 2 where the numbers of sensitive sites increased to a point where it becomes overly burdensome for current and new licencees to be reviewed against the sensitive site provisions. It may also have an impact on limiting economic opportunities for businesses in Porirua.

Focus area three: The radius of sensitive sites

Option 1: Status quo (recommended)

61. The radius of current sensitive sites is:
- a. 100m radius from a school
 - b. 100m radius from the location of a drug and/or alcohol treatment service provider.
62. There is insufficient evidence to suggest that the current radius is ineffective. Other proposed conditions in the LAP will help support minimisation of alcohol-related harm, i.e., by reducing advertising and hours.

Option 2: Extending the sensitive site radius

63. Council could also consider extending the 100-meter radius proximity to a 200-meter radius.
64. Extending the sensitive site radius to 200 meters is unlikely to be favoured by local licence holders especially if supermarkets are to be included. The risk for businesses is that applying sensitive site provisions to a 200-meter radius means some licences including existing licenses are more likely to be declined. This would likely have a greater impact on the licences located within the City Centre as there are more health facilities and a higher density of alcohol licences located there.

OPTIONS RELATING TO OFF-LICENCES

65. The data suggests that off-licences in areas of high deprivation are more problematic for Porirua City than other types of licences.
66. Off-licences supply alcohol for people to drink in their homes and at private events, allowing unrestricted drinking at any time. In comparison, at an on-licence venue (bar or restaurant) measures can be taken to reduce risk factors associated with hazardous drinking by introducing discretionary conditions that target hazardous drinking behaviours during the hours of sale set for these venues. However, off -licences lack such controls, leading to greater risk and harm, including family violence and addiction, which can affect others beyond the drinker.

Focus area one: Maximum trading hours

67. A reduction in the hours of trade is aimed at minimising harm by assessing when alcohol is available to purchase in relation to incidents related to alcohol-harm.
68. For off-licences, there are certain times of the day where alcohol has higher sales. A recent survey of Porirua licence holders shows that most alcohol purchases happen between 5pm and 8pm. The hours of the highest trade are not necessarily the hours where the most vulnerable are purchasing their alcohol, nor the hours where the most anti-social behaviour is occurring.
69. The SIA provides sufficient evidence to reasonably suggest exploring the reduction of hours of alcohol sales.
70. Potential reductions in hours could be restricted to licence type. For example, one option is to look at reducing off-licences across the city or specifically applying reduced hours just to the priority areas.

Option 1: Status quo

71. Porirua's current LAP alcohol licence hours for off-licences are:

Licence type	Hours
Off -licence Includes bottle stores, supermarkets, and grocery stores	7am-10pm
Remote off-licence	Any time on any day Deliveries to customers must be made between the hours of 7am-10pm.

72. The evidence in the SIA indicates that there are instances of alcohol-related harm during some of these hours and the availability during these hours is more likely to be contributing to hazardous drinking and alcohol-related harm.

Option 2: Reduction of off-licence hours (recommended option):

73. This option would look to apply the following hours to all off-licences city wide:

Licence type	Hours
Off-licence Includes bottle stores, supermarkets, and grocery stores.	Between 9am-9pm
Remote off-licence	Purchase: Any time on any day Delivery: Between 9am-9pm Deliveries to customers must be made within these hours.

74. A reduction in the hours of trade is aimed at minimising harm by assessing when alcohol is available to purchase in relation to incidences of alcohol-related harm.
75. The reduction in the early morning hours is to provide some protection to the exposure of alcohol to vulnerable young people traveling to and from school in the morning hours and closely aligns with our strategic priority of keeping rangatahi and tamariki at the heart of our city.
76. Regarding the later hours, evidence points towards hazardous alcohol purchasing habits occurring during these times¹⁷.

Option 3: Reduction of off-licence hours for priority areas only

77. These hours could be applied to off-licences within the priority areas only.

Licence type	Hours
Off -licence Includes bottle stores, supermarkets, and grocery stores	Between 9am-9pm
Remote off-licence	Purchase: Any time on any day Delivery: Between 9am-9pm Deliveries to customers must be made within these hours.

78. However, hazardous drinking overall is less likely to be addressed with this option as late-night purchases and deliveries could still occur in other parts of the city.

Focus area two: Introduction of sinking lid regulation and new off-licences

79. A sinking lid regulation takes a proactive approach to the reduction of alcohol harm by placing a ban on any new off-licences¹⁸. The primary aim of this approach is to decrease the number of off-licences over time in order to prioritise the reduction of alcohol related harm.
80. A sinking lid can be applied city-wide or targeted within identified priority areas.

¹⁷ Refer to pages 45, 55 and 56 of the SIA.

¹⁸ The DLC assess applications on a case-by-case basis. As per other options, the DLC could agree to grant a new licence if there was reasonable evidence to suggest that the impact of alcohol related harm could be reasonably mitigated.

81. There are also other relevant examples of alcohol licence bans or freezes in other LAPs in NZ. Both Hastings/Napier and Western Bay of Plenty District Council have a 'no further bottle store restriction' in three suburbs that were deemed most vulnerable to future alcohol related harm¹⁹.
82. Auckland City Council's LAP also has a temporary two-year freeze on any new licences in their priority areas and city centre. They also have a rebuttable presumption against the issuing of new off-licences in neighbourhood centres. This means that no new off-licences will be granted unless they meet a high threshold²⁰.
83. In 2023, Council adopted a new Class 4 Gaming and TAB Venues Policy which applied a comprehensive sinking lid. This decision meant that there is now a ban on any new gaming machine venues from opening as well as any new machines being installed. Linkages between problem gaming and alcohol is discussed further in the SIA²¹.

Option 1: Status Quo

84. There are no restrictions on new off-licences currently.
85. This option is least likely to have any impact on alcohol harm reduction and will not provide the community with assurances that bottle stores will not keep applying to establish in areas where our community are more vulnerable to alcohol harm.

Option 2: Sinking lid on any new off-licences in established priority areas (recommended option)

86. This option means that Council will likely not issue any new off-licence applications for bottle stores, supermarkets, or grocery stores within the priority areas. Unlike a cap, this option does not allow new businesses to take over existing licences.
87. The primary aim of a sinking lid to reduce the number of off-licences over time. Given that forty-seven per cent of all alcohol licences in Porirua are currently located in areas of high deprivation, there is rationale to explore targeted restrictions that seek to actively limit the accessibility and availability of alcohol in these areas.
88. The evidence provided by Police also suggests that there are higher instances of alcohol related crime in priority areas, in particular Porirua Central which has a high density of licences as well as high rates of victimisations. Data received from Police indicated that crime in the CBD was a significant concern and also highlights the prevalence of anti-social behaviour²².
89. This option also provides communities with reassurances that new off-licences are unlikely to be approved. Evidence shows that many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process. If Council is taking a more targeted approach to reducing alcohol harm, then including this option means that these communities do not need to worry about new bottle stores popping up in their neighbourhoods and exacerbating alcohol harm in their communities.
90. Should Council agree to actively reduce availability of alcohol in priority areas, it will have an impact on businesses whose primary purpose it is to sell alcohol. This option means that if any of the current off-licences operating in the priority areas were to change ownership, they

¹⁹ Hastings District & Napier City Councils Local Alcohol Policy <https://www.hastingsdc.govt.nz/assets/Uploads/Local-Alcohol-Policy.pdf>

²⁰ A rebuttable presumption is taken to be true unless it is contested and disproved by evidence satisfying the requisite standard of proof (Practical Law, Thomson Reuters 2024). In this circumstance the presumption is against the issuing of any new licences unless the applicant can prove otherwise.

²¹ SIA pg 31

²² SIA, pg 30

may not be granted a new licence²³. There are currently 11 off-licences in total located within priority areas.

91. At the next review, there will be the opportunity to assess whether a sinking lid has been effective in regards to reducing alcohol related harm and if other measures should be explored, including a cap.

Option 3: Sinking lid on any new off-licences city wide

92. The advantage of this option is that it would essentially ban any new off-licences city wide. Meaning there would be a likely decrease in alcohol licence numbers over time across the whole city, which is likely to result in a decrease in alcohol related harm for communities in Porirua.
93. The disadvantage of this option is that it can also limit the economic growth opportunities for the city and local businesses. A city-wide ban on new off-licences is likely to gain public and media attention. As noted previously, one potential consideration is looking at the value of supporting economic growth in new areas of development that may benefit from a new supermarket.
94. A city-wide ban would also mean the priority areas would be less necessary.

Focus area three: Introduction of a cap

95. A cap maintains a total number of licences allowed in a city. It means new licences can only be established when a current business/licence has closed or ended. A cap can be targeted at all licence types or a particular licence type or targeted to only priority areas or across the city.
96. Unlike a sinking lid, a cap is not a ban on new licences being issued. Instead, it allows new businesses to replace closing licences at the same venue/location. A cap will keep the approved number of licences for the life of the policy or until decisions are made to change the cap number.
97. A cap can reduce the increase of licences in areas where it is common to see new licences establish, and it can help to maintain and/or stop a high density of licences from being established within districts that are vulnerable to alcohol harm.

Option 1: Status Quo (recommended)

98. There are currently no cap provisions in place. This option does not take a targeted approach to reducing harm which is the focus for this policy.
99. A sinking lid is recommended for off-licences, as discussed above. A cap is less likely to encourage a decrease in alcohol-related harm in Porirua.

Option 2: Cap on total number of off-licences applied to priority areas only.

100. This option would provide a total cap on the number of off-licences within the priority areas. The current numbers in these areas are as follows:

Porirua Central	6
Titahi Bay	3
Rānui /Mungavin	0
Cannons Creek	1
Elsdon- Takapūwāhia	1

²³ The DLC assess applications on a case-by-case basis. As per other options, the DLC could agree to grant a new licence if there was evidence to suggest that the impact of alcohol related harm could be reasonably mitigated.

101. Similar to a sinking lid, this option also provides communities with reassurances that new off-licences are unlikely to be approved. Evidence shows that many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process. If Council is taking a more targeted approach to reducing alcohol harm, then including this option means that these communities do not need to worry about new bottles stores popping up in their neighbourhoods and exacerbating alcohol harm in their communities.

Option 3: Cap on total number of off-licences applied city wide.

102. This option would provide a total cap on the number of licences across the city as it stands at the time of adopting any new LAP. We currently have 29 off-licences and 2 remote licences.
103. Caps are unlikely to have a significant impact on reducing or minimising alcohol harm if not targeted. A cap does not reduce availability of alcohol and only limits increased access, which may not be an appropriate approach to apply for the entire city.
104. A cap can also have the unintended consequence of licences being cluttered at a higher density in particular areas, increasing harm to these areas. This is especially risky for areas of high deprivation.

Focus area four: Discretionary conditions

105. Discretionary conditions may be applied to a licence to mitigate identified or potential harm.
106. Upon reviewing the evidence of harm and examples of conditions applied by other councils, council officers recommend the council consider including additional discretionary conditions to provide the DLC the ability to do the following:
- a. Restrict the use of buy now pay later options i.e. Laybuy® or Afterpay®.
 - b. There is evidence which suggests that buy now/pay later schemes can promote impulse spending²⁴. In addition, these payment options can make alcohol more accessible for those more vulnerable to alcohol harm. To counteract this, councils can include a prohibition on use of buy now pay later services to buy alcohol from both on and off-licences. This condition is promoted in the Waikato District Council Provisional Local Alcohol Policy²⁵. In Porirua, there are current licenced premises that are using these payment services located within vulnerable communities.
 - c. Introduce tighter restrictions on alcohol advertising for off-licences.
 - d. Research shows that tamariki and rangatahi are more vulnerable to the influences of alcohol advertising. This is especially important given our strategic priorities and our city's demographic.
 - e. Introduce a single sale condition²⁶ for off-licences.
 - f. Single sale conditions could prohibit the sale of beer, mead, wine, cider and/or ready to drink products under a certain volume. There are also conditions that can restrict the size or volume of products from being sold.
 - g. Introduce tighter restrictions on remote sellers and on demand delivery of alcohol.
 - h. These restrictions are aimed at ensuring remote sellers follow the law and good practice for the sale and supply of alcohol. Council could consider the recommendations made to the Manurewa Local Board by Communities Against Alcohol and the Equal Justice Project which include:

²⁴ https://www.restaurantnz.co.nz/wp-content/uploads/2017/05/The-Bar_Code_Oct-2016_LR.pdf

²⁵ https://www.restaurantnz.co.nz/wp-content/uploads/2017/05/The-Bar_Code_Oct-2016_LR.pdf

²⁶ https://www.restaurantnz.co.nz/wp-content/uploads/2017/05/The-Bar_Code_Oct-2016_LR.pdf

- I. More rigorous background checks and mandatory compliance audits, especially for those with a history of violations.
- II. Mandatory age checks for anyone who looks under 25²⁷ upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.

Option 1: Status quo

107. This option keeps the current off-licence discretionary conditions with no changes. Current discretionary conditions include:
 - a) All bottle stores must have a “supervised” designation.
 - b) Alcohol product advertising is limited to less than 50% of the total shop front area.
 - c) Licensees are required to ensure litter is removed from any areas the licensee has outside the licensed premises.
108. Evidence shows that the addition of other conditions can further reduce alcohol-related harm in an area. This is supported in the LAPs for other councils.
109. Council officers recommend retaining the existing conditions across all subsequent options proposed.

Option 2 (recommended option): Five additional conditions added

110. In addition to the already established discretionary conditions above, the proposed new discretionary conditions are as follows:
 - a) Restriction on the use of buy now pay later options in bottle stores.
 - b) No external alcohol advertising outside of the licensed premises other than business signage.
 - c) There will be no single sales of alcohol in containers less than 330mls. This restriction does not apply to individual handcrafted beers in single bottles/cans or multi-serve sizes of 330ml or higher.
 - d) Alcohol may only be sold in the original form it was received i.e., packs of 4, 6, 12, 18, or 24.
 - e) Mandatory age checks for anyone who looks under 25 upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.

Rationale

111. Discretionary conditions can provide the DLC with conditions that can be applied for specific case-by-case concerns. This can include:
 - a) The history of the area, location of the licence
 - b) Licensee and management history
 - c) The vulnerability of the community
112. Upon reviewing the evidence of harm and looking at examples of conditions applied by other councils, we identified that Council could reasonably consider including additional discretionary conditions to provide the DLC options to ensure they are able to provide more protections for vulnerable communities in Porirua.

²⁷ https://www.restaurantnz.co.nz/wp-content/uploads/2017/05/The-Bar_Code_Oct-2016_LR.pdf

OPTIONS RELATING TO ON-LICENCES²⁸

Focus area one: Maximum trading hours

113. On-licences in priority areas are associated with higher levels of excessive alcohol consumption and related harms, such as violence, crime, and alcohol-involved traffic crashes²⁹.
114. The SIA provides sufficient evidence that on-licensed venues in Porirua are associated to higher levels of crime and disorderly behaviour (often in our city centre or where there is a high density of on-licences). This evidence suggests exploring the reduction of hours of alcohol sales for on-licences. Reductions in the hours of sale for on-licences has shown to have direct reductions in alcohol-related crimes, in particular violent assaults.

Option 1: Status quo

Licence Type	Hours
On-licence	8 am – 2 am the following day
On-licence (hotel)	At any time on any day to guests, in hotel room

115. The status quo is not likely to have a significant impact on the reduction of alcohol-related issues, particularly crime in Porirua City.

Option 2 (recommended option): Reduction of on-licence hours

Licence Type	Hours
Inside established priority areas	
On-licence	Between 10 am and 12 am the following day (reduction of four hours)
On-licence (hotel)	At any time on any day to guests, in hotel room (no change)
Outside established priority areas	
On-licence	Between 8 am and 2 am the following day (no change)
On-licence (hotel)	At any time on any day to guests, in hotel room (no change) ³⁰

116. The reduction in the early and late opening hours is aimed at minimising alcohol-related harm, specifically crime and disorderly behaviours.
117. The reduction in the early morning hours is to provide some protection to the exposure of alcohol to vulnerable young people traveling to and from school in the morning hours and closely aligns with our strategic priority of keeping rangatahi and tamariki at the heart of our city.

²⁸ Includes Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act) and Caterers (endorsed under section 38 of the Act).

²⁹ Refer to pages 45, 55 and 56 of the SIA.

³⁰ As provided under section 46(3)subsection (1) (a)and(b)

118. The biggest impact from this option will be seen with on-licence venues within the City Centre, where most of our on-licence venues are located. This could mean businesses in the priority areas may experience a decrease in profits from alcohol sales due to the reduction in hours of sale.

Focus area two: Discretionary conditions

Option 1: Status quo (recommended):

119. This option keeps the current on-licence discretionary conditions with no changes. Current discretionary conditions include:
- a. Restriction to the use of outdoor areas after 10 pm outside the City Centre.
 - b. Restriction of loudspeakers, amplifier, relay, or other audio requirement after 10 pm outside the City Centre.
 - c. Provision of effective exterior lighting.
 - d. Provision of additional security (staff) after 11 pm.
 - e. The installation and operation of CCTV cameras on the exterior of, and within premises.
 - f. No serving in glass containers at specified times.
 - g. Requiring the licensee to ensure litter is removed from any areas the licensee has outside the licensed premises.
 - h. One-way door restriction.
 - i. Patron number to security personnel ratio.
 - j. Patron number to bar manager ratio.
 - k. Provision of transport for patrons.
120. There is no evidence to suggest that these conditions are ineffective. They are applied on a case-by-case basis.

OPTIONS RELATING TO CLUB LICENCES

Focus area 1: Maximum trading hours

Option 1: Status quo

Licence Type	Hours
Club Licence	8 am – 2 am the following day
Club Licence (RSA)	8 am – 2 am the following day except ANZAC Day (between 4 am and 1 pm) ³¹

³¹ As provided under section 47A of the Act.

Option 2 (recommended option): Reduction of club licence hours

Licence Type	Hours
Inside established priority areas	
Club Licence	Between 10 am and 12 am the following day
Club Licence (RSA)	Between 10 am and 12 am the following day except ANZAC Day (between 4 am and 1 pm)
Outside established priority areas	
Club Licence	Between 8 am and 2 am the following day
Club Licence (RSA)	Between 8 am and 2 am the following day except ANZAC Day (between 4 am and 1 pm)

121. This means alcohol can only be sold from 10am to 12am at sports clubs, social clubs, and RSA clubs within the priority areas.

Focus area two: Discretionary conditions

Option 1: Status quo

122. This option keeps the current club-licence discretionary conditions with no changes. Current discretionary conditions include:

- a. Restriction to the use of outdoor areas after 10 pm outside the City Centre.
- b. Restriction of loudspeakers, amplifier, relay, or other audio requirement after 10 pm outside the City Centre.
- c. Provision of effective exterior lighting.
- d. Provision of additional security (staff) after 11 pm.
- e. The installation and operation of CCTV cameras on the exterior of, and within premises.
- f. No serving in glass containers at specified times.
- g. Requiring the licensee to ensure litter is removed from any areas the licensee has outside the licensed premises.
- h. One-way door restriction.
- i. Patron number to security personnel ratio.
- j. Patron number to bar manager ratio.
- k. Provision of transport for patrons.

Option 2 (recommended option) New conditions added for club licences

123. In addition to the already established discretionary conditions, the proposed new conditions added are as follows:

- a. Certified manager to be onsite after 9 pm.

- b. All nominated responsible persons should have obtained a Licence Controller Qualification.
- 124. As outlined above for off-licences, discretionary conditions can provide the DLC with conditions to apply for specific case by case concerns for on-licences.
- 125. Evidence shows that Council could reasonably consider including additional discretionary conditions to provide the DLC options to provide more protections and mitigations for risks associated with club licences in Porirua³².

OPTIONS RELATING TO SPECIAL LICENCES

- 126. Special licences are largely used by our communities and hospitality industry to hold community events, cultural events, concerts, and other public gatherings.
- 127. Special licences are assessed on a case-by-case basis. Discretionary conditions are applied by the DLC to suit the specific concerns or risks associated to the event seeking a licence.

Option 1: Status quo (recommended)

- 128. This option keeps the current club-licence discretionary conditions with no changes. Current discretionary conditions include:
 - a. Number of “nominated person” or certified Duty Managers to be present.
 - b. Specify locations for Managers to be present (e.g., at point of sale, anywhere else on site that their presence would be beneficial).
 - c. Limit on number of drinks to be sold in one transaction.
 - d. Drink containers to be opened at point of sale.
 - e. Specify security staff number required and their location.
 - f. Patron number to security ratio.
 - g. Specify event staff to wear high visibility clothing.
 - h. Specify containers alcohol may be sold in.
 - i. Condition to ensure Police reserve rights to require earlier cessation of licence hours by request to the licensee and reduce number of sale and slowing of service.
 - j. Limits on promotion of alcohol.
 - k. Require one-way door restriction.
 - l. Noise limits from an event.
 - m. Lighting requirements.
 - n. Consideration of having specific “licensed area” within an overall “event area”.

³² See page 32 of the SIA.

SUMMARY OF RECOMMENDED OPTIONS FOR CONSULTATION

General changes (non licence specific)			
Tools	Current rules	Recommended options	Rationale
Priority Areas	No current priority areas	Establishment of the following priority areas: Porirua Central Titahi Bay Rānui /Mungavin Cannons Creek Elsdon- Takapūwāhia	Establishing priority areas allows council to target policy options to the area's most vulnerable to alcohol harm. <u>Supporting information</u> Statement of Proposal (Attachment 1) <i>Map of priority areas</i> (page 40) <i>Map of CBD – crime and density of outlets</i> (page 17) Social Impact Assessment <i>Section 2: Porirua and alcohol</i> (pages 26-30) <i>Section 5: Literature review on alcohol harm</i> (pages 42-49) <i>Section 6: Summary of findings</i> (page 49) <i>Report from the Medical Officer of Health: Porirua Hospital Admission & Alcohol Data</i> (pages 79-81)
Sensitive Site provisions	a. A school (which does not include early childcare or kindergartens). b. A drug and/or alcohol treatment service provider.	Status quo The draft LAP has been updated to ensure it is in line with the recent legislation ³³	No additional changes are recommended at this time. New legislation is a sufficient enough change that is likely to have a positive impact on assessing the proximity of all alcohol licences to vulnerable groups. <u>Supporting information</u> Statement of Proposal (Attachment 1) <i>Map of sensitive sites – 100m and 200m buffer zones including early childhood education facilities</i> (page 41)

³³ Sale and Supply of Alcohol (Community participation) Act 2023

Off-licences			
Tools	Current rules	Recommended options	Rationale
Hours of trade	7am to 10pm for physical stores Any time of day for deliveries	9am 9pm for physical stores and deliveries ³⁴ .	<p>Reducing the hours of trade could minimise harm by restricting when alcohol is available to purchase in relation to alcohol-related incidents.</p> <p>Reducing morning hours could provide some protection to the exposure of alcohol to vulnerable young people traveling to and from school and closely aligns with our strategic priority of <i>keeping rangatahi and tamariki at the heart of our city</i>.</p> <p><u>Supporting information</u></p> <p>Social Impact Assessment</p> <p><i>Reducing accessibility to alcohol</i> (page 58)</p> <p>Section 7: <i>What could the future look like for Porirua?</i> (pages 52-55)</p>
Number of licences - 'sinking lid'	No restrictions.	<p>No new off-licenses in priority areas only. These are:</p> <ul style="list-style-type: none"> a) Porirua Central b) Titahi Bay c) Rānui/Mungavin d) Cannons Creek e) Elsdon-Takapūwāhia 	<p>Provides communities with reassurances that new off-licenses are unlikely to be approved. Evidence shows that many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process.</p> <p>Evidence provided by Police also suggests that there are higher instances of alcohol related crime in priority areas. An example is Porirua Central, which has a high density of licences as well as high rates of victimisations. Data received from Police indicated that crime in the CBD was a significant concern and also highlights the prevalence of anti-social behaviour.</p> <p><u>Supporting information</u></p> <p>Social Impact Assessment (Attachment 2)</p> <p>Section 2: <i>Porirua and alcohol</i> (pages 26-30)</p>

³⁴ Does not include the delivery of stocks/supply to the licensed venue.

			<p><u>Statement of Proposal (Attachment 1)</u></p> <p><i>Map of CBD – crime and density of outlets (page 17)</i></p>
Discretionary conditions for off-licences	Listed in point 120 in report.	<p>No use of buy now pay later options (e.g. "Laybuy®" or "Afterpay®") in bottle stores.</p> <p>No external advertising other than business name.</p> <p>There will be no single sales of alcohol in containers less than 330mls. This restriction does not apply to individual handcrafted beers in single bottles/cans or multi-serve sizes of 330ml or higher.</p> <p>Mandatory age checks upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.</p>	<p>Discretionary conditions can provide the DLC with conditions to apply for specific case by case concerns. This can include:</p> <ul style="list-style-type: none"> • The history of the area, location of the licence • Licensee and management history • The vulnerability of the community <p>Based on evidence, including additional discretionary conditions could support greater protections for vulnerable communities in Porirua.</p> <p><u>Supporting information</u></p> <p>Social Impact Assessment (Attachment 2)</p> <p><i>Section 5: Literature review on alcohol harm (pages 42-46)</i></p>
On-licences (including club licences and special licences)			
Tools	Current rules	Recommended options	Rationale
Special licences	At any time on any day – applications assessed on merits	No suggested changes as these are already managed on a case-by-case basis.	Special licences are largely used by our communities and hospitality industry to hold community events, cultural events, concerts, and other public gatherings. Should general policy principles be adopted and applied to these decisions, the LAP will allow for flexibility in how they are managed.
Hours of trade	8am to 2am the following day	<p>Priority area hours: 10am – 12am the following day.</p> <p>For club licences ANZAC Day hours are (between 4 am and 1 pm).</p> <p>The rest of the city: 8am to 2am the following day.</p> <p>For RSA club licences ANZAC Day hours are (between 4 am and 1 pm)³⁵.</p>	<p>A reduction in the hours of trade is aimed at minimising harm by assessing when alcohol is available to purchase in relation to incidences of alcohol-related harm.</p> <p>On-licences in priority areas are associated with higher levels of excessive alcohol consumption and related harms, such as violence, crime, and alcohol-involved traffic crashes.</p> <p>Supporting information</p>

³⁵ As provided under section 47A of the Act.

			<u>Supporting information</u> Social Impact Assessment (Attachment 2) <i>Reducing accessibility to alcohol</i> (page 58) Section 7: <i>What could the future look like for Porirua?</i> (pages 52-55)
Discretionary conditions for club licences	Listed in point 123 in report.	Certified manager to be onsite after 9pm. All nominated responsible persons should have obtained serve wise training (free online programme).	Evidence shows there are some concerns with club licensing and hazardous drinking behaviours leading to alcohol harm. The options provided give the DLC specific options targeted to reduce risks with hazardous drinking at clubs. <u>Supporting information</u> Social Impact Assessment (Attachment 2) Alcohol and Sports Clubs (page 32)

KŌRERO WHAKAKAPI

CONCLUSION

129. The recommended policy options are based on an equity-led and harm minimisation approach to reflect the research and evidence included in the SIA. The options consider opportunities to balance the economic and growth opportunities for Porirua while maintaining a harm reduction approach within the areas more vulnerable to alcohol-related harm.
130. The Council is required to consult on these changes. This consultation will provide our communities with the valuable opportunity to give their feedback on the options, express their views and preferences, and influence the final policy decisions.

NGĀ MŌHIOHIO TAUTOKO SUPPORTING INFORMATION

E TINO WHAI WĀHI ANA KI TE AHUNGA RAUTAKI A TE KAUNIHERA CONTRIBUTION TO COUNCIL'S STRATEGIC DIRECTION

The recommended options prioritise harm reduction and equity for our communities in the impact of alcohol harm. These options contribute to the strategic priorities of:

- a. Create thriving communities where everyone can be safe and healthy – at home, work or play
 - o Keep tamariki and rangatahi at the heart of our city

NGĀ WHIRIWHIRINGA Ā-PŪTEA FINANCIAL CONSIDERATIONS

Cost

The cost of this project would be mainly due to costs associated to public consultation and legal fees if and where required. These costs are likely to be covered under BAU.

Financial Implications

The costs of legal review of the LAP review are likely to be the most significant cost of this project. Council officers will inform ELT and elected members where there are a significant and unforeseen increases in legal costs that require additional funding outside of existing legal budgets.

Ongoing Cost

Same as above.

NGĀ WHAKARITENGA Ā-TURE STATUTORY REQUIREMENTS

The Sale and Supply of Alcohol Act provides that territorial authorities must consult on the draft policy using the special consultative procedure as follows:

- (1) *If, after producing a draft policy under section 78, a territorial authority continues to wish to have a local alcohol policy, it must use the special consultative procedure to consult on the draft policy.*
- (2) *When amending a draft policy as a result of consultation, a territorial authority must have regard to the matters stated in section 78(2).*

NGĀ ORANGA E WHĀ FOUR WELL-BEINGS

This paper considers and contributes to the following wellbeings.

- a. Social
 - o Economic
 - o Cultural

The recommended options provide a balanced approach to achieving positive outcomes for each of the above wellbeings.

TE WHAKAMANA I NGĀ MĀTĀPONO O TE TIRITI RECOGNITION OF TREATY PRINCIPLES

Tiriti considerations are included in the Social Impact Assessment which forms the evidence base of this review.

In summary, Māori are disproportionately impacted by alcohol harm. The recommended options provide Council with a harm reduction and equity-based approach to alcohol licensing. The recommended options also provide suggestion to include a principle that aims to highlight Council's responsibilities as Tiriti partners under the Tiriti o Waitangi.

HIRANGA SIGNIFICANCE

This policy is significant and there is a legal requirement to consult using the special consultative procedure.

TE KŌRERORERO TAHI ME NGĀ WHAKAWHITIWHITI KŌRERO ENGAGEMENT AND COMMUNICATIONS

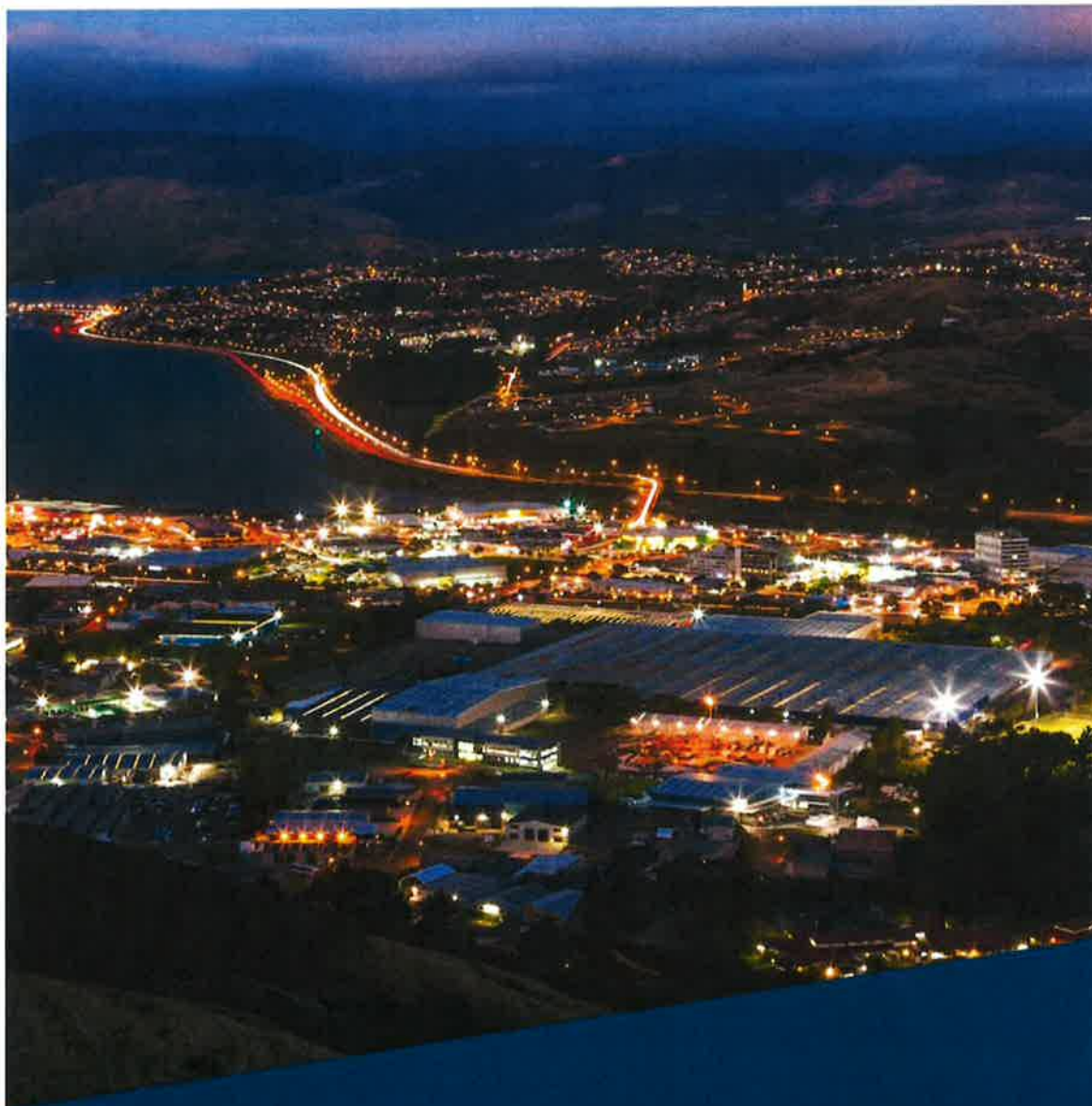
Pre-engagement has been underway since 2023 and feedback and research has formed part of the development of the draft LAP. Officers will continue to work with these key groups during formal consultation. For efficiency, consultation will be joined up with other items that Council is asking for feedback during the same time. This means that at key events, such as the Pacific Night Market and Waitangi Day celebrations, there will be the opportunity for the community to provide feedback on multiple items.

In addition, the consultation material will be available on our engagement portal which provides the community to ask questions, make a submission (written or video) or read through further information.

Information will also be shared on our social media.

NGĀ ĀPITI HANGA ATTACHMENTS

1. Statement of Proposal and draft Policy
2. Social Impact Assessment



Local Alcohol Policy

We'd like to hear your thoughts on proposed changes to how we manage the sale and supply of alcohol in our city

November 2024

poriruacity

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Summary of the proposal

Porirua City is consulting on the review of its 2017 Local Alcohol Policy¹ (LAP) and new draft LAP in accordance with the Local Government Act 2002 (the LGA) and the Sale and Supply of Alcohol Act 2012 (the Act), which requires the policy to be reviewed every six years. This review involves analysing local demographics and alcohol-related harm, with input from our communities, the Police, licensing inspectors, and health officials.

Our research suggests that:

- Porirua has persistent issues relating to alcohol harm.
- There are higher risk factors and disproportionate alcohol harms in areas of high deprivation.
- The current policy had very little impact on reducing or preventing alcohol harm. Many of the suburbs that have high levels of alcohol harm (crime, victimisation, alcohol related health issues) also have high numbers of alcohol licences, in particular off-licences (premises which sell alcohol to take away and drink elsewhere).
- The evidence supports the view that Council should look at developing additional policy levers that could have a greater impact in reducing alcohol harm. Additionally, targeted approaches could ensure that those most vulnerable to alcohol harm are prioritised.

Council acknowledges that hazardous drinking² happens in all communities and that alcohol harm does not discriminate, it impacts all communities in some way and those impacts are often not due to people's own drinking but the hazardous and harmful drinking of others.

That said, the evidence suggests that there are disproportionate impacts on some communities more than others and for equity to be achieved as a community, policy options must look to find better ways to reduce the impacts of alcohol to better support those communities most vulnerable to alcohol harm. Council has responsibility to encourage the safe sale and supply of alcohol from our local businesses and the industry, this also means we have responsibility to identify which communities are most at risk of alcohol harm and consider whether these areas are suitable for alcohol licences.

The evidence also recognises that most people drink responsibly, and that the alcohol industry is a key part of the local economy. While changes to the availability of alcohol might be inconvenient to those who enjoy a casual drink socially, it is important to remember that any proposed changes are aimed at those who are most vulnerable to alcohol harm. With this in mind, we want to test some of the potential policy options with our community and hear what they think.

All options have been developed to support an equity-led and harm minimisation approach, to reflect the research and evidence, which looks like:

- a) Making alcohol less accessible in areas vulnerable to alcohol harm.
- b) Providing a wider range of discretionary conditions to tackle key issues identified or possible gaps in licensing.
- c) Taking a balanced approach between protecting those most vulnerable, with future growth and hospitality.

¹ https://storage.googleapis.com/pcc-wagtail-media/documents/Local_Alcohol_Policy_2017.pdf

² 'Hazardous drinking' refers to an established alcohol drinking pattern that carries a risk of harming the drinker's physical or mental health or having harmful social effects on the drinker or others. It is determined by using the World Health Organisation's AUDIT² checklist - a score of 8 or more indicates hazardous drinking.

The options focus more on off-licences (places you buy alcohol to take away and drink elsewhere – like bottle stores or retail shops), rather than on-licences (places you buy alcohol to drink on the premises – like bars and restaurants)

We are looking forward to testing these subjects with our community to hear what is important to them, and where they would like to see changes.

Have your say

Tukua mai o kōrero

Your feedback will help shape our final LAP and let us know if our community want to see changes in alcohol licensing for the Porirua City.

This is a big subject, so we will be taking feedback for the next three months. We'll be out and about at big and events to chat, and you can provide feedback online at any time. Check out our LAP engagement portal here [*link to EngagementHQ to be included for formal consultation*]:

Key dates

When	What
10 December 2024	Submissions open
7 March 2025	Submissions close
20 March 2025	Submitters present to [add Council or Committee]
1 May 2025	Te Puna Korero deliberates and changes are agreed
29 May 2025	Local Alcohol Policy 2025 adopted

Making a submission

You can find copies of this proposal at all Porirua City libraries, and at our front counter at the main council building, 16 Cobham Court, Porirua.

You can have your say in a number of ways:

- Make an online (including video) submission at the public consultation section of our website porirua.govt.nz. You can also download a submission form here.
- By email to: submissions@porirua.govt.nz with "LAP" in the subject line
- By hand at:
 - our front counter at 16 Cobham Court, Porirua City
 - at any of our city libraries
- By post to: LAP consultation
Porirua City Council
PO Box 50218
Porirua City 5240

Your privacy

All submissions are public information. This supports our drive to be as transparent as possible, but if there are any personal details you don't want made public, please let us know.

Want to know more

If you have any questions, or would like a little more information, please email Senior Policy Advisor Jade Williams at Policyteam@porirua.govt.nz.

The proposal

What is a Local Alcohol Policy (LAP)?

Councils can develop a Local Alcohol Policy (LAP) to influence the location, number and trading hours of businesses licensed to sell alcohol. LAPs encourage the responsible sale, supply and consumption of alcohol and focus on reducing alcohol related harm. Decisions about alcohol are legislated by the Act.

A recent amendment to the Act has removed the ability for parties to appeal provisional policies to the Alcohol Regulatory and Licensing Committee, making it easier for communities to have a say in alcohol licensing decisions.

By having an LAP, communities can influence:

- where new alcohol licences can be established
- how many new alcohol licences are allowed
- when bars, restaurants and nightclubs can be open
- when bottle shops and supermarkets can sell alcohol
- when clubs (for example, sports clubs, RSAs) can sell alcohol.

LAPs can also set out discretionary conditions that can be applied to alcohol licences. This is to improve industry standards and promote safe and responsible sale and supply of alcohol.

