



# **ATTACHMENTS**

**Strategy, Finance and Risk Committee  
meeting  
Separate Attachments 1**

**Thursday, 17 November 2022**





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8.1 Revised Draft Local Alcohol Policy - Hearings

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			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
001	James	Dwyer	Strongly disagree	This would negatively impact all consumers, not target those who are at greater risk or causing harm e.g. preventing those who do their weekly grocery shop on Sunday morning from buying a bottle of wine for the week. Those who are drinking excessively or causing harm are going to find a way to purchase alcohol outside these hours, whether that means purchasing more in advance or waiting until 10am.	Somewhat agree		Somewhat agree		Somewhat agree		Somewhat agree		Neutral	
002	Jeremy	Bearman	Strongly agree		Strongly agree		Neutral		Somewhat disagree	I think a 2am closing time would be better. Every extra hour of drinking creates further chance of alcohol related violence.	Strongly agree	Yes. I believe the one way door policy has actually increased alcohol fueled violence as people who are drunk get angry when they are told they can't come in to an establishment.	Somewhat agree	
003	Philip	Bourne	Strongly agree	Problems occur due to closing times as well, this may also be an area to change in due course if no improvements are seen in behavior. Suggest a 9.00 pm close, after all, they are open 152 hours, more than enough time to purchase alcohol.	Strongly agree	I would recommend a step further by NOT renewing bottle store licenses where there are more than a couple of stores located in any one given area.	Strongly agree	Agreed they are unnecessary.	Strongly disagree	2.00am should be touted as the closing time, much of the damage and poor street behaviour commences after midnight and the later the closing the more the problems.	Strongly disagree	Definitely against removing the 1-way rule. They have been kept in place in Auckland just for the right reasons to prevent fighting and tanked up patrons going from door to door.	Strongly agree	Removal rather than add.
004	Andrew	Gormlie	Neutral	Makes no appreciable difference in my opinion.	Somewhat agree	Deprivation index????  Sorry guys but you are losing me with this one. In fact I could think of some very blunt sentences to use here that demonstrate the very real effect of the proposed "fixes" actually being the very cause of the problem. Common sense is probably more use to us dont you think? Reducing bottle stores generally may assist with the problem - Certainly yes somewhat.  Though people will access alcohol somehow whatever the number of stores out there... The higher the "deprivation index" the more resourceful. Reduction of shops alone will not reduce the "Harm factor" much at all though. That is not the real problem.	Somewhat agree	As Above - Control and reduction of new licenses will have a minor positive effect yes. Its not the problem though.	Strongly disagree	Said this the last time. Nothing good happens relating to alcohol sales in any community in the early hours of the morning. Ours is no different. Bars and clubs do not make "more" money selling at much later hours. Though some operators will mistakenly think that they do - therefore advocating for it. Relaxing controls and enabling later hours of access only promotes everything that is exactly the opposite of responsible alcohol sales and consumption. Any alcohol based harm statistics anywhere will support that. We have a reasonable chance to take it back just a small step to 2.00 am - We should take it. Ive personally worked across the middle of the night in this community for 35 years.	Somewhat disagree	Its another reasonable control measure that if you relax it - will only increase harm issues and negative statistics.	Somewhat agree	Yes, certainly. Thats also what our District Licensing team is for isnt it?  But as with any regulatory input - it would always depend on how these conditions are derived and applied.
005	Angelica	Mcgillan	Strongly disagree		Strongly agree	Like te puke town had 4 bottle stores what for idk.	Strongly agree		Strongly disagree	Should be left at 1am that there should be no more liquor to be sold.	Neutral		Neutral	
006	Bert	May	Strongly disagree		Somewhat disagree		Strongly disagree		Neutral		Somewhat disagree		Somewhat disagree	
007	Jose	Ledesma	Somewhat agree		Strongly agree		Strongly disagree		Strongly agree		Strongly agree		Strongly agree	
008	Roselle	Entwistle	Somewhat agree		Strongly agree		Somewhat agree				Strongly agree		Strongly agree	
009	Julia	Blair	Strongly agree		Strongly agree		Somewhat disagree		Strongly disagree	2am is better	Strongly disagree		Strongly agree	
010	Andrea	Boielle	Strongly disagree		Strongly disagree		Somewhat disagree		Somewhat agree		Strongly disagree		Somewhat disagree	
011	Paul	Higgins	Strongly disagree		Strongly disagree		Somewhat agree		Strongly agree		Strongly agree		Neutral	
012	Nicole	Wharewera	Somewhat disagree	If preparing for a party although not consuming the alcohol early I want it available to buy early.	Somewhat agree		Neutral		Strongly agree		Somewhat agree		Neutral	
013	Max	Kafka	Strongly disagree		Somewhat agree		Somewhat disagree		Strongly agree		Strongly agree		Strongly disagree	
014	Lisa	Camplin	Strongly agree		Strongly agree		Somewhat agree		Strongly disagree		Somewhat agree		Strongly agree	

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
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015	Rebecca	Muir	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	I think 3am is too late. Businesses are making a profit just off those drunk people because everyone else has gone home. We have a very high rate of domestic/intimate violence in the Bay of Plenty and alcohol helps to fuel it. Just ask the Police, the Tauranga Hospital Emergency Department and those who work with our homeless.	Strongly disagree	Once again, bars and restaurants are making a profit off drunk people. We all know that alcohol is a drug and some people cannot manage themselves after a few drinks. Let's not allow things to get any worse.	Strongly disagree	
016	Lorraine	Gordon	Strongly agree	No one needs to be buying Alcohol before 10AM.	Strongly agree	Far too many bottle shops in small radius.	Strongly agree	No need for them to be areas that seem dodgy at night.	Strongly disagree	To be honest alcohol doesn't need to be served after midnight. You can still party and have fun without more booze in your system.	Neutral	I guess it depends on whether people are after a meal or not.	Somewhat agree	If it helps in areas that have problems, then yes.
017	Rachel	Mchardy	Strongly disagree	This punishes responsible shoppers doing their weekly supermarket shop at 8 or 9 am to fit into their weekly plans	Somewhat agree		Somewhat disagree	Limited space available in so many parts of Tauranga	Strongly disagree	2am better plan	Somewhat disagree		Somewhat disagree	
018	Andrew	Tarr	Strongly agree		Strongly agree		Somewhat agree		Strongly disagree	There is no need to have the bars and clubs open serving alcohol at this time. All it does is create disorder and social harm in the community with no up side. Tga CBD should only be licensed until 1am like the mount CBD. Police are already stretched far too thin with other community responsibilities and by creating an antisocial and dangerous CBD due to intoxication it is creating victims needlessly. Security staff can't handle the current problem and something needs to be done before someone is inadvertently killed.	Strongly disagree		Strongly agree	
019	Lyn	Jarman	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	Need to stop selling earlier than 3am	Somewhat agree		Strongly agree	
020	Meg	Rose	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree	
021	Rowan	Meredith	Strongly disagree	No there is not a problem currently and would cause unnecessary inconvenience to responsible store users.	Strongly disagree	No there is not a problem currently and would cause unnecessary inconvenience to responsible store users. It is logical that as a population grows facilities and shops and suppliers also increase.	Strongly disagree	No there is not a problem currently and would cause unnecessary inconvenience to responsible store users. It is logical that as a population grows facilities and shops and suppliers also increase	Strongly agree		Somewhat agree		Strongly disagree	All should be governed by the same rules wherever they are in the city for consistancecy
022	Luke	Beirne	Strongly disagree	People who are going to drink antisocially will find a way to do so. This massively inconveniences the general population who do their weekly shop early and include alcohol within it	Somewhat agree		Neutral	A decent nightclub in an industrial area may be easier to police than a central location where venue hoppers are likely to arrive, but i don't know enough about policing to comment, and the likelihood of tauranga getting a decent nightclub is slim AF	Somewhat agree		Strongly agree		Strongly agree	This would be a much better way of policing the start time of alcohol sales on a case-by-case basis, than a blanket 10am start time
023	Nick	Clayton	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree				Strongly disagree	
024	Tanya	Cha	Strongly agree		Strongly agree		Neutral		Somewhat agree		Strongly agree		Strongly agree	
025	Kaye	Bealey	Strongly disagree	I always shop early at the supermarket to avoid crowds and traffic (driving from Welcome Bay to Papamoa at that time avoids traffic). Not being able to buy wine at the supermarket at that time will mean another trip out at a later time so I can finish my shopping. I also work shift work, this also affects the times of the day I shop, sometimes choosing to go to the supermarket after completion of a night shift, once again will not be able to purchase what I want. Really cannot see the rationale behind this proposal	Somewhat agree		Somewhat agree		Neutral		Somewhat disagree		Strongly disagree	
026	Mike	Hawker	Strongly agree		Strongly agree		Strongly disagree		Strongly agree		Somewhat agree		Somewhat disagree	

