

20 January 2011

Mariska Walters
Policy Analyst
Local Government New Zealand
PO Box 1214
Wellington 6140

Dear Mariska,

Response to LGNZ on the submission to the Alcohol Reform Bill

Thank you for providing the Rangitikei District Council with a copy of the Local Government New Zealand (LGNZ) documents inviting comment on the LGNZ submission on the Alcohol Reform Bill. On the whole, Rangitikei District Council (RDC) agrees with the general content of the documents. The Council has chosen to focus on commenting only on areas of most concern, and these are provided as follows:

Question 1: Key points

RDC agrees with the key points of the LGNZ submission.

Of particular note, RDC agrees that local authorities need legislation to be flexible to allow for 'localisation' of alcohol policies. All communities within New Zealand are different and as a predominantly rural district made up of small towns (the largest being Marton with 5590 people¹), the needs of our community are vastly different from those communities of large urban local authorities. Our local communities are increasingly demanding greater involvement with liquor management in their communities.

RDC supports LGNZ's concerns about the complex and lengthy consultation and appeals processes.

Question 2: General comments

On the whole, RDC supports LGNZ's general comments. However, RDC does not support the inclusion of minimum floor size or other such conditions that significantly disadvantage isolated rural communities.

Question 3: Suggested changes

RDC supports LGNZ's suggested change in wording of Clause 4 for – replacing 'should' with 'must' to make the object of the Bill stronger.

Question 4(a): principal purpose of shop

The current wording around principal purpose of shop does pose some problems and issues, particularly for isolated rural communities. RDC can appreciate a distinction needs to be

¹ 2006 Census

made to ensure alcohol supply from dairies/small grocery stores may be needed to address issues in urban areas, but the inclusion of a definition of shop and in particular, a minimum floor size of 1000m² unfairly disadvantages store owners in small rural areas.

I would like to highlight that RDC does not support the inclusion of a minimum floor size area in the Alcohol Reform Bill and would like to see this included in LGNZ's submission. In rural communities, many retail stores serve multiple functions, for example, a general store may also be a service centre for Council, sell petrol and be a central point for ordering agricultural products such as equipment and feed for stock. It is uneconomic for separate stores / venues to be created to fulfil each function separately. The store itself may be smaller than 1000m², but fulfils a necessary function.

RDC does not support setting a minimum floor area or limiting store owners' ability to sell alcohol if they have petrol or other such service facilities in place. This rule unfairly disadvantages rural communities, both store owners and those drinkers who purchase alcohol to be consumed in moderation. Residents of rural areas will often travel to service centres once every so often to restock supplies and do a number of tasks at once. If rural service centres are required to have separate venues / businesses to fulfil separate functions, a number of services will be forced to close and move to larger centres.

The inclusion of a definition for 'rural shop' could solve some of this issue – a 'rural shop' could be one that is situated in a rural community that also offers an essential service (e.g. NZ post, local authority service centre, petrol station).

Question 5 & 6: Amenity value and the RMA

Currently RDC is reviewing its District Plan, and whilst we have not defined or approached amenity value in this context, we welcome any opportunity to widen its definition further. Currently we have an objective to '*promote urban areas with highly regarded amenity values that reflect the character of each township and provide nice places to live*'; anti-social and inappropriate behaviour that results from the consumption of alcohol could affect this objective.

Question 7: Age of supply

RDC supports LGNZ's position on the split of the purchasing age, but would like to highlight that there needs to be further education around alcohol related harm and a stronger focus on parental supervision and individual responsibility.

Question 8: Exemptions

RDC supports LGNZ's view on homestays. The exemption of small scale homestays is important, but for those larger commercial operations, particularly those with consistently high occupancy rates, licensing should be accepted as a legitimate business cost. Larger operations will also not be able to provide the same level of personalised service, increasing the risk of alcohol misuse and harm.

Question 9: Special licences

We support the ability for local authorities to retain discretion in hours of supply when issuing Special Licences for events.

Question 10: Special licences for nationwide events (e.g. travelling wine and food show)

In the recent review of the RDC Liquor Licensing policy, the key focus of the special licence was on the licence holder, and their suitability to manage the event and the sale and supply of liquor in accordance with the requirements of the Act. While it is conceivable that a special licence could be issued from one Authority (for example, the Liquor Licensing Authority could be empowered to issue these types of licences), if different managers hosted each event (and with regional variations in terms of venue and attendees), the respective Council may incur enforcement costs and monitoring that could have otherwise been avoided. Therefore, the Council is not supportive of the view of nationwide special licences, unless cost recovery can be pursued through the licence issuer if need be.