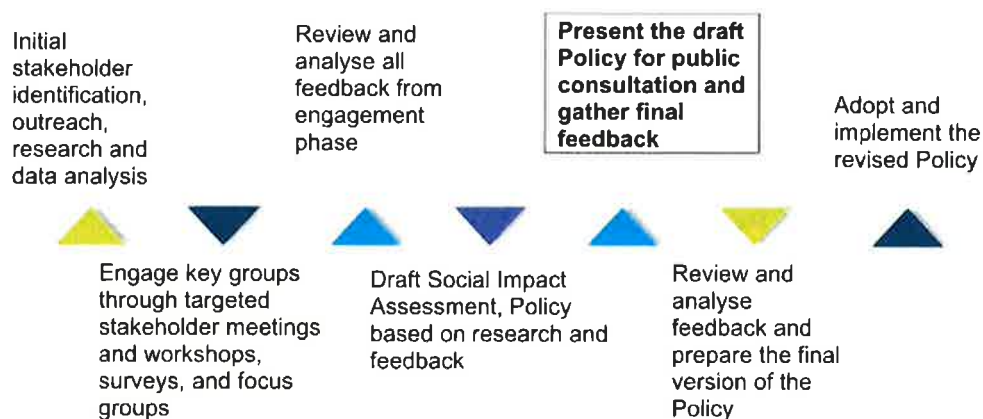
LAPs need to be considered by the relevant District Licensing Committee (DLC) and the Alcohol Regulatory and Licensing Authority (ARLA) when they make decisions on new licence applications.

Visit the [Sale and Supply Alcohol Act 2012](#) for more information.

The proposed policy options included in this document are based on an equity-led and harm minimisation approach to reflect the research and evidence.

How did we get here?

Porirua's LAP came into force in 2017 and it is time for review. The Act provides guidance on what must be considered when undertaking this process. It involves extensive research (which we'll get into later in the document), and a formal consultation process with our communities. Check out the graphic below which outlines where we've come from and the next steps.



The evidence

As part of our policy review, we wanted to find out more about the impacts of alcohol in our city. We specifically wanted to understand the people and places that were most vulnerable to alcohol related harm. In order to achieve this understanding council undertook pre-engagement which included public and targeted surveys and targeted community information gathering sessions. We also worked with Central Government agencies to gather and analyse data and completed desktop research looking at both national and international sources.

All of this research and evidence has helped us develop options for the community to provide feedback on. We've called this evidence our 'Social Impact Assessment' or 'SIA' for short. The full version can be accessed here [[link to EngagementHQ to be included for formal consultation](#)]. If you'd like a hardcopy, please let us know.

The evidence base is large, and covers a broad range of data, both specific to our communities in Porirua, and in a wider national and international context. We looked through literature and evidence in the following areas:

- Theories and evidence of impact of alcohol harm
- Evidence of policy levers and interventions to improve alcohol harm
- Presentations for alcohol-related injuries
- Hospital stays for long-term health issues due to alcohol
- Victimisations and incidences caused by alcohol
- Evidence collected from Porirua communities
- Impact of alcohol harm nationally and in Porirua
- Porirua demographics
- Health impacts
- Social impacts (crime)

We also looked at the evidence in relation to our current policy, including from key stakeholders and reporting agencies and asked questions such as:

- What worked and didn't work with the current LAP?
- What are community members' perspectives on alcohol harm?
- How will this evidence guide any changes we suggest?

Key findings

- We acknowledge that many people enjoy the social aspects of consuming alcohol which also benefits hospitality businesses. For most having a drink with dinner or at social events with little impacts to themselves or others around them. The evidence does also recognise that most people drink responsibly, and that the alcohol industry is a key part of the local economy. Porirua has a thriving hospitality industry, and the future growth of the city provides significant opportunity for Porirua to continue developing this area.
- There is a minority group in the community who do drink harmfully and/or hazardously. For these people, the impact of alcohol consumption is far-reaching in terms of health and social implications. We also know that these impacts extend to those around them, particularly partners and tamariki. Identifying these vulnerable groups is critical to fulfil Council obligations under the Act., especially in the minimisation of alcohol harm.

- Alcohol harm predominantly affects lower socio-economic groups and Māori with Porirua City having a high proportion of residents in the top decile of deprivation. Research indicates that alcohol advertising adversely influences young people, leading to worse outcomes the earlier they begin drinking.
- While it is positive to see signs of a decline in the proportion of people drinking (particularly the drop in harmful drinking), and the apparent decline in young people drinking, it is important that we continue to do what we can to reduce alcohol harm in Porirua.
- The current policy had very little impact on reducing or preventing alcohol harm. Some of the suburbs that have high levels of alcohol harm (crime, victimisation, alcohol related health issues) also have high numbers of alcohol licences, in particular off-licences.

What are we proposing?

All options have been considered by the Council for a LAP that will support an equity-led and harm minimisation approach, which reflects the relevant research and evidence. At a high level, this is to:

- Make alcohol less accessible in areas vulnerable to alcohol harm.
- Provide a wider range of discretionary conditions to tackle key issues identified or possible gaps in licensing.
- Take a balanced approach between protecting those most vulnerable, with future growth and hospitality.

Before we go into the options, it is important to understand that there are different licence types – all of which can have different rules.

Here are some definitions:

Off-licence

A licence for premises where the licensee can sell alcohol for consumption somewhere else e.g. bottle stores and supermarkets. This includes remote sale licences where alcohol can be purchased online and delivered.

On-licence

A licence for premises where the licensee can sell alcohol for consumption on the premises or can let people consume alcohol on the premise e.g. Cafes, bars and restaurants. On-licences also include Hotels, BYOs and catering businesses.

Club licence

A type of on-licensed premises that can sell and supply alcohol to customers who are members, invited guests or visitors to the club concerned, for example, RSAs and sports clubs.

Special Licence

A licence to sell or supply alcohol for consumption on or off the premises to people attending the event described in the licence.

Porirua has 82 alcohol licences. Twenty-one are for clubs, 29 are for off licences (where alcohol is taken off the premises) and 31 are for on licences (where alcohol is consumed on the premises). While the number of licences has declined slightly over the last five years (by 2), the number of

licences in areas of high deprivation has stayed the same. Thirty-four of the licences are in high deprivation areas and make up 47 per cent of all licences in Porirua³.

The options focus more on off-licences (places you buy alcohol to take away and drink elsewhere – like bottle stores or retail shops), rather than on-licences (places you buy alcohol to drink on the premises – like bars and restaurants).

Decisions about alcohol

The Sale and Supply of Alcohol Act 2012 requires each local authority to establish a District Licensing Committee (the DLC). The DLC must consider the LAP when making important decisions about alcohol in our city.

It is important to remember that the DLC assesses alcohol licence decisions on a case-by-case basis as well as considering the rules set out in on the LAP. For example, should an LAP outline priority areas that have greater restrictions on alcohol, they can still consider applications in these areas if there is a good reason to do so. This is relevant in new growth areas which may benefit from a new restaurant or supermarket, for example.

This DLC considers and determines applications for:

- New licences and manager's certificates
- Renewals of licences and manager's certificates
- The temporary authority to carry on the sale and supply of alcohol
- The variation of licences.

The Chairperson and Deputy Chairperson of the DLC are also elected members. Other members are members of the community.

If you'd like more information, you can read more about the DLC [here](#).

³ Data as at August 2024. SIA, Pages 14-19

Options for feedback

There are a number of tools that councils have in their kete to explore as part of their LAPs. Councils across the country have trialled different ways of doing this for their communities.

For the purposes of this document we have categorized each option under the licence type. Check out our handy summary table on page 17 which compares all options.

Focus area one: establishing priority areas

The LAP can establish specific priority areas in particular suburbs within the city that show higher instances of alcohol-related harm. If established, these areas can then have specific conditions to better manage the sale and supply of alcohol. Suburbs outside of these priority areas could then have less restrictions if this was deemed appropriate. Examples include reduced hours, tighter density provisions, sinking lid provisions and/or restrictions on the total number of alcohol premises.

Potential priority areas have been identified as suburbs who score⁴ highly in two or more of the following risk factors:

- High density of alcohol licences:
- Socioeconomic deprivation levels between 8-10⁵
- Evidence of high rates of victimisations from police data (these are higher than the rest of the city).

Where and how?

Priority areas have been identified using criteria that considers whether a suburb scores highly in two or more of the following risk factors:

- High density of alcohol licences
- Suburbs (identified by the SA2 suburbs) with socioeconomic deprivation levels between 8-10
- Evidence of high crime rates from police data (these are higher than the rest of the city)⁶

Based on the data available, the options Council and community can consider including in the LAP as priority areas are:

- a) Porirua City Central
- b) Tītahi Bay
- c) Ranui/ Mungavin⁷
- d) Cannons Creek
- e) Elsdon-Takapūwāhia

Why?

In Porirua, there are a significant proportion of people who are highly deprived and a significant proportion at the other end of the scale who experience low deprivation, with very few in the middle.

² The scoring is based on:

- 1 point for 100 or more victimisations per 1000 residents
- 1 point for deprivation level 8-10
- 1 point for 10 or more licences per area.

⁵ <https://www.ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/>

⁶ <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>

⁷ Mungavin is referred to as Cannons Creek East in the statistical areas 2 NZDep2018

Evidence shows that residents with high deprivation are more likely to experience poor outcomes across a range of health and wellbeing measures and are more likely to experience alcohol related harm.

What does this mean?

Introducing priority areas give Council the ability to introduce specific conditions on the sale and supply of alcohol in these areas, where there are greater risks for alcohol related harm.

Questions

- Do you agree with the proposed priority areas?
- Would you change any of these and why?
- Would you include any other areas and why?

Focus area two: sensitive sites

Sensitive sites are places where the target users have been identified as having a greater vulnerability than the public generally to alcohol related harm as an outcome from direct exposure to alcohol. For example, children and young people and people who are receiving treatment for drug and alcohol addictions.

Under the current policy settings, supermarkets do not have to meet these requirements.

Where and how?

There are several options for Council and the community to consider as part of sensitive sites that support a more targeted approach to alcohol harm reduction and closer alignment with our strategic priorities. These can apply to any new licenses or be targeted to specific areas.

The options are as follows:

Licence types	Current rules Preferred option	Option 2	Option 3
All licence types	100m schools 100m people undergoing alcohol and drug use rehabilitation	Keep the same radius but extend to include: - Early childhood Centres (any centres registered with Ministry of Education and/ or Kohanga reo NZ) Supermarkets remain excluded.	Extend to 200m and include: - Schools - Rehabilitation centre - Early childhood - Pharmacies - GP offices - Maraes - Churches Add supermarkets to sensitive site provisions. There is also the option to include a mix of the preferred option (100m) and add other sites.

Pros and cons	<p>Pro: with the added updates to the Act all licence applications will be assessed against the current provisions meaning they current policy will have more influence as they are currently captured.</p> <p>Con: May not extend to other sites that our community consider significant and/or vulnerable to alcohol exposure and harm.</p>	<p>Pro: The addition of ECEs means we are providing more protection to children from the exposure to alcohol harm.</p> <p>Con: There is a large number of ECEs in Porirua which means it could be overly burdensome for current and new licencees to be reviewed against ECEs in Porirua. Private ECE establishments are able to open relatively easily across Porirua without much consideration of what licensed venues may be within close proximity. Meaning this may inadvertently disadvantage businesses.</p>	<p>Pro: The addition Of additional site where vulnerable people may attend, or sites that are of great cultural importance to our communities means we are providing more protection to these groups of people from the exposure to alcohol advertising and alcohol harm.</p> <p>Con: This could increase the number of sensitive sites significantly in Porirua which means it could be overly burdensome for current and new licencees to be reviewed against these provisions in Porirua. Meaning this may inadvertently disadvantage businesses.</p>
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Why?

The main purpose of introducing sensitive site provisions is to ensure the exposure of alcohol to vulnerable communities is managed appropriately. This is why the current sensitive site provisions focus is on school-age children and people accessing alcohol and drug treatment services.

The evidence gathered through the SIA indicate that the current sensitive site provisions are largely ineffective. This is particularly relevant as they cannot apply to any licences issued before the 2017 LAP was introduced. This means that some existing licences are exempt from those provisions.

However, following amendments to the Act in 2023⁸, by removing the reverse sensitivity clause⁹ (Clause 7.2(d) of the current LAP) the new sensitive site provisions will apply to all licence types and applications. This covers new licence applications and the renewal of licences, including licences issued prior to 2017

This is why the option to maintain the status quo is the recommended option, the current provisions will now be applied to all licence applications and will likely have greater effect on reducing alcohol exposure to tamariki and rangatahi.

Subsequently, any application lodged will be assessed against their proximity to sensitive sites and if required by the Alcohol Licensing Inspector, the applicant must complete the Impact

⁸ (the Sale and Supply of Alcohol (Community Participation) Act 2023)

⁹ Reverse sensitivity

Proximity to a sensitive site will not be considered for new licence applications for premises for which an existing licence is held at the date of the application, unless the nature of the application differs significantly from the current licence. This is to protect the pre-existing use rights in those premises.

Assessment addressing the impact of alcohol exposure and any proposed mitigation of the exposure, and provide reasons that:

- the users of the sensitive sites are unlikely to be directly exposed to the sale or supply of alcohol and its related activities; or
- any exposure can be mitigated by the applicant to a minor or less than minor exposure.

What does this mean?

This change means that all licences (excluding supermarkets) will be assessed by their distance from any of the above sensitive sites. It also means that no new licences may be granted where the proposed licence is in close proximity to a sensitive site; unless:

- the users of the sensitive site are unlikely to be directly exposed to the sale or supply of alcohol and its related activities; or
- any exposure can be mitigated by the applicant to a minor or less than minor exposure.

To demonstrate this, every application (excluding supermarkets) for an on, off or club licence, or to vary an existing licence in close proximity to a sensitive site, will require an impact assessment – this will determine the extent that the users of the sensitive site are likely to be exposed to alcohol promotion, consumption and consumers from the proposed licence premises. The assessment must address the impact of that exposure and any proposed mitigation of the exposure.

Questions

We'd like the community to share their thoughts and preferences with Council about where alcohol licenses should be placed in their neighbourhoods. They can also share their preference on how close licenced premises are to places of cultural and/or religious significance, or where there are places or groups vulnerable to alcohol exposure.

- Do you agree with the sensitive sites?
- Do you think supermarkets should be excluded or included in the sensitive site provisions?
- Is a 100-metre radius a sufficient measurement to decide proximity?
- Should marae and churches be considered sensitive sites?
- Are there other sensitive sites you would like Council to consider and if yes, why?

Off-licence options

The data suggests that off-licences in areas of high deprivation are more problematic for Porirua City than other types of licences.

Off-licences supply alcohol for people to drink in their homes and at private events, allowing unrestricted drinking at any time. In comparison, at an on-licence (bar or restaurant) can implement measures to reduce risk factors associated with hazardous drinking by introducing discretionary conditions that target hazardous drinking behaviours during the hours of sale set for these venues. However, off -licences lack such controls, leading to greater risks and harms, including family violence and addiction, which can affect others beyond the drinker.

Focus area one: maximum hours of trade

Licence types	Current LAP	Preferred option – Reduced hours applied City wide	Option 2– Reduced hours applied to priority areas only
Off-licence:	7am to 10pm	9am to 9pm	9am to 9pm

Remote licence delivery hours	At any time on any day (NZ post hours)	Purchase: Any time on any day Delivery: Between 9am-9pm ¹⁰ .	Purchase: Any time on any day Delivery: Between 9am-9pm
Pros and cons	<p>Pro: No disruption to the licenced businesses or public.</p> <p>Con: No impact on alcohol harm reduction.</p>	<p>Pro: Reducing hours of alcohol availability is likely to have a positive impacts on alcohol harm reduction for our communities across the city.</p> <p>Con: There may be an impact for licenced businesses. And the public may not like having to change their purchasing behaviours.</p>	<p>Pro: Reducing hours of alcohol availability is likely to have a positive impact on alcohol harm reduction for our vulnerable communities in the priority areas.</p> <p>Con: There may be an impact for licenced businesses, however this is likely to only be contained in the priority areas.</p> <p>This option would also not deter hazardous drinking behaviours as people can still travel to other parts of the city to purchase alcohol at later hours.</p>

¹⁰ Does not include the delivery of stocks/supply to the licensed venue.

Why?

A reduction in the hours of trade is aimed at minimising harm by assessing when alcohol is available to purchase in relation to incidents related to alcohol- harm. The evidence in the SIA outlines that those purchasing alcohol at an off-licence after 10pm are twice as likely to drink heavily than those purchasing alcohol before 10pm¹¹. The same study found that drinkers who bought alcohol after 2am from on-licences were 2.9 times more likely to drink high amounts of alcohol compared to those who purchased before 2am. They were also twice as likely to drink frequently. Police survey results¹² also showed that local police officers are seeing alcohol related harm the most between the hours of 7pm-11pm and that police supported a reduction in off-licence hours with 68% percent of survey participants recommending 9am-9pm as the hours of sale for off-licences.

For off-licences, there are certain times of the day where alcohol has higher sales. A recent survey of Porirua licence holders shows that most alcohol purchases happen between 5pm and 8pm. The hours of the highest trade are not necessarily the hours where the most vulnerable are purchasing their alcohol, nor the hours where the most anti-social behaviour is occurring.

The SIA provides sufficient evidence to reasonably suggest exploring the reduction of hours of alcohol sales.

What does this mean?

This means alcohol can only be sold and delivered between 9am and 9pm from bottle stores, supermarkets and grocery stores across the city. The preferred option applies the hours city-wide, because if the hours are not consistent across the city with off-licences, hazardous drinking is less likely to be addressed with late night purchases still able to be made from stores in other parts of the city, or by delivery.

Potential reductions in hours could be restricted to licence type. For example, one option is to look at reducing off-licences across the city or specifically applying reduced hours just to the priority areas.

Questions

- Do you agree with the new hours of sale for off-licences ?
- What hours would you suggest Council should consider?

Focus area two: introduction of a sinking lid

Density provisions aim to manage the number of alcohol licences in a particular area or population. They can include restrictions on any new licences, or particular types of new licences, for example off licences or on licences.

A Sinking lid is a ban on any new off-licences, it provides Council and communities assurance that overtime licences will decrease. It can be applied to specific licences only or all licence types and it can be applied city wide or again within the priority areas.

A cap maintains a total number of licences allowed in a city. It means new licences can only be established when a current business/licence has closed or ended. A cap can be targeted at all licence types or a particular licence type or targeted to only priority areas or across the city.

¹¹[https://www.actionpoint.org.nz/local_alcohol_policy_case_for_change#:~:text=Closing%20Hours%20\(off%2Dlicences\),licence%20before%2010pm%20%5B8%5D](https://www.actionpoint.org.nz/local_alcohol_policy_case_for_change#:~:text=Closing%20Hours%20(off%2Dlicences),licence%20before%2010pm%20%5B8%5D).

¹² Page 55 of the SIA. 25 local police officers took part in the survey.

Unlike a sinking lid, a cap is not a ban on new licences being issued. Instead it allows new businesses to replace closing licences at the same venue/location. A cap will keep the approved number of licences for the life of the policy or until decisions are made to change these capped number.

There are two relevant examples of sinking lids in NZ. Hastings/Napier and Western Bay of Plenty District Council have bans on new bottle stores being established in some suburbs.

Auckland City Council's LAP has a temporary two-year freeze on any new licences in their priority areas and city centre. They also have a rebuttable presumption against the issuing of new off-licences in neighbourhood centres. This means that no new off-licences will be granted unless they meet a high threshold.

Licence types	Current LAP	Preferred Option: Sinking lid for off-licences applied to priority areas only	Option 2: A Cap on the total number of off-licences										
Off-licence:	No current provisions	a) Sinking lid applied to priority areas only – Which would mean no new off-licences in priority areas.	a) City wide cap- No more than the current number of licences across the entire city. Which is a total of 29 off licences and 2 remote licences. b) Priority area cap - No more than the current number of off licences in each of the priority areas as below. <table><tr><td>Porirua Central</td><td>6</td></tr><tr><td>Titahi Bay</td><td>3</td></tr><tr><td>Ranui/Mungavin</td><td>0</td></tr><tr><td>Cannons Creek</td><td>1</td></tr><tr><td>Elsdon-Takapuwahia</td><td>1</td></tr></table>	Porirua Central	6	Titahi Bay	3	Ranui/Mungavin	0	Cannons Creek	1	Elsdon-Takapuwahia	1
Porirua Central	6												
Titahi Bay	3												
Ranui/Mungavin	0												
Cannons Creek	1												
Elsdon-Takapuwahia	1												
Pros and Cons	<p>Pro: Industry and hospitality growth</p> <p>Con: Not providing enough protection for vulnerable communities</p>	<p>Pro: Provides greater protection to our vulnerable communities and likely to have positive impacts on alcohol harm reduction over time.</p> <p>Con: Impacts are likely to be seen over years. Also does not prevent access and harm across the city.</p> <p>A city wide sinking lid could limit the opportunity for economic growth in hospitality industry.</p>	<p>Pro: All options provide some protection to the city against an excessive increase in licence numbers.</p> <p>Con: A Cap maintains the current numbers in vulnerable communities, alcohol harm is not likely to be impacted. And a city wide cap has the risk of licences being relocated to areas of high vulnerability to alcohol e.g. High deprivation.</p>										

		A rebuttable presumption ¹³ clause may counteract this for a city wide option (and may not be needed for a priority areas only option, as licence applicants can still look at establishing in other parts of the city).	
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What does this mean?

This option means that DLC will likely not issue any new off-licence applications for bottle stores, supermarkets, or grocery stores within the priority areas. Unlike a cap, this option does not allow new businesses to take over existing licences.

The primary aim of a sinking lid is to reduce the number of off-licences over time. Given that forty-seven per cent of all alcohol licences in Porirua are currently located in areas of high deprivation, there is rationale to explore targeted restrictions that seek to actively limit the accessibility and availability of alcohol in these areas.

This option also provides communities with reassurances that new off-licences are unlikely to be approved. Evidence shows that many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process. If Council is taking a more targeted approach to reducing alcohol harm, then including this option means that these communities do not need to worry about new bottle stores popping up in their neighbourhoods and exacerbating alcohol harm in their communities.

This option would have an impact on businesses whose primary purpose it is to sell alcohol. This option means that if any of the current off-licences operating in the priority areas were to change ownership, they may not be granted a new licence¹⁴. There are currently 11 off-licences in total located within priority areas.

Why?

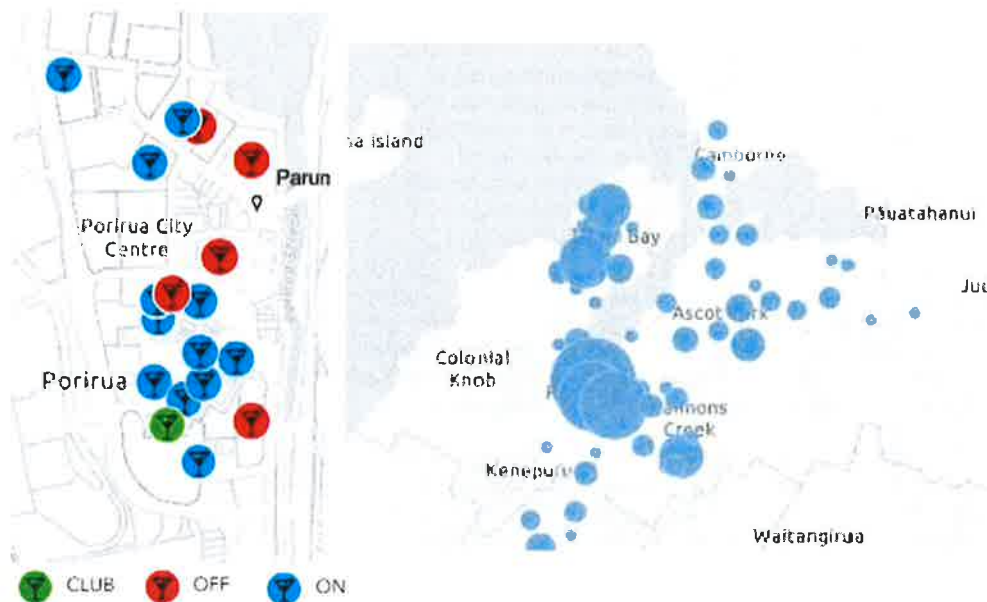
The evidence provided by Police suggests that there are higher instances of alcohol related crime in priority areas, in particular the City Centre which has a high density of licences as well as high rates of victimisations. Data received from Police indicated that crime in the CBD was a significant concern and also highlights the prevalence of anti-social behaviour.¹⁵

The maps below show the prevalence of licences and alcohol related incidence from Police Data.

¹³ A rebuttable presumption is taken to be true unless it is contested and disproved by evidence satisfying the requisite standard of proof (Practical Law. © 2024 Thomson Reuters). In this circumstance the presumption is against the issuing of any new licences unless the applicant can prove otherwise. However, the DLC have opportunities to consider new licences where there is sufficient evidence and cause to do so i.e. new restaurant.

¹⁴ The DLC assess applications on a case-by-case basis. As per other options, the DLC could agree to grant a new licence if there was evidence to suggest that the impact of alcohol related harm could be reasonably mitigated.

¹⁵ SIA, pg 30



A sinking lid also provides greater protection to our vulnerable communities and is likely to have positive impacts on alcohol harm reduction over time. Many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process. If Council is taking a more targeted approach to reducing alcohol harm, then including this option means that these communities do not need to worry about new bottles stores popping up in their neighbourhoods and exacerbating alcohol harm in their communities.

Limiting large numbers of alcohol licences in particular areas can help reduce excessive alcohol consumption and related harms, such as violence, crime, and alcohol-involved traffic crashes.

Questions

- Do you agree with introducing a sinking lid option of new off licences in the priority areas?
- What is your preferred option?
- Are there any other options you would like Council to consider?
- Should on-licences also have a density provision?

Focus area three: discretionary conditions

Discretionary conditions are conditions aimed at managing specific concerns and risks associated with a particular licence. Discretionary conditions can provide the DLC with conditions to apply for specific case by case concerns. This can include:

- The history of the area, location of the licence
- Licensee and management history
- The vulnerability of the community

We think that our existing conditions are good, but based on the evidence we are considering adding additional ones.

What does this mean?

There are many new conditions that are available for Council and communities to consider:

- a) Restrict the use of buy now pay later options i.e. Laybuy® or Afterpay®.

There is evidence which suggests that buy now/pay later schemes can promote impulse spending.¹⁶ In addition, these payment options can make alcohol more accessible for those more vulnerable to alcohol harm. To counteract this, councils can include a prohibition on use of buy now pay later services to buy alcohol from both on and off-licences. This condition is promoted in the Waikato District Council Provisional Local Alcohol Policy.¹⁷ In Porirua, there are current licenced premises that are using these payment services located within vulnerable communities.

- b) Introduce tighter restrictions on alcohol advertising for off-licences

Research shows that tamariki and rangatahi are more vulnerable to the influences of alcohol advertising. This is especially important given our strategic priorities and our city's demographic.

- c) Introducing a single sale condition¹⁸ for off-licences

Single sale conditions could prohibit the sale of beer, mead, wine, cider and/or ready to drink products under a certain volume. There are also conditions that can restrict the size or volume of products from being sold.

- d) Introduce tighter restrictions on remote sellers and on demand delivery of alcohol

These restrictions are aimed at ensuring remote sellers follow the law and good practice for the sale and supply of alcohol. Council could consider the recommendations made to the Manurewa Local Board by Communities Against Alcohol and the Equal Justice Project which include:

- i. Rigorous background checks and mandatory compliance audits, especially for those with a history of violations.
- ii. Mandatory age checks for anyone who looks under 25¹⁹ upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.

What does this mean?

This means the DLC has the ability to consider and apply a wider range of discretionary conditions for each off-licence application (new or renewal) where there are specific concerns and/or reasoning to apply the conditions.

Why?

Discretionary conditions can provide the DLC with a targeted set of conditions that may be applied for specific case by case concerns. This can include:

- The history of the area, location of the licence
- Licensee and management history
- The vulnerability of the community

¹⁶ O'Brien L, Ramsay I, Ali P. Innovation, Disruption and Consumer Harm in the Buy Now Pay Later Industry: An Empirical Study. University of New South Wales Law Journal. 2024; 47:2, 2024 (forthcoming), Retrieved from:

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4635958

¹⁷ Waikato District Council 2022: Provisional Local Alcohol Policy: Retrieved From: [Microsoft Word - Provisional Local Alcohol Policy 2022 \(hdp-au-prod-app-waik-shape-files.s3.ap-southeast-2.amazonaws.com\)](https://www.microword.com/provisional-local-alcohol-policy-2022)

¹⁸ Same as above

¹⁹ https://www.restaurantnz.co.nz/wp-content/uploads/2017/05/The-Bar_Code_Oct-2016_LR.pdf

Upon reviewing the evidence of harm and examples of discretionary conditions set by other councils, we identified that Council could reasonably consider including additional discretionary conditions to provide the DLC options to ensure they are able to provide more protections for vulnerable communities in Porirua. The conditions proposed consider the following:

- There is evidence that buy now/pay later schemes (e.g. "Layby®" or "Afterpay®") are seen to promote impulse spending. And the use of these payment options can make alcohol more accessible for those more vulnerable to alcohol harm. Council does have the ability to restrict the use of these pay services through discretionary conditions (refer to pages 37 and 62 of the SIA).
- The no external advertising outside of the storefronts is included as it will provide greater protections to vulnerable groups (children in particular) from being exposed to alcohol advertising (refer to pages 43,44, 74,84 and 85 of the SIA).
- Single sale conditions prohibit the sale of beer, cider and/or ready to drink products under a certain volume and are considered more accessible and likely to contribute to hazardous drinking due to the lower price.
- The mandatory age checks upon the delivery of alcohol ensures that the supplier and customer are both following the law in regards to underage drinking (refer to page 42 of the SIA).

Questions

- Do you agree with the additional conditions being proposed?
- Are there any additional conditions you would like Council to consider?

On-licence options

Focus area one: hours of trade

On-licences in priority areas are associated with higher levels of excessive alcohol consumption and related harms, such as violence, crime, and alcohol-involved traffic crashes²⁰

The SIA provides sufficient evidence that on-licensed venues in Porirua are associated to higher levels of crime and disorderly behaviour (often in our city centre or where there is a high density of on-licences). This evidence suggests exploring the reduction of hours of alcohol sales for on-licences. Reductions in the hours of sale for on-licences has shown to have direct reductions in alcohol related crimes, in particular violent assaults.

²⁰ Refer to pages 45, 55 and 56 of the SIA.

Licence types	Current LAP	Preferred Option: Reduced hours applied to the priority areas only	Option 2: Reduced hours applied across the City
On-licence including club licences	8am to 2am the following day	10am to 12am the following day. Reduction of 4 hours in total Hotels: Any time	10am – 12am the following day Reduction of 4 hours in total
Pros and Cons	<p>Pro: No disruption to the licenced businesses or public.</p> <p>Con: No impact on alcohol harm reduction.</p>	<p>Pro: Reducing hours of alcohol availability is likely to have a positive impact on alcohol harm reduction for our most vulnerable communities.</p> <p>Con: There may be an impact for licenced businesses. And the public may not like having to change their purchasing behaviours.</p> <p>This option also has the unintended consequence of influencing people to travel to other parts of the city to purchase alcohol and drink on site at venues that have later hours.</p>	<p>Pro: Reducing hours of alcohol availability is likely to have a positive impact on alcohol harm reduction for our communities across the city.</p> <p>Con: There may be an impact for licenced businesses however this is likely to only be contained in the priority areas.</p>

What does this mean?

This means alcohol licences (bars, restaurants, cafes, clubs and taverns) within the priority areas would only be able to sell alcohol between 10am and midnight. Hotels would stay the same as this would include hotel mini bars if included.

The biggest impact from this option will be seen with on-licence venues within the City Centre where most of our on-licence venues are located. This could mean businesses in the priority areas may experience a decrease in profits from alcohol sales due to the reduction in hours of sale.

Why?

A reduction in the hours of trade is aimed at minimising harm by looking at when alcohol is available to purchase, in relation to incidences of alcohol-related harm. On-licences in priority areas have higher levels of excessive alcohol consumption and related harms, such as violence, crime, and alcohol-involved traffic crashes. Police survey results²¹ supported a reduction in on-licence hours, the survey showed that 56% of survey participants recommend 10am-1am (the next day) as hours of sale for on-licences.

The reduction in the early morning hours is to provide some protection to the exposure of alcohol to vulnerable young people traveling to and from school in the morning hours. The city centre in Porirua is one of the main transport hubs where children pass through daily while travelling to and from school. As the City centre has more than average alcohol licence numbers, both on an off licences, these young people are more likely to be exposed to alcohol advertising and at times alcohol related disorderly behaviour (refer to SIA section Alcohol harm in Porirua pages 25-32).

Questions

- Do you agree with the new hours of sale?
- What hours would you suggest Council should consider?

Focus area two: discretionary conditions for on-licences

Council is consulting on adding new conditions to the current list of discretionary conditions, the new conditions for on licences are detailed below.

No changes are being suggested to the current conditions included in the current policy, however these are still subject to community feedback and are attached as appendix 1.

Licence types	Option 1 Status quo: Current Policy	Preferred Option
On licence	See appendix 1	No suggested changes.
Club licences	All on-licence conditions in appendix 1 apply to club licences.	Certified manager to be onsite after 9pm. All nominated responsible persons should have obtained serve wise training ²² (Free online programme).
Pros and Cons	<p>Pro: Provides the DLC with additional options to apply where suitable and risks have been identified.</p> <p>Con: Does not expand the options for the DLC to consider a club specific discretionary condition.</p>	<p>Pro: Provides the DLC with additional options to apply where suitable and risks have been identified.</p> <p>Con: Where applied may be seen as burdensome by some Clubs.</p>

²¹ Page 55 of the SIA.

²² <https://serve-wise.alcohol.org.nz/login/index.php>

What does this mean?

We are only recommending changes to club licences. This means the DLC has the ability to consider and apply a wider range of discretionary conditions for each on-licence application (new or renewal) where there are specific concerns and/or reasoning to apply the conditions.

Why?

Upon reviewing the evidence of harm and concerns raised by Police included in the SIA, it was identified that Council could reasonably consider including additional discretionary conditions to club licences provide the DLC with the ability to:

- apply conditions to ensure volunteers, staff and other community members who support community clubs are trained on how to serve alcohol responsibly. And,
- certified managers or persons are onsite when harm is most likely later in the evenings.

Questions

- Do you agree with the additional Conditions for club licences?
- Are there any additional conditions you would like Council to consider?

Special Licences

Special licences are largely used by our communities and hospitality industry to hold community events, cultural events, concerts and other public gatherings.

Special licences are assessed on a case-by-case basis and discretionary conditions are applied by the DLC to suit the specific concerns or risks associated to the event seeking a licence.

At this stage no changes are suggested to current special licence conditions. However, the Council is keen to hear from our community on their experiences and opinions on special licenced events.

Questions

- Do you agree with no changes to special licences?
- If not what changes to special licences would you like to see and why?

Tools and how and where they can be applied

Council can choose to make changes to certain areas of the city that are more vulnerable to alcohol harm, or to the whole city – or they can choose to do a mixture of both. The table below provides a summary of what is proposed, and indicates what might apply to only specific areas. We want to hear your feedback on whether we've got the balance right.

General changes (non licence specific)			
Tools	Current rules	Recommended options	Rationale
Priority Areas	No current priority areas	Establishment of the following priority areas: Porirua Central Tītahi Bay Rānui /Mungavin Cannons Creek Elsdon- Takapūwāhia	Establishing priority areas allows council to target policy options to the area's most vulnerable to alcohol harm. <u>Further reading</u> Social Impact Assessment <i>Section 2: Porirua and alcohol</i> (pages 26-30) <i>Section 5: Literature review on alcohol harm</i> (pages 42-49) <i>Section 6: Summary of findings</i> (page 49) <i>Report from the Medical Officer of Health: Porirua Hospital Admission & Alcohol Data</i> (pages 79-81)
Sensitive Site provisions	a. A school (which does not include early childcare or kindergartens). b. A drug and/or alcohol treatment service provider.	Status quo The draft LAP has been updated to ensure it is in line with the recent legislation ²³	No additional changes are recommended at this time. New legislation is a sufficient enough change that is likely to have a positive impact on assessing the proximity of all alcohol licences to vulnerable groups. <u>Further reading</u> <i>Map of sensitive sites – 100m and 200m buffer zones including early childhood education facilities</i> (page 41)

²³ Sale and Supply of Alcohol (Community participation) Act 2023

Off-licences			
Tools	Current rules	Recommended options	Rationale
Hours of trade	7am to 10pm for physical stores Any time of day for deliveries	9am 9pm for physical stores and deliveries ²⁴ .	<p>Reducing the hours of trade could minimise harm by restricting when alcohol is available to purchase in relation to alcohol-related incidents.</p> <p>Reducing morning hours could provide some protection to the exposure of alcohol to vulnerable young people traveling to and from school and closely aligns with our strategic priority of <i>keeping rangatahi and tamānaki at the heart of our city</i>.</p> <p><u>Further reading</u></p> <p>Social Impact Assessment</p> <p><i>Reducing accessibility to alcohol</i> (page 58)</p> <p>Section 7: <i>What could the future look like for Porirua?</i> (pages 52-55)</p>
Number of licences - 'sinking lid'	No restrictions.	<p>No new off-licenses in priority areas only. These are:</p> <ul style="list-style-type: none"> a) Porirua Central b) Titahi Bay c) Rānui/Mungavin d) Cannons Creek e) Elsdon-Takapūwāhia 	<p>Provides communities with reassurances that new off-licenses are unlikely to be approved. Evidence shows that many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process.</p> <p>Evidence provided by Police also suggests that there are higher instances of alcohol related crime in priority areas. An example is Porirua Central, which has a high density of licences as well as high rates of victimisations. Data received from Police indicated that crime in the CBD was a significant concern and also highlights the prevalence of anti-social behaviour.</p>

²⁴ Does not include the delivery of stocks/supply to the licensed venue.

			<p><u>Further reading</u></p> <p>Social Impact Assessment</p> <p><i>Section 2: Porirua and alcohol (pages 26-30)</i></p>
Discretionary conditions for off-licences	Listed in point 120 in report.	<p>No use of buy now pay later options (e.g. "Laybuy®" or "Afterpay®") in bottle stores.</p> <p>No external advertising other than business name.</p> <p>There will be no single sales of alcohol in containers less than 330mls. This restriction does not apply to individual handcrafted beers in single bottles/cans or multi-serve sizes of 330ml or higher.</p> <p>Mandatory age checks upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.</p>	<p>Discretionary conditions can provide the DLC with conditions to apply for specific case by case concerns. This can include:</p> <ul style="list-style-type: none"> • The history of the area, location of the licence • Licensee and management history • The vulnerability of the community <p>Based on evidence, including additional discretionary conditions could support greater protections for vulnerable communities in Porirua.</p> <p><u>Supporting information</u></p> <p>Social Impact Assessment</p> <p><i>Section 5: Literature review on alcohol harm (pages 42-46)</i></p>
On-licences (including club licences and special licences)			
Tools	Current rules	Recommended options	Rationale
Special licences	At any time on any day – applications assessed on merits	No suggested changes as these are already managed on a case-by-case basis.	Special licences are largely used by our communities and hospitality industry to hold community events, cultural events, concerts, and other public gatherings. Should general policy principles be adopted and applied to these decisions, the LAP will allow for flexibility in how they are managed.
Hours of trade	8am to 2am the following day	<p>Priority area hours: 10am – 12am the following day.</p> <p>For club licences ANZAC Day hours are (between 4 am and 1 pm).</p> <p>The rest of the city: 8am to 2am the following day.</p>	<p>A reduction in the hours of trade is aimed at minimising harm by assessing when alcohol is available to purchase in relation to incidences of alcohol-related harm.</p> <p>On-licences in priority areas are associated with higher levels of excessive alcohol consumption and</p>

		For RSA club licences ANZAC Day hours are (between 4 am and 1 pm) ²⁵ .	related harms, such as violence, crime, and alcohol-involved traffic crashes. <u>Further reading</u> Social Impact Assessment <i>Reducing accessibility to alcohol</i> (page 58) Section 7: <i>What could the future look like for Porirua?</i> (pages 52-55)
Discretionary conditions for club licences	Listed in point 123 in report.	Certified manager to be onsite after 9pm. All nominated responsible persons should have obtained serve wise training (free online programme).	Evidence shows there are some concerns with club licensing and hazardous drinking behaviours leading to alcohol harm. The options provided give the DLC specific options targeted to reduce risks with hazardous drinking at clubs. <u>Further reading</u> Social Impact Assessment Alcohol and Sports Clubs (page 32)

²⁵ As provided under section 47A of the Act.