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027	Alister	McLeod	Strongly disagree		Strongly disagree		Strongly disagree		Neutral		Strongly agree		Strongly disagree	
028	Steve	Batchelor	Strongly disagree	We do our supermarket shopping first thing Saturday as we are shift workers. So now I will be doing an extra 30km vehicle run later in the day to pick up a few beers. Average thinking for reducing vehicle use into the city.	Somewhat agree		Neutral		Strongly agree		Strongly agree		Strongly disagree	Set rules should be place for all applicants and not at the ehimp of a few string protesters
029	Chris	Parnell	Somewhat agree	Don't know of the evidence/research around this but at a glance it seems like an effective change.	Neutral		Somewhat agree	Unsure about forcing some people to go to licensed venues in areas where they may not initially feel welcome or comfortable. Would be nice if this policy change was in coordination with encouraged development of safer licensed areas for all the people of Tauranga.	Strongly agree	Appreciate the reception to community feedback here.	Somewhat agree	Felt like a decent concession to the cops an hour before closing time, but not bothered either way.	Strongly agree	More accountability is always welcome.
030	Donike	Wilkinson	Strongly disagree	Shift workers will not be able to complete shopping before heading home from work. Also people dropping kids at school and want to do a shop before going home will also not be able to complete their shop. I don't think you have the right nor insight into the amount of people that would be put out by this law. Actually another rule to appease the few who caught trouble.	Neutral		Neutral		Somewhat agree		Strongly agree		Strongly disagree	
031	Elizabeth	Lander	Somewhat agree	Query supermarkets, much more concerned about Liquor outlets close to schools	Somewhat agree		Neutral		Neutral		Somewhat agree		Strongly agree	
032	Kelly	Kuka	Neutral	Didn't realise it was 7am - I already thought it was 10am.	Strongly agree	Law of economics - bottle stores making money from communities that can least afford it. He Kino tera kaupapa	Neutral	Why is that an issue?	Somewhat agree	Yes, providing bars are not serving 'drunks' as per the law. I also support stronger penalties for bars that break the law and stronger responsibilities for bars to ensure 'safe rides home'.	Somewhat disagree	Why would you remove that?	Strongly disagree	No - discretionary power is never attractive - make it law and enforce this instead.
033	Justine	Johnston	Strongly disagree	What next banning alcohol completely.	Strongly disagree	Ridiculous	Strongly disagree	Free trading, quit the idiotic rules	Strongly agree	Very few people around at 3am, unlike the old days.	Strongly disagree	??🙄	Strongly disagree	
034	Jenny	Coffey	Somewhat disagree	What about those who shop early in morning due to work or child care commitments... they would have to go twice to be able to buy a bottle of wine!	Neutral		Neutral		Somewhat disagree	2am is late enough for selling alcohol.	Somewhat agree		Somewhat agree	
035	Ursula	Lucca	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Somewhat agree	
036	Allan	Lightbourne	Strongly agree		Strongly agree	Also need to restrict stores being opened next to schools, daycare and playgrounds. The newly approved store on Sandhurst is an example of this.	Strongly agree		Neutral		Strongly disagree		Strongly agree	
037	Jackson	Sale	Neutral		Strongly disagree		Somewhat disagree		Strongly disagree	Tauranga Nightlife is already forced to close much earlier than the majority of New Zealand Cities. Reducing the times further will cause young people to leave the city, increasing the already large lack of young workers. Will negatively impact business. Will create an older population in what is already the oldest city in the country, and will reduce taurangas popularity as a holiday destination for younger individuals. Additionally most bars are primarily located in areas with few homes (e.g. The Strand) and as such there are few residents that will be disturbed by any intoxicated individuals	Neutral		Somewhat disagree	
038	Daisy	Farmer	Strongly disagree	10am is way too late in the morning for supermarkets. How annoying if you just want to do all your groceries and get on with your day.	Strongly agree		Strongly disagree		Strongly agree		Strongly agree		Strongly disagree	Rules should be the same for all.
039	Rawinia	Tipene	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree	