Clause 25 (5) and 25 (6) are not clearly worded and are open to interpretation (and cause confusion). The Council would welcome these clauses to be simplified.

Question 11: Second licence provisions

RDC advances the view that this clause is unnecessary, as this is already provided in the current Act, and will not improve clarity.

Question 12: Trading hours

RDC supports the opening and closing hours of 8 am to 4 am for consumption on licensed premises and 7 am to 11 pm for off licensed premises with flexibility for local authorities to limit those hours further if appropriate for their communities. RDC supports LGNZ's comments that maximum hours should mean operating hours rather than consumption or serving drinks.

RDC's Liquor Licensing Policy outlines the following operating hours: 9 am to 4 am with a 'one-way' door from 2am for on-licensed premises and club licence holders and operating hours of 9 am to 10 pm for off licensed premises.

Question 13: Local Alcohol Policies

Agree that Local Alcohol Policies should not be compulsory. Communities through their local authorities, are best placed to judge if further guidelines and rules around alcohol are needed.

Question 14 - 17: local alcohol policy contents, consultation, appeals

RDC supports the view that "and no others" should be removed from this clause. In the recent review of the RDC's Liquor Licensing policy, the Council used the special consultative procedure (as set out in the Local Government Act 2002) to consult with the community, and believe that this worked well. RDC supports the LGNZ view that further appeals, processes or other steps is not needed. The Council does however have a view that the review period should be stipulated in legislation, and would prefer to see it aligned with the review provisions for bylaws.

Question 18: links to local alcohol policy

RDC supports the intent of this clause.

Question 19: suggestions to improve Clause 105(2)

RDC suggests that there may be cases in which cl 105(1)(b) will arise, such as re-entry to retrieve misplaced belongings (e.g. lost jacket) or to collect someone from the premises. However, not allowing that person to drink upon re-entry would be impractical to enforce. RDC suggests that clause 105(2) is suitable for the purpose of this clause, that is, to specify legal exemptions to the “one-way” rule.

Question 20: Split designations

No comment

Question 21: Special licence applications

Agree, with the proposed change in wording from ‘must’ to ‘may,’ and there needs to be provision for discretion.

Question 22: Police and Medical Officer of Health reports

We are happy with the current timeframes. We feel reducing timeframes puts unnecessary pressure on individuals in these roles, and as is the case with many other rural areas, individuals in these positions fulfil a variety of roles and reducing timeframes may put strain on the working relationship between the local authority and other agencies.

Question 23: ARLA

No comment.

Question 24: DLC’s

RDC is concerned that the Committee is to replace the functions currently performed by the Secretary. If this is correct, then there will be a high administrative cost, and time cost for members, with little to be gained in terms of decision-making under the Act. The Council would like to have an ability for a committee to be established on demand, as a Committee may be formed and not used, if the cases to be heard are more appropriately dealt with by being referred to the ARLA.

Question 25 Commissioners

No comment.

Question 26: Inspectors

In small Councils, such as RDC, the inspector role is held alongside multiple other roles. It would be unrealistic for the Council to recruit and retain one person solely as Chief Inspector, if this demanded specialist skills that were not compatible with also completing other functions. The Council does not have sufficient licensing applications for the inspector role to be a full time (or targeted part time) role.

Question 27: Training for DLC’s

RDC supports LGNZ’s comments that there needs to be appropriate training provided to DLCs. RDC is concerned that this will be an additional cost that will be imposed on Councils.

Question 28 Management of licences premises

No comment.

Question 29: Enforcement

RDC supports local authorities being given the ability to utilise enforcement tools such as infringement notices if they deem necessary.

Question 30: Licensing Trusts

No comment.

Question 31: Community Trusts

No comment.

Question 32: Fees

Agree that the cost of policy development should be factored into fees.

Question 33: fee structure

No comment.

Question 34 & 35: fee review

Agree, it is more sensible to review licensing fees every three years in line with the local authority's regular review of other fees and charges. This is best done under current process and procedures to ensure consistency and transparency.

Question 36: Transition of licences

No comment.

Question 37: Amendments to LGA 2002

No comment.

Question 38: Bylaws

No comment.

Question 39: Regional Council abilities

RDC would ask that any regional council bylaw powers that were provided under this proposal required the input of the relevant territorial authority.

Question 40: Summary Offences Act

No comment.

Please do not hesitate to contact Leanne Roberts, Policy Analyst on 06 327 0099 if you require further information.

Yours sincerely

Chalky Leary
Mayor

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