APPENDIX 1: DRAFT LOCAL ALCOHOL POLICY 2025

Draft local alcohol policy 2025

Date adopted by Council:	N/A
Date considered by Committee:	To be completed by Democratic Services
Minute Reference:	To be completed by Democratic Services
Previous Policy Reference(s):	Local alcohol policy 2017
Statutory Requirement:	Sale and Supply of Alcohol 2012
Business Unit/Author:	Policy and Planning Regulatory Services
Next Review Date:	Every 6 years or as required
This Policy does not cease to have effect because it is due for review or being reviewed.	

1 INTRODUCTION

The local alcohol policy or LAP (the LAP) provides guidance to the Council's district licensing committee (the DLC) when deciding whether to issue a licence to sell and/or supply alcohol. The policy is an important tool to assist the DLC and the Alcohol Regulatory Licensing Authority (the licensing authority) in making decisions that are appropriate for Porirua and achieving the object of the Sale and Supply of Alcohol Act 2012 (the Act).

2 PURPOSE

The purpose of the LAP is to:

- promote the safe and responsible sale, supply and consumption of alcohol by putting in place a system of control that is applicable to the Porirua region;
- reflect the views of our communities regarding the appropriate location, total number of premises, trading hours and conditions that apply to licensed premises;
- provide certainty and clarity for applicants and the public as to whether a proposed licence application meets the criteria in the LAP; and
- provide instruction to the DLC and the Alcohol Regulatory and Licensing Authority, which they must have regard to when making decisions on all licensing matters for each district.

3 POLICY OBJECTIVES

The objectives of the LAP are to:

- reflect the views of local communities as to the appropriate location, hours and conditions that should apply to licensed premises within their communities
- reduce alcohol-related harm in Porirua City

- c) prioritise harm reduction for the vulnerable communities more susceptible to alcohol related harm
- d) provide effective guidance and allow flexibility for the decisions of the district licensing committee and the licensing authority.

4 SCOPE OF POLICY

A local alcohol policy may only address the following licensing matters:

- a) Location of licensed premises by reference to broad areas (eg. priority areas);
- b) Location of licensed premises by reference to proximity to premises of a particular kind(s) (eg schools);
- c) Location of licensed premises by reference to proximity to facilities of a particular kind(s) (eg alcohol treatment facilities);
- d) Whether further licenses should be issued for premises in the district concerned or any stated part of the district;
- e) Maximum trading hours;
- f) Issuance of licenses subject to discretionary conditions; and
- g) One-way door restrictions.

This LAP has been developed to set alcohol licensing criteria considered appropriate for when, where, and how alcohol is sold throughout Porirua City, with a particular focus on areas of the city that show higher instances of alcohol-related harm.

The LAP applies to all applications for alcohol licences, including renewals of licences issued under previous versions of the LAP, from the date the LAP comes into force.

Pursuant to section 108 of the Act, a licence may be refused if, in the opinion of the DLC, the issue of the licence, or the consequences of the issue of the licence would be inconsistent with this LAP.

Pursuant to section 133 of the Act, the DLC or the licensing authority may—

- a) decline to renew a licence if it considers that renewing the licence would be inconsistent with any policy set out in the relevant local alcohol policy relating to a matter specified in section 77(1)(a) to (d);
- b) impose conditions on any licence it renews if it considers that the renewal of the licence, or the consequences of the renewal of the licence, without those conditions would be inconsistent with the relevant local alcohol policy.

When the LAP has been adopted, any conditions in the LAP that relate to a modification of existing maximum trading hours, or a modification of a one-way door restriction cannot come into force straight away. The date to bring that part of the LAP into force may be stated by resolution, but it cannot be a date that is earlier than the day that is three months after the day that public notice of the LAP is given. The rest of the LAP or amendments may be brought into effect on any day stated by resolution.

What are the types of licences

There are four types of licences:

Off licence (including remote licences)	Licensed for the sale of alcohol from the premises for consumption elsewhere, including off-site special licenses which allow for the sale and supply of alcohol for consumption elsewhere on the premise, for example, bottle stores and supermarkets. Remote off licences are able to deliver alcohol off site to customers.
On licence	Licensed for the sale and supply of alcohol for consumption on the premises, for example bars, restaurants and taverns.
Club licence	Licensed for the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned, for example, RSAs and sports clubs
Special licence	Licences for one off events. Applications are assessed case by case

5 STATUTORY FRAMEWORK

The Sale and Supply of Alcohol Act 2012 (the Act) puts in place a system of control over the sale and supply of alcohol to achieve the objectives of the Act.

The objectives of the Act are to encourage the safe and responsible sale, supply and consumption of alcohol and to minimise the harm caused by the excessive or inappropriate consumption of alcohol.

Section 75 of the Act allows Councils to have a local alcohol policy relating to the sale, supply, and/or consumption of alcohol within its district. The contents, development, adoption and review of that policy must comply with the provisions of part 2, subpart 2 of the Act.

The local alcohol policy must be consistent with the general law of New Zealand and the Council's district plan.

The Council must not produce a draft local alcohol policy without having consulted the NZ Police, the Medical Officer of Health and the public.

6 POLICY COMMENCEMENT

The LAP comes into force on [insert date] as specified in the [insert resolution number] of the Porirua City Council, and as publicly notified on [insert date], in accordance with section 90 of the Act.

Clauses xxx come into force on [insert date: note that this must be no sooner than 3 months from the public notice date] as specified in the [insert resolution number] of the Porirua City Council, and as publicly notified on [insert date], in accordance with section 90 of the Act.

7 POLICY CONTENT

7.1 Priority Areas

Priority areas are suburbs within Porirua City that have been selected based on having higher risk factors and instances of alcohol-related harm. The LAP provides specific conditions that can be applied to these areas to manage the supply of alcohol more tightly. Priority areas have been identified by a criteria that considers evidence that the suburbs score²⁶ highly in two or more of the following risk factors:

1. High density of alcohol licences
2. Suburbs (identified by the SA2 suburbs) socioeconomic deprivation levels between 8-10²⁷
3. Evidence of high rates of victimisations from police data (these are higher than the rest of the city)²⁸.

The priority areas in the LAP are (Maps attached as appendix 1):

- a) Porirua Central
- b) Titahi Bay
- c) Rānui/Mungavin²⁹
- d) Cannons Creek
- e) Elsdon-Takapuwahia

²⁶ The scoring is based on:

- 1 point for 100 or more victimisations per 1000 residents
- 1 point for deprivation level 8-10
- 1 point for 10 or more licences per area.

²⁷ <https://www.ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/>

²⁸ <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>

²⁹ Mungavin is referred to as Cannons Creek East in the statistical areas 2 NZDep2018, It is referred to as Mungavin here to avoid confusion.

7.2 Policies that apply to Priority areas only

7.2.1 Maximum trading hours for new and existing licences within the priority areas

Licence types	
On licence and Club licences within priority areas. Policies related to On-licenses also apply to: <ul style="list-style-type: none"> Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act), and; Caterers (endorsed under section 38 of the Act). 	10am – 12am the following day
RSA Club licences	10am – 12am the following except 4am to 1pm on ANZAC day ³⁰
On-Licence Hotel	At any time on any day to guests, in hotel room ³¹

7.2.2 Density provisions for priority areas - Sinking Lid

7.2.3 From the date this LAP comes into force, off-licenses will not be issued for any premises in a priority area.

7.3 City wide policy provisions

7.3.1 Maximum trading hours for new and existing licences

The following hours apply to off licence

Licence types	Hours of trade
Off licence City wide including priority areas	9am-9pm
Remote off-licenses City wide including priority areas	Purchases can be made anytime of the day. Delivery must be made within the hours of 9am to 9pm. (Does not include the delivery of stocks/supply to the licensed venue).
On licence³² and Club licence excludes those within priority areas On-licence hotel RSA Club licences within priority areas	8am to 2am the following day At any time on any day to guests, in hotel room 8am to 2am the following day except 4am to 1pm on ANZAC day

³⁰ As provided under section 47A of the Act.

³¹ As provided under section 46(3) subsection (1) (a) and (b)

³² Includes Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act) and Caterers (endorsed under section 38 of the Act).

Special licences	At any time on any day – applications assessed on merits
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7.3.2 Proximity to Sensitive Sites

Sensitive sites in this LAP are sites where the target users have been identified as having a greater vulnerability than the public generally to alcohol related harm as an outcome from direct exposure to premises that sell or supply alcohol.

Sensitive sites in Porirua are exclusively:

- a) A school as defined by section 2 of the Education Act 1989,
- b) Premises that are registered with the Alcohol and Drug Association of New Zealand as the location of a drug and/or alcohol treatment service provider.

Except for supermarkets, no new licences may be granted where the proposed licence is in close proximity (100 metre radius) to a sensitive site; unless:

- the users of the sensitive site are unlikely to be directly exposed to the sale or supply of alcohol and its related activities; or
- any exposure can be mitigated by the applicant to a minor or less than minor exposure.

Every application (including renewals) or a new on, off or club licence, or to vary an existing licence in close proximity (100 metre radius) to a sensitive site, will require an impact assessment to determine the extent that the users of the sensitive site are likely to be exposed to alcohol promotion, consumption and consumers from the proposed licence premises. The assessment must address the impact of that exposure and any proposed mitigation of the exposure.

7.4 Discretionary conditions

Discretionary conditions may be applied to a licence to mitigate an identified or potential harm. In using its discretion to apply conditions, the DLC and the licensing authority will be guided by the following principles:

- **connection** – whether there is a connection between an identified foreseeable harm to be addressed and the proposed licensing activity
- **impact** – whether there is evidence to support that the proposed condition will make the drinking environment safer and minimise harm
- **reasonableness** – whether it is within the capabilities of the applicant or licensee to satisfy this condition, any condition must be a proportionate response to an expressly identified harm or potential harm.

Licence type	Conditions
7.4.1 Off-licences	<ul style="list-style-type: none"> • All bottle stores must have supervised designation (minors must be accompanied) • Alcohol product advertising is limited to less than 50% of the total shop front area; or • No external Alcohol product alcohol advertising or other advertising other than the business name and signage. • Requiring the licensee to ensure litter (this includes, but is not limited to, vomit and alcohol-related rubbish) is removed from any areas the licensee has outside the licensed premises (including any carparks, external walkways and landscaping). • Restriction on the use of buy now pay later options (e.g. "Laybuy®" or "Afterpay®") in bottle stores • No single sales of alcohol in containers less than 330mls. This restriction does not apply to individual handcrafted beers in single bottles/cans or multi-serve sizes of 330ml or higher. • Alcohol may only be sold in the original form it was received i.e. packs of 4, 6, 12, 18, or 24. • Mandatory age checks upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.
7.4.2 On-licences	<ul style="list-style-type: none"> • Restriction on the use of outdoor areas after 10pm outside the City Centre • Restriction of loudspeaker, amplifier, relay or other audio equipment after 10 pm outside the City Centre • Provision of effective exterior lighting • Provision of additional security (staff) after 11pm • The installation and operation of CCTV cameras on the exterior of, and within premises • No serving in glass containers at specified times • Requiring the licensee to ensure litter (this includes, but is not limited to, vomit and alcohol-related rubbish) is removed from any areas the licensee has outside the licensed premises (including any carparks, external walkways and landscaping). • One-way door restriction • Patron number to security personnel ratio • Patron number to bar manager ratio • Provision of transport for patrons
7.4.3 Club licences	<ul style="list-style-type: none"> • Restriction on the use of outdoor areas after 10pm outside the City Centre • Restriction of loudspeaker, amplifier, relay or other audio equipment after 10 pm outside the City Centre • Provision of effective exterior lighting • Provision of additional security (staff) after 11pm • The installation and operation of CCTV cameras on the exterior of, and within premises

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	<ul style="list-style-type: none"> • No serving in glass containers at specified times • Requiring the licensee to ensure litter (this includes, but is not limited to, vomit and alcohol-related rubbish) is removed from any areas the licensee has outside the licensed premises (including any carparks, external walkways and landscaping). • One-way door restriction • Patron number to security personnel ratio • Patron number to bar manager ratio • Provision of transport for patrons • Certified manager to be onsite after 9pm. • All nominated responsible persons should have obtained serve wise training³³ (Free online programme)
7.4.4 Special licences	<p>The following special licence discretionary conditions should be considered for both onsite and off-site special licences:</p> <ul style="list-style-type: none"> • Number of 'nominated persons' or certified Duty Managers to be present • Specify locations for Managers to be present (e.g. at point of sale, anywhere else on site that their presence would be beneficial) • Limit on number of drinks to be sold in one transaction • Drink containers to be opened at point of sale • No high alcohol doubles or shots to be sold • Specify security staff number required and their location • Patron number to security ratio • Specify event staff to wear high visibility clothing • Specify containers alcohol may be sold in • Condition to ensure Police reserve rights to require earlier cessation of licence hours by request to the licensee and reduce number of sales and slowing of service • Limits on promotion of alcohol • Require one-way door restriction • Noise limits from an event • Lighting requirements • Consideration of having specific 'licensed area' within an overall 'event area' - this will help restrict movement of patrons with alcohol inside the event and be easier to monitor for event staff, and Police and Alcohol Licensing Inspectors.

³³ <https://servewise.alcohol.org.nz/login/index.php>
³⁵

8 POLICY MONITORING AND REVIEW

Decisions by the DLC that are inconsistent with this LAP will be monitored by the Secretary for the DLC and reported annually to the Council.

Monitoring of compliance by licensees with the maximum licence hours and licence conditions is the responsibility of the Council's Licensing Inspectorate and the NZ Police.

A monitoring framework will be developed to monitor the impact of the LAP. A three yearly monitoring report/activity will be conducted and will include:

- Application of the policies included in the LAP by the DLC
- Alcohol harm statistics for Porirua
- Economic contribution of alcohol industry to the local Porirua economy
- Community participation in alcohol licensing
- Community feedback (including licensees) through a public survey
- whether there is a need to adjust or amend the LAP earlier.

9 APPEAL/ COMPLIANCE PROCESS

Appeals on the decisions of the DLC are made to the licensing authority in accordance with the Act. A subsequent right of appeal exists under the Act to the High Court.

10 DEFINITIONS

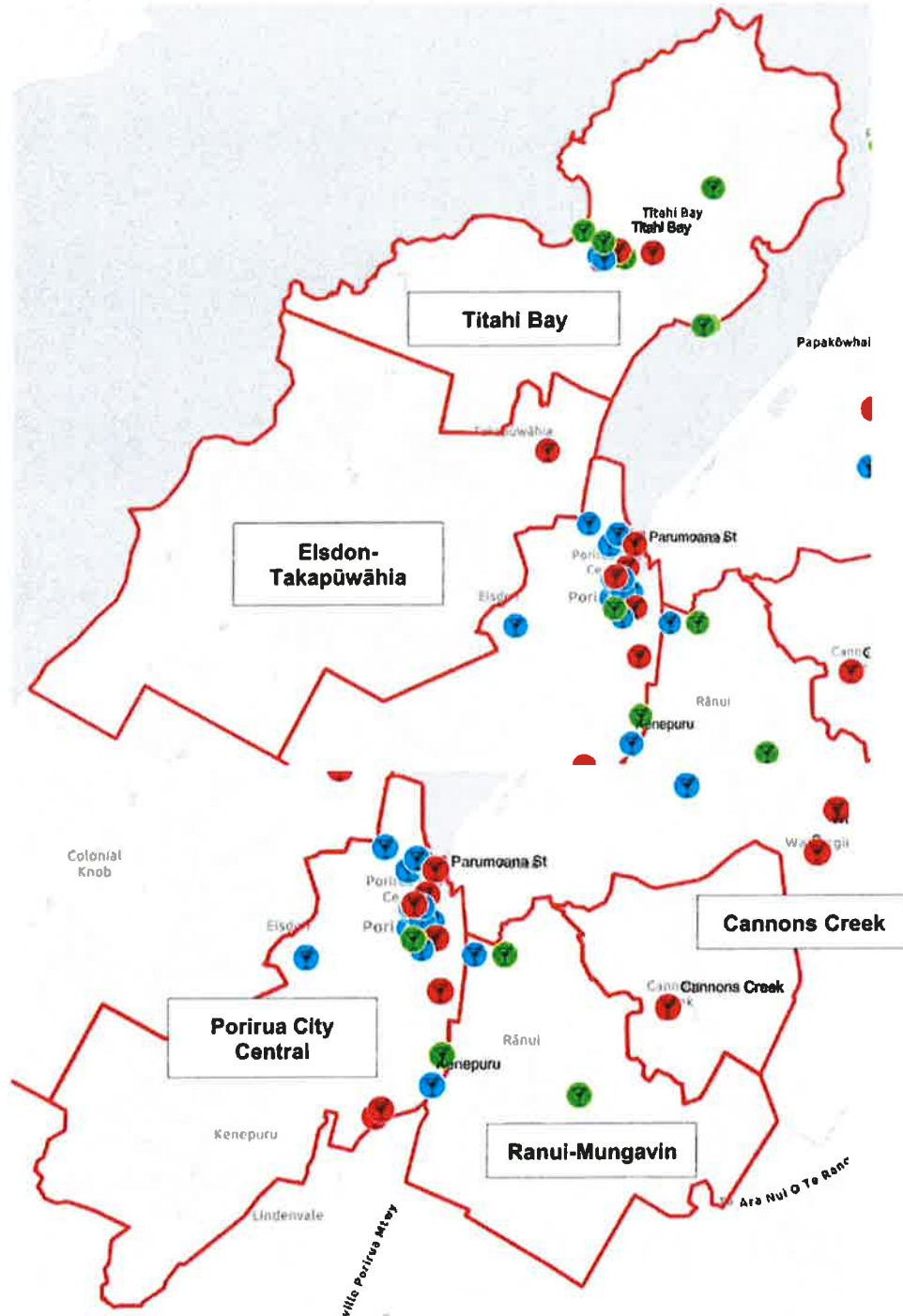
Act, the	means the Sale and Supply of Alcohol Act 2012
Alcohol-related harm	means the harm caused by the excessive or inappropriate consumption of alcohol; and includes— <ul style="list-style-type: none"> (i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and (ii) 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 subparagraph (i)
Alcohol Regulatory and Licensing Authority (ARLA)	is the licensing authority and national body that hears appeals from district licensing committee decisions and appeals of LAPs
Amendment Act, the	Means the Sale and Supply of Alcohol (Community Participation) Act 2023
Bottle store	means off-licensed premises being retail premises where (in the opinion of the licensing authority or licensing committee concerned) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol

Close proximity	within 100 metres in a straight line from boundary to boundary
Club	means a body that <ul style="list-style-type: none"> (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or (b) is a body corporate whose object is not (or none of whose objects is) gain; or holds a permanent club charter (refer section 5 of the Act)
Club-RSA	means a club licence where the club is a member of the Royal New Zealand Returned & Services Association.
District Licensing Committee (DLC)	means District Licensing Committee at Porirua. The DLC members are appointed by the Council but it acts independently
District Plan	means the operative Porirua City District Plan
Harm, alcohol related	has the same meaning as contained in section 5 of the Act
Hotel	means premises used or intended to be used in the course of business principally for providing to the public: <ul style="list-style-type: none"> (a) lodging; and alcohol, meals, and refreshments for consumption on the premises (refer section 5 of the Act)
LGA, the	The Local Government Act 2002
Maximum trading hours	(b) Means the maximum trading hours for the purpose of section 45 of the Sale and Supply of Alcohol Act 2012
Off licence	means a licence for premises where the licensee can sell alcohol for consumption somewhere else
Off-remote	means an off-licence to conduct remote sales under the Act. Remote sale, in relation to alcohol, means a sale pursuant to a contract that— <ul style="list-style-type: none"> (a) has been entered into (using the Internet, by telephone or mail order, or in any other way) between— (i) a seller who holds an off-licence; and (ii) a person (whether the buyer or a person acting on the buyer's behalf) who is at a distance from the premises where the seller entered into the contract; and contains a term providing for the alcohol to be delivered to the buyer (or to a person or place nominated by the buyer) by or on behalf of the seller

On licence	(b) means a licence for premises where the licensee can sell alcohol for consumption on the premises or can let people consume alcohol on the premises. For the avoidance of doubt, on-licences includes club licences per section 21 of the Act.
On-conveyance	means an on-licence for a vehicle (e.g. bus tours, ferries, trains)
One-way door restriction	means, in relation to a licence, a requirement that, during the hours stated in the restriction: <p>(a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and</p> <p>no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol (refer section 5 of the Act)</p>
On-hotel	(b) means an on-licence for a hotel and relates to sales to lodgers only
Opposed application	means an application where: <ul style="list-style-type: none"> a report has been filed in opposition by the Medical Officer of Health, Police or Council Inspector; or <p>an objection has been filed by a person with a greater interest than the public generally</p>
Priority Areas	Means the areas/suburbs identified in clause 7.1.
Special licence	means a licence granted for an event or series of events and can be for either on-site consumption or off-site consumption. A full definition is contained in section 22 of the Act

APPENDIX 2: MAPS

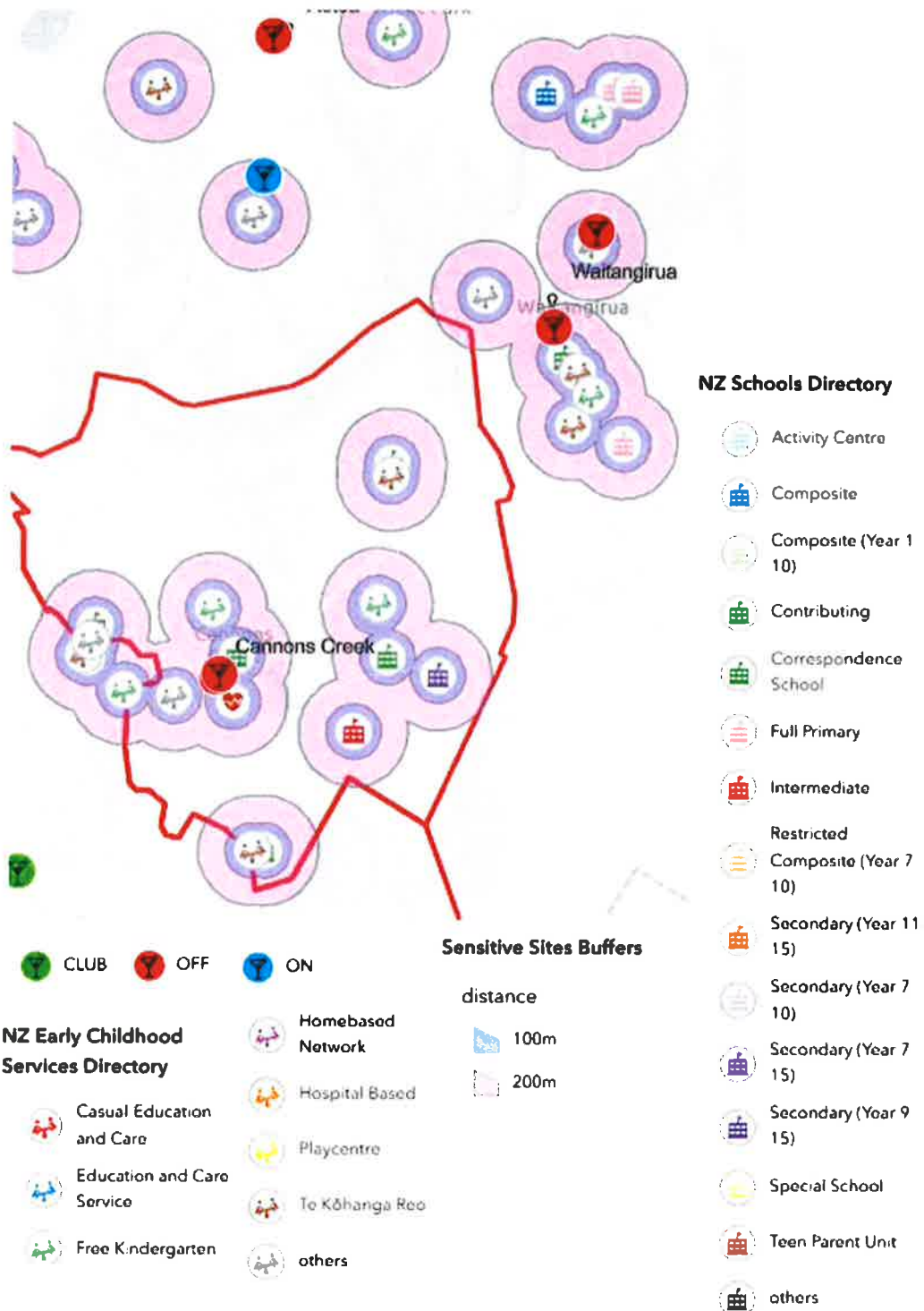
Priority Areas

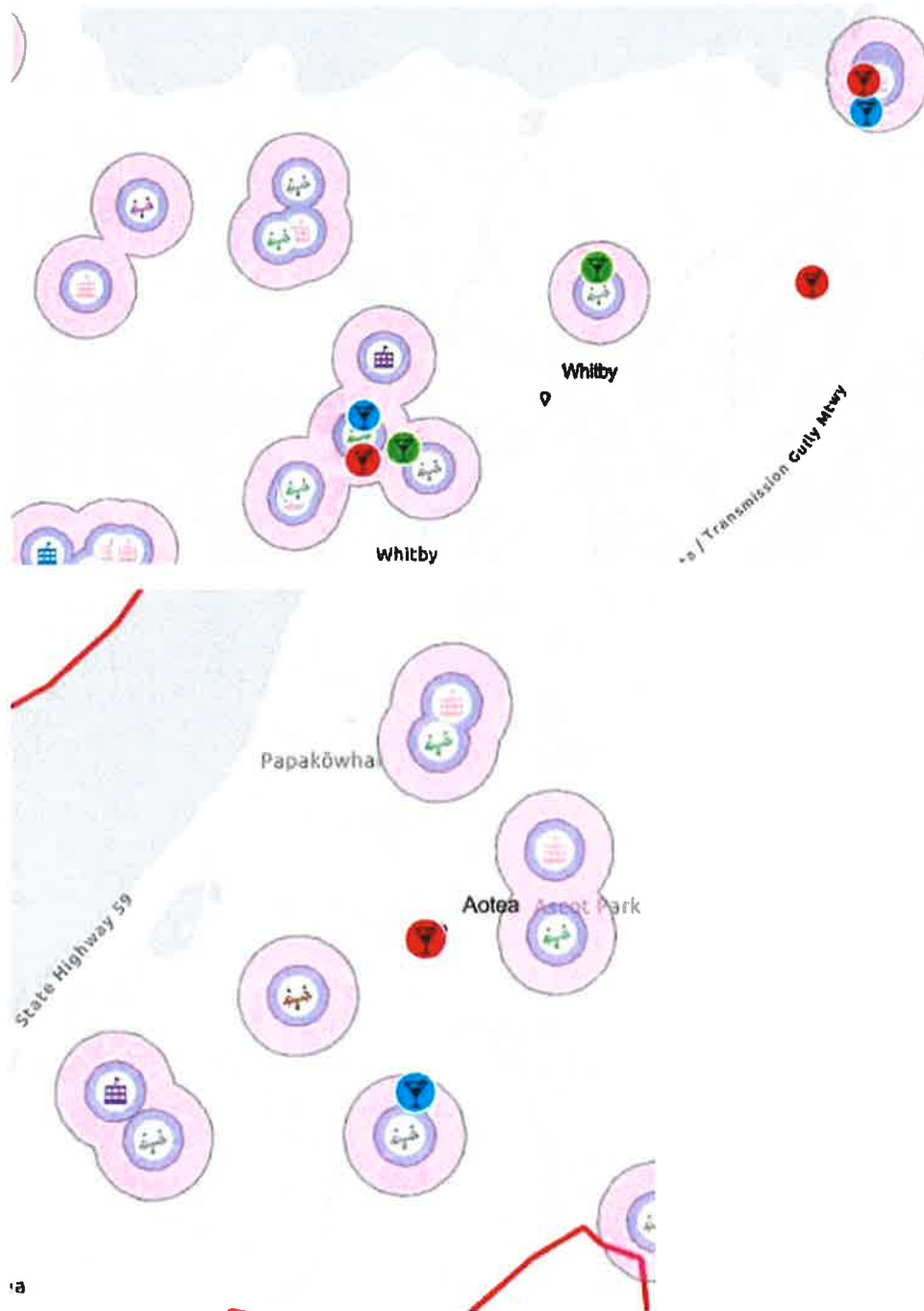


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Sensitive Sites

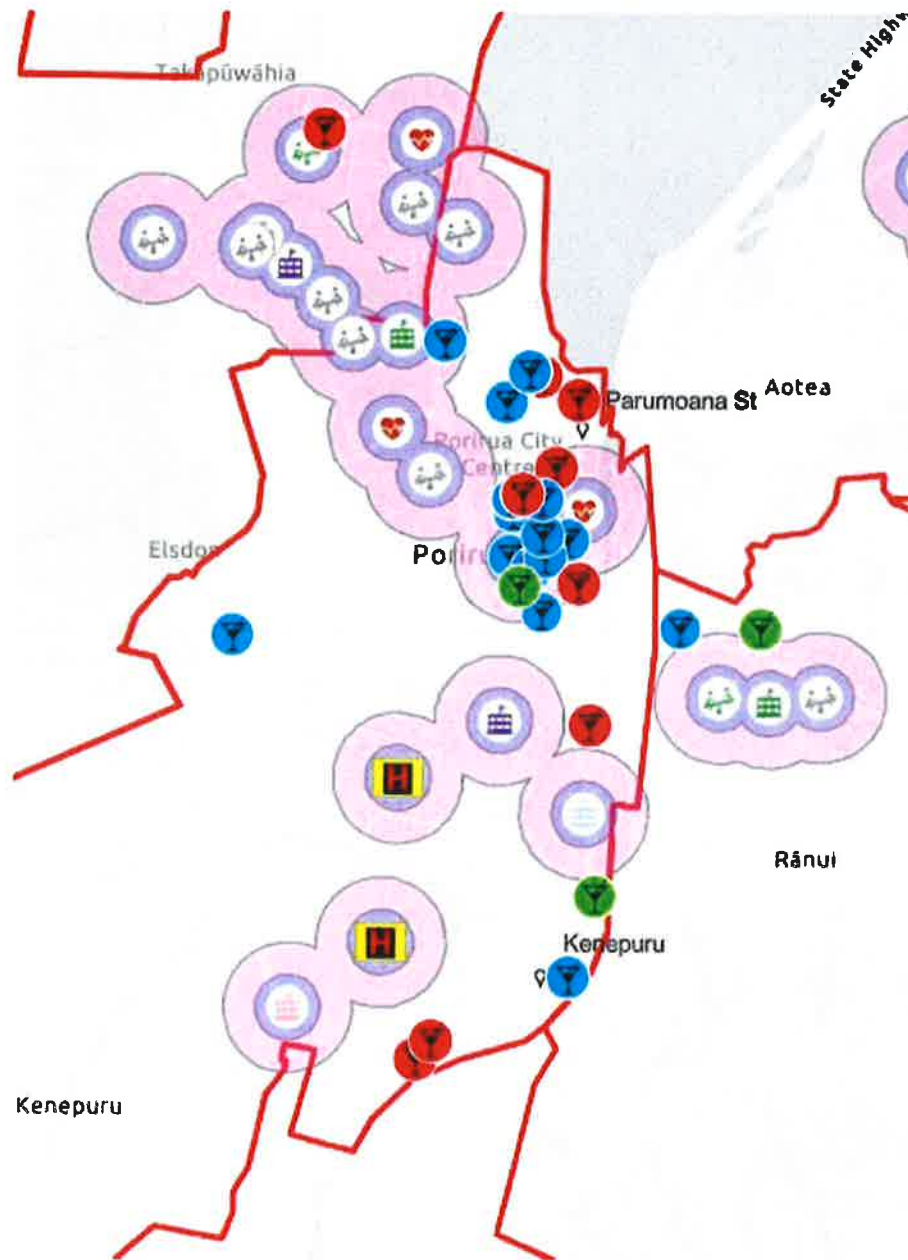
The maps below show the 100m and 200m buffer zones around sensitive sites, including early childhood education facilities.

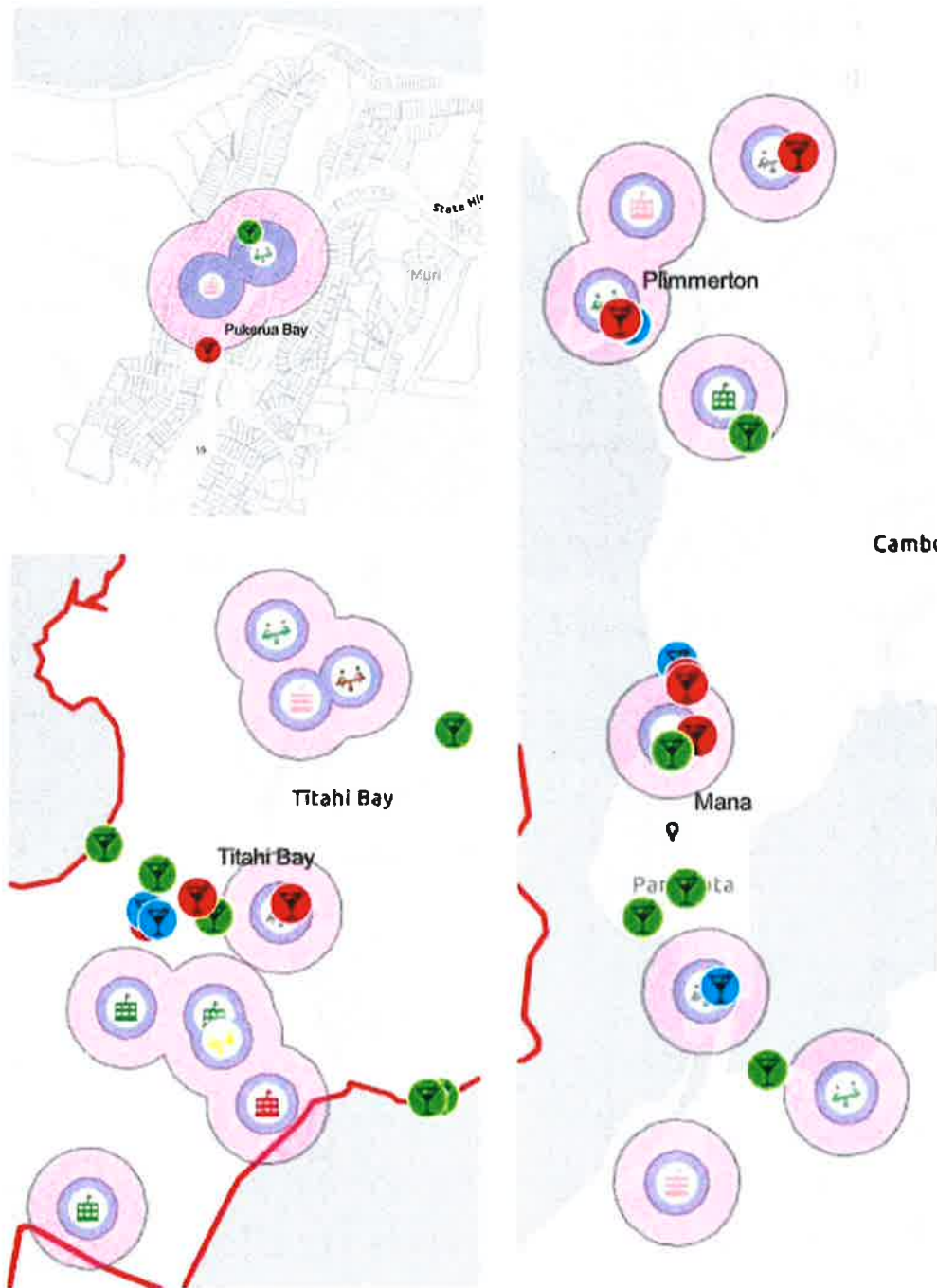




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Submission form

We'd love your feedback on the new Draft Local Alcohol Policy to assist our Council in their decision-making.

Privacy

All submissions are public information. This supports our drive to be as transparent as possible, but if there are any personal details you don't want made public, please let us know.

Your details

We'd like to know a little more about you

First name		Last name	
Organisation			
Physical address			
Suburb			
Email			
Age (please circle)	15 or under 16-25 26-35 36-50 51-65 66 or over		
Ethnicity			
Gender (please circle)	M F Non-binary Prefer not to say		

Presenting your submission in person

Would you like to come and talk to the Council about your submission?

☐ Yes ☐ No

If yes, please provide a phone number so we can get in touch:

Your feedback

You can leave your feedback on the proposal here, or complete the 'your details' section above and attach your feedback.

Please select your preferred option and provide some reasons why:

GENERAL

Focus area one: Establishing priority areas:

Do you agree with the proposed priority areas on pages 8 and 9?

☐ Yes ☐ No ☐ Partially

Comments

Would you change any of these and why?

☐ Yes ☐ No ☐ Partially

Comments

Would you include any other areas and why?

☐ Yes ☐ No ☐ Partially

Comments

Focus area two: Sensitive sites

Do you agree with the proposed sensitive sites?

☐ Yes ☐ No ☐ Partially

Comments

Do you think supermarkets should be excluded or included in the sensitive site provisions? If applicable, why?

☐ Yes ☐ No ☐ Partially

Comments

Is a 100-metre radius a sufficient measurement to decide proximity? If not, why?

☐ Yes ☐ No ☐ Partially

Comments

Should early childhood centres, marae and churches be considered sensitive sites? If not, why?

☐ Yes ☐ No ☐ Partially

Comments

46

Are there other sensitive sites you would like Council to consider and if yes, why?

☐ Yes ☐ No ☐ Partially

Comments

OFF-LICENCE CONDITIONS

Focus area one: hours of trade

Do you agree with the proposed new hours of sale for off-licences ?

☐ Yes ☐ No ☐ Partially

Comments

What hours would you suggest Council should consider?

☐ Yes ☐ No ☐ Partially

Comments

Focus area two: introduction of a sinking lid

Do you agree with introducing a sinking lid option for new off-licences in the proposed priority areas?

☐ Yes ☐ No ☐ Partially

Comments

What is your preferred option?

Comments

Are there any other options you would like Council to consider?

☐ Yes ☐ No ☐ Partially

Comments

Should on-licences also have a density provision (sinking lid or cap)?

☐ Yes ☐ No ☐ Partially

Comments

Focus area three: Discretionary conditions for off licences

Do you agree with the proposed additional discretionary conditions?

48

☐ Yes ☐ No ☐ Partially

Comments

Are there any additional conditions you would like Council to consider?