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040	jon	eswick	Strongly disagree	We are not in a 'nanny state', taking out rights away from us 'cant do this, cant do that, as long as the individual isn't being anti-social - they should be able to drink whatever whenever they like. Not to have some muppet imposing control	Strongly disagree	Again more rights being taken away	Strongly disagree	Need more and bigger nightclubs - the ones we have are lousy	Strongly disagree	Refer to the first answer	Strongly disagree		Strongly disagree	
041	Sue	Hilton	Somewhat agree		Somewhat agree		Strongly disagree		Somewhat agree		Strongly disagree		Strongly disagree	
042	Zac	Gies	Somewhat disagree	Alot of people have enough for a couple days. If i need to do early shopping it's unfair to stop me from buying my nights wine. Also drunks probably aren't up till 10 anyway so won't make much difference for the ones it's aimed at	Somewhat disagree	Why stop it for everyone when it's only a couple that'll maybe cause harm. Also people can still travel to get alcohol so wouldn't stop the ones who really want it.	Strongly disagree	We have very few fun drinking places around tauranga as it is. We have the least amount of places to party in any major town I've been around the world. It's crazy to think we wanna be even less fun. Cause more harm at home parties	Strongly agree	Yes. Increase it till 4 like most major cities if anything.	Neutral	Doesn't effect much so am happy with it	Neutral	
043	Rick	Van Velzen	Strongly disagree	People should be able to get their beer and wine at the supermarket in the morning.	Somewhat disagree	There should be more support for people struggling with alcohol	Somewhat disagree	A beer after work on Friday is kiwi tradition. You should allow new establishments in a rapidly growing city. Look at better drink driving enforcement	Strongly agree		Strongly agree		Somewhat agree	
044	Jasmine	Williams	Somewhat disagree	I do my food shop early and often buy some beer or a bottle of wine for cooking, it would be frustrating to have to make 2 trips	Somewhat agree		Somewhat disagree		Strongly agree		Somewhat agree		Neutral	
045	DIANA	POOLE	Strongly disagree	Time means nothing to an addict. Where there is a will there is a way and changing time limits won't do jack shit. All that does is inconvenience people who choose to shop early in the day that don't have dependency issues.	Somewhat agree	There are already bottle stores on almost every corner, there is no need for anymore.	Neutral	Industrial means industrial doesn't it?	Strongly agree	3am is already pushing it!	Strongly agree	3am is to much. This seems to be where you folks have priorities wrong. This is like the witching hour. This is where people loose there shit. Time to take a look at the UK I reckon. Close earlier, this will help discourage excessive drinking and people might wake up the next day and be a little lively.	Neutral	What are the conditions please?
046	Nicola	Mulgrew	Somewhat disagree	For the non-alcohol-dependent of us, there could be a genuine reason to have to buy a bottle of wine at 7am, such as a sudden gift to a teacher or neighbour etc.	Strongly agree		Neutral	No issues with restaurants being established, as people who work in those areas would enjoy being able to eat nearby. No need for pubs.	Strongly agree		Strongly disagree		Somewhat agree	
047	Ken	Bateman	Strongly agree	It should be 12 mid day. So 10am is a good improvement.	Strongly agree		Strongly agree		Strongly disagree	Sales should stop at 11pm. Drinking after this time is only causing addiction and trouble	Strongly disagree	The one way for policy should start earlier. It should not be removed.	Strongly disagree	Money talks. This will govern their decisions. So they won't care about the welfare of customers. These peremises operators need to be held to account much more with tighter rules
048	Yanick	Miller	Strongly agree		Strongly agree		Neutral		Somewhat agree		Strongly disagree		Strongly agree	
049	Fenella	Handley	Strongly disagree	Its ok for bottle stores as most probably don't open until 10am anyway. Changing the time of availability in supermarkets makes it much harder for them to manage and also impacts customers that probably are more likely the responsible buyers.	Strongly agree	I believe there are enough around the area	Neutral		Neutral	But this is when all the damage to people and property is done by those people leaving venues severely under the influence -	Strongly disagree	Presumably 1hr before closing they will already be drunk from being elsewhere so it would be irresponsible of the premises to allow them in and continue selling alcohol to them - although again would put the bouncers and security staff under a lot more pressure	Neutral	
050	michael	Roper	Strongly agree		Somewhat agree		Somewhat disagree		Strongly agree		Strongly agree		Strongly disagree	It would help at this stage to know what these conditions would be before a decision made.
051	Dani	Goffi	Neutral		Neutral	Will this mean people might attempt to drive under the influence to purchase alcohol further away otherwise?	Strongly disagree		Strongly agree		Strongly agree		Strongly agree	
052	Zara	Lynch	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly agree	
053	marsden	horrox	Somewhat agree	just been to new caladoia and they dont sell cold beer and you can olny get max a 6 pack to take away max purchase same ith wine not cold	Strongly agree		Somewhat agree		Strongly disagree		Strongly agree		Somewhat agree	
054	Elly	Prentice	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	I think it should be bought forwards to 2am for a 6 month trial period.	Neutral		Strongly agree	

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055	Samantha	Roguski	Somewhat disagree	People that you are concerned about will just buy it the day before  This also inconvences peoples shopping times, perhaps like me you shop early in the morning.	Strongly agree		Somewhat disagree		Strongly agree		Strongly agree		Neutral	
056	Alice	Jeffries	Somewhat disagree	I think that it is okay for bottle shops, however, I know lots of people who do their weekly supermarket shop before 10 am so then this means that they would need to do a second trip at another time that is probably inconvenient for them to purchase their alcohol	Somewhat disagree	I believe private businesses should be able to set up where they like.	Somewhat disagree		Strongly agree		Strongly agree		Somewhat disagree	
057	Grant	Davidson	Strongly disagree		Somewhat disagree		Somewhat disagree		Somewhat agree		Somewhat agree		Somewhat disagree	
058	Isaac	Jakobs	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree	
059	Kim	Hansford	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Strongly disagree		Strongly disagree	
060	Lee-Ann	Hall	Strongly agree	I don't think supermarkets & grocery stores should sell alcohol & neighbourhoods with schools & marginalised people should not have bottle stores	Strongly agree	Tauranga south should go on list. No bottle stores in Burriws st or 15th Ave	Strongly agree		Strongly disagree	Close up earlier	Strongly disagree		Strongly agree	
061	Troy	Mitchell	Somewhat agree		Somewhat disagree		Strongly disagree		Strongly agree		Strongly agree		Somewhat disagree	
062	Annette	Mapp	Strongly disagree		Somewhat agree		Strongly disagree		Neutral		Somewhat disagree		Strongly disagree	
063	Victoria	Te Paa	Strongly agree	Hopefully this will discourage drinking before working/ driving.	Strongly agree		Somewhat disagree	Most on licensed premises also include rules about serving customer when intoxicated.	Neutral		Neutral		Somewhat agree	
064	Matthew	moore	Strongly disagree	It's only going to make things worse. I worked for countdown for 10.5 years and the amount of liquor purchased between 7am and 10 was more than the hours of 10am to 2pm. By changing it its going to make more abuse for supermarket staff and could cause more injuries and more use of the police system to deal with incidents	Strongly agree		Strongly disagree		Strongly agree		Strongly disagree		Strongly disagree	
065	Daniel	Kulasingham	Somewhat disagree	While I don't think that there is anything particularly wrong with the change, there isn't anything that suggests that this change would help those that are struggling with alcohol abuse.  I think the change would just unnecessarily inconvenience the public and businesses in Tauranga.  If we did have more research into the positive effects of later opening hours, then I would definitely be on board with the change.	Strongly agree	Fully agree with this. There isn't any need for more bottle stores in already impacted communities.	Somewhat disagree	While I understand the idea, I think on-licensed premises provide more value to the community than just the supply of alcohol. I think its wrong to deny this value to industrial areas just for the fear of alcohol abuse. I think that a more effective and well thought out proposal that more directly addresses the issue of alcoholism is required.	Strongly agree	Nightlife is an essential part of growing a diverse and young community. It is hard enough for businesses to profit from providing a proper nightlife in Tauranga without reducing their operating hours. Changing these hours would just disincentivise younger people from moving to/staying in Tauranga.	Somewhat agree	Similar to previous comments. We should give businesses in Tauranga the best chance at profiting so that we have a more attractive nightlife.	Somewhat agree	Provided the District Licensing Committee does not abuse this, conditions that help reduce the harm of alcohol on our community is theoretically a good thing.
066	Shaughn	Prestidge	Somewhat disagree	This part of the proposed changes has some good objectives. However the side effects is it will prevent parents who do their supermarket shop after doing the school drop offs from buying a bottle of wine with their supermarket shop.  A suggested amendment would be to allow sale of alcohol during this period at a supermarket as long as the alcohol component is under 10% of their total grocery bill. 10% is an easy figure to calculate in your head, any higher amount would need calculators and may cause headaches for shoppers and checkout staff.	Somewhat disagree	I'm currently spending 2022 in Bangkok. You can buy beer at any convenience store on just about every street corner. There doesn't appear to be the drinking problems that you hear about in New Zealand. I have never seen any broken glass bottles here either. Its likely more of a social and policing problem.	Neutral	The views of the industrial occupants are probably the best to comment here, though probably should be in areas where there is a lot of lighting for safety.	Strongly agree	I have met many working holiday visa travelers over the years and have had some live in my home at times. They are an important part of the kiwifruit season. I know from experience they work long days in the pack houses and many don't finish until late. On the night before their days off they do want to go out and socialize. South American's in particular eat their evening dinners late as a tradition ie 10pm is common. So a late 3am closing time is ideal for for maintaining this sector of the local economy.	Strongly agree		Somewhat agree	

