

## Purpose

- Put in place a new system of control over the sale and supply of alcohol which is reasonable and its administration helps achieve the object of the Act

## Object

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

So when we are processing and considering applications for licences we do so under a regime in which:

- The sale and consumption of alcohol is legal, albeit regulated
- The harm should be minimised; there is no mandate that it be eliminated

The Alcohol Reform Bill promised much but delivered short.

Thorny issues of age, price and availability were either excluded or largely ignored.

Density and by extension availability has been relegated to the LAP. The draft LAP uses a temporary freeze and presumptions against granting a licence in particular areas to address density of off licences.

Greater community involvement in the licensing process was promised but objections and oppositions must be framed within the strict criteria listed in the Act – suitability; amenity and good order; design and layout of premises; systems, staff and training. Objections in relation to renewals of existing licences are limited. So if a premises is seeking to renew on the same conditions then the only ground for opposition is suitability.

One of the biggest changes for us has been moving from the role we had as decision makers and now having to report to another body. This has meant that we have had to be more explanatory in our reports and like everyone else involved in the licensing process including objectors you have one opportunity to present your case and it needs to be supported by the best evidence available.

The 3 agencies that report on any alcohol licence application (inspectors, police and medical officer of health) are well known to each other at area and region level. Various meetings are held to share information and joint compliance visits are held.

That said the inspectors do not expect that we are always going to agree with the other agencies on a particular subject or application. Some of that will be because we are looking at different aspects of an application. On the other hand some of that will be because we just simply don't agree with each other.

So despite what many may think or want there have been and will continue to be occasions where one agency will oppose an application but the other two may not; and vice versa.

Apart from the issues that you will have seen in the Auckland media in relation to new off licences in the southern suburbs, some of the other thorny issues we have dealt with under the new Act have been:

Supermarket single areas

Irresponsible promotion

Special Licences for televised sports events.

### **Single areas in supermarkets:**

We work on the basis that there are exclusion zones around the entrance and exit. We have never brought into the argument that the single area had to be out of the way at the back of the store.

However we did believe that exposure had to be limited to the single area and not be seen beyond that.

We have dealt with scores of supermarket applications since the new Act and have tried to keep some consistency in our position despite the varying factual situations.

The recent ARLA decisions on single areas have however adopted the view that having a single area is all that must be done to limit exposure. In some respects the intent of the Act hasn't been delivered in the content.

### **Irresponsible Promotions**

We have been very active with licensees, websites, and supermarkets in explaining the new requirements relating to promoting discounts and free alcohol. One aspect that is troubling is the promotion of discounts by way of a single price. We have engaged with the major supermarkets groups on this but have had no great success except to put them on notice that we are watching.

### **Special Licences**

The football world cup last year gave us an opportunity to grapple with the thorny issue of licensed premises getting special licences to watch overseas televised sports events outside the default hours.

There must be an event on the premises apart from the televised event.

We then had to consider that even if there is an event is it right to have several weeks of activity outside the default hours.

In the Shags Ales House – the Fox decision our DLC agreed the answer is no. Now onto the Rugby World Cup.

### **Large Scale events:**

It is no accident that events like the NRL 9's differ in alcohol management to the Wellington 7's. This is due to the collaboration between the 3 agencies and conditioning the special licences to fit the occasion.

This includes concerts like Laneways; all the recent concerts at Mt Smart and the Cricket World Cup.

We have been pushing for lower alcohol products (stadium strength 3%) for some time and the response has always been "they just aren't available." This excuse won't cut it any more.

The Ragamuffin concert earlier this year imported stadium strength product from Australia..

The recent lowering of the drink driving limit has resulted in more low alcohol products coming on the market – I've recently seen two retail chains that held low alcohol beer and wine sales weeks.

It just proves legislation can be a major driver for altering behaviour.