☐ Yes ☐ No ☐ Partially

Comments

ON-LICENCE OPTIONS

Focus area one: hours of trade:

Do you agree with the proposed new hours of sale?

☐ Yes ☐ No ☐ Partially

Comments

(if applicable) What hours would you suggest Council should consider?

Focus area two: discretionary conditions for club licences

Do you agree with the additional proposed discretionary conditions for club licences?

☐ Yes ☐ No ☐ Partially

Comments

(if applicable) Are there any additional on-licence or club conditions you would like Council to consider?

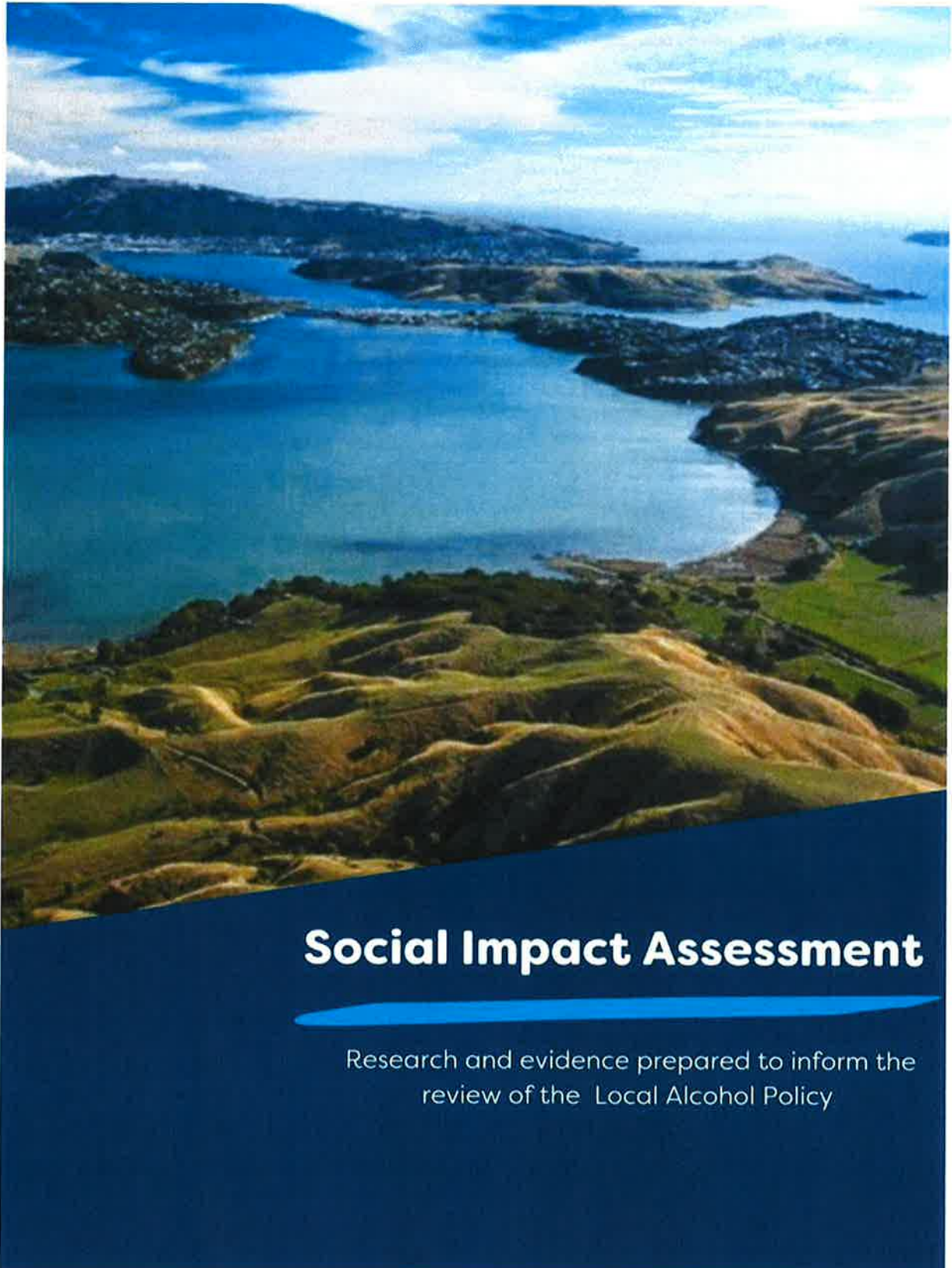
SPECIAL LICENCES OPTIONS:

Do you agree with no changes to special licence conditions?

☐ Yes ☐ No ☐ Partially

If not what changes to special licences would you like to see and why?

•



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INTRODUCTION

PURPOSE AND SCOPE OF THIS REPORT

The purpose of this social impact assessment (SIA) is to inform the review of the Local Alcohol Policy (LAP) and the Alcohol Control Bylaw for Porirua (Bylaw). This report will assist the Council to decide whether changes should be made to the LAP or the Alcohol Control Bylaw.

The report aims to:

- Identify the impact of the current LAP.
- Identify the impact of alcohol on our community.
- Identify options for improvements in a new LAP that will better fulfil the purpose/object of the Sale and Supply of Alcohol Act 2012 (The Act), which is largely to provide for the safe and responsible sale, supply, and consumption of alcohol and the minimisation of harm caused by its excessive or inappropriate use.
- Identify matters relevant to the review of the Alcohol Control Bylaw under the Local Government Act 2002.

The purpose of a SIA is to:

- Determine what the impacts are of alcohol harm and alcohol-related problems for our communities in Porirua, prioritising the focus on wellbeing of our communities, including the impacts on culture, economy, health and the environment.
- Assess the operation of the current LAP and how it is addressing the negative impacts of alcohol while also balancing the benefits.
- Identify options that might provide for the LAP to better achieve the objects of the Act and,
- Consider the likely impacts of these options.

REPORT STRUCTURE

In completing this SIA, the following matters have been considered:

- Presentations for alcohol-related injuries.
- Hospital stays for long-term health issues due to alcohol.
- Victimisations and incidences caused by alcohol.
- Evidence collected from Porirua communities.

Data analysis will look at:

- Impact of alcohol harm nationally and in Porirua.
- Porirua demographics.
- Health impacts.
- Social impacts (crime).

Policy implications:

- What does this mean for the current LAP and Alcohol Control Bylaw impact?
- What worked and didn't work with the current LAP and Alcohol Control Bylaw?
- What are community members' perspectives on alcohol harm and our Policy and Bylaw?

The literature review will look at:

- Theories and evidence of impact of alcohol harm.
- Evidence of policy levers and interventions to improve alcohol harm.

METHODOLOGY

The following research methodology was used for this assessment:

1. Scoping and contextualisation.

2. Information gathering - secondary data analysis, literature review, stakeholder and community engagement.
3. Impact identification, determining the nature of likely social impacts.
4. Assessment of social impacts - scale, extent distribution and duration of potential social impacts.

EXECUTIVE SUMMARY

This SIA combines a significant amount of information from a wide range of sources including central government departments, academia, local community groups, businesses and the general public. It provides evidence of the impacts of alcohol on the local community to consider as part of feedback on Porirua City's LAP and Alcohol Control Bylaw.

Key findings in this report¹ are:

1. We acknowledge that many people enjoy the social aspects of consuming alcohol which also benefits hospitality businesses. For most having a drink with dinner or at social events with little impacts to themselves or others around them.
2. However, the evidence shows that there is a minority group in the community who do drink harmfully and/or hazardously. For these people, the impact of alcohol consumption is far-reaching in terms of health and social implications. We also know that these impacts extend to those around them, particularly partners and tamariki. Identifying these vulnerable groups is critical to fulfil Council obligations under the Act., especially in the minimisation of alcohol harm.
3. Alcohol harm predominantly affects lower socio-economic groups and Māori with Porirua City having a high proportion of residents in the top decile of deprivation. Research indicates that alcohol advertising adversely influences young people, leading to worse outcomes the earlier they begin drinking.
4. While it is positive to see signs of a decline in the proportion of people drinking (particularly the drop in harmful drinking), and the apparent decline in young people drinking, it is important that we continue to do what we can to reduce alcohol harm in Porirua.

OUR PROPOSAL

The evidence and research in this report strongly suggests that alcohol-related harm is still prevalent in Porirua, communities' wellbeing and safety should be prioritised, and Council has the opportunity to have greater impact on alcohol harm reduction. This report proposes that Council should explore the development of a new Local Alcohol Policy with policy levers that could have greater impact in reducing alcohol harm.

Our proposed policy options are based on an equity-led and harm minimisation approach. We are proposing the following policy levers for consideration within the LAP:

- introducing stricter sensitive site provisions
- introducing density specific and/or location specific levers
- restricting hours of sale
- introducing additional discretionary conditions.

The report also concludes that the Alcohol Control Bylaw should keep the current alcohol control areas so there are measures to discourage public drinking around the city.

The report also explores whether there are any extra steps Council can take to address alcohol harm that could sit outside of the LAP, including:

- increased community representation in licensing decisions and process
- Iwi/Māori representation in licensing decisions and process
- A monitoring and evaluation framework.

¹ Note that some information on different areas covered in the report is either not available at a territorial authority level or relies on older information. However, the report writers are confident this SIA provides a solid basis for the Council to make its initial decisions, which will then be tested further through consultation.

SECTION 1: REGULATORY FRAMEWORK

SALE AND SUPPLY OF ALCOHOL ACT 2012

The Sale and Supply of Alcohol Act 2012 (the Act) allows for the sale, supply and consumption of alcohol in Aotearoa. Section 75(2) of the Act provides councils with the ability to introduce a Local Alcohol Policy. The object of the Act is that:

- the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Key features of the Act include:

- Increasing the ability of communities to have a say about alcohol licensing in their local area.
- Allowing local-level decision-making for all licence applications.
- Strengthening the rules around the types of stores allowed to sell alcohol.
- Introducing maximum default trading hours for licensed premises.

WHAT IS A LAP?

A Local Alcohol Policy (LAP) is a policy that may be adopted by a territorial authority relating to the sale, supply, or consumption of alcohol in the district. An LAP can include provisions such as the maximum hours of trade for a licensed premises, and where licensed premises can be located. The District Licensing Committee (DLC) and Alcohol Regulatory and Licensing Authority (ARLA) must consider Local Alcohol Policies (if there is a LAP applicable to the district) when making decisions on licence applications or renewals.

Having a LAP is one way the community can influence limits on alcohol licences. It enables the community to have a say on alcohol licensing in their city.

When creating a LAP, territorial authorities are required to consider:

- The objectives and policies of the District Plan.
- Demographics and health indicators of residents and demography of visitors.
- Numbers of existing licences in the district, and location and opening hours of each.
- Areas where bylaws prohibit alcohol in public places.
- The nature and severity of alcohol-related harms in the district.²

The territorial authority is also required to consult with the police, alcohol licensing inspectors and medical officers of health when formulating the policy.³

An LAP may include the following⁴:

- The maximum trading hours licensed premises can sell and supply alcohol in the district (which may differ from the maximum hours prescribed in the Act⁵).
- Limits on the location of licensed premises by reference to broad areas or proximity to facilities/premises of specific kinds.
- Whether further licences (or kinds of licences) should be issued for premises in the district.
- Recommended discretionary conditions for licences. These are conditions that the DLC (and ARLA) can impose if it is reasonable and not inconsistent with the Act⁶.
- Specified conditions for types of licences e.g. one-way door restrictions.

² S78(2), Sale and Supply of Alcohol 2012

³ S78(4), Sale and Supply of Alcohol 2012

⁴ S77, Sale and Supply of Alcohol Act 2012

⁵ S43, 45, Sale and Supply of Alcohol Act 2012

⁶ S117, Sale and Supply of Alcohol Act 2012. Also see s116 Sale and Supply of Alcohol Act 2012 for added requirements regarding discretionary conditions for off-licences

HOW DOES A COUNCIL ADOPT A LAP?

Under the Act, councils can choose to develop and adopt a LAP. If a council chooses to develop a LAP, they are legally required to produce a draft policy and consult with the public on it⁷. After consultation, a council must give public notice of the policy.⁸ The policy is adopted 30 days after it is publicly notified (some provisions require three months' notice before coming into effect)⁹ and must be submitted to ARLA.

The process of adopting an LAP before mid-2023 required councils to submit their Provisional Local Alcohol Policy (PLAP) to ARLA for review and to enable possible appeals. This is where any parties that made a submission to the initial public consultation were able to appeal the PLAP¹⁰. Appeals were commonly made by community groups and industry representatives and were lengthy legal processes that commonly delayed or ended LAP development. Appeals could be resolved by negotiation between the appellants, as happened in Porirua's case¹¹, or if that was not possible through a hearing before ARLA.¹² Once all appeals were resolved, the new policy was adopted 30 days after the final policy was publicly notified.¹³

In August 2023 the Sale and Supply of Alcohol (Community Participation) Amendment Act was passed. The Amendment Act (Amendment Act) aimed to improve communities' ability to influence alcohol regulation in their areas. The main changes to the Act were:

- Removing the appeals process
- Removing the requirement to have a provisional local alcohol policy
- Removing cross-examinations from licensing hearings, and
- Allowing anyone to object to an alcohol licence application.

The amendments mean external parties are no longer able to appeal the LAP through ARLA, but it is still possible to bring judicial review proceedings against councils.

These changes provide our communities with greater opportunity to be heard and have genuine influence in shaping local alcohol policies. It also makes the licence hearings and objections process more accessible to our community, which will also hopefully encourage greater community input.

LICENSING PROCESS AND DECISION MAKING

Under the Act there are four types of licences to sell and supply alcohol¹⁴. These are:

- On-licence – where alcohol is sold and consumed on the premises e.g., bars, taverns, nightclubs, BYO restaurants, venues hired for use for events like weddings/receptions.
- Off-licence – where alcohol is sold and consumed after it leaves the premises¹⁵ e.g., supermarkets, bottle stores, grocery stores.
- Special licence – where a licence is granted for a one-off or a series of large events. Special licences can be granted as an on-site special licence or off-site special licence.
- Club licence – where alcohol is bought and consumed on the premises, but the licence holder is a body corporate aimed at promoting a sport or recreational activity and does not operate for financial gain¹⁶.

⁷ S78, 79 Sale and Supply of Alcohol Act 2012

⁸ S80, Sale and Supply of Alcohol Act 2012

⁹ S81, Sale and Supply of Alcohol Act 2012

¹⁰ S81(1), Sale and Supply of Alcohol Act 2012 (as at 24 August 2023)

¹¹ See ARLA 274899/2015, 274928/2015, 275555/2015 joint memorandum dated 30 June 2015

¹² S82, Sale and Supply of Alcohol Act 2012 (as at 24 August 2023)

¹³ S87, Sale and Supply of Alcohol Act 2012 (as at 24 August 2023)

¹⁴ S13, Sale and Supply of Alcohol Act 2012

¹⁵ S17, Sale and Supply of Alcohol Act 2012

¹⁶ S5, Sale and Supply of Alcohol Act 2012 (see definition of 'club')

Prospective applicants must apply to the DLC (the District Licensing Committee) to consider their application¹⁷. If a LAP is available, the DLC will use it to guide decision-making on all alcohol licence applications.¹⁸ When granting, renewing or varying a licence, the DLC is required to consider a range of factors, including but not limited to the object of the Act, the design of the premises and the effects of issuing the licence on the amenity and good order of the locality.¹⁹

The DLC can then decide to issue, re-issue or decline a licence. A licence application can be denied if inconsistent with the LAP.²⁰ If they issue a licence, then they can issue the licence subject to conditions listed in the LAP.²¹ They can also issue a licence on a range of matters listed in the Act such as (but not limited to) who the licensee can sell alcohol to and conditions relating to the management of the premises.²² As long as the condition is not inconsistent with the Act, the DLC can impose any condition it sees fit.²³

The police, Medical Officer of Health and a licensing inspector must be given the opportunity to inquire into, and object to, the application.²⁴ However, anyone can object to an application to a grant or renewal of a licence, whether as an individual or as a representative of a group.²⁵ This is a change from the previous legislation, which only allowed a person to object if they had 'a greater interest in the application for the licence than the public generally.'²⁶ Examples of a greater interest than the public generally could include living or working close by, or being a board of trustee member of a nearby school or marae.²⁷ If there is dissatisfaction with a decision of the DLC then parties to the decision can appeal to ARLA.²⁸

From May 2024, the new legislation also requires licensing committees to consider applications in a manner that avoid unnecessary formality. Licensing committees must also allow for incorporation of tikanga Māori into proceedings and usage of te reo in proceedings, and the licensing committee is now required to consider requests for anyone to participate in a hearing via remote participation.

MONITORING, COMPLIANCE AND ENFORCEMENT

Under the Act the responsibility for managing monitoring, compliance and enforcement is given to three regulatory agencies:

- Police
- Medical Officer of Health, and,
- Territorial authority licensing officer, which is a role within councils.

Regulatory agencies have an important role in monitoring licensed premises to ensure they operate within the law and with regard to public health and safety. They carry out a range of investigations and reporting. They can also apply to have a licence suspended, varied or cancelled.

Council licensing inspectors are appointed by the chief executive of each territorial authority. The licensing inspector has a range of functions, including the ability to inspect licensed premises, appearing at hearings, making applications to ARLA for modifying and suspension of licences, and enquiring into all applications for licences, among others.²⁹

¹⁷ S99, Sale and Supply of Alcohol Act 2012

¹⁸ S187, 146, 147 and 120, Sale and Supply of Alcohol Act 2012

¹⁹ S105, 106, 120, 131-133 Sale and Supply of Alcohol Act 2012

²⁰ S108, Sale and Supply of Alcohol Act 2012

²¹ S109, Sale and Supply of Alcohol Act 2012

²² See s110-119 and s147 of the Sale and Supply of Alcohol Act 2012

²³ S117, 133(a) and (b), 145, 147, Sale and Supply of Alcohol Act 2012

²⁴ S103, 129 Sale and Supply of Alcohol Act 2012

²⁵ S102(1), (1A), 128 Sale and Supply of Alcohol Act 2012

²⁶ S102(1), Sale and Supply of Alcohol Act 2012 as at 27 July 2023

²⁷ <https://www.actionpoint.org.nz/on-licence-what-you-need-to-know>

²⁸ S154, Sale and Supply of Alcohol Act 2012

²⁹ See sections 262, 267, 268, 220, 225, 103, 141, 129, 197(2) s71, s78(4), 170, 204-206, and 170 of the Sale and Supply of Alcohol Act 2012

ALCOHOL CONTROL BYLAW 2018

An Alcohol Control Bylaw³⁰ prohibits the possession and consumption of alcohol in certain locations at certain times. Territorial authorities are able to make alcohol control bylaws under s.147 of the Local Government Act 2002 following a full community consultation process.

Alcohol-free zones are often introduced because of concern about disorderly behaviour and criminal offending linked to the consumption of alcohol in public places.

Porirua's Alcohol Control Bylaw 2018 imposes prohibitions on the drinking, possession and carriage of alcohol, between 5pm on one day and 7am the following day on all days of the week in the following places:

- Ngāti Toa Domain
- Paremata/Pāuatahanui Inlet (west side)
- Plimmerton Beaches
- Pukerua Bay Beach
- Titahi Bay Beach

And at all times on all days of the week in:

- Broken Hill
- Calliope Crescent playground
- Cannons Creek business district
- Endeavour Park
- Porirua City CBD
- Rānui
- Titahi Bay Shopping Centre
- Waitangirua
- Whitby Adventure Park and Lakes
- Baxters Rise, Aotea

Police enforce the bylaw using special powers under sections 169, 169A and 170 of the Local Government Act 2002. Porirua City Council's Alcohol Control Bylaw can be found on the Council website³¹.

DEVELOPING THE ALCOHOL CONTROL BYLAW

When developing an alcohol ban, Council must:

- a) be satisfied that the Alcohol Ban gives effect to the purpose of the bylaw; and
- b) complies with the decision-making requirements and relevant criteria under Subpart 1 of Part 6 of the Local Government Act 2002.
- c) consider and specify the area and times that an Alcohol Ban will apply by resolution, which is to be publicly notified.
- d) consider and specify whether an Alcohol Ban made under clause 6.1 will be permanent or temporary.

An Alcohol Ban may be amended or revoked at any time via a Council resolution publicly notified and where the changes are minor or to correct errors in the bylaw.

Under section 147A and 147B of the Local Government Act 2002, before deciding that an alcohol control bylaw should continue with or without amendment, a territorial authority must be satisfied that the level of crime or disorder experienced before the bylaw was made is likely to return to the area to which the bylaw is intended to apply if the bylaw does not continue.

³⁰ The alcohol control bylaw can be found at <https://porirua.govt.nz/your-council/policies-and-bylaws/bylaws/>

³¹ [https://storage.googleapis.com/pcc-wagtail-media/documents/Alcohol Control Bylaw 2018.pdf](https://storage.googleapis.com/pcc-wagtail-media/documents/Alcohol%20Control%20Bylaw%202018.pdf)

Evidence and data included in this report will inform the review of the bylaw and provide the basis for recommendations to Council for consideration.

PORIRUA CITY'S DISTRICT PLAN

A District Plan (the Plan) is a key document that sets out the way land can be used or developed in the district. The Plan is the rulebook for how land can be used. It applies to every property in the city and provides the blueprint for how Porirua will grow. It also sets out how the Council will look after the things in our city that people value.

The Council currently has two district plans. One is the 1999 Operative District Plan and the other is the Proposed Porirua District Plan Appeals Version 2024. The latter is replacing the 1999 operative plan with most of the zone provisions now treated as operative. For the purpose of this review, the content of the Proposed District Plan is therefore referred to here, as the Plan. The Local Alcohol Policy requires updates to ensure it reflects the Proposed District Plan.

The approval of alcohol licences must comply with the Resource Management Act 1991 (RMA) and the Building Code. While some local authorities have specific provisions restricting the location and trading hours of alcohol sales in their district plans, the Porirua City Council does not.

In general, the Plan does not address alcohol sales as a specific activity. Instead, alcohol sales are generally a part of other activities such as commercial activities, retail activities, large format retail activities, and food and beverage activities. Provided overleaf is an outline of the strategic objectives of the Plan as well as the zones where activities involving the sale of alcohol (typically bottle stores, supermarkets, taverns, restaurants) may be considered appropriate and are enabled within the Plan.

Strategic objectives of the Provisional District Plan	
CEI-O1 - Hierarchy of commercial and industrial centres	<p>The city has a hierarchy of accessible, vibrant and viable centres that:</p> <ol style="list-style-type: none"> 1. Are the preferred location for shopping, leisure, cultural, entertainment and social experiences. 2. Provide for the community's employment and economic needs. 3. Contribute to the community's housing needs; and 4. Contribute to the city's social wellbeing and prosperity.
CEI-O2 - City Centre	The city centre is the principal centre providing a wide range of commercial, cultural, community, recreational and residential activities that serve the city's employment, economic and social needs.
CEI-O3 - Large Format Retail Zone	Large format retail zones are where larger-scale retail and trade activities occur and are located close to the city centre to support its role as the principal centre.
CEI-O4 - Local Centres	Local centres are where local residential communities source convenience and specialty goods and services, along with recreational and community activities.
CEI-O5 - Neighbourhood Centres	Neighbourhood centres are of a small scale and provide for the day-to-day needs of the immediate residential neighbourhood.

CEI-O6 - Mixed Use Zone	The mixed-use zone has a range of complementary commercial, residential, light industrial, recreational and community activities.
CEI-O7 - Industrial Zone	Industrial zones provide industry-based employment and economic development opportunities and are protected from incompatible activities.

Proposed District Plan zones where commercial activities that can involve the sale and/or consumption of alcohol are generally permitted:

Zone	Zone Purpose
Metropolitan Centre Zone	The metropolitan centre zone: <ol style="list-style-type: none"> 1. Is Porirua's principal commercial, civic and community centre. 2. Is the vibrant focal point of the city; and 3. Accommodates a wide range of commercial, community, recreational and residential activities.
Large Format Retail Zone	The large format retail zone predominantly accommodates large format retail development that services Porirua City's and the wider region's need for large-scale retail and other vehicle-oriented activities.
Mixed Use Zone	The mixed-use zone accommodates a compatible range of activities, including residential, commercial, recreational, community and light industrial activities, that service both businesses and surrounding residential catchments.
Local Centre Zone	Local centres are commercial centres that: <ol style="list-style-type: none"> 1. Service the daily and weekly retailing needs of the surrounding residential catchment; and 2. Accommodate a range of commercial and community activities as well as residential activities.
Neighbourhood Centre Zone	Neighbourhood centres are small-scale commercial centres that: <ol style="list-style-type: none"> 1. Service the day-to-day needs of immediately surrounding residential neighbourhoods; and 2. Accommodate a range of small-scale commercial and community activities as well as residential activities.
Māori Purpose Zone (Hongoeka)	The Māori Purpose Zone (Hongoeka) provides for a range of activities that specifically meet Māori cultural needs, including social, cultural and economic development, and allows Hongoeka whānau to establish and maintain an ongoing relationship with their ancestral land, waahi tapu and taonga.

PORIRUA CITY COUNCIL'S CURRENT LAP

In 2013, Porirua City Council agreed to develop a Local Alcohol Policy (LAP) under the Act.

A provisional LAP was adopted by the Council on 10 December 2014. Hearings and appeals followed over the next two years. The Council accepted changes to the Provisional LAP on 25 May 2016 and it was resubmitted to ARLA.

The LAP was adopted by the decision of ARLA on 30 June 2017 and ceased to be provisional. The LAP provisions, other than those relating to trading hours and one-way restrictions, came into force on 26 October 2017. The provisions relating to trading hours and one-way restrictions came into force on 26 January 2018. Porirua City Council's current LAP is attached as Appendix 1.

The main aspects of the LAP include:

1. Hours of operation:

Licence kind	Hours
Off licence	7am-10pm
Off – remote	At any time on any day
On and club	8am-2am the following day
On - hotel	At any time on any day to lodgers
Club – RSA	8am-2am the following day, except 4am to 1pm on Anzac Day
Special	At any time on any day – applications assessed on merits

2. Proximity to sensitive sites

Sensitive sites under the LAP are sites where the target users have been identified as having a greater vulnerability than the public to alcohol-related harm because of direct exposure to premises that sell or supply alcohol.

Sensitive sites in Porirua, for the purpose of the LAP, are:

- Schools as defined by section 2 of the Education Act 1989, which does not include early childcare or kindergartens.
- Premises that are registered with the Alcohol and Drug Association of New Zealand as the location of a drug and/or alcohol treatment service provider.

The current LAP has reverse sensitivity and site impact assessment provisions which assist to identify the level of exposure of users of the sensitive sites, and any potential mitigation of exposure to alcohol. These provisions are intended to help support DLC decision making (refer to Appendix 1 for more detail).

3. Discretionary conditions

The LAP includes a range of discretionary conditions (included in Appendix 1) that may be applied to a licence to mitigate an identified foreseeable harm. In using its discretion to apply conditions, the DLC is guided by the following principles:

- Connection – whether there is a connection between an identified foreseeable harm to be addressed and the proposed licensing activity.
- Impact – whether there is evidence to support that the proposed condition will make the drinking environment safer and minimise harm.
- Reasonableness – whether it is within the capabilities of the applicant or licensee to satisfy this condition, any condition must be a proportionate response to an expressly identified harm or potential harm.

A copy of the current LAP can be found [here](#).

SECTION 2: PORIRUA AND ALCOHOL

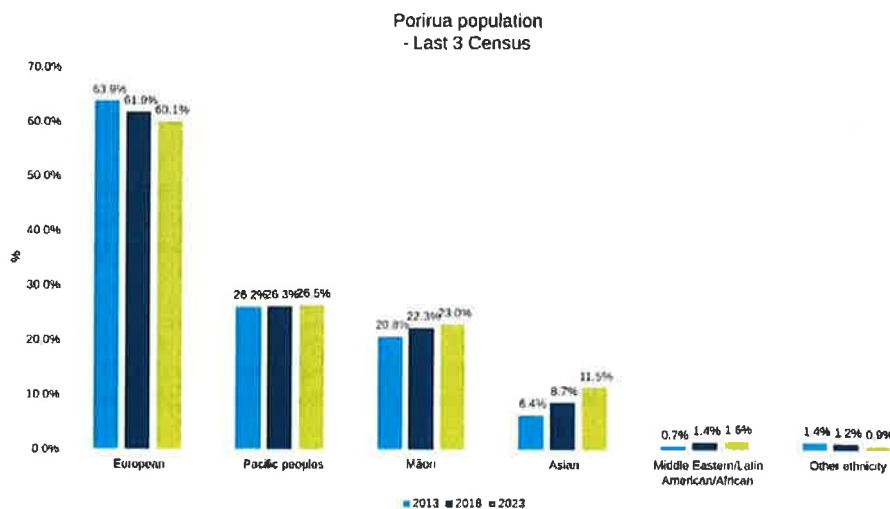
The purpose of this section is to determine what impact alcohol is having within our communities in Porirua City. This report explores the positive and negative impacts of alcohol in Porirua City.

The benefits of alcohol are primarily seen through the financial contribution the alcohol industry has on the economy through alcohol sales, employment and the hospitality industry (cafes, taverns, bars and restaurants).

The data and evidence available for analysis points strongly to the fact that alcohol harm is the most significant impact experienced by our communities.

ABOUT PORIRUA

Porirua is a city of just under 60,000 people in the Wellington region³². It is a vibrant, multicultural city with multiple villages all connected by Te Awarua-o-Porirua – our harbour. Porirua's population is made up of an above average population of Pacific (27%) and Māori (23%) residents³³ and an increasing number of Asian (12%) and Middle Eastern/Latin American/African³⁴ (2%) residents.

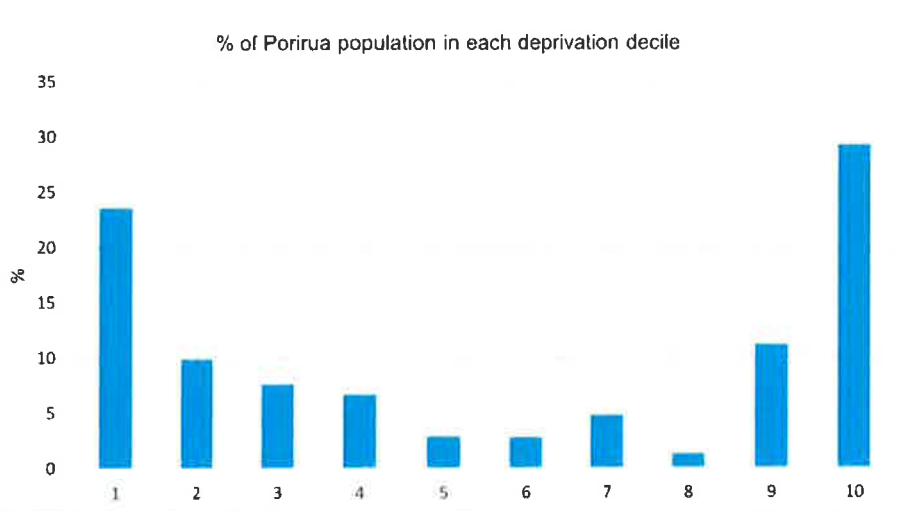


Porirua is also a city of extremes. As shown in the graph overleaf, residents are mapped against a list of criteria to determine their level of deprivation. In Porirua, there are a significant proportion of people who are highly deprived and a significant proportion at the other end of the scale who experience low deprivation, and very few residents in the middle. As discussed later in this section, it is known that residents with high deprivation are more likely to experience poor outcomes across a whole range of health and wellbeing measures.

³² Census 2023 data

³³ When compared with the total population of NZ

³⁴ Middle Eastern/Latin American/African



(1 = least deprived, 10 = most deprived).

ALCOHOL LICENSING IN PORIRUA

As at August 2024 Porirua had 82 alcohol licences. Twenty-one were for clubs, 29 were for off licences (where alcohol is taken off the premises) and 31 were for on licences (where alcohol is consumed on the premises)³⁵.

In 2019, the number of licences was 84. While the number of licences has declined slightly over the last five years, the number of licences in areas of high deprivation has stayed the same. Thirty-four of the licences are in high deprivation areas and make up 47 per cent of all licences in Porirua.

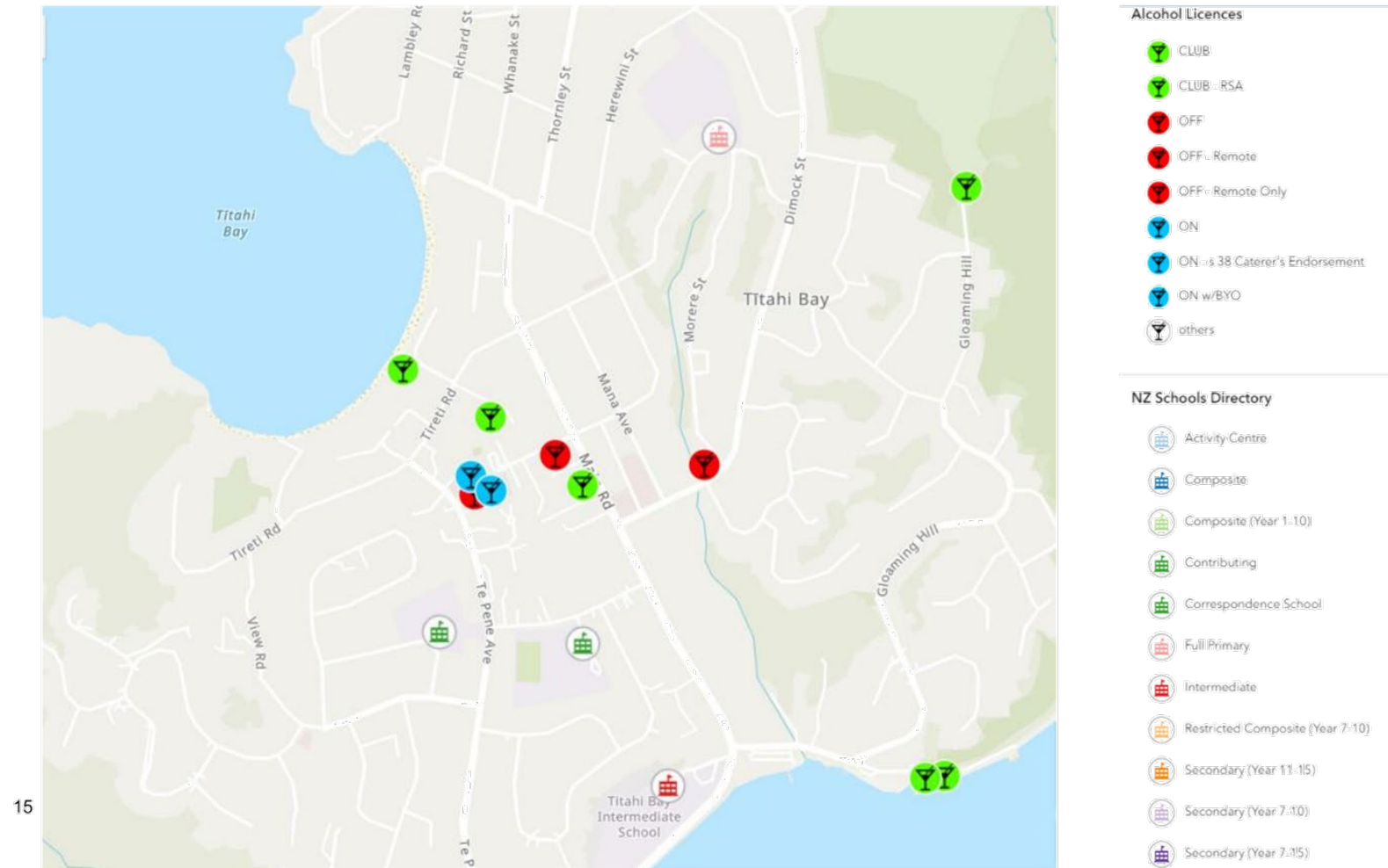
The maps below show the location of licence holders across Porirua and their proximity medical facilities providing Alcohol and drug treatment services, schools and early childhood education centres. In some instances, liquor outlets are located right next door to early education childhood centres and in several others, they are located in the same block.

The relationship between young people and alcohol, including alcohol advertising is explored in more detail in the following section.

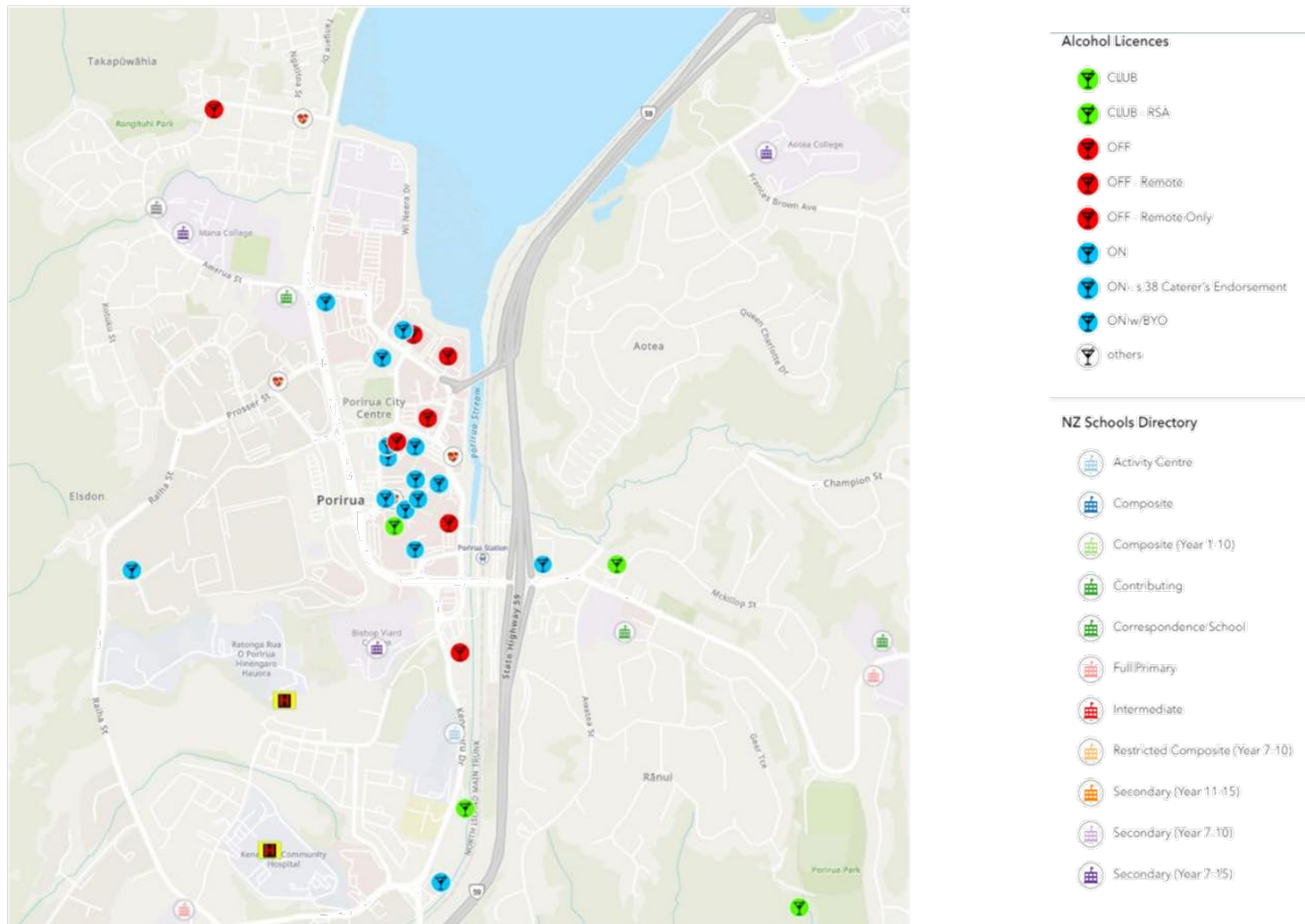
³⁵ Some licences are counted twice as they have both off and on licences.