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067	Ron	Grindle	Strongly disagree	We shop early to avoid the crowds why should we be penalised by not being able buy alcohol at the same time. This proposal is ill conceived	Neutral		Neutral		Somewhat agree		Somewhat disagree		Somewhat disagree	
068	R	Chapman	Somewhat disagree	Changing the timing will not eliminate, it will change peoples buying behaviour.	Somewhat agree		Somewhat disagree		Somewhat agree		Neutral		Somewhat disagree	
069	Gail	Harris	Strongly agree		Strongly agree		Strongly agree		Neutral		Strongly agree		Strongly agree	
070	Ralph	Ward	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree	We are The Phoenix Gastro Bar and Restaurant on The Strand. We feel the proposed changes are fair and reasonable. While we rarely use the 3am close it does have its uses and removing the one-way door restriction easies compliance.
071	Sarah	Crisp	Somewhat disagree	Just penalises Mums doing grocery shopping after the school run	Somewhat agree		Somewhat agree		Somewhat agree		Somewhat agree		Somewhat agree	
072	Anne	Langley	Strongly agree		Strongly disagree	People need to set boundaries Re this type of purchase	Strongly disagree		Strongly disagree	Should be earlier eg 1am	Somewhat agree		Strongly disagree	
073	John	Poulton	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Strongly agree	
074	Susan	Werren	Neutral	I think alcohol spirits, gin, vodka etc should be available in supermarkets.	Somewhat disagree		Somewhat disagree		Somewhat disagree		Somewhat disagree		Somewhat disagree	
075	Matthew	Hayward	Somewhat disagree		Neutral		Neutral		Strongly agree		Somewhat disagree		Strongly disagree	
076	Jason	Morrissey	Strongly disagree	Time is not the issue, reckless sales at any hour is the problem	Strongly agree	It is irresponsible to have ANY bottle shop in a low socio economic area. For example why is there a bottle shop in Merivale?	Somewhat disagree		Somewhat agree		Neutral		Strongly disagree	Without appropriate consultation and detail no fair comment can be made
077	GRAHAM FRANK	Wade	Neutral		Neutral		Strongly disagree	I cannot see any logic in this at all.	Neutral		Neutral		Neutral	
078	Steve	Murray	Strongly agree		Strongly agree		Neutral		Strongly disagree		Strongly disagree		Neutral	
079	Lyn	Watt	Somewhat disagree	Seems to be unfair if other premises can sell liquor from 7am. It should be a level playing field for all suppliers of liquor. So everyone sells from 7am or everyone sells from 10am is my suggestion	Strongly disagree	We are turning into a nanny state. People have to learn to act responsibly - they can not be looked after all their lives. Maybe some responsibility should also be to the seller of the alcohol - to limit sales to some people.	Neutral		Strongly disagree	I think they should close at 2am as was previously agreed to.	Strongly agree		Strongly disagree	Again it should be a level playing field across all sellers of alcohol
080	Ashleigh	Kennedy	Strongly disagree	People shopping for alcohol at 7am-10am are often working people before work commitments or parents after school drop offs, not binge drinkers.  Why would you stop people on this category from doing their weekly shop and buying a box of beer for the week or a bottle of wine?  I fall in this category and would find it extremely frustrating as I buy a couple of bottles of wine during my weekly shop for my lartner and I that we drink slowly during the week.	Somewhat agree		Somewhat disagree		Neutral		Strongly agree	Having been in a situation where I've left to walk a friend to a taxi then not been allowed back in with my other friends when the doorman had changed I strongly disagree.  Seems like a pointless rule. One that would cause you to hang around in a pub longer out of fear of leaving and not being able to re-enter.	Strongly disagree	
081	Trevor	Neilson	Strongly disagree	It will make no difference to the problem, or the supposed problems.Just like 30 odd years ago when you couldn't buy alcohol on a Sunday. The sale of alcohol is not the problem it's certain people who are.	Strongly disagree	People will just travel further to get it. It won't stop them buying it.	Strongly disagree	If there's a demand for it in those places then why not.	Neutral	In some parts of the world it's 24/7. NZ seems a bit behind the rest of the world	Neutral	Don't know	Neutral	It's the people who drink it not the people who sell it problem
082	Cat	Johnson	Strongly agree	Alcohol should only be sold after 12md	Strongly agree	Not only no new stores, there should be a reduction in the number of liquor stores within communities. There a far too many, especially in poorer areas.	Strongly agree	No,and reduce number running now. We have huge alcohol related problems in our society and families	Strongly disagree	No need to go till 3am...	Strongly agree		Strongly agree	Far too many alcohol outlets in ALL communities