Maps of licence holders and proximity to schools

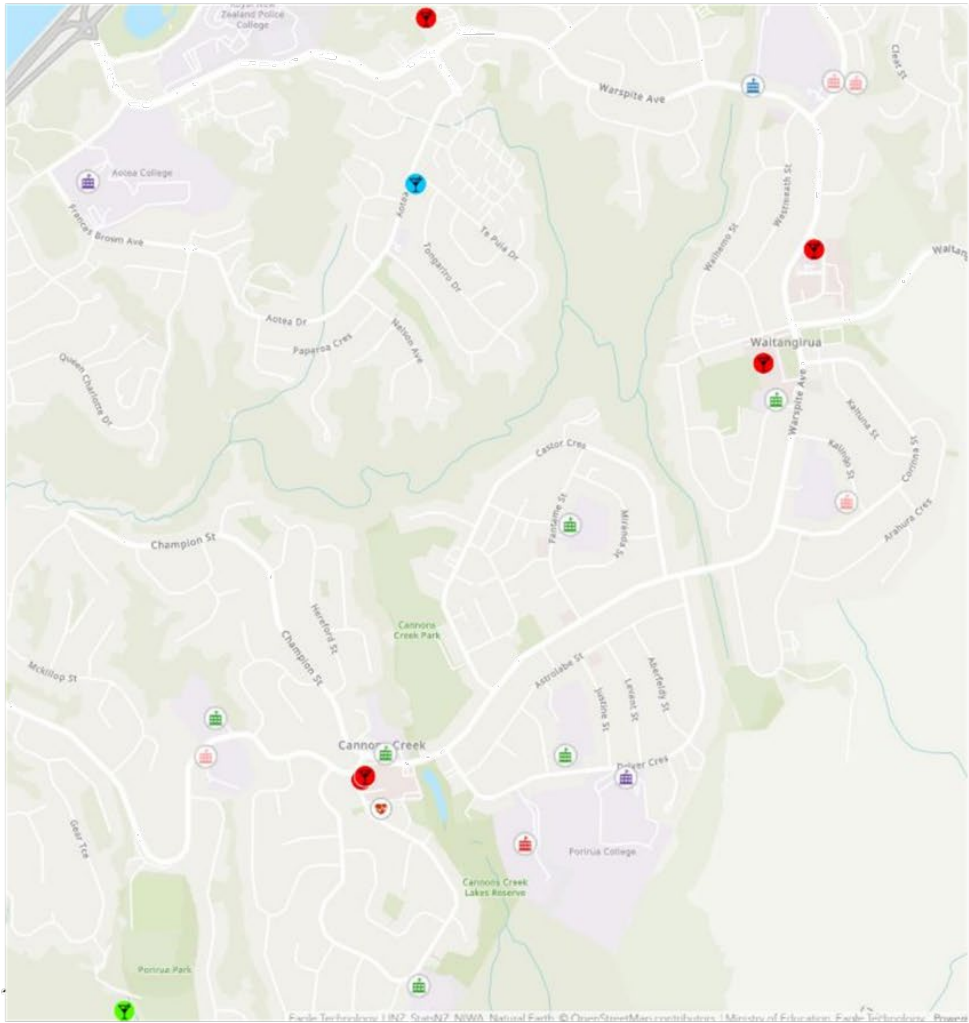
Map 1: Titahi Bay



Map 2: City Centre and Ranui



Map 3: Cannons Creek, Waitangirua, Aotea



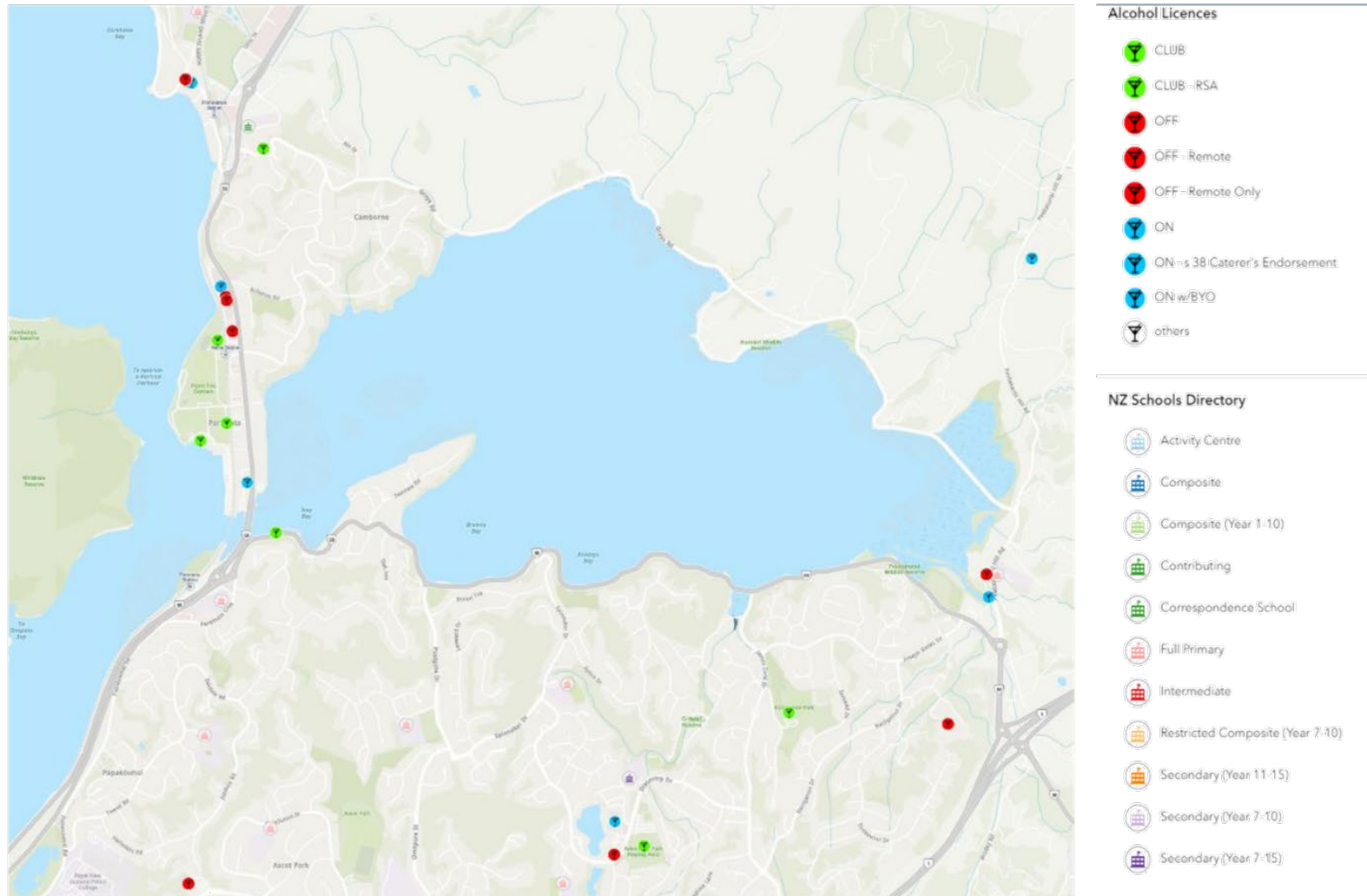
Alcohol Licences

- CLUB
- CLUB - RSA
- OFF
- OFF - Remote
- OFF - Remote Only
- ON
- ON - s 38 Caterer's Endorsement
- ON w/BYO
- others

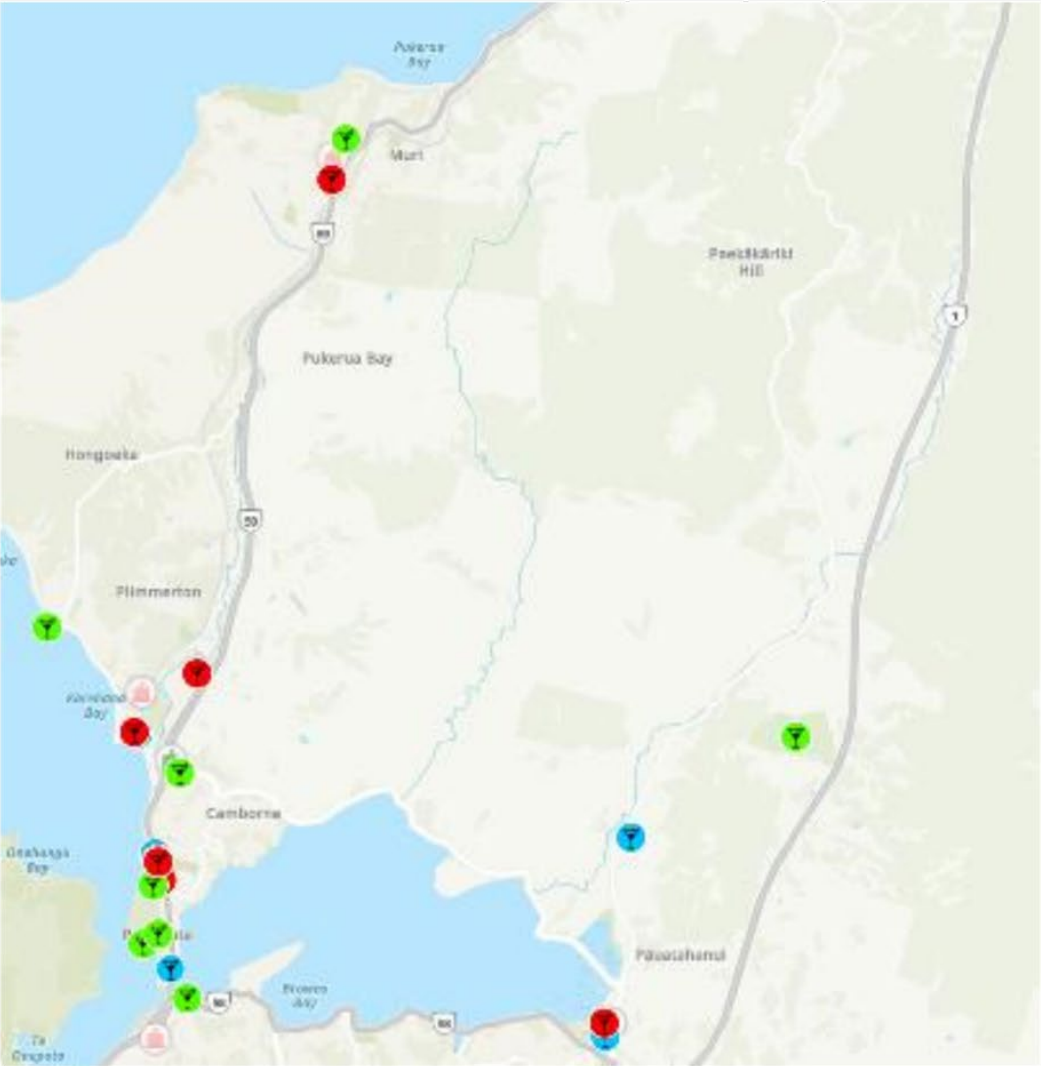
NZ Schools Directory

- Activity Centre
- Composite
- Composite (Year 1-10)
- Contributing
- Correspondence School
- Full Primary
- Intermediate
- Restricted Composite (Year 7-10)
- Secondary (Year 11-15)
- Secondary (Year 7-10)
- Secondary (Year 7-15)

Map 4: Papakōwhai, Aotea, Ascot Park, Whitby, Pāuatahanui and Mana



Map 5: Pukerua Bay & Plimmerton



Alcohol Licences

- CLUB
- CLUB - RSA
- OFF
- OFF - Remote
- OFF - Remote/Only
- ON
- ON - s 38 Caterer's Endorsement
- ON w/BYO
- others

NZ Schools Directory

- Activity Centre
- Composite
- Composite (Year 1-10)
- Contributing
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- Full Primary
- Intermediate
- Restricted Composite (Year 7-10)
- Secondary (Year 11-15)
- Secondary (Year 7-10)
- Secondary (Year 7-15)

ECONOMIC CONTRIBUTION OF ALCOHOL

Alcohol is a commodity that has economic benefits to our city, our hospitality industry, individual business owners, private entities, Government, and the wider economy. The industry contributes to Aotearoa through investments in infrastructure, building skills and job markets, supporting hospitality and entertainment industries and production of alcohol products for domestic sales and export.

The country's alcohol industry is a small but innovative domestic and growing export market. NZ-made alcohol products are sought after in the international market due to our unique climate and natural resources³⁶.

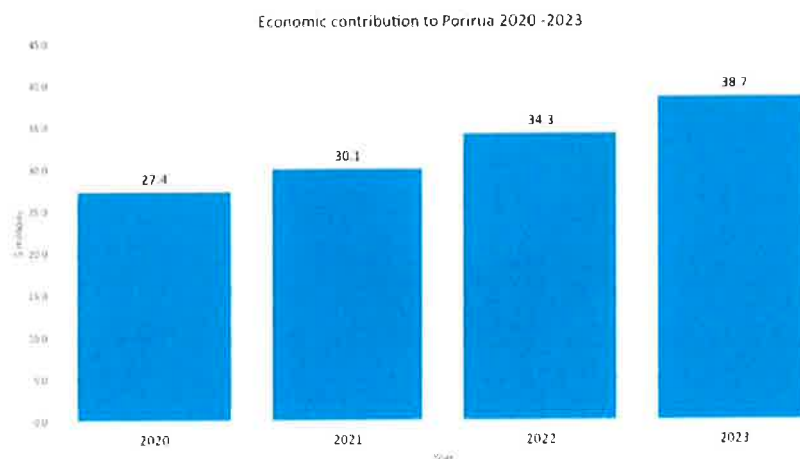
According to a NZ Institute of Economic Research 2022 report to the NZ Alcohol Beverages Council, in 2020:

- Hospitality consumers spent \$14.6 billion on hospitality in NZ. This directly contributed \$6.8b to GDP.
- Around 23,000 hospitality enterprises all over New Zealand created 172,458 jobs (137,100 full-time equivalent staff). Alcohol contributed \$1.92b to New Zealand's GDP (including imports).
- Government collected \$1.819b in alcohol in taxes.

Our proximity to Wellington City and our large proportion of overseas-born residents makes Porirua a popular destination for out-of-town visitors. Our hospitality industry provides an opportunity for visitors and locals to contribute to our local economy. However, the local contribution of alcohol sales and industry to Porirua's economy is difficult to measure, as there is limited data available on local alcohol sales.

The below figures show the economic contribution from cafes, restaurants, clubs, pubs, taverns and bars and liquor retailing stores in Porirua, but excludes supermarkets³⁷. It is important to note that it is not possible to break down spending between food and alcohol, so of the figures below only a proportion of these amounts are spent on alcohol. The point of the information below is to give us an indication of the growth of spend over time.

The economic contribution from money spent at cafés, restaurants, clubs, pubs, taverns and bars and liquor retailing stores totalled \$130.5m from 2020-2023. The economic contribution is increasing significantly each year, with 2023 figures growing by 11 per cent from 2022.



³⁶ NZIER report to NZ Alcohol Beverages Council, February 2022

³⁷ <https://www.infometrics.co.nz/>

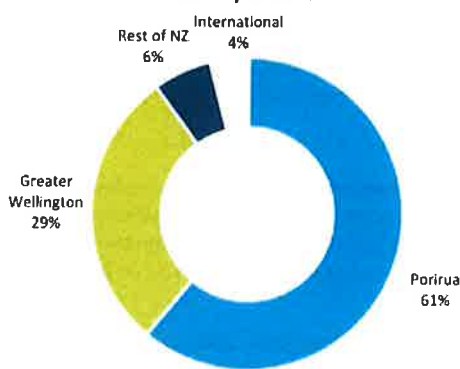
Total spend at café, restaurants, bars and takeaways = \$23,759,819³⁸

In the first quarter of 2024, nearly \$24m was spent in cafes, restaurants, bars and takeaways in Porirua, of which 61 per cent was spent by locals and the remaining 39 per cent spent by 'tourists'. Of the 39 per cent, most was from our neighbours in Wellington, Hutt Valley and Kāpiti. Six per cent of the spend was from the rest of New Zealand and four per cent was international tourists.

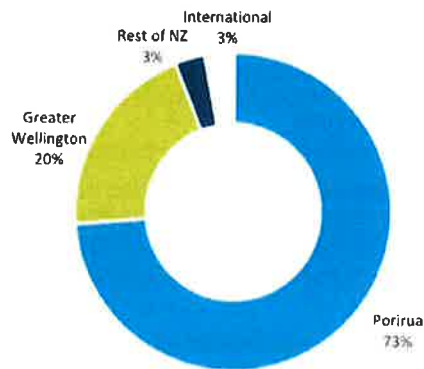
Total spend on groceries and liquor = \$81,450,924

The vast majority of spend on liquor is in the grocery and liquor category. Of this, three quarters of the spend is by Porirua residents with a further 20 per cent spent by those in the Greater Wellington region. Only 3 per cent each is spent by those in the rest of New Zealand or international tourists.

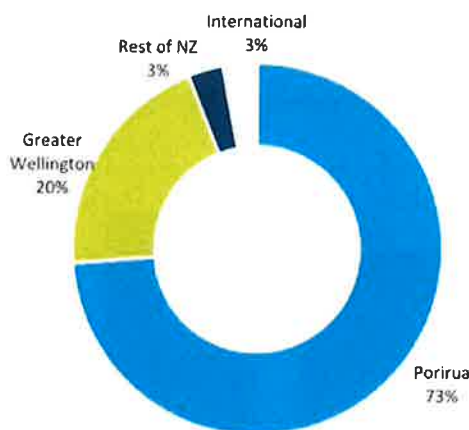
Source of spend at cafe, restaurants, bars and takeaways in Porirua



Source of spend on groceries and liquor



Source of spend on groceries and liquor



³⁸ Marketview data.

A short survey was conducted with licence holders in Porirua. Emails were sent to 81 of our current licenced businesses in Porirua in July 2024. Twenty-one responses were received with a response rate of 28 per cent. The following provides a summary of results from the survey.

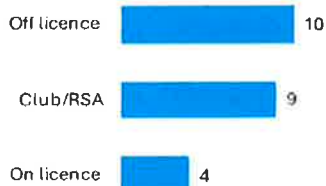
Summary of alcohol licence holders in Porirua

Number of licences



Suburb	N=
Titahi Bay	5
CBD	4
Whitby	4
Mana	3
Plimmerton	2
Pukerua Bay	2
Kenepuru	2
Waitangirua	1
Aotea	1

Licences held



Type of business



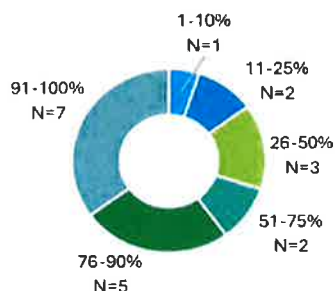
Part of a larger group/brand



Time of day majority of sales are made



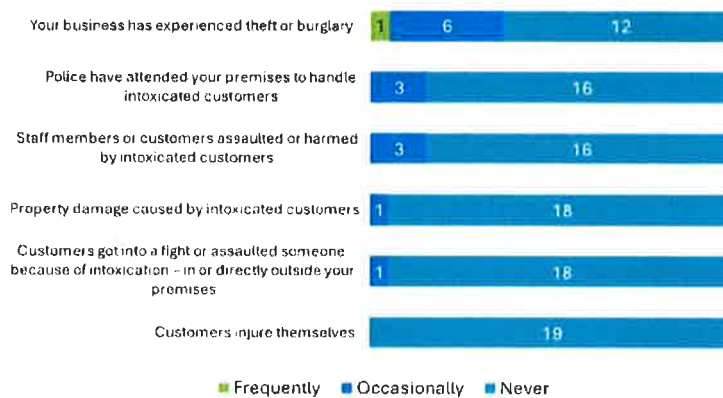
Proportion of total sales come from alcohol



- Supermarkets: 1-10% of sales
- Bottle stores and clubs: 91-100% of sales

Approx proportion of alcohol type sold (average across each business type)	Bottle store	Club	Cafe/ Restaurant	Total
Beer	23%	58%	46%	48%
Wine	15%	15%	19%	16%
Cider	4%	3%	2%	3%
Spirits	21%	4%	28%	12%
RTDs	27%	19%	2%	18%
Liqueurs	8%	1%	3%	3%

Impacts of alcohol misuse



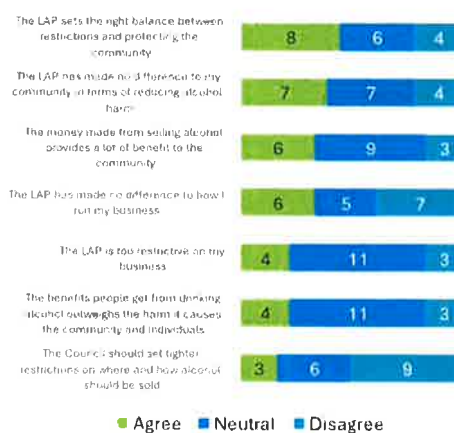
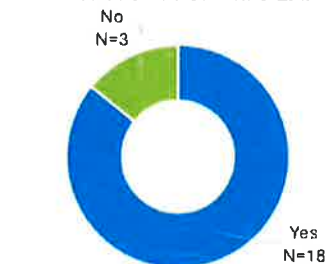
Extent to which alcohol use affects your area



Most businesses felt that the set hours they are allowed to sell alcohol are "about right" (1 didn't know)

Opinions on LAP

Awareness of Porirua's LAP



In summary

The survey gathered good responses from clubs and off licences but only four on-licences responded. Most respondents only had one licence in Porirua. Similar numbers were either standalone businesses or were part of a larger group.

The key findings were:

- The majority of sales for these stores occur between 5pm and 8pm. This suggests that tightening restrictions for starting and ending alcohol sales may have little impact on their business but may have a positive impact on those who drink hazardously.
- For a lot of businesses surveyed, alcohol sales make up a large chunk of their revenue.
- Beer makes up a nearly half of alcohol sales but for clubs and bottle stores, RTDs are second most popular. A fifth of bottle store sales are spirits.
- Most licence holders did not feel that people drinking alcohol affected their local area at all. Only one respondent said that they frequently experienced theft or burglary, and some said on occasion police were called or staff were assaulted as a result of intoxicated customers.
- Most licence holders were aware of the LAP but opinion was divided as to its efficacy but more disagreed that the LAP should be tightened than those who agreed.

WHAT IS ALCOHOL HARM?

Under the Act, alcohol-related harm means the harm caused by the excessive or inappropriate consumption of alcohol, and includes:

- 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
- 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 (i).

According to the Law Commissions 2006 report: *Alcohol in our lives: curbing the harm*, the excessive consumption of alcohol by New Zealanders contributes to a range of serious harms. These harms can be categorised as:

- criminal offences, including homicides, assaults, sexual assaults, domestic violence and public disorder that place heavy and unacceptable burdens on the New Zealand Police;
- the causative contribution that alcohol consumption makes to a long list of diseases, including alcohol-related cancers, mental health disorders, dependence, foetal alcohol spectrum disorder, sexually transmitted infections, and many others;
- alcohol poisoning and accidental injury due to intoxication, sometimes causing death. This includes many cases of death in the home and on the roads.
- Indirect harms to third parties as a result of others' excessive alcohol consumption. These include many victims of crime, victims of domestic violence and children whose lives are marred, sometimes before birth, by their dependence on adults who drink to excess;
- the harmful effects on educational outcomes, workplace productivity, friendships, social life, home life and the financial position of households;
- the public nuisance: litter, glass, noise, the damage and destruction of property and the costs associated with rectifying these nuisances.

When considering the above impacts and the combined harms to individual drinkers but also the harms inflicted on others indirectly, it is safe to assume that alcohol is Aotearoa's most harmful drug in both the overall population and among youth (Alcohol Healthwatch, 2021).

In 2019, alcohol caused 3.9% of deaths and a loss of over 59,000 years of life in full health, based on accumulated health loss due to premature death and disability (Alcohol Healthwatch, 2021). Alcohol use increases the risk of over 200 physical and mental health conditions (including heart disease, at least seven types of cancer, and Fetal Alcohol Spectrum Disorder (FASD), and causes many injuries. Even low levels of regular alcohol consumption can cause significant harm, with no safe level for health.

This report provides the available data on alcohol harm within Porirua. It collates, health statistics, crime and victimisations statistics and data gathered through public surveys with communities in Porirua. However, it is not an exhaustive list of all statistics of alcohol harm for Porirua, instead providing what was available at the time of writing of this report.

What is Hazardous drinking?

'Hazardous drinking' refers to an established alcohol drinking pattern that carries a risk of harming the drinker's physical or mental health or having harmful social effects on the drinker or others. It is determined by using the World Health Organisation's AUDIT³⁹ checklist - a score of 8 or more indicates hazardous drinking.

ALCOHOL HARM IN PORIRUA

Te Whatu Ora provided the latest alcohol related health statistics for Porirua. Key findings show:

- There were 82 discharges from hospital related to alcohol consumption in the nine months from January to September 2023. On a per month basis, this is significantly lower than the 2022 number of 136 discharges.
- Māori make up 34 per cent of discharges, which is an over-representation of their population (22%) while Pacific peoples are under-represented at only 16 per cent (26% of total population)⁴⁰.

Alcohol related discharges		2022	Jan-Sep 2023	%
Māori	Female	16	11	13
	Male	25	17	21
	Total	41	28	34
Pacific	Female	7	6	7
	Male	18	7	9
	Total	25	13	16
Other	Female	32	15	18
	Male	38	26	32
	Total	70	41	50
Total		136	82	100

Seventy-nine people from Porirua were referred to Mental Health, Addiction and Intellectual Disability Service (MHAIDS)⁴¹ between January and October 2023. These services are accessed through GP referral or self-referral. That figure is higher than the 75 people referred for the full year of 2022. Māori are over-represented in the number of referrals to MHAIDS services, comprising 30 per cent of the referrals.

³⁹ https://bpac.org.nz/magazine/2010/june/docs/addiction_all_screening_tools_web.pdf

⁴⁰ Please note that this is not a totally accurate comparison as ethnicity in census information allows for multiple ethnicities, while Te Whatu Ora records prioritised ethnicity. However, it does give us a good illustration of the difference between Māori and Pacific drinking habits

⁴¹ Mental Health, Addiction and Intellectual Disability Service. Includes Community Alcohol and Drug Services, Opioid Treatment Service, GP Opioid Treatment, Co-Existing Disorder Service, Addictions Consult Liaison

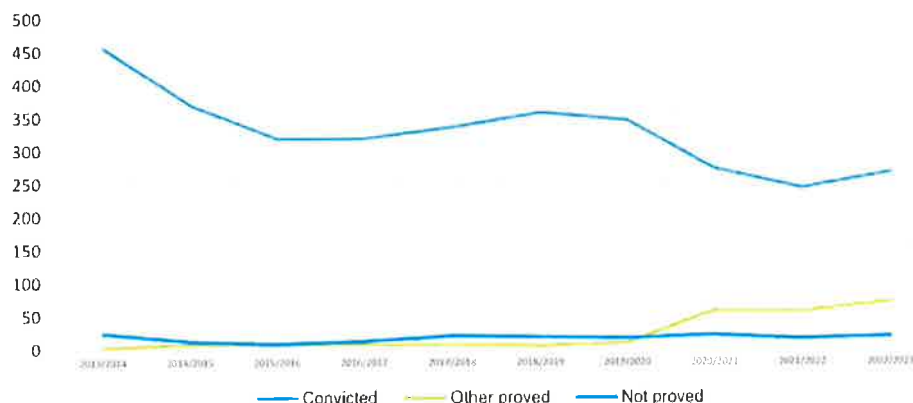
These figures do not clearly show whether a person has accessed these services for alcohol related addictions or other addictions.

Individuals referred to MHAIDS addiction services	2022	Jan-Oct 2023	%
Māori	19	24	30
Pacific	7	7	9
Asian	0	1	1
Other	49	47	60
Total	75	79	100

ALCOHOL RELATED CRIME STATISTICS

One of the crimes most easily attributed to alcohol is driving under the influence of alcohol. The chart below tracks the number of drink driving convictions processed through the Porirua District Court. The number of convictions has fallen steadily since 2013/14 when 455 convictions were processed, compared with 266 cases in 2022/23. This downward trend was evident across the country.

Number of finalised charges for driving under the influence offences
- Porirua court -



SHARE OF VICTIMISATIONS

The NZ Police have provided information on the number and type of victimisations from crime for Porirua City.⁴² The graph overleaf shows the share of reported crime by location within Porirua. It is important to note that these statistics are not necessarily attributed to or involve alcohol consumption, but it can be assumed that a reasonable proportion will have alcohol as a contributing factor. This is because a study⁴³ conducted by NZ Police in 2009 found that alcohol is responsible for:

- A third (33%) of all violence
- Half (54%) of all sexual assaults

⁴² A victimisation counts each occasion of a person being victimised for each given type of offence division. Victimisations are classified according to the most serious offences within an offence division.

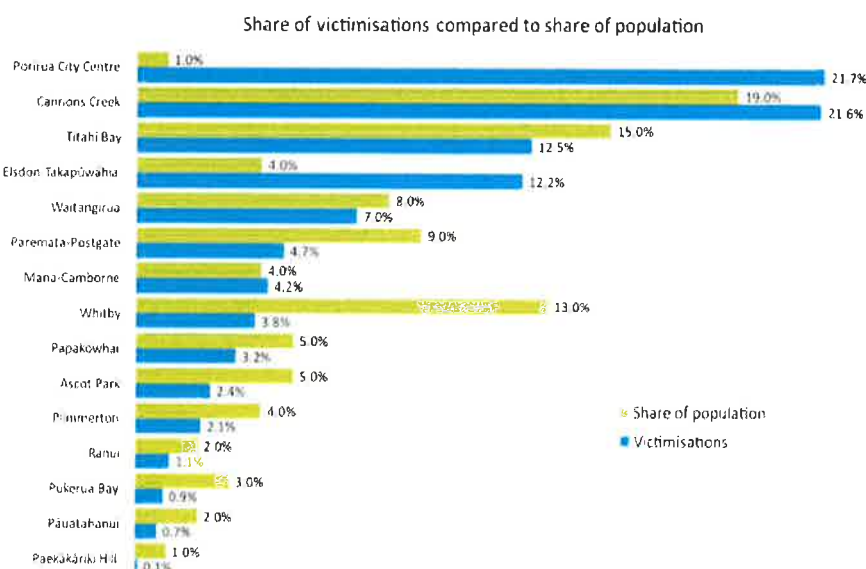
⁴³ <https://www.police.govt.nz/sites/default/files/Police-National-Alcohol-Assessment.pdf>

- Half (50%) of homicides.

Key findings

- Over a fifth of victimisations happen in the CBD, despite having only 1 per cent of the population there⁴⁴. This is not surprising given the concentration of on and off licences within the area.
- Elsdon/Takapūwāhia are also over-represented in crime statistics with 12.2 per cent of crime but only 4 per cent of the population.
- Cannons Creek and Titahi Bay also have a significant number of victimisations, but this is reasonably in proportion to their populations – eg Cannons Creek has 21.6 per cent of victimisations but 19 per cent of the population.
- All other areas are either in line with their populations or are underrepresented (see table below).

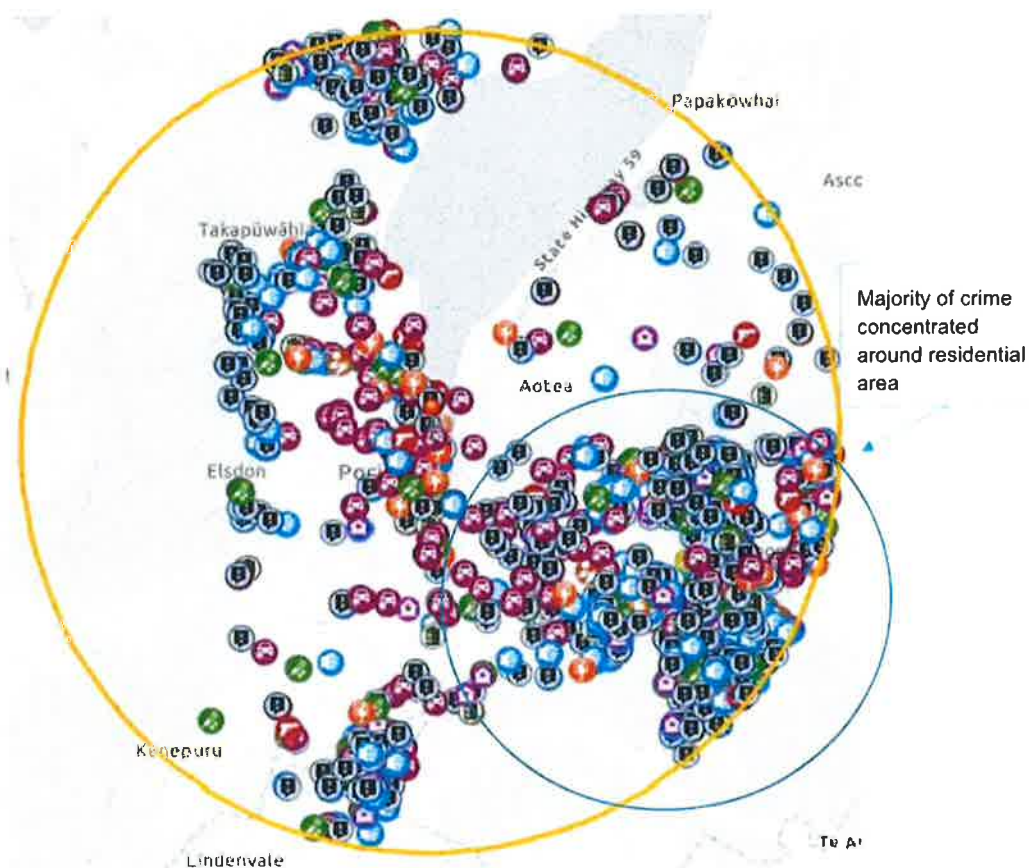
The graph below summarises the incidences of crime from the 2022 and compares the proportion of incidences in each suburb with the proportion of the population in those suburbs.



New Zealand Police have provided Porirua City with specific alcohol related incidences as reported in their systems over the last four years. The following provides a summary of alcohol related incidences within a 2.5km radius from licensed premises in the Porirua area. It is important to note that while these incidences occurred within a 2.5km radius from a licensed premises, alcohol may have not been consumed from a specific premise prior to the incidence i.e. they may have consumed alcohol at a private location. It is also impossible to associate alcohol incidences with a particular licence in areas where multiple licence holders are – particularly the Porirua city centre.

If anything, the clustering of incidences is more apparent in more densely populated areas, and in particular those areas of high deprivation (as evidenced in the below map) This suggests that alcohol related crime is more closely associated with at-home drinking (generally associated with off-licences).

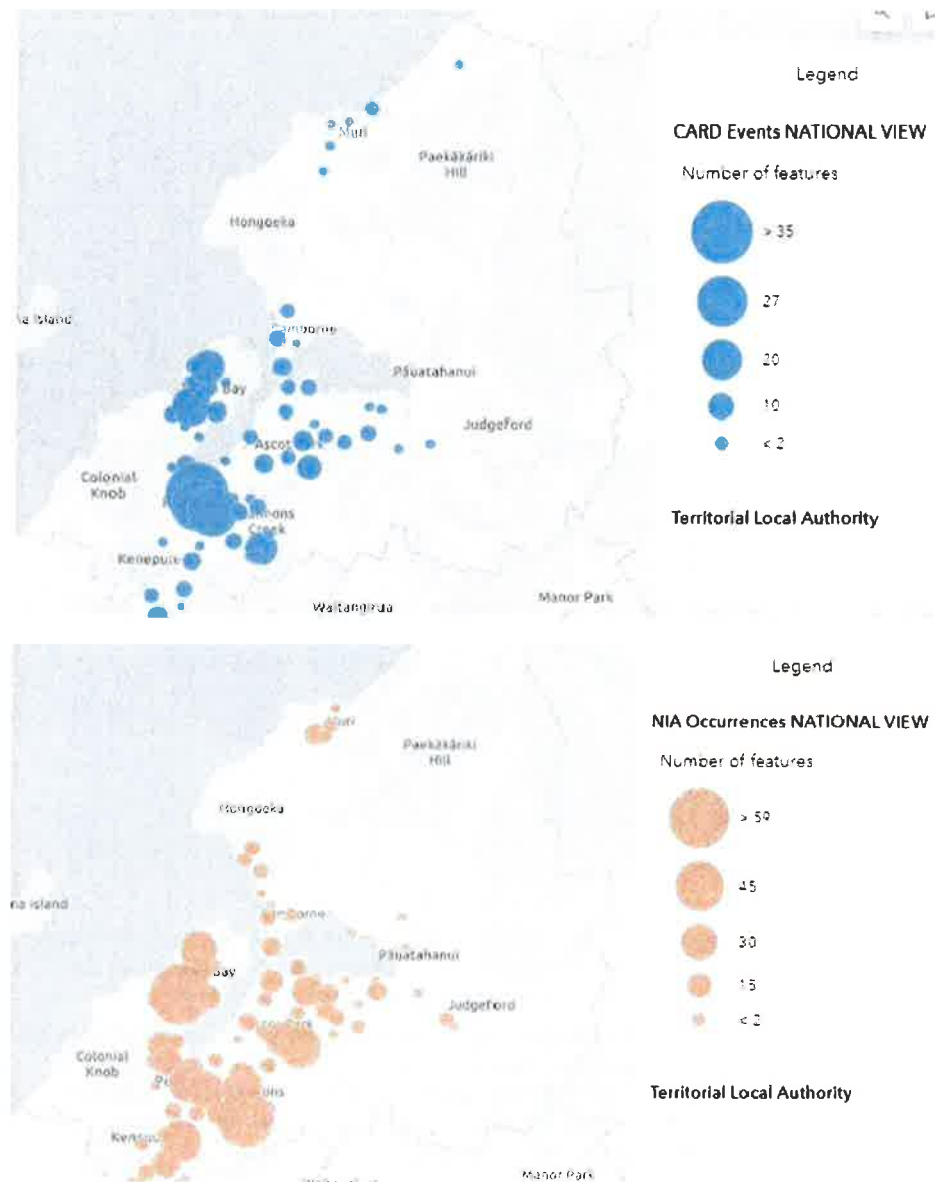
⁴⁴ Based on 2018 census data



The graphs below (also provided by the New Zealand Police) summarise the CARD and NIA⁴⁵ data for Porirua for the full year of 2022 (the most recent full year data provided). It clearly shows that those in high deprivation are more likely to be involved in alcohol harm in some form.

The below graphic highlights that the majority of CARD data is concentrated around the CBD, moving slightly into Cannons Creek and around Titahi Bay, while the NIA data occurs more in the suburbs around Porirua East and Titahi Bay. This suggests that police may receive many reports of alcohol related harm in the CBD but are more likely to respond to events in suburban areas (and may not receive multiple calls about a specific incident).

⁴⁵ CARD records events reported to Police, and when the call taker identifies that alcohol is a factor in the event, they select the alcohol supplementary factor (ASF) flag. When staff respond to an event it is entered into NIA.



The total number of recorded instances across the city over the last three years is shown below. It is important to note that this does not reflect the total number of incidents as there are many instances of crossover of areas in the maps. However, the data does give us some insight into trends over time. 2022 saw the lowest levels of crime of the three years largely due to the drop in 'incidents' over that period. There was a marked increase in the number of alcohol-related violent incidents between 2020 and 2021 and while this dropped slightly in 2022, it is still well above 2020 levels.

NIA incidences between 2020, 2021 and 2022	2020	2021	2022
Incidents	1649	1634	1374

Violence	970	1352	1240
Traffic offences	1187	944	1097
Drugs and antisocial	430	391	345
Property damage	270	430	261
Dishonesty	209	130	116
Sexual	76	48	52
Property abuse	89	81	49
Total	4,880	5,010	4,534

ALCOHOL BAN BREACHES

Between 1 September 2019 and 30 April 2023 there were 64 alcohol ban breaches – 42 were for “consumed alcohol in an alcohol banned area” and 22 were for “possessed alcohol in an alcohol banned area”. Five were in Titahi Bay, one in Waitangirua and the remaining offending took place in Porirua City Centre.

CRIME AND ANTI-SOCIAL BEHAVIOUR IN THE CBD

As outlined above, crime in the CBD is of significant concern, with one in five incidences in Porirua happening in the CBD. Further information provided by police highlights a prevalence of anti-social behaviour within the CBD, specifically around Hartham Place North, Hartham Place South and Serlby Place in 2023:

- 44 reported incidents/occurrences
- 97 calls for service, which include breach of the peace, disorders, threats/intimidation, family harm, assaults, wilful damage, volume crime offending, and attempts to commit suicide.
- 229 calls for service – disorder, suspicious drug dealing, breach of the peace and 1K (drunk custody/detox centre).

While all of these incidences may not be the result of, or attributable to alcohol, it can be assumed given what is known from previous police research⁴⁶ that a reasonable proportion would have had alcohol as a contributing factor.

DRINK DRIVING STATISTICS

The Council endeavoured to undertake analysis of NZ Transport Agency’s Crash Analysis System (CAS), looking at the incidence of accidents in Porirua where alcohol was a factor (but not necessarily the cause). Unfortunately, due to changes to reporting in 2019 and inconsistencies in reporting alcohol as a contributing factor in accidents, it is extremely difficult to compare CAS statistics over time or to have 100 per cent confidence in the results. As such, results should be treated with caution. The information below provides CAS statistics for 2023 based on whether alcohol was suspected and subsequently tested. In 2023 in Porirua, 194 crashes occurred where alcohol was suspected to be involved. None of these accidents were fatal but 17 were serious.

⁴⁶ <https://www.police.govt.nz/sites/default/files/Police-National-Alcohol-Assessment.pdf>

Crash type	Alcohol suspected & tested 2023
Fatal	-
Serious	17
Minor	59
Non-injury	118
Total	194

ALCOHOL AND GAMBLING

Data suggests that Porirua communities are at greater risk of harm caused by problem gambling because Porirua is overrepresented in many of the common risk factors associated with problem gambling, including our high deprivation scores, poor health, substance abuse and addictions, poor education outcomes, antisocial behaviour or delinquency (AUT, November, 2005).

Research from Australia suggests that just under 60 per cent of people who have an issue with gambling also misuse alcohol or drugs⁴⁷. People who drink too much or take drugs are at a higher risk of developing issues with their gambling. Alternatively, people who struggle with their gambling are more likely to drink too much or use drugs. As most venues serve alcohol (in Porirua, the only exception to this is the TAB) so it is common for people to drink and gamble at the same time.

There is a belief that the similarities between alcohol and gambling is related to the fact that both activities trigger a similar part of the brain that produces pleasurable feelings. The mechanisms in the brain that reward an alcoholic when they drink more alcohol is the exact same as those that reward a gambling addict when they gamble.

Class 4 gambling venue licences are dependent on alcohol licences. Under the Gambling Act 2002, gambling may not be the predominant purpose of any Class 4 gambling venue. Where the venue is subject to a liquor on-licence or race and sports betting conducted by a TAB, the predominant activity of any existing Class 4 gambling venue must be for the sale of liquor and food. All Class 4 gaming venues in Porirua have alcohol licences (apart from the TAB) and they serve food.

Alcohol licences contribute to problem gambling, as the hours that bars and restaurants are able to open their doors (as set by the conditions of the alcohol licences) are the hours that allow problem gamblers⁴⁸ to access the gaming machines (pokie machines). The current LAP sets the opening hours of restaurants and bars (on-licence) as early as 8am - while it is uncommon to see many patrons drinking from as early as 8am, it is very common to see pokie machines being used early in the morning.

Because of the increased risks involved in premises that sell alcohol and have Class 4 gaming machine licences, the Problem Gambling Foundation strongly advocate for LAPs to include restrictions that reduce risk (e.g. less hours) than premises that do not have gaming machines⁴⁹.

⁴⁷ <https://pubmed.ncbi.nlm.nih.gov/25735959/>

⁴⁸ In the Gambling Act 2022, a problem gambler is defined as a person whose gambling causes harm or may cause harm. Harm is defined as harm or distress of any kind, caused or exacerbated by a person's gambling and includes personal, social or economic harm suffered by any person or society at large.

⁴⁹ PGF Submission to the Justice Committee on the Sale and Supply of Alcohol (Community Participation) Amendment Bill 2 February 2023

ALCOHOL AND SPORTS CLUBS

There is evidence that poor alcohol management strategies in community sports clubs are also linked to increased levels of alcohol consumption. A study of 72 clubs and 1428 individuals in community sports clubs in Australia identified that practices such as serving intoxicated patrons and having alcohol promotions (e.g. happy hours, alcohol-focused prizes and awards) were associated with increased levels of risky alcohol consumption.¹⁹

Further analysis identified that poor alcohol management practices were also linked to decreased levels of participation and safety at the club.²⁰ Another study looking at the effect of the Good Sorts Programme in Australia. This programme supports and inspires community sporting clubs to set up a better environment for players, volunteers, supporters and officials, helping tackle tricky topics such as alcohol, drugs, smoking, mental health and safe transport".⁵⁰ It found that the programme reduced overall hazardous consumption, which in turn increased club participation⁵¹.

Research has also highlighted that drinking in sports clubs is more likely to occur among blue collar workers, meaning those with a lower socio-economic status are more affected by alcohol harm. It has been noted previously that those suffering higher deprivation are more likely to suffer from alcohol harm, and this finding further confirms that.

Furthermore, we know Māori are more closely involved with sports clubs. In the 2011 Sport NZ Young People's Survey, Māori boys and girls were more likely to watch family/friends play sport than the population as a whole⁵². This exposure to the club environment suggests there are more likely to be exposed to dangerous drinking environments.

⁵⁰ <https://goodsports.com.au/program/>

⁵¹ <https://www.sciencedirect.com/science/article/pii/S1326020023001437#azph12854-bib-0019>

⁵² <https://sportnz.org.nz/media/1436/maori-participation-review-report.pdf>

SECTION 3: COMMUNITY SURVEY RESULTS

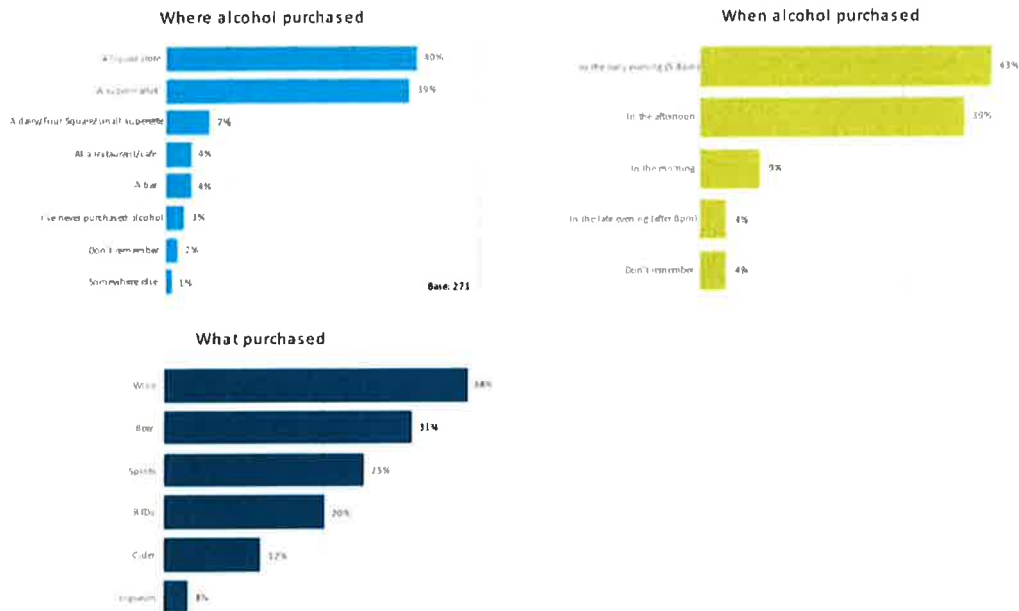
The Council conducted a survey among Porirua residents to seek feedback on their drinking behaviour. A request to complete the survey was posted on our Facebook page and ran from 22 November 2023 through to 14 March 2024 with several reminders posted during this time. In total, 272 responses were received, which has a margin of error at the 95 per cent confidence interval of +/- 5.9 per cent. However, it is important to note that the methodology used means the results are not a true reflection of the Porirua population.

It is acknowledged that not all residents are on Facebook and providing everyone with the option to complete the survey creates a fair amount of self-selection bias (where those who volunteer to take part in research studies are usually different from those who don't). In this instance, significantly more females and residents from Whitby took part in the research. This suggests that these two groups are more concerned with the effects of alcohol in their communities than others, which is useful in itself.

It is important to bear in mind that this survey was intended to give some high-level feedback around instances of drinking behaviour in Porirua using resources available at the Council's disposal (ie SurveyMonkey and Facebook which incurred no cost) and was not intended to be a robust study of drinking behaviour across the city. The following is a summary of the findings.

SURVEY RESULTS: ALCOHOL PURCHASING

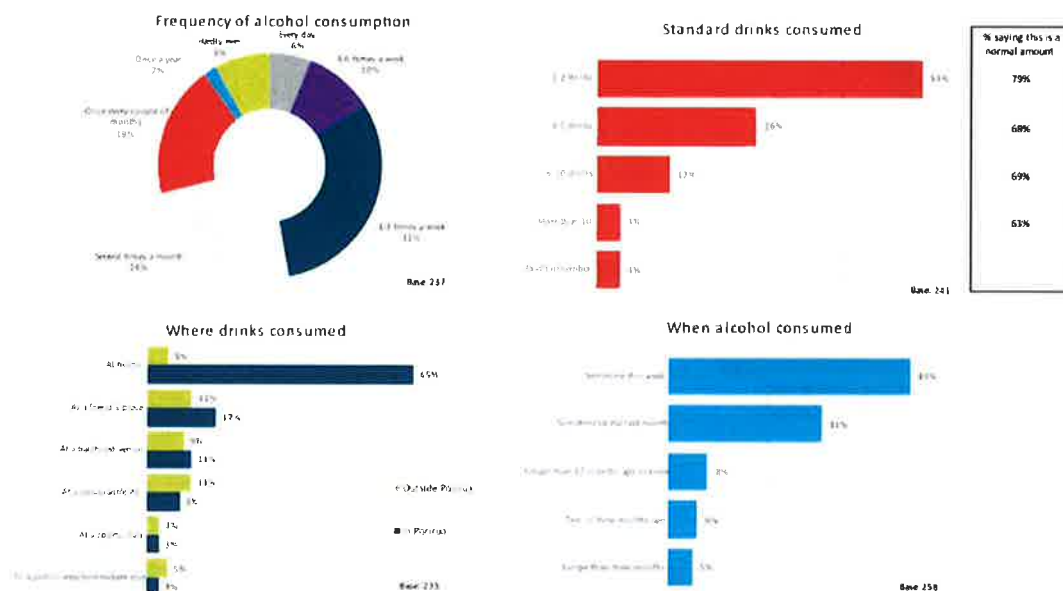
- The majority of people bought their alcohol at either a bottle store or supermarket (79%). Only small numbers used a dairy or purchased from an on licence.
- Most people tend to purchase their alcohol in the afternoon (39%) or in the early evening (43%) before 8pm. This implies that changing requirements around opening hours would not have a major impact on the purchasing of alcohol.
- Wine was the most common alcohol purchased (38%) followed by beer (31%). Almost half of people purchased spirits (25%) or RTDs (20%).
- The average number of items purchased was 1.3, meaning most people only purchased one type of alcohol in their last transaction.



SURVEY RESULTS: ALCOHOL CONSUMPTION

- Nearly everyone (92%) consumed alcohol at some point within the last 12 months. Of these, nearly half (47%) consume alcohol at least once a week. Six per cent of people drink every day.
- When they last drank, just over half (53%) of respondents drank one or two drinks and another quarter (26%) drank three to five drinks. Only four per cent of people drank more than 10 drinks.
- For 63 per cent of respondents, it was normal for them to drink more than 10 drinks at a time. Seventy-nine per cent of people said it was normal to drink only one to two drinks and of those who said this was not normal, similar proportions said they normally drink more as those who said they drink less.

- On the last occasion, the majority of respondents drank at home (65%) in Porirua. People were also more likely to drink at friends' places or at a bar in Porirua compared with somewhere outside Porirua, but people were slightly more likely to go to a restaurant or café outside of Porirua.



SURVEY RESULTS: ALCOHOL HARM

Heavy episodic drinking is defined by ActionPoint as those who consume six or more drinks on one occasion. The World Health Organization defines it as those who consume 60 grams or more of pure alcohol on at least one occasion in the past 30 days. Sixty grams of alcohol corresponds approximately to six standard alcohol drinks. The below provides our analysis based on the survey results. We only analysed those who said this was a usual amount of alcohol they consumed, or that they drank more than this on a normal occasion.

- Of the 198 people who answered these questions, 26 met our criteria for heavy episodic drinking monthly (those shaded in grey). This equates to 13 per cent of the population.

	Every day	4-6 times a week	1-3 times a week	Several times a month	Once every couple of months	Hardly ever	Once a year
1-2	8	11	32	30	24	7	2
3-5	5	7	22	8	5	1	-
6-10	-	3	8	7	4	1	-
More than 10	1	-	4	3	5	-	-
Total	14	21	66	48	38	9	2

The following table summarises the number of respondents who have experienced some form of alcohol harm, either personally or by someone close to them⁵³.

- The most common harm caused by drinking as reported by respondents happening to themselves were assaults – either physical or sexual. Given a significant proportion of respondents were female this is of significant concern. A similar number were aware of other people they knew being assaulted.
- Respondents were significantly more likely to report most of the behaviours listed below happening to others than themselves doing these things. This is not a surprising result given people are reporting behaviours across multiple people they know.

	Happened to me n=	Happened to someone close to me n=	Base size ⁵⁴ n=
Been assaulted (physically or sexually) by someone while you/they were drunk	53	52	236
Had to ring the police due to someone's drunken behaviour	47	40	237
Passed out due to drinking	41	81	238
Had property vandalised by someone who was drunk	40	44	239
Injured yourself/themselves (but not requiring hospitalisation)	39	73	240
Missed time off work/study as a result of being drunk and/or hungover	39	66	238
Been a victim of a crime caused by an offender who was drunk	34	46	238
Some other harm caused by drinking	33	68	237
Driven while under the influence of alcohol	24	87	239
Got into a fight or assaulted someone because you/they had too much to drink	23	59	238
Got arrested as a result of doing something illegal while drunk	12	35	239
Been hospitalised due to drinking too much	6	42	237
Struggled to pay day to day living costs as a result of spending money on alcohol	6	37	238

⁵³ It is important to note that the question looks at alcohol harm ever experienced and several people reported that some of these impacts happened many years ago.

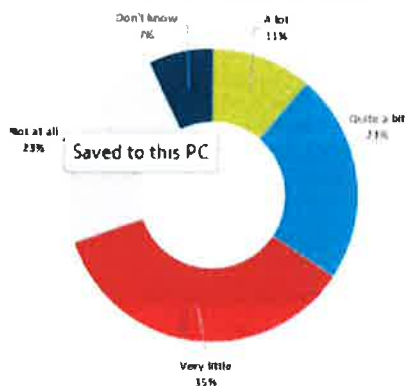
⁵⁴ Base sizes vary due to people choosing to answer each question option due to the sensitive nature of the topic

Been diagnosed with an illness caused by long-term drinking	3	49	238
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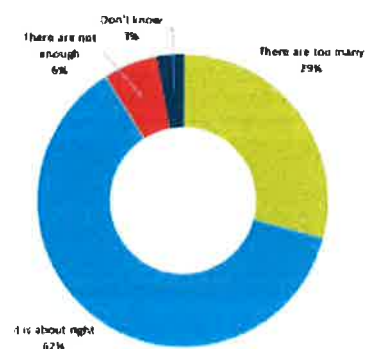
SURVEY RESULTS: ALCOHOL IN THE COMMUNITY

- A third of respondents felt that alcohol consumption affects their suburb either a lot (11%) or quite a bit (23%). A quarter (23%) feel that alcohol has no impact on their suburb at all.
- Three in ten respondents (29%) felt there are currently too many bottle stores in their suburb, but the majority feel that the number is about right.
- While sample sizes are too small per suburb to make absolute conclusions, there was a definite trend towards the low socioeconomic suburbs saying there were too many alcohol retailers in their suburb – Elsdon/Takapūwāhia (86%), Kenepuru (80%), Ascot Park (60%) and Cannons Creek (59%). This was compared with the likes of Aotea (17%) and Whitby (23%).

How much alcohol consumption affects your suburb



Number of alcohol retailers in your suburb



SECTION 4: COMMUNITY FEEDBACK

In the process of gathering evidence and information to inform this report, Council officers ran targeted engagement with police, the Regional Medical Officer of Health, local licensing officers, social service providers, iwi and other community groups across Porirua.

Below is a summary of the themes, comments and suggestions/advice collected from this engagement. This information is anecdotal information collected through kōrero, wānanga and is not designed to give statistical evidence. It is, however, useful to hear directly from our community within a forum that they feel comfortable sharing in.

ACCESS TO ALCOHOL WITHIN PORIRUA

Attitudes towards accessibility of alcohol was mixed and ranged from some participants calling for a total ban of all alcohol in Porirua (a dry Porirua) to many who believed access was fine as is. There were no requests or comments for greater access or an increase in access.

Communities have recently become concerned with the use of buy now pay later payment options at licensed bottle stores. The concerns are that payment options such as this can make alcohol more easily accessible for vulnerable people and encourage people to spend beyond their financial means, also leading them into debt.

LICENSING PROCESS

Communities have informed us they find the information on when and how to make objections as well as information on when a licence is up for renewal is difficult to find.

EXPERIENCES OF ALCOHOL HARM

We asked local community groups to complete a short survey to gather their thoughts on alcohol harm they see in the communities they deal with on a daily basis. We got feedback from 17 people (some respondents were from the same groups). Anonymised comments and responses from the survey participants are provided below.

Impacts from alcohol

Not surprisingly, the community groups rated all areas of alcohol related harm as serious. Homelessness was considered the most serious (either extremely or very) followed by drink driving, the economic impacts on households, the psychological health impacts and family dysfunction.

When asked what the impacts are to their community, the following answers were given⁵⁶:

"Alcohol provides people low-cost escape and entertainment."

"No positives, unless it is drunk in moderation. Alcohol is a poison and has huge impacts. I have not worked specifically in Porirua, but have worked in Wellington region and in Nelson, and have seen the negative impacts of alcohol."

"Gang culture."

"The impacts towards our tamariki during school holidays. Being harassed around by the skate park and library."

"Unemployment."

⁵⁶ Note the quotes included are written as they were provided by participants

"Negatively - the mental health effects of trauma on children when witnessing parents or adults drinking and behaving badly as a result of the alcohol consumption. The detrimental effect on children's sleep when witnessing and listening to family out of control due to alcoholic parties at home or in the neighbourhood till all hours of the morning. The effect on schools that witness violent behaviour of parents attending schools drunk due to being hung over from the weekend and then embarrassing their children."

"Vomit and urine caused by drunkenness in our business area, and littering of empty bottles and cans and packaging like empty boxes. Drinking on the side line at sports events look bad and you know they're driving afterwards."

"Gate way to other addictions such as gambling and drug use."

"Shortage of "dry" locations for people (especially men) to socialise. Difficult for those who are avoiding alcohol to catch up with mates at settings other than bars and sports facilities, where alcohol is likely to be served. Young people's judgement being impaired, contributing to poor choices both in the moment and longer term."

"Feelings of helplessness to stop because alcohol is in dairies and supermarkets."

"The positives would be the community that heavy drinkers surround themselves with. Sometimes they are good at looking out for each other. Mostly it's hard on their kids and families and leads to early illness and death."

"Families going hungry due to most money going on alcohol."

"People begging for money in front of shops...it's a nuisance."

"Tamariki in kura needing extra educational support re foetal alcohol syndrome."

Other comments or examples made around the impact of alcohol included:

"In my line of work I often see people use to self-medicate against mental health issues. This then perpetuates the neglect that the children in the household may already be facing."

"Youth culture, living on the streets."

"Harassment towards people when just walking past. Parking themselves on outside tables which people tend to avoid them which they avoid our business."

"Education, development of tamariki and youth."

"The places in Porirua where there is alcohol in particular at the mall where liquor is served to the public. Having this temptation readily available can cause difficulty with whānau and neighbourhoods with all night parties and inappropriate behaviour of parents and teenagers."

"I can't really see how alcohol can benefit the community. It certainly benefits those that sell it, and the other groups such as clubs it helps financially, but of course a lot of times to the detriment of the community or individuals but it will always be justified of why we should have alcohol available. I like to have a drink as much as the next guy, but we have pretty relaxed rules around alcohol."

"Isolation of young people. I think sober group activities and youth groups would be money well invested. Also elderly people or the retired needing more connections with their peers. Cultural events and understanding very important to belonging."

"Harm-increased family violence - drugs - increased family harm - children hungry - sexual abuse."

"I am a 3rd generation that has alcohol in my DNA re father, both grandfathers being alcoholics thus am aware of the damage first hand of reliance on alcohol to dampen pain, escalate trauma and historical, systemic and generational māmāe."

"As a lawyer, even with the ads telling people not to drink and drive, we are still having many people applying for limited licenses just for drink driving offences."

Changes to the LAP

Nine of the 17 respondents wanted to see changes to the current LAP (the other eight didn't know).

Suggested changes included:

- Raising the drinking age
- Reduce the number of places that sell alcohol
- Greater transparency in the alcohol licenses
- More workshops or publicity around alcohol awareness and its dangers and effect on the person and family and community
- Hours of availability – shorten the time in which people can buy alcohol
- Restrict sales of high alcohol by volume drinks in supermarkets
- All parks should have a total alcohol ban.
- Dairies and supermarkets should have alcohol in a screened off area

The most popular option for changes to the LAP was "Other discretionary conditions such as placing restrictions on advertising of alcohol, one way door restrictions, ensuring a clean and tidy premises and/or transport for patrons". Second favourite option was "Extending sensitive site provisions so on and off licences can't operate close to early childcare centres or other sensitive locations (eg marae, churches, playgrounds etc)", followed by "Changing opening and closing hours" and lastly "Decreasing the total number of alcohol stores allowed in Porirua over time".

LOCAL POLICE PERSPECTIVES ON ALCOHOL HARM

Police shared that alcohol related incidences in Porirua are a common occurrence especially in the CBD. However, the majority of issues can be resolved once the individuals have sobered up. The most common forms of alcohol harm seen by local officers in Porirua include family harm, general disorderly behaviours and public drinking.

Most common locations of concern for Police include the Porirua CBD, Selby Place, the car park in Civic Place and the main bus stop on Lyttleton Ave.

Police often get a lot of complaints about public drinking at the public bus stop on Lyttleton Ave, it is a common drinking spot for some individuals. This bus stop provides easy access to alcohol as it is located in close proximity to bars, supermarkets and a liquor store.

Police reported that staff only deal with calls to service assessed on a triage system, if there are jobs called into the city centre, they will attend but often these have to be prioritised against local officers' resources for patrolling/prevention work, the number of other jobs to attend, and paperwork. They often do not have the resources required to attend the numerous issues or complaints that they receive but will occasionally attend where the situation escalates.

Possible solutions that police suggested Council could consider focused on making environmental improvements through:

- Increasing lighting around Te Rauparaha Park
- Increasing CCTV around the problem areas they raised above.
- Moving the bus stop in between Woolworths and Selby Place or changing the design so it's more open to deter people sitting all day drinking.

Local officers also suggested that education would be a good idea for the store owners in the CBD around selling/consuming alcohol, trespass notices, and better training for security guards. They also suggested that support vans (courtesy van) to drive patrons' home, works well to reduce driving incidences involving alcohol.

Police feedback on Sports Club licences

The NZ Police were invited to present to a Council Workshop as part of the development of the draft policy. They provided feedback on the impact of club licences. The key points made by Police in relation to clubs were:

- Clubs (sports/social clubs) pose significant risks for Police as a result of the difference in management styles to other types of licensed premises.
- Sports clubs and small social clubs tend to have a volunteer base for their alcohol management and are often not trained or experienced to the same standards as a bar or restaurant. This means the staff are unable to identify hazardous drinkers, and at times there are more social constrictions where the staff can be younger and/or have a close relationship with those they are serving. This makes them more likely to continue to serve those who are already intoxicated or not confident enough to address hazardous/harmful drinking behaviours, leading to alcohol related harm.

REGIONAL PUBLIC HEALTH - MEDICAL OFFICER OF HEALTH

To inform this review the Office of the Medical Officer of Health has prepared a report for consideration. This is attached as Appendix 3.

Some key highlights from this report include:

- The number of alcohol-related acute intoxication incidents in Porirua have been relatively steady and are predicted to remain so going forward.
- Alcohol-related injuries have been increasing slightly and predicted to continue.
- Alcohol-related chronic conditions have decreased over the years and are predicted to continue to decrease slightly.

PORIRUA CITY COUNCIL ALCOHOL LICENSING INSPECTORS

Licensing inspectors are not witnessing a lot of alcohol harm in their everyday licensing work, but they are not often undertaking site visits at late hours when alcohol harm is more likely to be occurring. Some drinking in public places in the day has been noticeable. However recent changes, such as having a more regular police presence in the CDB and ensuring alcohol ban signs are more prominent seems to be having a positive impact.

SECTION 5: LITERATURE REVIEW ON ALCOHOL HARM

There have been many studies conducted that look at the impacts and harm of alcohol. This section presents a short summary of our literature review looking at these issues across research conducted in New Zealand that was felt were relevant and/or can be applied to Porirua City.

DENSITY OF OUTLETS

Proximity to alcohol outlets has been shown to be associated with increased risk of hazardous drinking, particularly in relation to on-licence outlets (Hobbs, et al., 2020). Although there appears to be no significant statistical association between outlet density and average or risky drinking, there appears to be a positive association between binge drinking and density of all types of outlets associated with alcohol-related harm scores. These appear to be independent of individual and neighbourhood social economic status (Connor, Kypri, Bell, & Cousins, 2011). Increased proximity to alcohol outlet access was shown to result in greater alcohol harm among certain groups in particular: Māori and Pacific males, younger European females, middle-aged European men and older men (Ayuka, Barnett, & Pearce, 2014).

ON-DEMAND ALCOHOL DELIVERY

Of note is that on-demand/remote alcohol delivery has become another method of selling alcohol since the last LAP was developed. A recent study shows that on-demand access patterns do not consistently reflect the physical location or density of off-licence outlets. The same study showed there was also no significant relationship between socio-economic deprivation and access to on-demand alcohol (Crossin, et al., 2024). As on-demand drinking provides a method of accessing alcohol not present when the last LAP was developed, Council will need to consider on-demand services when reviewing the LAP.

The Equal Justice Project completed a report on remote seller analysis for five local boards in Tāmaki-Makaurau Manurewa Local Board in September 2024⁵⁶. Their findings highlighted:

- A huge increase in remote sales/sellers as well as partnerships between remote sellers and restaurants to allow restaurants to deliver alcohol with food.
- Concerns that the Sale and Supply of Alcohol Act 2012 did not expect the kind of remote seller businesses that have developed, nor their rapid expansion.
- Not all remote sellers are age verifying users to confirm their customers are of legal age to purchase alcohol. Meaning underage purchasers are able to purchase alcohol with no safeguards in place, which is a breach of the law.
- Concerns regarding the legibility of off-licence information displayed on some websites. To comply with the requirement that licence information be visible, it is essential that the displayed licences are clear and readable for customers.

The report concludes with the following recommendations to Auckland City Council for their consideration:

"The regulation of remote sellers of alcohol should be tightened to better meet the object of the Act. In particular, we recommend implementing stricter oversight and enforcement mechanisms for remote sellers, including more rigorous background checks and mandatory compliance audits, especially for those with a history of violations. Customers should be checked on whether they are of age to purchase alcohol in accordance with the Act. Furthermore, it should be enforced that the displayed licences are displayed: clear and readable for customers. This could be achieved through conditions being applied to licences, through a review of the Auckland Local Alcohol Policy once it comes into force, or even through regulatory/legislation change by central government".

⁵⁶ https://infocouncil.aucklandcouncil.govt.nz/Open/2024/09/20240919_MR_MAT_12246.PDF

ALCOHOL AND YOUNG PEOPLE

Several research studies conducted by various organisations have shown that young people experience disproportionate harm related to their drinking or the drinking of someone else. Because their brains are still developing, even small amounts of alcohol can harm a young person. Alcohol harm includes:

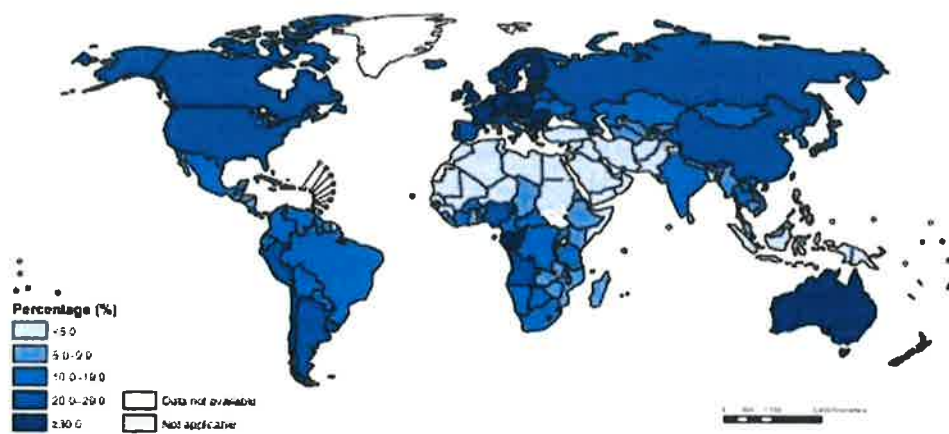
- Being less likely to finish high school.
- Higher rates of STDs, depression, suicide and violent offending.
- 24 per cent of deaths (in 2005-2007) in children and young people aged less than 16 years in New Zealand are attributable to their own alcohol use.
- Alcohol dependence - almost 50 per cent of New Zealanders who developed alcohol abuse or dependence had done so by the age of 20 years, and 75 per cent by the age of 25.

Students of Māori and Pacific ethnicity and/or living in socio-economic disadvantage were more likely to report a range of alcohol-related harms.⁵⁷

A WHO study conducted in 2018 showed that New Zealand had one of the highest rates of heavy episodic drinking (HED) in 15–19-year-olds alongside Australia and Europe (map below).

In New Zealand, 51 per cent of children aged 15-17 consume alcohol, with 6.3 per cent drinking hazardously.⁵⁸

Figure 3.11 Prevalence (in %) of heavy episodic drinking (HED) among 15–19-year-olds, 2016



⁵⁷ https://www.actionpoint.org.nz/harms_from_drinking_in_adolescence.

⁵⁸ https://minhealthnz.shinyapps.io/nz-health-survey-2022-23-annual-data-explorer/_w_39ee50bd/#/key-indicators

ALCOHOL ADVERTISING

Alcohol marketing is identified as being one of several factors that influences a young person's decision to drink⁵⁹. Previous research has found positive associations between neighbourhood alcohol availability and alcohol consumption. Research focusing exclusively on children has shown that residential neighbourhood alcohol availability is associated with increased alcohol availability and use and hazardous drinking. There is also emerging evidence that alcohol availability in the school neighbourhood is associated with alcohol-related outcomes.

Research conducted by the Universities of Otago and Auckland used automated wearable cameras and GPS units to study the children's world. A random selection of 168 children between the ages of 11 and 13 from 16 randomly selected schools in the Wellington region took part in the study, wearing the devices which recorded photos every seven seconds and locations every five seconds over four days between June 2015 and July 2015.

The study found that these children were exposed to alcohol marketing on average 4.5 times per day. Furthermore, Māori and Pacific children had five and three times higher rates of exposure to alcohol marketing than New Zealand European children, respectively. Disparities are mainly attributed to higher rates of exposure via off-licence outlets and sports sponsorship for Māori children.⁶⁰



⁵⁹ https://resources.alcohol.org.nz/assets/Uploads/5.0-AL801-Alcohol-and-Your-Kids_Aug-2023.pdf

⁶⁰ <https://academic.oup.com/alcalc/article/53/5/626/5056455>

IMPACTS OF ALCOHOL SUPPLY ON PUBLIC SPACES

A Te Whatu Ora report looked into the "impacts of alcohol supply on public space in eight neighbourhoods, and residents' input to local alcohol licensing decisions" and identified the following impacts of alcohol harm on local communities (Fale, 2023):

- Most residents felt alcohol supply, public drinking and intoxication negatively impacted their neighbourhoods
- Residents felt less safe in their communities as a result of people drinking. This in turn resulted in people:
 - not walking in their neighbourhoods, or letting their children walk to school or play which resulted in a lack of social cohesion and affected the vitality of the area
 - not shopping at their local stores
 - travelling to other places to shop, resulting in increased travel costs
- Having bottle stores and pubs in their local area normalised drinking, especially for tamariki
- Noise and anti-social behaviour from drunkenness was a major issue for residents. Some residents reported losing sleep due to fighting and arguments from drunken residents
- Broken glass and littering were a common complaint
- Six of the eight communities felt there were too many bottle stores in their area and that the easy access contributed to alcohol-related harm.

HOURS OF SALE AND ALCOHOL HARM

Closing hours

A recent study by International Alcohol Control (IAC) (Sally Casswell T. H., 2024) assessed the impact of alcohol control policy on consumption and policy-related behaviors of New Zealand drinkers. The research showed that those purchasing alcohol at an off-licence after 10pm are twice as likely to drink heavily than those purchasing alcohol before 10pm⁶¹.

The same study found that drinkers who bought alcohol after 2am from on-licences were 2.9 times more likely to drink high amounts of alcohol compared to those who purchased before 2am. They were also twice as likely to drink frequently.

When on-licence hours are reduced, studies generally find that alcohol-related harms are reduced. For example the study "Effects of restricting pub closing times on night-time assaults in an Australian city" (Kypros Kypri, 2010), found that there was a 37% decrease in assaults when their premises reduced their trading hours in the early hours of the morning.

Opening hours

As mentioned in the above alcohol and young people and alcohol advertising sections of this report tamariki and rangatahi are particularly vulnerable to alcohol advertising. It can be assumed that having later opening hours could reduce the exposure of alcohol and advertising to children while on their way to school, the same can also be suggested for when children are returning home from school.

SECOND HAND HARM OF ALCOHOL

A research report released by Massey University explores the impact of alcohol consumption on people beyond the drinker including instances of harm involving traffic injuries, interpersonal injuries and Fetal Alcohol Spectrum Disorder (FASD).

⁶¹[https://www.actionpoint.org.nz/local_alcohol_policy_case_for_change#:~:text=Closing%20Hours%20\(off%20licences\),licence%20before%2010pm%20%5B8%5D](https://www.actionpoint.org.nz/local_alcohol_policy_case_for_change#:~:text=Closing%20Hours%20(off%20licences),licence%20before%2010pm%20%5B8%5D)

The research uses data from New Zealand's hospitalisation records, ACC (Accident Compensation Corporation) and survey data, along with new estimates of the disability associated with FASD and international alcohol-attribution fractions (the contribution alcohol makes to specific injury and conditions).

According to the findings, it is estimated that 78,277 healthy life years were lost in Aotearoa New Zealand in 2018 due to alcohol's harm to others. The main contributor was FASD, followed by traffic crashes at 6.3 per cent and interpersonal violence 3.4 per cent. The burden of harm to others was greater than that to drinkers, with Disability Adjusted Life Years for others totalling 78,277 compared to 60,174 for drinkers (Sally Casswell T. H., 2024).

The report also concludes that disability from fetal alcohol spectrum disorder (FASD) appears to be a major contributor to alcohol's harm to others in Aotearoa/New Zealand. Taking FASD into account, the health burden of harm to others is larger than harm to the drinker in Aotearoa/New Zealand, and ethnicity differences show inequity in harm to others. Quantification of the burden of harm informs the value of implementing effective alcohol policies and should include the full range of harms.

BARRIERS TO REDUCING ALCOHOL HARM

Research conducted by the Health Promotion Agency (HPA) looked at the impacts of alcohol on Pacific communities in New Zealand (Fale, 2023). The research is extremely relevant to Porirua City as 27 per cent of our population identify as Pacific Island descent, therefore it is fair to assume that some of the findings could also represent the experiences and concerns of many communities in Porirua.

One of the key findings of the survey highlighted the barriers to achieving alcohol harm minimisation. These were:

- The high concentration of alcohol outlets in some places led people to believe alcohol laws and policies were ineffective. People suggested raising the cost of alcohol, restricting its availability, and regulating marketing and advertising would help to reduce harm (as long as these changes included community input).
- Lack of understanding of the impacts of alcohol (with the exception of drink driving). More education is needed.
- Alcohol advertising encourages drinking, especially on social media.
- Social norms and peer pressure often encouraged young people to drink even if they didn't really want to.
- Those coming from low socio-economic backgrounds felt that alcohol was a large part of their lifestyle.
- Many agreed that church leaders have a critical role to play in alcohol harm minimisation including education, awareness and advocacy.

The HPA report mentioned above also looked more closely at the perceived inefficacy of alcohol policy, like the licensing process and the success and failures to community objections to bottle store licences. The findings showed that (Fale, 2023):

- Inequalities exist for communities wishing to object to licence applications largely due to the legalistic nature of appeals and lack of resources for community groups.
- The current system discouraged Māori from participating and minimised Māori input in the following ways:
 - There is no recognition of Te Tiriti o Waitangi in the Local Government Act or the Sale and Supply of Alcohol Act 2012
 - Current licensing processes do not support active partnership and engagement with Māori
 - Licence decisions and hearings did not recognise elements of Māori culture such as whakapapa (ancestral connections) or being a mangai korero (authoritative spokesperson) when assessing the right to give evidence. The lack of recognition of Māori authority and leadership roles offended the mana of Māori objectors.

- The legalistic nature of hearings is an entirely inappropriate way to engage with Māori.
- Precedents in case law prioritised the input of the police, licensing inspectors or the Medical Officer of Health ahead of Māori and local iwi representatives.
- The barriers to objecting (such as ineffective notifications, frequent challenges to their right to object and unsuitable hearing times) made objectors feel isolated and diminished.

IMPACT OF ALCOHOL ON PACIFIC COMMUNITIES

According to the 'Taeao Malama' report, Pacific adults and youth tend to drink at lower levels than non-Pacific, but when they do they tend to drink at more hazardous levels. Patterns of hazardous drinking tends to be higher in Pacific men compared to Pacific women, and being intoxicated tends to be more acceptable to Pacific men. Reasons for less drinking are likely to be the risk of judgment and shame from family, religious shame and wider community judgment (Ataera-Minster, 2020).