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083	P	Wohlers	Strongly disagree	Reducing the hours won't reduce the alcohol that's been purchased. It's just shifting the time. Do not put shop keepers and sales staff into that position to deal with the reduced time. It would be a total pain explaining adults why they aren't allowed to buy a bottle of wine in the morning	Neutral	Just keep the number as it is.	Neutral		Neutral		Strongly disagree		Neutral	
084	Christina	Dysart	Strongly agree		Strongly agree		Strongly agree		Somewhat disagree		Strongly disagree		Strongly agree	
085	Alston	Brown	Strongly disagree		Neutral		Strongly disagree		Strongly agree		Strongly agree		Strongly disagree	
086	Cameron	Foster	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Strongly agree		Somewhat disagree	
087	Cynthia	Hamel	Strongly disagree	It seems like this will just be more annoying than it's worth and I don't see how it will be a deterrent to the drink culture in Aotearoa.	Strongly agree		Strongly disagree		Strongly agree		Strongly agree		Somewhat agree	
088	Jewel Anita	Hendrix	Strongly agree		Strongly agree		Somewhat agree		Strongly disagree	I would like it to be changed to 2 am. More alcohol harm happens the longer the hours are.	Neutral		Strongly agree	
089	Jimmy	Wheeler	Strongly agree		Neutral		Somewhat disagree		Strongly agree		Somewhat agree		Somewhat agree	
090	Mieka	Watson	Strongly disagree	People should be allowed to stop by and pick up a bottle of wine in the weekend whenever they want.	Somewhat disagree		Strongly disagree		Somewhat agree	I think Tauranga night life has been destroyed by the council, there should be no further restrictions and perhaps help revive the nightlife in the cbd	Strongly agree		Strongly disagree	Stop trying to over complicate things, and stop trying to control people.
091	Rachel	Chaney	Strongly agree		Strongly agree	The owners of these stores are taking advantage of people who are more likely to use alcohol to deal with their disadvantaged situation.	Strongly agree		Strongly agree	If some bars are open until 3 am then that is a safe place young people can be at that time of the morning. This is based on my young peoples feedback. Better than flowing out into public places. Wellington and Auckland have places to go at 3, even 4 am.	Strongly agree		Strongly agree	
092	Liz	Cooper	Somewhat agree		Somewhat agree		Somewhat agree	Not quite sure why industrial areas are being targeted but I don't object	Somewhat agree		Somewhat disagree	If this is after 1am a one way door policy seems sensible. I have not heard all the arguments though.	Somewhat agree	
093	Sarah	Thomson	Somewhat disagree		Strongly agree		Neutral		Somewhat agree		Somewhat agree		Neutral	
094	Hazel	Jamieson	Strongly disagree	Bottles stores should open later, but not supermarkets. Supermarkets only sell beer and wine. This is where family people purchase their alcohol. Affecting parents trying to juggle their days doing school drop off shopping is a large inconvenience. I don't believe those harmed by alcohol are purchasing from a supermarket before 10am.	Strongly agree		Neutral		Neutral		Neutral		Neutral	
095	Mary	Patel	Somewhat agree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree	
096	Kathleen	Lucas	Strongly agree	I feel alcohol should not be sold in Supermarkets period	Strongly agree		Strongly agree		Strongly disagree	1am is reasonable	Strongly agree		Strongly agree	
097	Bridget	Simpson	Strongly agree	I think it is an excellent idea	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree	
098	Neil	Stewart	Strongly disagree	Pointless exercise. People will just buy their stocks in new opening hours.	Strongly disagree	Again pointless exercise. People will continue to use the shops they currently use.	Neutral		Somewhat disagree	Free enterprise is vital.	Neutral		Strongly disagree	Restricting sales is not an effective way to reduce harm. Education is what is needed. Education, not indoctrination.
099	Jackie	Stewart	Strongly disagree	Pointless exercise. People will just buy what they want in the new hours.	Strongly disagree	Nobody should dictate behaviour of individuals unless they are beyond reproach themselves.	Neutral	Probably best not to make any kind of drug easily available when people are mainly at work. This includes vape shops.	Strongly disagree	How many people would this new rule help? I question if it will reshape the behaviour of those who are the biggest offenders.	Neutral	How much benefit will this provide?	Strongly disagree	We are tax paying adults. We do not require the intervention of a Nanny State system. Education is the key. People will always find ways to get around a system of control. Don't try to enforce compliance with rules that are set up for those whom they annoy to simply find ways around. Too many holes in these proposals.
100	Greg	Baillie	Strongly agree	This change does not affect responsible drinkers	Neutral		Neutral		Somewhat agree		Strongly agree		Somewhat agree	
101	Bre	Stewart	Strongly agree		Strongly agree		Somewhat agree		Strongly disagree	I think it should finish at 1am or 2am at the latest	Strongly disagree	I think there should be a one-way door policy in place from 12am or 1am	Strongly agree	



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102	Laura	Casburn	Strongly disagree	I don't think this will have any bearing on how people drink, I do think that it will affect people whose working schedules only allow supermarket shopping for the weekly shop in the morning before 10am, or people planning a weekend bbq or birthday party with friends and trying to do the shop in the morning etc.	Neutral	There seem to be plenty of bottle stores around already, so I don't see how this would make much difference.	Neutral	I don't understand how this would make a difference.	Somewhat agree		Somewhat agree		Somewhat disagree	
103	Abbi	Hurn	Strongly agree		Strongly agree		Somewhat disagree		Somewhat disagree	I think they should be cut back at 2am	Somewhat disagree	This policy stops people having those last few drinks that normally tip them over the edge	Neutral	
104	Matthew	Seabright	Strongly agree		Strongly agree		Strongly agree		Somewhat disagree		Neutral		Strongly agree	
105	Julie	Carlson	Somewhat disagree		Somewhat agree		Neutral		Somewhat agree		Somewhat disagree		Somewhat agree	Need more detail
106	Andrew	Whitehead	Strongly disagree	My view is to consider shift workers who have worked during the night and finish at 7am and may want to purchase alcohol to consume after a long night shift. We do not all work bankers hours. Please note I am not a drinker and am in favour of reducing alcohol consumption in the entire country but acknowledge some of my colleagues enjoy a drink after a long hard night shift.	Somewhat agree		Neutral		Neutral		Neutral		Somewhat disagree	See above comments
107	Paula	Alexander	Somewhat agree		Strongly agree		Neutral		Strongly agree		Somewhat agree		Somewhat agree	
108	Tyrnn	Walker	Somewhat disagree	There are a lot of night shift workers, who finish at 5am.	Neutral		Strongly disagree		Somewhat agree		Strongly disagree		Strongly disagree	
109	Catherine	Sylvester	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	I support the 2am cut off	Strongly disagree	I prefer the one way door policy	Strongly agree	
110	Ann	Dempsey	Strongly agree		Somewhat agree		Somewhat agree		Somewhat disagree		Strongly agree		Strongly agree	
111	Amy	Richardson	Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Somewhat disagree	
112	Concerned	Citizen	Strongly disagree	You are stopping people who like to do early morning shopping from getting everything they need and also putting more pressure on supermarket staff that have to control not letting people buy liquor before 10 Feels like we going back in time with this	Somewhat disagree		Somewhat disagree		Somewhat agree	Let people have a life for gods sack !! So u propose not being able to buy alcohol to have in your home for your own use , earlier than if u are shopping but are happy to let bars snd clubs go late very contradicting!	Neutral		Somewhat disagree	Let people do there job and stop trying to dictate everything you want! may be you should do some hands on work in these places not everything is bad and negative!!
113	Steve	Cunliffe	Strongly disagree	From a person who drinks alcohol sensibly, we usually do our grocery's on a Saturday or Sunday morning, either in person or click and collect between 8am and 9 am. Not being able to purchase alcohol with this creates an additional trip to the supermarket on another day or time, which is wasteful (petrol and environmental focus). It seems Bizarre to change my shopping habits to fit within a time suitable for purchasing alcohol, it puts far too much focus on the fact that I'm buying alcohol for responsible consumption by targeting our groceries around an alcohol purchase window, when I don't feel I'm the target demographic being deterred from purchasing alcohol in the morning, specially when I couldn't imagine alcohol before lunch and lunch would be extremely rare on a special occasion.	Strongly agree	Feel we have a high saturation of bottle stores, new suburbs are a different story which should be allowed and they aren't included in the mentioned area so that's ok	Neutral	This is too broad, nice restaurants/Bars/eatery's would attract a different clientele Vs a Sports bar/pub type business. Industrial areas employ a range of skilled workers from manual labour to office professionals, a sports bar wouldn't be somewhere I would like to go with my work team, but a restaurant/eatery/bar would be nice to go.	Somewhat agree		Somewhat disagree		Somewhat agree	