Key findings of the research reports that among Pacific adults past-year drinkers in the NZ Health Survey:

- 36 per cent were classified as 'hazardous drinkers' (ie had an established pattern of drinking that carries a high risk of future damage to physical or mental health) – a significantly higher proportion than in non-Māori non-Pacific (18%)
- the prevalence of hazardous drinking was significantly higher compared to non-Māori non-Pacific in every age group between 18 and 64-years-old.

Contrary to findings that high deprivation areas are prone to higher levels of drinking, the study found lower levels of drinking in the most deprived Pacific communities. Hazardous drinking is higher in Pacific adults living in least/medium deprived areas, possibly due to having more disposable income to spend on alcohol (Ataera-Minster, 2020).

Of all Pacific adults in the NZHS:

- hazardous drinking was less prevalent in high deprivation areas (18% in the most deprived areas compared to 31% in the least deprived areas). This is a unique pattern compared to what is seen in other populations, where hazardous drinking rates are highest in the most deprived areas.
- Pacific adults living in the least deprived areas were 1.8 times more likely to drink hazardously than those living in most deprived areas.

Patterns of hazardous drinking tend to be diverse within different Pacific Island ethnicities and demographic subgroups. For example, hazardous drinking tends to be higher in NZ-born Pacific Islanders than overseas-born Pacific Islanders, possibly because Pacific Islanders who grew up around NZ culture from an early age are more likely to adopt NZ attitudes towards alcohol.

IMPACT OF ALCOHOL ON MĀORI COMMUNITIES

The impact of alcohol on Māori has been thoroughly researched over the years and most of the sources available conclude since alcohol was first introduced in the early 1800s the impact of alcohol has been devastating for Māori.

Despite initial resistance, alcohol use gradually became accepted by Māori and once it became an accepted and sought-after item it rapidly led to significant harm.

The pattern of alcohol-related harm among Māori in Aotearoa is understood to be intimately tied to colonisation. Alcohol was introduced at the point of first European contact and early settlers noted that Māori at the time had a strong aversion to alcohol (Hutt, 2003; Mancall et al., 2000). Early Māori utilised the term waipiro (stinking water) to describe alcohol (Hutt, 2003).

The use of alcohol, similarly to the use and trade of tobacco and muskets, became a more prominent and effective tool in the colonising process by the late 1800s and Māori alcohol consumption rose concurrently alongside the loss of Māori land, whānau and Māori cultural identity (Hutt 1999). These items were used in “unethical transactions” (Honourable Dame Tariana Turia, 2013) designed to acquire Māori land. It was common practice for Pākehā settlers to coax Māori into a drunken state before persuading them to sell their land (McDowell, 2015). A quote from the Secretary of State for War and the Colonies in 1840 highlights that alcohol was recognised as a means of disempowering Māori:

“Between the Native, who is weakened by intoxicating liquors, and the European who has all the strength of superior Civilization and is free from its restraints, the unequal contest is generally of no long duration; the natives decline, diminish and finally disappear.” (Evison, 1995, p. 157)

By the early 1920s the continued political and social pressures on Māori to assimilate to Pakeha culture and society had forced many Māori to adopt Pākehā values, including Pākehā drinking culture which was characterised as “problematic” (Erin Ebbett, Apr 2010).

Colonisation is the prominent historical cause of the significant alcohol harm experienced by Māori society. The historical disenfranchisement of Māori has created systemic inequities and led to Māori people becoming more vulnerable to alcohol addiction and misuse.

Despite efforts from Māori, inequities still remain. Māori continue to be over-represented in alcohol and drug addiction statistics, crime statistics, and are known to be at higher risk of suffering from poor health, poor housing, poverty and poor educational outcomes. This inequity is likely to continue to be an issue if councils and central government do not prioritise equity in alcohol regulation (Maynard, 2022).

SECTION 6: SUMMARY OF FINDINGS

The research and evidence in this report highlight the following:

Communities in areas of high deprivation are more vulnerable to alcohol harm

The evidence shown in the data and literature review shows areas of high deprivation are closely associated with significant levels of alcohol harm. The alcohol related crime statistics from police show a high prevalence of crime in areas of high deprivation.

City Centre

The data for Porirua shows that the city centre in Porirua tends to have the most significant issues with crime, anti-social behaviour and alcohol breaches. It also has the highest density of alcohol licences and is considered an area of high deprivation making it more vulnerable to alcohol harm. Police also highlighted their concerns with the City Centre and the alcohol related issues they face.

Off licences of concern in areas of high deprivation

Particular suburbs of highest deprivation within Porirua (the East and Elsdon) have very few on-licence venues (bars and restaurants) which suggests most of these communities are drinking in their homes or neighbourhoods using alcohol obtained from off licences (bottle stores and supermarkets).

Disproportionate impacts of alcohol harm

- Māori are experiencing disproportionate levels of alcohol harm. Māori make up 34 per cent of the hospital discharges for alcohol related illnesses, which is an over representation of the Māori population in Porirua (22%)⁶².
- Alcohol harm is a significant contributor to disabilities, and the burden of harm to others was greater than that to drinkers. Disability from fetal alcohol spectrum disorder (FASD) as well as disabilities caused by traffic crashes and interpersonal violence contribute to a disproportionate impact.
- Several research studies conducted by various organisations have shown that young people experience disproportionate harm related to their drinking or the drinking of someone else. Research has also shown that residential neighbourhood alcohol availability and advertising is associated with increased alcohol availability and hazardous drinking in children.
- Evidence suggests that although Pacific adults and youth tend to drink at lower levels than non-Pacific, when they do drink they tend to drink at more hazardous levels. The prevalence of hazardous drinking was significantly higher for Pacific peoples compared to non-Māori non-Pacific in every age group between 18 and 64-years-old.

DID THE CURRENT LOCAL ALCOHOL POLICY HAVE AN IMPACT?

The evidence shows that certain statistics that correlate to alcohol harm have reduced somewhat since our policy was introduced, but there is little evidence to demonstrate that these reductions correlate to our policy controls. Instead, it is assumed that the controls in place have not been significantly restrictive enough to show any true impact in the reduction of alcohol harm for Porirua City. The reduction in some statistics is more likely due to societal behaviour changes in general, as the reductions seen are in line with national trends.

The data suggests that Porirua has an issue with high concentrations of off licences within areas of high deprivation. This is concerning because there is clear evidence that areas of high deprivation are more vulnerable to alcohol harm. There is also a number of alcohol licences that are located close to schools and early childhood centres. There is strong evidence that demonstrates that young people are more susceptible and impressionable to alcohol advertising. Although there are some restrictions on advertising in Porirua stores, and despite the sensitive site provisions these bottle stores are still located within walking distance to nearby schools, which is problematic.

⁶² Please note that this is not a totally accurate comparison as ethnicity in census information allows for multiple ethnicities, while Te Whatu Ora records prioritised ethnicity. However, it does give us a good illustration of the disproportionate figures.

Police feedback on Porirua City LAP

Police highlighted three key issues with Council's alcohol regulation and alcohol licensing process:

1. Lack of consistent enforcement of our own LAP restrictions as well as the Act. Police noted that the enforcement and infringement process for Councils can be resource heavy without any cost recovery, therefore it is common to see Council relying on police to carry out enforcement and infringement action. This can cause unnecessary workload for police and diminish the Inspectors role. The breach of Liquor ban fine is also a determining factor.
2. Weak LAPs with "no teeth". Policies across the country lack any impactful or strong restrictions. The police believe any reductions in alcohol harm or a decrease in licences is being driven by our community members and not Council policies.
3. The alcohol licence applications process and how Council is handling the review process. They believed there were a few tweaks that could be made to improve the process and ensure each party to the process has what they need to make the best independent recommendations to the DLC. They noted that at times they felt there was too much reliance on the recommendations from police and the regional medical officer of health. Time restrictions on these agencies meant that matters were not enquired into appropriately at times and reliance was then placed on the Council.
4. Hours of trading, particularly with off licences require to be considered. The availability of alcohol at such early hours of the morning contributes to alcohol related harm, including for our vulnerable members of the community.

Porirua City Council Alcohol licensing inspectors' feedback on the Porirua City LAP

Comments from inspectors were provided on the two following points:

- **Remote sellers' delivery hours** – the current LAP does not define delivery hours and instead the national default delivery hours under the Sale & Supply of Alcohol Act (6am to 11pm on any day) is used. While there may be no direct evidence of alcohol harm issues in terms of delivery hours for remote sellers, reducing the delivery hours to 10pm may contribute to reducing alcohol harm, by making alcohol less readily available.
- **Proximity to sensitive sites** – the proximity to sensitive sites provision in the LAP should be reviewed. Vulnerable communities often rely quite heavily on opposition to the applications from one or more of the following – police, Medical Officer of Health, the licensing inspector, or the community. The District Licensing Committee then decides on the application based on the information they are provided. Changes to sensitive site provisions could increase the emphasis on licensees to engage with their community and give more of a voice to vulnerable communities. Consideration should be given as to why supermarkets have an exemption from proximity to sensitive sites provision and whether the reverse sensitivity provision is still appropriate. For example, the reverse sensitivity provision does not take into account any changes in a community, such as the establishment of a new drug & alcohol rehabilitation facility.

HAS THE CURRENT ALCOHOL CONTROL BYLAW HAD AN IMPACT?

The Bylaw is functioning as it should, and the research shows that the current controlled areas are needed to continue to deter public drinking and provide enforcement options for police. The persistence of public drinking behaviours are likely influenced by broader societal factors beyond the control of the Bylaw. Improvements could be made that are outside the scope of the Bylaw, as follows:

- Improved Local Alcohol Policy that encourages greater impacts on alcohol harm reduction and behaviour changes
- Increased public education around drinking behaviours
- Taking a more strategic approach to reduce alcohol harm
- Support local providers in the alcohol harm prevention space.

SECTION 7: WHAT COULD THE FUTURE LOOK LIKE?

There are numerous studies and reports that suggest interventions to minimise, reduce or prevent harm from alcohol. This section explores some of these approaches and how these are relevant or applicable to the Local Alcohol Policy for Porirua City.

WHAT WORKS FOR PACIFIC COMMUNITIES?

Participants in the HPA survey (Fale, 2023) highlighted ideas for how to minimise harm:

- Providing education and awareness on the effects of alcohol consumption on the body. Being more aware of how alcohol affects the body helped participants regulate their drinking habits.
- Open and regular communication. Many participants found it difficult to openly talk about alcohol at home. Parents disapproved of their children drinking but young participants felt unable to openly discuss alcohol at home and would use alcohol as an outlet for rebellion away from family.
- Encouraging a strong grounding in culture and identity. Participants felt encouraging adherence to cultural values would help users of alcohol consume alcohol with careful consideration, respect for others and their environment.
- Some participants felt it was important to look to a time before the introduction of alcohol as evidence wellbeing without alcohol use was possible (Fale, 2023).

WHAT WORKS FOR MĀORI COMMUNITIES?

The evidence clearly shows that Māori are disproportionately impacted by alcohol harm. Given the increased harm that alcohol has on Māori and recognising the higher proportion of youth among the Māori population, progress in the area of local government policy to reduce alcohol harm has the potential for significant health improvement and a reduction in inequities for Māori (Alcohol Healthwatch, 2021). Council has ample opportunity to be more effective in preventing, mitigating and reducing the negative impact of alcohol harm inequity and this should be a core focus in alcohol policy decisions.

Article 3 of Te Tiriti o Waitangi provides for Māori to access all the rights and privileges and opportunities to participate in all matters important to Māori. For this to be fully realised Māori must be at the forefront of all policy decisions that impact Māori communities, whānau, hapū and iwi.

The report Te Tiriti o Waitangi and alcohol law by Kristen Maynard (Rongowhakaata, Ngāti Porou, Ngāti Kahungunu, Ruapani) for Te Hīringa Hauora | Health Promotion Agency provides analysis of key treaty documentation (including relevant Waitangi Tribunal reports).

The report suggests that to be Tiriti-informed alcohol legislation (and if applied to the context of local councils' roles in alcohol regulation) must at the very least:

- Empower whānau/hapū/iwi/rōpū Māori to meaningfully and effectively participate in decisions being made.
- Where appropriate and should they wish to, enable whānau/hapū/iwi/rōpū Māori to lead decisions on alcohol in their communities, including as co-designers of policy and decision-makers.
- Enable the achievement of equitable health and social outcomes for Māori. This is especially important, given the evidence that shows that Māori experience a disproportionate amount of alcohol-related harm compared to the general population.
- The paper also suggests that legislation should be read in accordance with Treaty principles, regardless of whether there is an explicit Treaty provision or not. It also suggests considering using Tiriti principles when considering licensing decisions.

WHAT DOES THE MEDICAL OFFICER OF HEALTH RECOMMEND?

The Medical Officer of Health has provided the below recommendations for consideration:

Alcohol advertising

The ubiquity of alcohol advertising in our environment normalises drinking and maintains the country's drinking culture. New Zealand self-regulatory codes have been ineffective in protecting vulnerable New Zealanders.⁶

Some actions that local councils could look at include:

- Develop policy and bylaws that restrict the exposure to alcohol-related signage at licensed premises.
- Prohibit the display of alcohol-related marketing or signage (sandwich boards, bollards, sleeves etc.) on public footpaths outside or within immediate vicinity of licensed premises.
- Prohibit the display of alcohol related promotion or marketing on any Council-owned infrastructure, facilities or services.
- Develop policies that require any Council-run local events or events that require a Council permit, to not allow the marketing and promotion of alcohol.
- Develop policies for groups, clubs or other associations accessing facilities and seeking Council grants to incentivise the use of recreation facilities and to eliminate alcohol sponsorship.

Other harm minimisation strategies:

- Provide strong, visible support for alcohol harm minimisation – eg clear vision statements and high-level goals in high-level Council policy documents, long-term plans and strategies.
- Council can set an example by encouraging their own events or Council-operated premises and spaces to be alcohol-free.
- Reduce trading hours for off-licences from 10pm to 9pm as many of the liquor stores are in residential suburbs.
- Ideally, a LAP is one part of a comprehensive range of strategies throughout Council to support alcohol harm reduction.

WHAT DOES ALCOHOL HEALTHWATCH RECOMMEND?

The Alcohol Healthwatch recommend the following policy levers for minimising alcohol harm. They note that any policy needs to be sensitive to the needs of at-risk populations, such as young, unemployed, indigenous populations, and sensitive to the traits of certain settings such as sports clubs.

In their submission to the Ministry of Business, Innovation & Employment on the buy-now pay-later discussion document (December 2021), they make it very clear that alcohol should not be considered an ordinary retail product. It is a psychoactive substance with dependence-producing properties, and of all drugs available in society and they acknowledge it is the most harmful (when harm to users as well as others is considered). Restrictions to its accessibility and availability are among the most effective of all measures to reduce harm.

Their research shows restricting trading hours is likely to have the greatest impact on reducing harm out of all the policy levers suggested. Their recommended maximum trading hours are:

- Inner city areas: 10am to 2am - mandatory one-way policy from 12am, more restrictive hours may be appropriate for smaller towns
- Suburban city areas: 10am to 12am, with a recommended one-way door policy from 11pm
- Restaurants, clubs, cafes, function centres: 10am to 12am
- Off-licences: 10am to 9pm including supermarkets

- Special licences - should not exceed max default hours and should be decided on a case-by-case basis depending on scale and type of event.

It is worth noting that their recommended closing hours are not based on licence type. Instead, they recommend that closing hours be based on the area and context of where alcohol is sold. They also recommend special licences do not exceed maximum default hours in the Act, which is stricter than what most councils do (no restrictions at all on the hours the DLC choose).

They recommend adopting a relatively wide definition of sensitive sites. Their preferred definition includes marae, churches, treatment services, youth facilities, and community facilities, which is wider than Porirua's definitions of a sensitive site (schools excluding early childhood centres, and drug/alcohol treatment centres). In addition, community members or businesses should be notified of a licence application if they are within a certain distance of an applicant's premises.

They also advocate for restrictions on location. They suggest restricting trading areas to broad local areas, eg the CBD. They also advocate for decreasing the number of outlets where there are existing problems or too much density of alcohol outlets, whether through a cap on new outlets, or sinking lid in a given area.

They also list a number of recommended discretionary conditions noting discretionary conditions lack impact without stronger restrictions such as trading hours. These include:

- Controls on advertising around or on licensed premises, including restricting or banning advertising outright
- In particular relation to club and on-licences, controls on settings where drinking is taking place: limits on supply of alcohol at events – eg serving sizes, limiting serves of higher alcohol drinks after a given time, requirement to train staff on handling intoxicated customers, providing information about transport and accommodation options
- Requiring a risk management plan for any venue operating after 12am, detailing security measures, limits on patron numbers, how the venue will serve alcohol after a given time. They propose the cost of implementation to be met by licence holders.

WHO RECOMMENDATIONS/MOH OF HEALTHY DRINKING HABITS

The World Health Organisation supports introducing the following initiatives (for nations to consider within their individual alcohol policy jurisdiction) to reduce harmful alcohol use⁶³. They suggest regulating the availability of alcohol to reduce harm to vulnerable and high-risk groups, through measures such as:

- Regulating the number and location of alcohol outlets
- Regulating days and hours of sales
- Regulating sales of alcohol during events
- Policies to prevent access to minors and intoxicated persons

They suggest regulating alcohol advertising, particularly to ensure young people are not exposed to alcohol marketing too early. This is because advertisers of alcohol do so in increasingly sophisticated ways. It is difficult to market to young adults without exposure to adolescents. Measures to regulate advertising can include regulating the content of marketing, the volume of marketing, regulating sponsorship activities that promote alcoholic beverages, restricting or banning alcohol promotion in connection with young people, and regulating alcohol promotion on certain forms of media (eg social media).

⁶³ https://www.afro.who.int/sites/default/files/2017-06/9789241599931_eng.pdf (pages 14-18)

They also suggest introducing measures to reduce direct harm related to alcohol consumption. The challenge is to promote safe drinking without endorsing excessive drinking. Such measures can include:

- Regulating the drinking context to reduce violence and disruption eg banning glass receptacles
- Enforcing laws against serving to minors/intoxicated persons
- Providing information about harm related to alcohol
- Enacting management policies for serving beverages responsibly eg training staff on how to identify and manage intoxicated persons
- Providing care and shelter for intoxicated people.

POLICE SURVEY RESULTS ON HOURS OF TRADE

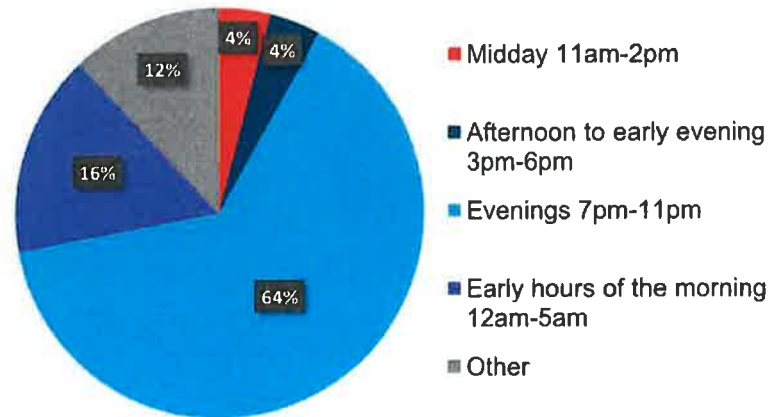
A survey was conducted with local police officers, seeking insight into:

- The most common hours of the day they see the most alcohol related harm in Porirua
- Recommended hours of trade for the sale of alcohol for both off and on licences.

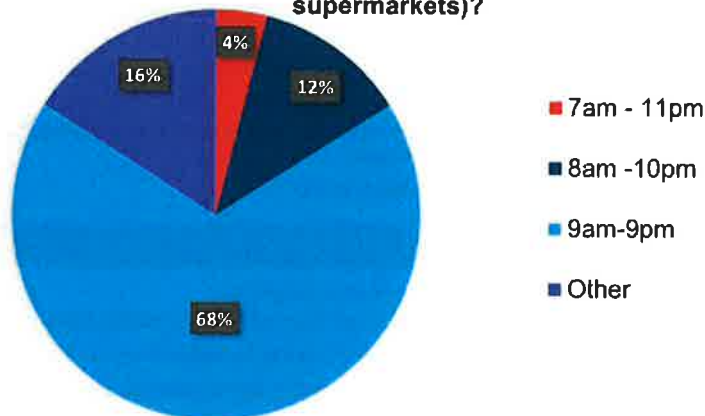
The survey was completed by 25 local officers. Overall, 64% of survey participants answered that 7-11pm is when the most alcohol related harm is occurring that they are seeing. Sixty eight percent recommend 9am-9pm hours of sale for off-licences and 56% recommend 10am-1am (the next day) as hours of sale for on-licences.

The detailed survey results are as follows:

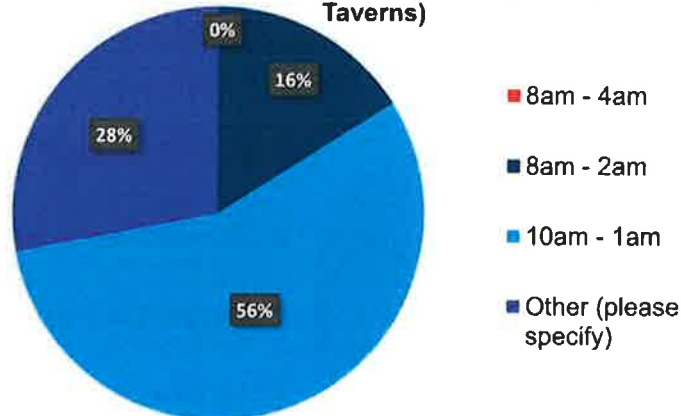
Q1: What time of the day are you seeing the most alcohol related harm in Porirua?



Q2: What hours would you recommend alcohol should be sold from off licences (bottle stores, dairies and supermarkets)?



Q3: What hours would you recommend alcohol should be sold from on licences (Bars, restaurants, cafes, clubs and Taverns)?



SECTION 8: WHAT ARE THE OPPORTUNITIES TO HAVE THE GREATEST IMPACT FOR PORIRUA?

The new legislation and recent Auckland Council case law (see Appendix 4 for more detail) provides councils with greater confidence that their policy options can genuinely reflect the perspectives of their communities, without fear of lengthy appeals and merit-based court proceedings. It is important to inform the community of what the possibilities are for managing alcohol licensing in their communities and how local councils can have greater influence on alcohol harm minimisation and reduction in their city.

This section of the report explores some outcomes Porirua City Council could prioritise in alcohol licensing and regulation in Porirua. It looks at the higher-level policy themes that could be considered and information on policy options –these are intended to help inform the Porirua community of the opportunities available but are not an exhaustive list.

THE ALCOHOL CONTROL BYLAW

The Alcohol Control Bylaw is still required to continue deterring public drinking. Council has not received any new information or evidence that suggests any changes or additions are needed to the controlled areas in the policy. The current alcohol ban areas and hours remain the most appropriate areas for Porirua. Therefore, other than minor administrative amendments, no changes are suggested for the bylaw. Formal consultation on the bylaw review will allow Council to test this with the community.

AN EQUITY BASED POLICY

The evidence shows that alcohol harm has a disproportionate impact on Māori communities, tamariki and rangatahi, Pacific communities and tangata whaikaha⁶⁴. This disproportionate impact leads to disproportionate outcomes - for example, higher rates of crime and victimisation, greater imprisonment rates, greater alcohol related hospitalisations and long-term illnesses rates for these groups. This also has intergenerational impact for the unborn, infants, children and adolescent groups within these communities. This inequitable impact will continue to be an issue if councils and central government do not prioritise equity in alcohol regulation and law.

The enactment of the Amendment Act in 2023 is aimed at removing barriers for community, including Māori to make objections. It is hoped the new process will allow greater opportunities to object to licence applications. There are, however, still gaps in this process as communities have told us they find the information on when and how to make objections difficult to find and until recently the process can often be costly in legal fees.

An effective way to ensure equity in licensing decisions for Porirua and to ensure iwi Māori perspectives, youth, Pacific and tangata whaikaha are involved in decision making sits outside of the LAP and within the licensing process. This could include establishing DLC advisory roles specifically for iwi, youth, Pacific and tangata whaikaha representatives.

As noted above, Kristen Maynard in 'Te Tiriti o Waitangi and alcohol law' suggested that a Tiriti o Waitangi approach should be applied to the interpretation of the legislation whether there is a treaty clause or not and this approach could also be applied to licensing decisions.

⁶⁴ People with disabilities

Council has had a Partnership Agreement with Ngāti Toa Rangatira since 2017. This formal document outlines a shared commitment to our partnership with each other and to the future wellbeing of Porirua. It provides the opportunity for Te Rūnanga to contribute to Council decisions and to provide leadership with the Council for Porirua. Te Rūnanga's chairperson, Dr. Taku Parai, is also Porirua City's kaumātua. He provides tikanga Māori advice and support and can attend all council and committee meetings with full speaking rights.

In 2023, Council also adopted a Māori Strategy named [Maungaroa 2050](#). Developed alongside Ngāti Toa and the community, this strategy provides high-level guidance for the strategic direction to best support and enable Ngāti Toa and taurahere Māori aspirations in Porirua. Relevant to the development of the LAP are the following strategic priorities and actions:

a. *Herea te hoe urung*⁶⁵

- We commit to moving towards a Tiriti-led framework of partnership with Council that represents a relationship that is enduring, intergenerational and future-focused.
- Further develop the formal partnership agreement with Te Rūnanga o Toa Rangatira that better enables co-governance, equitable decision making, dedicated resourcing and support, and enduring relationships.

b. *Herea te waka*⁶⁶

- To implement Maungaroa 2050, we must prioritise, support and resource the growth of Māori staff, capability, and leadership within Council.
- Create Māori-focused roles throughout the organisation over the next six years to work in partnership with Ngāti Toa on the vision, wellbeing, and future aspirations for Porirua

Based on our priorities outlined in Maungaroa 2050 there is further opportunity to explore clearer pathways for iwi influence in decisions regarding alcohol licensing as these decisions will likely impact Ngāti Toa uri and the wider Māori community. Examples could include further influence and advice on locations of alcohol licences in cultural sites of significance (as identified in the PDP) eg Takapūwāhia, Hongoeka and other sites.

Aligned with the strategic priority of *herea te waka*, there is also an opportunity to establish an iwi advisory role for Ngāti Toa in assessing applications. This would be a space provided for critical analysis and incorporation of mātāuranga Māori (Māori knowledge – in its many forms) to frame and interpret evidence and enable better outcomes for our Māori population (Agency, September 2018).

Prioritising a collaborative approach to policy development will enable further detail on recommendations of what this could look like in the future.

HARM REDUCTION APPROACH

A harm reduction approach aims to limit the negative impacts of alcohol harm and takes a strategic approach by looking at a spectrum of solutions and treatments to address the causes of hazardous drinking or drug use.

Harm reduction approaches call for policy interventions to be designed to serve those who are hazardous drinkers, their whānau and community's needs. It looks at policy levers as well as community supports to enable individuals and their whānau the ability to access appropriate supports that work for them.

The principles of harm reduction:⁶⁷

1. Focuses on minimising the harm of drug/alcohol use instead of ignoring or condemning users.

⁶⁵ Maungaroa 2050 pg. 30

⁶⁶ Maungaroa 2050 pg. 31

⁶⁷ <https://harmreduction.org/about-us/principles-of-harm-reduction/>

2. Understands addiction is complex and encompasses a continuum of behaviours, acknowledges some ways of drug use are safer than others
3. Establishes quality of individual and community life and well-being — not necessarily cessation of all drug use — as the criteria for successful interventions and policies.
4. Calls for the non-judgmental, non-coercive provision of services and resources to people who use drugs.
5. Ensures that people who use drugs and those with a history of drug use routinely have a real voice in the creation of programs and policies designed to serve them.
6. Affirms people who use drugs/alcohol themselves as the primary agents of reducing the harms of their use and seeks to empower them.
7. Recognizes that the realities of poverty, class, racism, social isolation, past trauma, sex-based discrimination, and other social inequalities affect both people's vulnerability to and capacity for effectively dealing with drug-related harm.
8. Does not attempt to minimize or ignore the real and tragic harm and danger that can be associated with illicit drug use.

Harm reduction approaches also acknowledge that disproportionate harm will remain while social inequity remains within society as a whole. The correlation between the disproportionate statistics for particular communities is also connected to inequities in our social, economic and political systems, but also our complex shared histories as a nation. Colonisation and continued marginalisation of particular communities has created severe inequities in our health, social, education and economic systems of which leave particular communities more vulnerable than others to alcohol harm.

REDUCING ACCESSIBILITY TO ALCOHOL

The reality is that alcohol does not just harm the drinker, harmful drinking has detrimental impacts on immediate whānau, friends and quite often complete strangers. This is why Government imposes restrictions on things like driving under the influence of alcohol and underage drinking. Restricting local alcohol availability can also help to address two other strong determinants of alcohol use and harm in communities, namely, the low price of alcohol, and its marketing. Having fewer places that sell alcohol in a neighbourhood is likely to result in less price competition, less marketing and convenient access⁶⁸. Restricting the number and location of licensed premises in a community also offers opportunities to reduce exposure to alcohol signs and marketing at licensed premises, a key source of alcohol advertising exposure to New Zealand children⁶⁹.

Restrictive policy approaches aim to prevent and reduce the availability of alcohol in communities (supply control), to make it harder for people to access alcohol and encourage less problematic drinking behaviours.

There are policy controls Council can introduce to restrict the access of alcohol and influence behaviour changes in the aim to minimise the harmful impact of alcohol. These measures must be supported and reflect the perspectives of the communities they impact and consider the evidence base. In the LAP there are opportunities to pursue:

- Reductions in the opening and closing hours for on and off-licence venues which will encourage people to change their purchasing behaviours.
- Regulating the density of outlets. Council can introduce location-based caps or density provisions, which mean licence numbers would be restricted within particular areas, to limit or decrease the total number of licences able to sell alcohol in particular areas.
- Introducing controls on advertising of alcohol inside and outside stores and around the city.

⁶⁸ Dunedin Medical Officer of Health submission to Dunedin Local Alcohol Policy review

⁶⁹ Alcohol Healthwatch. (2024). A guide to inform Local Alcohol Policy development (Draft). Auckland.

MOKOPUNA FOCUSED

Due to the intergenerational impact of alcohol harm, tamariki and rangatahi must be a prioritised group for both prevention and support to assist in diverting the intergenerational hold and reliance alcohol can have in communities and families. We are already seeing changes in behaviours with youth drinking, so this target population show great promise for greater impact and influence.

Policy levers may already provide restrictive approaches to youth through the legal drinking age, but there is much more that can be done in limiting/minimising alcohol exposure on youth. This is through greater alcohol advertising restrictions both with licensees and with the wider community who are a key component in exposing youth to alcohol advertisement through alcohol sponsorship of club sports and sporting facilities.

PREVENTATIVE APPROACH

To prevent the immediate and long-term harm caused by alcohol but also to deter the intergenerational hold and reliance alcohol can have in communities and families, there is a lot the Council, in partnership with communities, iwi and the alcohol industry, can do in this space to support the best outcomes for their communities. Councils can:

- Run and promote alcohol free events.
- Work with licence holders and businesses to encourage responsible drinking behaviour, by encouraging licence holders to follow the conditions of their licence, promote educational materials in their businesses, limit alcohol advertising in and outside their venues and ensure staff are trained appropriately.
- Develop and support educational materials that encourage behaviour changes and build greater awareness of the harms of alcohol and promote these at events and through social media.
- Promote, support and advocate for community networks and organisations working in the alcohol harm reduction space.
- Advocate to Central Government for greater harm reduction policy controls that prioritise people and harm reduction first.
- Monitor statistics and other local information on alcohol harm for Porirua City.

SECTION 9: WHAT POLICY OPTIONS ARE AVAILABLE?

RESTRICTING HOURS OF SALE

Restricting hours of sale has a positive impact on reducing alcohol harm, such as alcohol-related assault and excessive drinking. Evidence of this was seen when national limits on hours were introduced by through the Act in 2013 - there was a reduction in late-night assaults, likely related to on-premises (Connor, et al., 2021) (Huckle, Parker, Mavoa, & Casswell, 2020).

There are opportunities to explore more restrictive hours for alcohol sales in Porirua. Restrictions may be justified on the basis of there being a reasonable likelihood (rather than a certainty) that it will reduce alcohol-related harm ('a real and appreciable possibility' of reducing harm is sufficient).

Hours can be reduced either via the opening hours or the closing hours, or a combination of both. Reducing opening and/or closing hours for off-licence businesses such as bottle stores and supermarkets is not likely to impact their sales significantly as survey results from the license holders survey showed the most common hours of alcohol purchase were from 5pm-8pm.

For on-licence and club licences a reduction in opening or closing hours could require businesses to open or close later and/or earlier, therefore there could be some reduction in sales in this time.

EXTENDING SENSITIVE SITE PROVISIONS

The current sensitive site provisions only extend to a 100-metre distance from:

- a) **School students** - the research reviewed suggested that there was a link between alcohol advertising and alcohol related harm in this group. Pre-schools were excluded because of the large number of premises, the difficulty in tracking these premises and their inclusion would create significant restrictions to open new licensed premises, when there was no evidence presented to suggest this group was more susceptible to alcohol related harm.
- b) **People undergoing alcohol and drug use rehabilitation** - this is an identifiable group with a heightened sensitivity to exposure to licensed premises and an LAP should protect them so that they may undergo treatment. The definition restricts the applicable organisations to those that are registered as receiving public funding. This is because private operations may not be registered and would not provide a clear standard for potential applicants and Council inspectors to apply.

The sensitive site provisions could be extended to include:

- A distance greater than 100 metres.
- other public buildings and facilities of importance – eg marae, churches.
- early childhood facilities.
- all current licences including renewals to ensure all licences are assessed against the sensitive site provisions and removing the reverse sensitivity provision⁷⁰ (refer to clause 7.2 d of the LAP page 6). This is now enabled and supported by section 133 of the Act (amended in 2023).

⁷⁰ Taking s133 and the decision in *MOH v Lion Liquor Retail Ltd* [2018] NZARLA 882 (which was to the effect that there is no presumption that any licence will be renewed) together, there is no existing right or entitlement to an alcohol licence, nor any right or expectation that conditions on an existing licence are permanent and unchangeable. Another recent decision also makes this clear: *Police v EAPE Holdings Ltd* [2024] NZARLA 13-15.

DENSITY PROVISIONS OR LOCAL AND/OR DISTRICT SPECIFIC RESTRICTIONS

Council can explore location specific restrictions that include:

- Creating priority areas which enable policy controls to be targeted to specific areas, suburbs or zones within the city where there is evidence of greater levels of alcohol harm.
- Caps which would set a specific number of licences allowed in specific suburbs within Porirua or across all of Porirua. Caps would allow businesses to relocate and be replaced by new businesses.
- Sinking lids can also be applied which is essentially a ban on any new licences allowed in a specific area or suburb within Porirua or across all of Porirua. It would also mean licence numbers would decrease over time. A sinking lid can also have restrictions on relocation of licences and would not allow new businesses to take over licences.
- Density provisions include limiting the number of licences based on:
 - Population density - number of liquor licences per population aged 15 years and over
 - Geographical density – number of liquor licences per square kilometres of land area
 - Physical locations with premises supplying alcohol can hold more than one type of licence.

DISCRETIONARY CONDITIONS

Discretionary conditions are conditions aimed at managing specific concerns and risks associated with a particular licence. Examples of concerns can include: the history of the area, location of the licence, licensee and management history and the vulnerability of the community. It is common to see community advocate groups make objections and suggest specific discretionary conditions.

There have been no concerns raised with the current discretionary conditions, so these are likely to remain in the policy. However, given the evidence of harm included in the SIA and other Councils examples of conditions applied, Council could reasonably consider including additional discretionary conditions to:

1. Restrict the use of buy now pay later options

There is evidence that buy now/pay later schemes (e.g. "Layby®" or "Afterpay®") are seen to promote impulse spending.⁷¹ And the use of these payment options can make alcohol more accessible for those more vulnerable to alcohol harm. Council does have the ability to restrict the use of these pay services through discretionary conditions.

2. Introduce tighter restrictions on alcohol advertising for all licences.

This is to reduce the extent of exposure of alcohol sales in vulnerable communities, particularly tamariki and rangatahi who are more vulnerable to the influences of alcohol advertising.

3. Introduce a single sale condition⁷²

Single sale conditions prohibit the sale of beer, cider and/or ready to drink products under a certain volume. There are also conditions that can restrict the pack size or volume of products from being sold.

4. Introduce tighter restrictions on remote sellers and on demand delivery of alcohol.

This is to ensure remote sellers are following the law and good practice and for the sale and supply of alcohol. Council could consider the recommendations of the Equal Justice Project and Communities Against Alcohol which include:

⁷¹ O'Brien L, Ramsay I, Ali P. Innovation, Disruption and Consumer Harm in the Buy Now Pay Later Industry: An Empirical Study. University of New South Wales Law Journal. 2024;47:2, 2024 (forthcoming). Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4635958

⁷² Same as above.

- a) more rigorous background checks and mandatory compliance audits, especially for those with a history of violations.
- b) Customers should have mandatory age checks upon the purchase and delivery of alcohol to ensure customers are of age to purchase alcohol in accordance with the Act.
- c) Enforcement on the display of licences in a clear and readable manner for customers.

INTRODUCE MONITORING AND EVALUATION OF THE LAP

The current LAP has no monitoring or evaluation requirements in relation to the current LAP to capture the impact and application of the policies within the LAP. Establishing a monitoring framework to measure the impact of the LAP will assist in future reviews and developments for the LAP and monitoring of alcohol harm in Porirua City.

Any new or revised LAP could be accompanied by a monitoring framework to ensure we are able to monitor any progress made in alcohol harm reduction and the impact of the LAP.

SECTION 10: CONCLUSION

This report has demonstrated that alcohol harm remains a significant issue for Porirua City and a concern for Porirua City Council. The evidence shows the current Policy although a positive step towards improving alcohol harm has had little impact in reducing or preventing alcohol harm in Porirua. However, there is significant research and evidence that demonstrates more can be done and that there are policy options available for Porirua City Council to pursue.

NEXT STEPS

The next step in the review of the LAP is seeking the input and feedback from the community. Porirua City Council is consulting on the policy options for the Local Alcohol Policy and communities will have the opportunity to attend events, engage with Councillors or make submissions on the future of this Policy.

All information on the consultation can be found at <https://haveyoursay.porirua.govt.nz/>.

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APPENDIX 2: COMPARATIVE ANALYSIS OF OTHER COUNCIL'S LAPS AND OTHER MATTERS

WHAT DO OTHER COUNCILS DO?

Territorial authorities are not legally required to have a local alcohol policy⁷³ so not all councils have one.

As a result of the appeals process, many councils started developing LAPs and then stopped halfway through. Councils throughout the country struggled with costly appeals and lengthy delays meaning it was more cost-effective to stop development (e.g. Christchurch abandoned development after incurring over \$1.1m in costs as a result of appeals⁷⁴).

The information in this appendix is for general information purposes only. The Council is not required to consider any other councils LAP when developing its own LAP.

WHAT HAPPENS IF A COUNCIL DOESN'T HAVE AN LAP?

If a council does not have a LAP, sellers of alcohol in the district must comply with the minimum mandatory standards set out in the Act and in their alcohol licence. For example, if there is no LAP the maximum hours for an on-licence or club licence is 8am to 4am the following day, and 7am to 11pm for an off-licence, unless the licence conditions have more restrictive hours. The Act also contains other minimum requirements on on-and club licence holders such as requiring food and non-alcoholic drinks to be available and requiring all licensees to display their licence in a prominent location.