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114	Barbara	Watson		<p>My problem is with sporting clubs which has to be reviewed I know for a fact that the rule is to Sell Drinks not Drunks which I know this happens dreadful</p> <p>I have observed so many people getting their vehicles after getting heavy intoxicated whilst been served at their club rooms not just Rugby which is only seasonal But golf clubs they are opened all year round and seems to be too complacent to the liquor rules Please I would appreciate this to be looked into also</p>		Check out all sporting clubs						All sports clubs need reviewing everywhere Seems to be a bad kiwi culture that's its ok a to drink then drive Serve Drinks Not DRUNKS		
115	Kristen	Feast	Somewhat agree		Somewhat agree		Somewhat disagree		Somewhat disagree	2am better	Somewhat disagree	What if you are sober and just picking up a friend?	Neutral	
116	Robert	Newton-Urlich	Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree	Add more parking to the city center and allow bars to remain open and continue to sell alcohol after until 6am	Strongly agree	I'm not a drinker but I believe this has helped kill Tauranga's city center both day and night	Strongly disagree	
117	Evelyn	Bruce	Strongly agree		Somewhat agree		Neutral		Strongly agree		Strongly agree		Somewhat disagree	
118	Karen	Boyte	Strongly disagree	People go to the supermarket early to avoid queues. No issue with bottle stores opening at 10. This question should have been split into two questions as bottle stores are different from supermarkets	Strongly agree		Somewhat agree		Strongly agree		Strongly agree		Strongly disagree	
119	Alex	Fitch	Somewhat agree	Agree other than on weekends	Somewhat disagree	Number of bottle stores shouldn't increase the amount of alcohol consumed	Strongly disagree	Good to have a thriving hospitality industry no matter where it is located.	Somewhat agree		Somewhat agree		Neutral	
120	ian	woodfield	Strongly disagree		Neutral		Neutral		Neutral		Neutral		Neutral	
121	Seth	Linney	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Strongly agree	
122	Ray and Ann	Moore	Strongly agree	They should certainly open later,, but also close earlier at, say, 6 p.m.	Strongly agree		Neutral		Strongly disagree	This leads to excessive alcoholism, drunkenness and possibly increased crime, not to mention domestic violence.	Strongly disagree		Strongly agree	
123	Robert	Dudley	Strongly agree	Why do theyneed to be open at 7-00am other than to fuel those already in need of help	Strongly agree	There are already too many liquor outlets in the area.	Strongly agree	Why is there a supposed need for more outlets?	Strongly disagree	Why do people need to be out still drinking at this time?	Strongly agree	People often move on to other establishment to see what is happening there which often creates discord.	Strongly agree	Certain conditions need to be applied
124	Jordan	Taylor	Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree	
125	Oliver	Haycock	Strongly disagree	<p>I like to do my supermarket shopping early on a Saturday morning. This would include getting some beers and wine to consume responsibly over the weekend. A 10am ban would be irritating.</p> <p>Would those in society suffering from alcohol addiction not just buy more drink at unrestricted times? What does the research suggest?</p>	Strongly agree	This is a logical proposal	Neutral	What about micro-breweries?	Somewhat agree		Somewhat disagree	Can't see the logic in removing it - surely it helps disperse people's departure times at the end of the night?	Neutral	
126	Mel	Tipping	Somewhat agree		Neutral		Somewhat disagree		Strongly agree		Strongly agree		Strongly disagree	
127	Martin	Buet	Strongly disagree		Somewhat agree		Somewhat agree		Somewhat agree		Neutral		Somewhat disagree	
128	Magda	Szalanska	Strongly disagree		Neutral		Strongly disagree		Neutral		Neutral		Neutral	
129	Alan &	Vette	Strongly agree		Strongly agree		Somewhat agree		Somewhat disagree		Strongly agree		Strongly disagree	
130	Pamela	van Rij	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree	
131	Mark	Bougen	Strongly disagree	People on holiday sometimes have time restrictions or other engagements that prohibit purchases later in the day. To be able to buy a bottle of wine for over dinner later is compromised by this proposal.	Neutral		Neutral		Neutral		Somewhat agree		Somewhat disagree	
132	Sue	Shoemack	Strongly agree	Just a start, alcohol is too freely available in NZ	Strongly agree	We need a sinking lid policy, less places where you can buy this harmful product	Strongly agree		Strongly disagree	No, should be a much more realistic time like 11pm, who needs to be drinking at 3 in the morning.	Strongly disagree		Strongly agree	Common sense

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133	Ash	Wait	Strongly disagree	Seems pointless to change time. Just makes it inconvenient for regular shoppers	Somewhat agree		Strongly disagree	Craft breweries, family friendly bars etc do quite well in industrial areas, noise doesn't cause the same issues as it would in a residential area and there are larger spaces for bars.	Somewhat agree		Neutral		Neutral	
134	Peter	Mourits	Strongly agree		Strongly agree	There are currently too many bottle stores the number should be reduced . They should not be allowed near schools or playcentres etc	Strongly agree		Strongly disagree	This should come forward to 2.00am	Strongly disagree	the one way door system should stay in place and start at 1.00 am	Strongly disagree	
135	Aroha	Mahmood	Strongly disagree	Your trying to put to much control into people lives sometimes a lot of people just get alcohol that early before heading to work instead of having to stop in the way back home.	Strongly disagree	Stopping people make business is just selfish	Strongly disagree	Again stopping people from starting a new business is self fish	Strongly disagree		Strongly disagree	Some people leave to go looking for people then come back in side it's just rude not to let them back in	Strongly disagree	Just because some people make stupid choices don't mean it should effected everyone else
136	Jan	McDonald	Strongly agree	There's no sensible reason for alcohol to be available from 7am.	Strongly agree	Hopefully limiting accessibility in these areas will help lessen the harm from readily available alcohol.	Neutral	Each case needs to be considered individually	Strongly disagree	Better to have a final alcohol sale time of 2am or earlier	Strongly disagree	The one way door rule should be maintained to keep drunken patrons off the street during the last hour of sales.	Strongly agree	Any added conditions which help limit the overly easy access to alcohol should be considered

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137	Christine	Bougen	Strongly disagree	I believe this change would have a negative impact on a large number of residents. When doing the grocery shopping (which can often be early morning) we want to be able to buy all groceries including beer and wine. The inability to do this at the same time as getting other groceries would be very inconvenient and frustrating. We want to be able to call in to a supermarket or liquor store to buy for example a bottle of wine for a picnic as we head off to it. This is often well before 10am. As in our recent holiday to another area, people want to be able to call into the local liquor store to pick up local wines or beers to take home with them as they leave our area. They do not want to wait for hours until 10am to buy this when they have travel plans to follow. Our area will lose income because of this and the local breweries lose promotion of their product. Surely the huge majority of people, like myself, who buy alcohol before 10am do not plan to drink it at that time! Do not punish us for such a few that this is a problem for.	Neutral		Neutral		Neutral		Neutral		Somewhat disagree	
138	K	R	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Strongly agree	
139	Heather	CullingSmith	Strongly agree		Strongly agree		Strongly agree		Neutral		Strongly agree		Somewhat agree	
140	Helen	Maxey	Strongly disagree		Strongly agree		Somewhat disagree		Neutral		Neutral		Neutral	
141	Alan	Kearvell	Strongly disagree		Strongly disagree		Strongly disagree		Neutral		Neutral		Strongly disagree	
142	Grant	Florence	Strongly disagree		Somewhat disagree		Somewhat disagree		Strongly agree		Somewhat agree		Neutral	
143	Dave	Jennings	Somewhat agree	Those hours are ok	Somewhat agree		Strongly disagree	Restaurants should always be ok	Strongly agree		Strongly disagree	That is ridiculous	Strongly disagree	Councils should not make rules that can affect an existing business.
144	Colleen	Goninon	Strongly disagree	Penalising people who like to shop early, to have to make two trips.	Strongly agree	Yes if it will do more harm to families.	Somewhat agree	Why do we need them in Industrial areas?	Strongly disagree	It could change to 2am, I feel that is a more responsible time.	Neutral		Strongly agree	Yes, they should help in keeping society safe.
145	Helen	Nicholls	Strongly agree		Strongly agree		Strongly agree		Somewhat agree		Somewhat agree		Strongly agree	
146	Danielle	Petricevich	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	The final alcohol sale time should be around 12-1am	Neutral		Neutral	Would need more information to decide.
147	Jeff	Cashman	Strongly disagree		Somewhat disagree		Strongly disagree		Neutral		Neutral		Strongly disagree	
148	Nope	Nope	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Neutral		Strongly agree	
149	Shane	Drent	Strongly agree		Strongly agree		Somewhat agree		Strongly agree		Strongly disagree		Neutral	
150	Caroline	Cameron	Strongly agree		Strongly agree		Somewhat agree		Somewhat disagree	Should be earlier	Somewhat disagree		Strongly agree	
151	Bernie	Melhuish f	Strongly disagree		Somewhat disagree		Strongly disagree		Strongly agree		Somewhat disagree		Strongly disagree	
152	Misha	Gildenberger	Strongly disagree	Stop cutting our rights!!!!	Strongly disagree		Strongly disagree	STOP TAKING ALL THE FUN!!!!	Strongly disagree		Strongly disagree		Strongly disagree	
153	Andrew	Spencer	Somewhat disagree		Somewhat disagree		Strongly disagree		Strongly agree		Strongly agree		Somewhat disagree	
154	John	Carlson	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	It should be 1am like it is at Mount Maunagnui.	Strongly agree		Strongly agree	
155	Traci	Adams	Strongly agree		Strongly agree		Somewhat disagree		Neutral		Neutral		Somewhat disagree	
156	Jessie	Pearson	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Neutral		Somewhat disagree	
157	Buddy	Mikaere	Strongly agree		Strongly agree		Somewhat agree		Somewhat agree		Somewhat disagree		Strongly agree	
158	Rhys	Evans	Neutral		Neutral		Strongly disagree		Strongly agree		Strongly agree		Neutral	

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159	April	B	Strongly agree		Strongly agree		Neutral		Neutral		Somewhat disagree		Strongly disagree	This is too broad and unspecific.  restrictions on sales based on the type of product and/or its price; - LIKE WHAT??  restrictions on the display of RTDs at the principal entrance to the store or within three meters of the front window; and - FOR WHAT REASON?? Everyone knows RTD's are available in a liquor shop.  restrictions on the display of product or price specials. - LIKE WHAT and for what reason?  Its not accurate to say we have a chance to give feedback when you are ambiguous on things such as this.
160	Jason	Morrissey	Strongly disagree	Not necessary. Vendors are obligated through there existing license to ensure intoxicated or vulnerable people are not served already. 7am or 10am is inconsequential	Strongly agree	Cant believe the explosion of bottle shops in low socio economic areas. Its actually been reckless behavior by the DLA over many many years	Neutral		Strongly agree		Strongly agree		Strongly disagree	Not a democratic and leaves opportunity for abuse
161	Graham	Hayes	Somewhat agree	I go shopping early each day I shop a will not go back just buy my acohol.	Somewhat disagree		Somewhat disagree		Somewhat agree		Strongly agree		Somewhat disagree	It does not matter when you allow people to shop they will always buy wine and beer when they see fit
162	Peter	Cave	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Neutral		Strongly agree	
163	Christine Marian	Sligo	Strongly agree	I totally agree. There's no good reason to support the early sales of alcohol	Strongly agree	I'd also like to include Brookfield and Bellevue in those areas, particularly because there are many schools and pre-schools situated there	Strongly agree	Nor in any high density areas where there are many families dwelling there	Strongly disagree	I think it's very irresponsible to extend or retain the 3 a.m final sales time. 12 midnight would be more than adequate, meaning less alcohol harm	Strongly agree	I fully support the proposal, which needs to coincide with reduced hours, more regulation surrounding them, such as enforcing laws to ensure that intoxicated patrons are refused service	Strongly agree	Like anything "all things in moderation". How can a 3a.m final sales time possibly be effective in reducing alcohol harm on the roads or in communities? General comments: I want the removal of alcohol advertising and promotion at all/local sports games. I have first-hand experience to the harm that over-indulgence in alcohol can have on families and in the community. My immediate neighbour has caused me a lot of stress over the years, with their drunkenness and disorderly, disrespectful behaviour. At regular intervals, at least one member of that household will arrive home late after attending a local bar which is in close proximity to their/our addresses. They may walk to the bar 5-6pm, at least twice per week, and arrive home approx midnight to 1a.m, and be paralytic. I then may have to endure listening to their verbal raucous sounds, including vomiting and crashing into things. It's very upsetting, and on many occasions I've called noise control, and the Police on a couple of occasions. There are also disturbing 'base' sounds which some may consider music. On another matter, it was a shock during our first lockdown, to see people queuing at a local bottle shop. It's unfathomable to think that it was deemed "an essential service", when supermarkets were still selling alcohol. I know the stats for drunkenness and harm in the community greatly increased during the pandemic
164	Natalie	Mckeaney	Strongly agree		Strongly agree		Neutral		Somewhat agree		Somewhat agree		Neutral	
165	Kerry	Buchanan	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	Should be earlier 1 am	Strongly disagree	Removal means longer drinking opportunities	Strongly agree	As long as these are harm reducing conditions and not alcohol encouraging and licence extension conditions
166	Leanne	Hacker	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	1 or 2 pm is late enough and their should be no bottle sales after 10 pm	Strongly disagree		Strongly agree	
167	Peter	Anderson	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly agree		Strongly agree	
168	Peter	Bowler	Strongly agree		Strongly agree		Strongly agree		Neutral		Strongly agree		Strongly agree	
169	Sandeep	Kaur	Somewhat disagree		Strongly agree		Strongly disagree		Strongly agree		Somewhat agree		Neutral	