Having a LAP enables the community to provide additional conditions beyond those in the Act that could be imposed by the DLC when issuing a licence. It is one way the community can influence more restrictive limits on alcohol licences and balance the needs of responsible drinkers and businesses and the needs of those in the community that struggle with alcohol-related harm.

WHAT ABOUT THOSE COUNCILS THAT HAVE AN LAP?

Of those councils that have an LAP, many councils have either already passed the six-yearly review date or are approaching that date. There have been mixed approaches to conducting a review of the LAP. Some councils chose to roll over the policy unmodified (pre-amendment) as it was simpler and cheaper to consult and let it roll over than amend the policy and go through the appeals process, especially if the LAP was largely working as intended.⁷⁵ Of those councils that did make substantive changes, there were a number who were reluctant to make changes requested from the community without enough substantive data for fear of challenge.⁷⁶ Some councils expanded licence hours to help support local industry.⁷⁷ Other councils found their LAPs had limited impact in reducing harm and updated their LAPs with more restrictive conditions after collating evidence in support.⁷⁸

⁷³ s75(4), Sale and Supply of Alcohol Act 2012

⁷⁴ <https://newsline.ccc.govt.nz/news/story/council-votes-to-rethink-local-alcohol-policy>

⁷⁵ See Thames DC (25 Jan 2022 Council, see page 5 of report) and Tasman DC (Strategy and Policy Committee, 5 Nov 2020, see page 103)

⁷⁶ For example, see the Invercargill and Southland Joint LAP, Police, health and social agencies and a number of submitters wanted to reduce trading hours for on and off licences but staff warned there wasn't enough statistical evidence to justify updating without running the risk of appeal/dispute. (see p.12 Combined Local Alcohol Policy Joint Committee meeting agenda, 26 Sept 2019)

⁷⁷ See Waimakariri – updated off licence hours for New Years' events so operators didn't have to apply for special licences every New Year's Eve (see page 162, Council agenda, 4 December 2018)

⁷⁸ For example, Lower Hutt's LAP had little impact on drinking rates or rates of crime in response Council introduced area-specific cap on off licence numbers depending on risk factors in specific suburbs (pages 9-21, Policy and Regulatory Committee meeting agenda, 27 February 2017 and appendix 5 of the same meeting). Western Bay of Plenty reduced opening hours in one area and capped numbers of new off-licence bottle stores as their first LAP had limited impact on reducing harm (see page 14 onwards, Policy Committee meeting agenda, 10 March 2022 and Discussion of options for consideration as a result of submissions)

OF THE COUNCILS THAT DO HAVE AN LAP, WHAT CONDITIONS DO THEY INCLUDE?

Most councils' LAPs provide examples of discretionary conditions across the four licence types. The four types of licence are⁷⁹:

- On-licence – where alcohol is sold and consumed on the premises eg bars, taverns, nightclubs, BYO restaurants, venues hired for use for events like weddings/receptions.
- Off-licence – where alcohol is sold and consumed after it leaves the premises⁸⁰ eg supermarkets, bottle stores, grocery stores.
- Special licence – where a licence is granted for a one-off or a series of large events. Special licences can be granted as an on-site special licence or off-site special licence.
- Club licence – where alcohol is bought and consumed on the premises, but the licence holder is a body corporate aimed at promoting a sport or recreational activity and does not operate for financial gain⁸¹.

Note that the DLC has wide discretion to impose discretionary conditions, as long as they are not inconsistent with the Act.⁸²

Sensitive sites

It is common for LAPs to aim to reduce harm by placing limits on new licences around a given distance of specified sites where users of those sites may be especially vulnerable to alcohol harm, are already subject to greater alcohol harm, or where alcohol use would be particularly inappropriate for the area around the site. These are referred to as 'sensitive sites'.

Common sensitive sites include schools up to secondary level, early education centres, kohanga reo, playgrounds, health facilities/addiction treatment centres, marae, religious places or places of worship. The restriction zone around a sensitive site can vary from 50m up to 500m.

More uncommon types of sensitive sites include cemeteries and urupa (Horowhenua), community centres (New Plymouth), tertiary education sites (Wairoa and Rotorua), and educational facilities for elderly/unemployed people (Rotorua). Invercargill and Gore include residential areas within 50m of a licensed premises as a sensitive site and require applicants to prove they have consulted with residents before issuing a licence.

The nature of restrictions on licences around sensitive sites varies. It ranges from banning all types of new licensed premises near sensitive sites (Dunedin, New Plymouth, Waitomo) to merely requiring the DLC to consider proximity to sensitive sites or other licensed premises before issuing a licence (Whangarei, Eastern Bay of Plenty).

A less common form of sensitive site is restricting licence types (usually off-licences) in specified high-risk suburbs where there is greater evidence of alcohol-related harm in that area or there are demographic factors in that area that increase the risk of alcohol harm. For example, Western Bay of Plenty and Lower Hutt have caps on off-licence numbers in suburbs/areas where there is greater risk of or evidence of greater alcohol harm. Auckland's provisional LAP has a 'priority overlay' which is comprised of higher risk suburbs; the policy provided for a temporary freeze on new off-licences in these areas.

⁷⁹ S13, Sale and Supply of Alcohol Act 2012

⁸⁰ S17, Sale and Supply of Alcohol Act 2012

⁸¹ S5, Sale and Supply of Alcohol Act 2012 (see definition of 'club')

⁸² S117, Sale and Supply of Alcohol Act 2012

The DLC can issue any licence subject to any reasonable conditions not inconsistent with the Act.⁸³ These are called 'discretionary conditions'. Discretionary conditions are additional conditions that are consistent with the Act but are not explicitly specified under ss50 to 62 of the Act. The LAP enables Council and the community to define the kinds of discretionary conditions the DLC should include in new licences.⁸⁴ However, the DLC is not restricted to the LAP when looking at what discretionary conditions to impose.⁸⁵

COMMON FEATURES OF DISCRETIONARY CONDITIONS FOR ALL LICENCE TYPES

Most LAPs tend to provide for Crime Prevention Through Environmental Design principles (CPTED) as part of potential discretionary licence conditions for all licence types. Such conditions can include requirements to install CCTV cameras, clean litter outside the premises, or provide good lighting in outdoor carparks and loading bays. It is also common for most licence types to require some form of requirement to keep a register of violent alcohol harm-related incidents, display safe drinking messages, and/or a requirement to notify police if violent alcohol-related harm takes place on the premises. Staff training requirements are also common, as are conditions prohibiting service to intoxicated persons or minors.

Common off-licence conditions

- Many common off licence conditions overlap with the common features of discretionary conditions for all licence types listed above.
- Limits on off-licence numbers depending on area or District Plan zoning.
- Limits on alcohol advertising outside premises and/or requirement to have minimum amounts of transparent glazing.

Unusual off-licence conditions

- Whanganui and Eastern Bay of Plenty mention conditions on when single units can be sold or when groups of single units can be sold.
- Auckland has introduced a temporary freeze on off licence numbers in higher-risk areas for the first 24 months after the policy comes into force.
- Ashburton issue more restrictive trading hours if there is going to be more than a minor impact on order or amenity in the surrounding area.
- Horowhenua have a limit of 10.15pm to allow customers who come in at 10pm to purchase alcohol – inclusion of this condition is conditional on the retailer taking reasonable steps to ensure no one comes in after 10pm.

Common on-licence conditions

- There is a distinction between hours of restaurants and cafes vs taverns/nightclubs etc.
- There may be a requirement to have a minimum number of security staff to patron ratio.
- It is common to impose a one-way door restriction after a certain time.
- Common to impose requirements as to the size and type of last orders.
- Common to impose limits on glass receptacles.
- Common to provide restrictions on outdoor areas.
- Common to require risk or alcohol management plans if there is a larger event (noise management plans may also be required but this is less common).
- Requirement to have a host responsibility policy.
- Requirement to display safe drinking messages

⁸³ S117, s116 Sale and Supply of Alcohol Act 2012

⁸⁴ S109, Sale and Supply of Alcohol Act 2012

⁸⁵ S117, Sale and Supply of Alcohol Act 2012

Unusual on-licence conditions

- Auckland required new licensees to prepare local impacts report considering the impact of the licence within a 500m radius of the licensed premises.
- Horowhenua may impose more restrictive hours on first time licensees.
- Thames-Coromandel required new licensees to provide an acoustic design certificate required if within 500m of a residential boundary and intending to open past 11pm.
- Similarly, Western Bay of Plenty required an existing licensee was required to provide an acoustic design certificate if a complaint about noise was received.
- Masterton/Carterton/Wairarapa's joint LAP allows prohibition of gang regalia in on-licences.
- Western Bay of Plenty can impose conditions regarding no alcohol service within a specified time of closure.
- Masterton/Carterton/Wairarapa may require a licensee to prepare a management plan to minimise impact on nearby properties.

Common club licence conditions

- Require a certificated manager above a certain number of patrons
- Display of safe and responsible drinking messages
- Host responsibility policy
- CPTED principles eg good lighting, CCTV
- Provision of transport
- Maintain register of significant alcohol-related incidents
- Limits on drinks per customer or vessels eg no glass receptacles

Unusual club licence conditions

- Thames-Coromandel and Whanganui require club venues with outdoor areas to have a management plan detailing how the impact will be reduced on the surrounding locality.
- Ashburton may impose a requirement stating approved drinking areas are to exclude playing fields or areas.
- Ashburton may also require provision of security staff at certain times on specified days.
- Western Bay of Plenty may require an acoustic design certificate if a new club licence opens within 500m of a residential boundary.

Common features of special licence conditions

- Hours tend to be at the DLC's discretion.
- It's common to have a special licence for a series of events over 6 to 12 months and a limit on numbers of events covered by the licence.
- Depending on the scale of the event, may require a risk/traffic/management/noise management plan particularly.
- Similar conditions as per on, club and off-licence conditions depending on whether the special licence is a special on, special off, or special club licence.
- Depending on the nature of the event, licensees may be required to have a smaller alcohol consumption area within the bounds of a larger event.
- Limiting service to invited guests only.
- Minimum numbers of staff/certificated staff and/or security to patron ratio.

Unusual special licence conditions

- New Plymouth may require involvement from the police, Fire and Emergency NZ, and/or Te Whatu Ora/the Ministry of Health if it is a large-scale event.
- Rotorua requires specific meal sizes to be available depending on the duration of the event. Shorter events may require finger foods to be readily available, while longer events may require full meals to be available. This is an extension of the Act requirement to provide reasonably accessible food at events⁸⁶.
- Some councils may refuse or carefully consider alcohol licences for specified types of events eg child-focused events such as school galas, kapa haka events (Wairoa); driving events (Tasman).
- Masterton/Carterton/South Wairarapa may require licensees to impose restrictions on BYO alcohol.
- Lower Hutt may impose different hours for Council-owned footpath areas outside establishments if a special licence uses Council-owned footpath areas at an establishment or as part of a special licence.
- Eastern Bay of Plenty may require easily-identifiable staff uniforms.

⁸⁶ S53 Sale and Supply of Alcohol Act 2012



APPENDIX 3: REPORT FROM MEDICAL OFFICER OF HEALTH

Porirua Hospital Admission & Alcohol data 2024

Te Kāwanatanga o Aotearoa
New Zealand Government

Health New Zealand
Te Whatu Ora

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Introduction

This document gives a brief overview regarding alcohol-related hospitalisations, alcohol intoxications, alcohol related injuries, alcohol related chronic conditions and the trends in alcohol related hospital admissions in Porirua.

Legislative context

The introduction of the 2012 Sale and Supply of Alcohol Act reflects an important change in thinking. It recognised that the liberalized laws introduced in the 1989 Act failed to improve people's attitudes and behaviors towards alcohol. Minimising the harms from inappropriate and excessive consumption were an anticipated outcome from the implementation of the 2012 Act. The intent to drive change is clear when one reads the Purpose and Object of the Act.

We can see that under the Purpose of the Act, section 3 subpart 2(b) the administration of the Act to achieve the object of the act, applies to section 78 (drafting of a LAP and what information should be given regard to informing the draft LAP). In other words, section 78 is key to achieving the object of the Act (that is, to minimize harm from excessive or inappropriate consumption of alcohol).

3 Purpose

- 1) The purpose of Parts 1 to 3 and the schedules of this Act is, for the benefit of the community as a whole,—
 - a) to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and
 - b) to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.
- 2) The characteristics of the new system are that—
 - a) it is reasonable; and
 - b) its administration helps to achieve the object of this Act.

4 Object

- 1) The object of this Act is that—
 - 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 minimized.
- 2) 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 behavior, 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 behavior, illness, or injury of a kind described in paragraph (a).

A Local Alcohol Policy (LAP) controls licensing matters expected to aid the effective sale, supply and consumption of alcohol. Section 77 of the Act outlines the matters that a Local Alcohol Policy can include such as discretion around location and proximity to other premises or facilities, trading hours, one-way door restrictions, and whether further licenses should be issued. Elements of a Local Alcohol Policy must have regard to matters contained in S78(2) that includes the overall health indicators of the residents and the nature and severity of local alcohol-related problems.

78 Territorial authorities must produce a draft policy

- 1) A territorial authority that wishes to have a local alcohol policy must produce a draft policy.
- 2) When producing a draft policy, a territorial authority must have regard to—
 - a) the objectives and policies of its district plan; and
 - b) the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises; and
 - c) any areas in which bylaws prohibiting alcohol in public places are in force; and
 - d) the demography of the district's residents; and
 - e) the demography of people who visit the district as tourists or holidaymakers; and
 - f) the overall health indicators of the district's residents; and
 - g) the nature and severity of the alcohol-related problems arising in the district.

We can see how a LAP helps to achieve the Object of the Act in the ruling from the Supreme Court in Auckland in 2023.

The Supreme Court ruled that the 9pm closing time was not unreasonable in light of the object of the Act. The Court found that the Licensing Authority had extensively reviewed the evidence that indicated that changing the closing time to 9pm was likely to reduce alcohol related harm. The Supreme Court also rejected the argument that the trading hour restrictions may have only been appropriate in certain areas of Auckland and for certain types of off-licences⁸⁷.

Given the above Supreme Court, ruling Territorial Authorities can work with communities to minimise alcohol harm (as per the Object of the Act) through the implementation of a robust Local Alcohol Policy.

⁸⁷ Supreme Court of New Zealand. (2023, May 5).

Alcohol consumption in New Zealand

New Zealand Health Survey

The New Zealand Health Survey 2022/23 reported that 76.3% of New Zealanders drank alcohol in the past year, minimal change since monitoring began in 2011/12 at 79.4%. Of those drinkers in 2022/23, 21% were hazardous drinkers, again minimal change since the time series tracking hazardous drinking began in 2016/17, where 24.9% were hazardous drinkers.

In 2022/23 the highest prevalence of hazardous drinking in past year drinkers was among those aged 18-24 years, at 30.5%. The prevalence of hazardous drinking was also high in those aged 25-34 (27.9%). This was followed by the 35-44 age group (21.6%) and the 45-54 age group (21.2%).

The 2022/23 survey found that 78.8% of Māori drank alcohol in the past year, with 32% being hazardous drinkers. Fewer Pacific peoples drank alcohol in the past year (60.6%), however of those drinkers 35.8% were hazardous drinkers.

A comparison between subgroups of past year drinkers reported men more than women (odds ratio⁸⁸ 1.84), Māori versus non-Māori (1.55), and Pacific versus non-Pacific (1.56) were far more likely to be hazardous drinkers. Disabled adults versus non-disabled adults (odds ratio 1.27) and those living in the most deprived neighbourhoods versus the least deprived (1.59) were also more likely to be hazardous drinkers.

Attendances and Hospital Admissions

All communities have some level of alcohol related harm, but this is not spread evenly between areas. It is dependent on the demographic make-up of the resident and visitor population and its interaction with the local environment.

Alcohol misuse is a major risk factor for over 200 health conditions including liver disease, diabetes, various cancers, and pancreatitis and contributes to motor vehicle accidents, injuries, falls, burns and suicide. The categorization of conditions is given in appendix 1.

⁸⁸ Odds ratio above 1 shows that the indicator is more likely in the group of interest (e.g. men) than in the comparison group (e.g. women).

³ A Domicile Code is a 4-digit code representing the healthcare user's usual address on the date of service. A list of domicile codes can be downloaded from here: <https://www.health.govt.nz/nz-health-statistics/data-references/code-tables/common-code-tables/domicile-code-table>

⁴ A decile is a statistical term used to divide a dataset into ten equal parts, each representing 10% of the data. Those domicile codes that are in decile 1 fall into bottom 10% (lowest level of risk or harm) and those domicile codes that are in decile 10 fall into the top 10% of alcohol related harm (across the country).

Alcohol-related Hospitalisations

Although an alcohol flag is not recorded for alcohol-related hospital admissions (like it is for Emergency Department (ED) presentations), there is a field for coding ICD10 diagnostic codes. So, it is possible to ascertain from the diagnostic codes (presented in Appendix 1), Codes associated with conditions wholly or 100% linked to alcohol and conditions where alcohol is a contributing factor (see appendix table column titled Average AAF for examples of conditions where alcohol is a contributing factor). The health data is categorized into three broad groups of health conditions i.e., intoxication and other acute medical conditions, injuries and chronic conditions (see appendix for definition of acute and chronic). This data is analyzed to look for trends and patterns associated with alcohol consumption. The following maps are broken up by domicile code areas³ and present the number of hospital admissions (height of extrusion) and the colour scheme are age and gender standardized rates (in deciles) when compared to all other domicile code areas in New Zealand. A decile is a statistical term used to divide a dataset into ten equal parts, each representing 10% of the data. Those domicile codes that are in decile 1 (green) fall into bottom 10% (i.e. lowest level of harm or risk compared to all of NZ) and those domicile codes that are in decile 10 (red) fall into the top 10% highest level of alcohol related harm (across the country).

Alcohol Intoxication

When looking at the following maps for alcohol intoxication we can see that Titahi Bay South is a concerning area, along with Cannons Creek North and Waitangirua. Although the number of alcohol-related hospital admissions for alcohol intoxications is not as high as injuries, the level of risk is still sitting in the top 20% across the country.

Breaking down the data by gender and age group for alcohol intoxication shows that those aged 25-44 years are showing the most risk especially for males living in Porirua Central, and females in Cannons Creek East, Paremata-Postgate and Plimmerton (the level of risk is in the top 10%, decile colour red, age group break down not shown below).

Alcohol related injuries

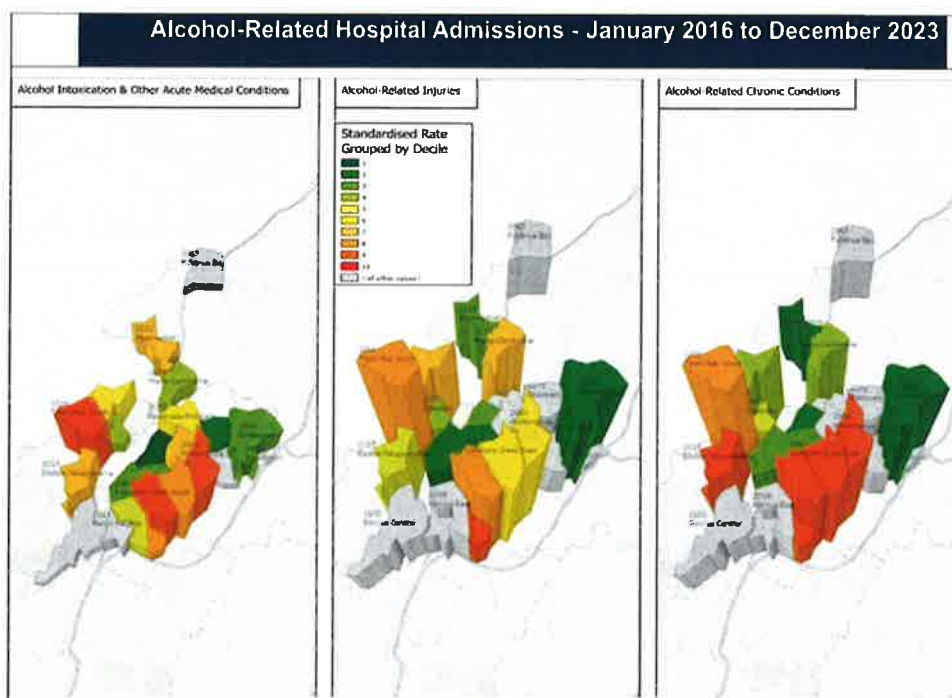
The following maps show that admissions to hospital are high for alcohol-related injuries (height of extrusion). There are particularly a high number of alcohol-related injury admissions from residents in Titahi Bay South.

Breaking down alcohol-related injury data by gender and age shows males are of particular concern. Particularly males aged 24-44 years in Porirua Central and Cannons Creek North (the level of risk is in the top 10%, decile color red, age group break down not shown below).

Alcohol related chronic conditions

As with alcohol-related injuries, alcohol-related chronic conditions have a high number of hospital admissions for residents in Titahi Bay South (height of extrusion). Cannons Creek East is an area of particular concern for alcohol-related chronic conditions with the level of risk appearing in the top 20% highest across the country (shown by the orange colored decile). Elsdon-Takapūwāhia also showing in the top 20% for alcohol-related chronic conditions across the country.

Looking at alcohol-related chronic conditions by gender and age shows varying levels of harm across both males and females and age groups. Of particular concern are males and females in the 45-64 age group (age group break down not shown below).



Trends in alcohol-related Hospital Admissions

Looking at trends over time shows that the number of alcohol-related acute intoxications have been relatively steady and predicted to remain so going forward.

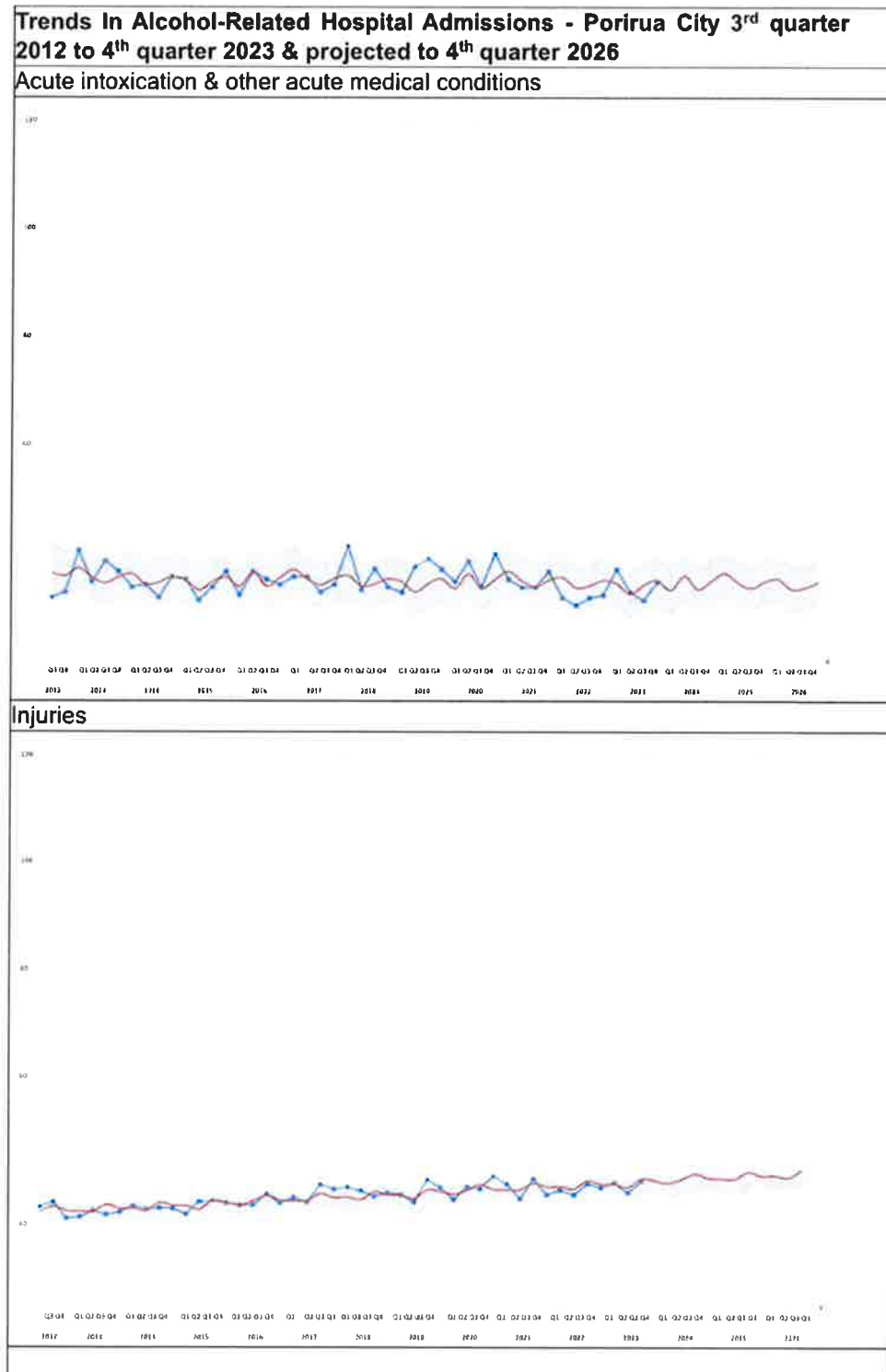
Alcohol-related injuries have been increasing slightly and predicted to continue. While alcohol-related chronic conditions have decreased over the years and are predicted to continue to decrease slightly.

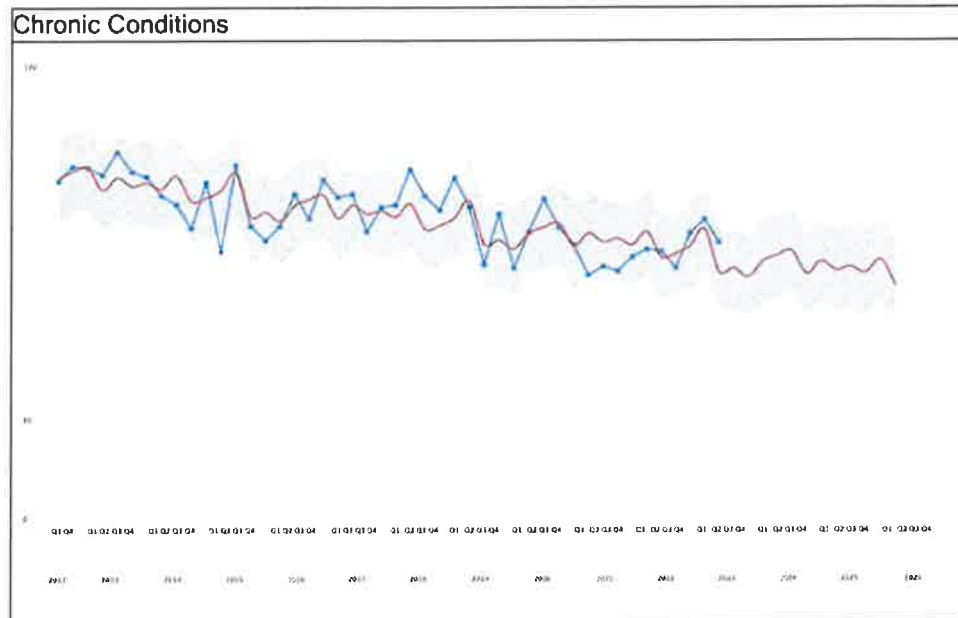
In the charts below, the blue line with dots plots the actual value for each quarter and the other plotted measures are generated by the Prophet⁸⁹ package in R. The red curve is the

⁸⁹ Prophet is a procedure for forecasting time series data based on an additive model where non-linear trends are fit with yearly, weekly and daily seasonality. It works best with time series that have strong seasonal effects and several seasons of historical data. Prophet is robust to missing data and shifts in the trend and typically handles outliers well. Prophet is open source software released by Facebook's Core Data Science team.

trendline generated and projected out 12 quarters. The grey shaded area is the 95% confidence interval for the generated trend.

It appears that there no discernible trend up or down for acute intoxication, there is a slight upward trend for injuries, however, the numbers are small. The opposite is true for the trendline showing Chronic conditions - the forecast is a small downward trend over time





Recommendations

Alcohol advertising

The ubiquity of alcohol advertising in our environment normalises drinking and maintains the country's drinking culture. New Zealand self-regulatory codes have been ineffective in protecting vulnerable New Zealanders.⁹⁰

Some actions that local councils could look at include:

- Develop policy and bylaws that restrict the exposure to alcohol-related signage at licensed premises.
- Prohibit the display of alcohol related marketing or signage (sandwich boards, bollards, sleeves etc.) on public footpaths outside or within immediate vicinity of licensed premises.
- Prohibit the display of alcohol related promotion or marketing on any council-owned infrastructure, facilities or services.
- Develop policies that require any council-run local events or events that require a council permit, to not allow the marketing and promotion of alcohol.
- Develop policies for groups, clubs or other associations accessing facilities and seeking council grants to incentivise the use of recreation facilities and to eliminate alcohol sponsorship.

⁹⁰ Chambers, T., Mizdrak, A. (2022)

Other harm minimisation strategies

- Provide strong, visible support for alcohol harm minimisation, e.g. clear vision statements and high-level goals in high-level council policy documents, long-term plans and strategies.
- Council can set an example by encouraging their own events or council-operated premises and spaces to be alcohol-free.
- Reduce trading hours for off-licences from 10pm to 9pm as many of the liquor stores are in residential suburbs.

Ideally, a LAP is one part of a comprehensive range of strategies throughout Council to support alcohol harm reduction.

Wider contribution to policy change

Finally, there are national level opportunities that councils can contribute to. For example, councils are able to work with Local Government New Zealand to support change in legislation.

The best evidenced policy opportunities for reducing alcohol harm include:

- Introducing stronger legislative controls on the advertising and marketing of alcohol. Studies show that there is a causal relationship between alcohol advertising and drinking.^{91, 92} The World Health Organisation states that restricting alcohol advertising is one of the most cost-effective measures to reduce alcohol harm. Both partial and complete bans on alcohol advertising have been estimated to reduce alcohol consumption by 5% to 8% compared to self-regulation, which is what New Zealand currently has.⁹³ Self-regulation of alcohol advertising has been shown to be ineffective at protecting vulnerable populations.⁹⁴
- Raising the price of alcohol through increased taxation and minimum pricing.⁹⁵ An increase in the price of alcohol has been shown to be associated with a reduction in the number of alcohol-related diseases and injuries. New Zealand's alcohol tax rate is lower than many other OECD countries.⁹⁶ Bringing the tax rate in line with other OECD countries would reduce demand on healthcare services. The Law Commission recommends that alcohol excise tax rates increase by 50 percent which would on average reduce overall consumption by 5 percent.⁹⁷

⁹¹ Stautz, K., Brown, K.G., King, S.E., Shemilt, I., & Marteau, T.M. (2016)

⁹² Sargent, J.D., Babor, T.F. (2020)

⁹³ Chambers, T., Mizdrak, A. (2022)

⁹⁴ Noel, J., Lazzarini, Z., Robaina, K., & Vendrame, A. (2017)

⁹⁵ Alcohol Healthwatch (2020)

⁹⁶ Chambers, T., Mizdrak, A. (2022)

⁹⁷ New Zealand Law Commission. (2010)

Appendix 1:

Hospital Diagnostic Codes as categories of Alcohol Related Health Harm

The NMDS (National Minimum Data Set) records at patient level all admissions to both public and private hospitals. This includes patients who attend the ED or outpatients longer than 3 hours. The diagnostic coding scheme used is the ICD10am (Australian version of the International Classification of Diseases version 10). This classification system includes codes for both medical diagnosis and if the condition is an injury, codes for the external cause of the injury. For example, the principal diagnosis may be "fractured femur" so at least one of the codes will be for the external cause such as "motor vehicle accident".

There is a list of ICD10 codes where the diagnosis is totally (100%) linked to alcohol and this list is divided into whether the condition is acute or chronic.

Acute conditions: are those of a severe or sudden onset and/or of short duration. For example injury, intoxication or alcohol poisoning.

Chronic conditions: are those that are persistent or long lasting and/or those that develop over a significant periods of time (for example long term health conditions such as cancer).

Acute	ICD10am
Acute Intoxication	F10, F100, Y91
Alcohol Poisoning	T51, X45-X49, Y15
Alcoholic Mental and behavioural disorders	F108, F109
Blood Alcohol	R78, Y90
Chronic	ICD10am
Alcoholic Cardiomyopathy	I426
Alcoholic Gastritis	K292
Alcoholic Liver disease	K70
Alcoholic Mental and behavioural disorders	E512, F101, Z714, Z721
Alcoholic pancreatitis - acute	K852
Alcoholic pancreatitis - chronic	K86
FASD & Maternal care for damage to foetus from alcohol	O354, Q86
Foetus & newborn affected by maternal use of alcohol	P043
Nervous, system degeneration	G312, G621

There is also a list ICD10 codes where alcohol is a contributing factor along other factors. An example would be Breast Cancer. WHO and different countries have determined the attributable fraction for these diagnoses for their population. Wellington School of Medicine is developing alcohol attributable fractions (AAFs) for New Zealand. In the meantime we have used the 2017 AAFs developed for the non-aboriginal population in Western Australia. The AAFs are specific to 5 year age bands and gender. The Acute group picks up the external cause codes for injury.

Acute	ICD10am	Average AAF

Assault	W50, X85-X99, Y00-Y09, Y871, Z045	0.27
Drowning	T751, V90, V92, W65-W74	0.16
Falls	W00-W19	0.18
Fires, burns, scalds	X00-X19	0.27
MVA injuries	V02-V04, V09.0, V09.2, V09.3, V09.9, V12-V14, V19 (exc .3), V20-V79, V80.3-V80.5, V81.0, V81.1, V82.0, V82.1, V83-V86 (.0-.3), V86.5-V86.9, V87-V88, V89 (.0, .2, .9), V98, V99	0.41
Other unintentional injuries	W21-W22, W24-W34, W39, W44-W45, W49, W51-W52, W58-59, W60, W75-W84	0.27
Poisoning	X40-X44, X46-X49, Y10-Y14, Y16-Y19	0.27
Self-inflicted injuries	X60-X64, X66-X84, Y870	0.27
Chronic	ICD10am	Average AAF
Cancer		
Mouth & Oropharyngeal Cancer	C00-C14, D000-D370	0.35
Oesophageal Cancer	C15, D001	0.49
Colorectal Cancer	C18-21, D010-D013, D373-D375	0.11
Liver Cancer	C22, D015	0.08
Pancreatic Cancer	C25, D3771	0.03
Laryngeal Cancer	C32, D020, D380	0.20
Breast Cancer	C50, D05, D486	0.09
Cardiovascular disease		
Hypertension	I10-I11	0.14
Ischaemic Heart Disease	I20-I25	-0.31
Cardiac arrhythmia	I471, I479, I48	0.07
Heart Failure	I50	-0.14

Ischaemic Stroke	I63, I65-I66, I69	-0.08
Haemorrhagic Stroke	I60-I62, I674, I69.0-I692	0.04
Unspecified Stroke	I64, I694	-0.03
Oesophageal varices	I85	0.37
Infectious disease		
Respiratory infections	A15-A19, J10.0, J11.0, J12-J22	0.06
Digestive disease		
Gastro-oesophageal laceration-haemorrhage syndrome	K226	0.56
Liver cirrhosis unspec	K721, K73, K74, K760, K766, K767, K769	0.37
Pancreatitis acute	K850, K858, K859	0.22
Pancreatitis chronic	K861	0.11
Neuropsychiatric		
Epilepsy	G40-G41	0.19

The AAFs for some chronic conditions are negative where theoretically alcohol is protective. They are included in this list for completeness but most authorities, such as Public Health England, exclude those conditions from any analysis.

Section 4(10)(b) of the Sale and Supply of Alcohol Act differentiates between harm caused by excessive consumption from inappropriate consumption. This distinction fits in well with the notion of acute conditions being associated with excessive consumption and chronic conditions linked to long term inappropriate consumption.

APPENDIX 4: AUCKLAND COUNCIL SUPREME COURT RULING

In 2015 Auckland Council adopted its provisional LAP through the previous appeals process managed by ARLA. Woolworths and Foodstuffs appealed based on their objection to two particular aspects of the PLAP:

1. 9am to 9pm maximum trading hours for all off-licences; and
2. Restrictions on new off-licences in certain parts of the city (either a temporary freeze and/or a rebuttable presumption against new licences).

Their objections were based on the grounds that they believed these aspects were unreasonable in light of the object of the Sale and Supply of Alcohol Act 2012 (Act). The appeal was dismissed by ARLA, which then escalated to the supermarkets taking judicial review proceedings challenging ARLA's decision to the High Court where they had some initial success. It then progressed to the Court of Appeal and, most recently, the Supreme Court.

The Supreme Court rejected the supermarkets' claims and restored ARLA's original decision, which had upheld the relevant aspects of the Provisional LAP. Auckland's PLAP had been on hold for six years while the appeals were progressing.

The Supreme Court ruling also has wider implications for territorial authorities across the country. It provides the judicial benchmark and rationale for specific policy choices for LAPs and also the scope of possible future legal challenges other councils may face.

The Supreme Court's key findings as summarised by Simpson Grierson⁹⁸:

1. LAPs reflect the policy choices of an elected territorial authority. They can be based on or influenced by community preferences. To that extent, they do not have to be evidence-based;
2. The Act contains default maximum trading hours, but local communities are free to choose trading hours which differ from the status quo. Trading hours that are shorter (or longer) than the maximum default hours in the Act do not have to be justified in terms of departure from a norm. Further, although any LAP should be tailored to the council's district, there does not have to be anything particular about that district to warrant deviation from the status quo;
3. Under the Act, the sole ground of appeal against an element in a LAP is that it is unreasonable in light of the object of the Act. That object incorporates two complementary aspects: the safe and responsible sale, supply and consumption of alcohol, and the minimisation of alcohol-related harm. Unreasonableness is therefore likely to come down to whether a restriction is a disproportionate limit on the sale and supply of alcohol, having regard to the likely impact of the restriction on ensuring the sale, supply and consumption of alcohol is safe and responsible, and on harm minimisation;
4. This will be an evaluative, perhaps impressionistic, assessment. LAPs address issues on which there is scope for a wide range of opinions. Analysis of their reasonableness must reflect that, and it should not be assumed there can be only one right (ie reasonable) answer to any disputed question;
5. It is open to a council when adopting a LAP to take a precautionary approach – ie a restriction may be justified on the basis of there being a reasonable likelihood (rather than proof) that it will reduce alcohol-related harm;
6. An appeal to ARLA against a provisional LAP is not a merits-based appeal but simply a 'check' that the contested element is not unreasonable in light of the object of the Act. The Supreme Court was critical of the length of the hearing and the detail of factual analysis before ARLA in the appeals against Auckland's Provisional LAP, which "may suggest a misunderstanding of the role of" ARLA;
7. As a "matter of common-sense", it might be thought clear that a system that incorporates off-licence trading hours of 7am to 9pm is not unreasonable in light of the object of the Act.

⁹⁸ Simpson Grierson: Landmark alcohol decision has national implications 8/05/2023

The judgement provides greater confidence that any new LAP developed can have a greater reflection of the Porirua community preferences, without being fearful of legal challenges to LAPs. The community preferences can specifically include more restrictive off-licence trading hours. It also means that the evidence base supporting greater policy controls, although still important, can be secondary support to the preferences of the community.

Overall, this ruling means there is likely to be greater respect given to informed council policy choices and significantly less scope for successfully challenging those choices.