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170	Andrew	Ford	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	I believe it should be earlier	Strongly disagree		Neutral	
171	Brendan	Hodson	Strongly disagree		Strongly disagree				Strongly agree		Strongly disagree		Strongly disagree	
172	Judy	Wall	Somewhat disagree		Strongly agree		Strongly agree		Neutral		Strongly agree		Neutral	
173	Keith	Bell	Neutral	I am not sure this will prevent those abusers from getting their alcohol	Strongly agree	This should reduce the ability to purchase conveniently	Somewhat agree	Should have some impact	Somewhat agree	Changing this probably won't have much affect	Strongly agree	Should have a good impact - good idea	Strongly agree	Should have a positive effect in reducing alcohol harm
174	Leslie	Geraghty	Strongly agree		Strongly agree		Somewhat agree		Strongly agree		Somewhat disagree		Strongly agree	
175	Chris	Murden	Strongly disagree	Supermarkets are for shopping for your food and drink. I shop for the week including alcohol before work. Implementation of this will mean I have to do two shopping trips which will be very inconvenient. Also supermarkets will have to section of areas of the store with seperate rules. Please don't make this change.	Somewhat disagree		Strongly disagree	This is to vague as there are responsible drinkers who congregate in the industrial area where licences premises may be required.	Somewhat agree		Strongly disagree		Strongly disagree	
176	Katherine	Rochester	Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree	
177	Sophie	Main	Strongly agree		Somewhat agree		Neutral		Strongly agree		Strongly agree		Somewhat agree	
178	Rebecca	Burns	Strongly agree		Strongly agree	There should not be one at merivale shops - its 300m from a primary school. It's embarrassing that someone approved it ever	Strongly agree	Crime ridden cess pools is what they become. Also easy targets for armed robberies endangering workers	Neutral		Somewhat disagree	Predatorory behaviour will happen. Dead sober rapists lining up for drunk young women who need rides. Clearly nobody consulted victim support for input 😊	Neutral	These need to be clearly detailed prior to policy taking effect. I can't agree to something undisclosed
179	audrey	McCarthy	Strongly agree		Strongly agree		Strongly agree		Somewhat agree		Strongly agree		Strongly agree	
180	Scott	MacLeod	Strongly disagree	I do my weekly supermarket shopping early Saturday or Sunday to avoid the crowds and traffic congestion.  The proposed change will force me to either:  1) shop twice 2) shop during peak times.  In either case, this will be disruptive and I will be contributing to traffic congestion.	Neutral		Somewhat disagree	Disagree because I support the hospitality industry and I think Tauranga would be a better place with more bars, pubs and restaurants.	Neutral		Neutral		Neutral	
181	Dallas	Franks	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	2am is late enough	Strongly agree		Strongly agree	
182	William	Beveridge	Strongly disagree	So shift workers can't buy an after work drink on the way home?	Somewhat disagree	People will just drive under the influence instead of walking.	Strongly disagree	Industrial areas tend not to have noise problems so new music venues would be impacted.	Strongly agree		Strongly agree	This is an impingement on freedom of movement.	Somewhat agree	
183	Carol	Robinson	Somewhat agree		Somewhat agree		Somewhat agree		Neutral		Neutral		Strongly disagree	If I want to get up early and do my shopping at 8am and buy a couple of bottles of wine for the week and you say no , you have to come back at 10 I will actually leave town. It is not nazi Germany. Imagine all the tourists at summertime!!! This is ridiculous!!!
184	Lin	Ayo	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Strongly agree		Strongly disagree	
185	Tamara	Coory	Strongly agree		Strongly agree	But also not so many stores so close together, it shouldn't be convenient to buy alcohol	Strongly agree		Somewhat agree		Somewhat disagree	I think it should stay, it was instated for a reason	Strongly agree	

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186	Lynette	Bates	Strongly disagree	Purchases from supermarkets prior to 10am in the morning are not a large contributor to alcohol harm incidents in my opinion. It would however be a real pain to shoppers who like to do their weekly shop first thing in the morning. The proposed change would mean going back to the days of roped off areas in supermarkets, when liquor sales were prohibited on Sundays. Ridiculous and yet another thing for supermarkets to administer. I have never seen drunks hanging around the supermarket at opening time waiting for the doors to open so that they could purchase their fix. We are a civilised society and adults should be treated as adults, who aren't bound by ridiculous rules when they do their grocery shopping.	Somewhat agree		Somewhat disagree	I don't see the harm in bars in industrial areas. They still need to abide by the rules for licenced premises, age restrictions and not serving alcohol impaired patrons. The advantage of licenced premises being in industrial areas is that there are potentially less neighbours to annoy with noise and traffic, as in a residential area.	Somewhat agree		Somewhat agree		Somewhat agree	
187	Marilyn	Allen	Strongly disagree		Neutral		Somewhat agree		Somewhat agree		Strongly disagree		Strongly disagree	
188	Sarah	Tortoisheshell	Strongly disagree	Most bottle stores don't open until 10am but super inconvenient not to be able to buy wine with weekly food shopping from supermarket. Will hugely affect online orders I assume.	Strongly agree		Somewhat disagree		Somewhat disagree	This is the biggest problem in my view.	Strongly disagree		Neutral	Ridiculous question without knowing what the conditions might be.
189	Katharine	Dawson	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly agree		Strongly agree	
190	Sean	Goodrick	Strongly disagree		Neutral		Strongly disagree		Neutral	Wouldn't support the 3.am time being reduced but don't think it needs to be extended	Neutral		Somewhat disagree	
191	Jamie	Avery	Strongly disagree		Somewhat disagree		Neutral		Strongly agree		Strongly agree		Neutral	
192	Sue	Shimmin	Somewhat disagree	It is always confusing when the supermarket I'd open but some products can't be purchased. I think alcohol should be purchased during the standard opening hours of the shop.	Somewhat agree	There should be a regulation stating one stand alone liquor outlet per so many kilometers.	Neutral		Strongly disagree	Personally I think pubs and clubs should close by midnight. This is often the worse times of trouble in the early hours.	Strongly disagree	It's a good way to slow down the clientele.	Neutral	It would depend on the conditions.
193	V	G	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	2am closing is more appropriate in my opinion.	Strongly disagree	Keep the one way policy & make it earlier	Somewhat agree	
194	Maree	Glynn	Somewhat agree		Strongly agree		Neutral		Strongly agree		Somewhat agree		Neutral	
195	Sue	Peterson	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree	
196	Philip	Tortoisheshell	Strongly disagree	As someone who does their shopping early, it would mean a separate trip to buy a bottle of wine. Also, would this mean "online shopping" would be included in the alcohol changes? If so, this would put even more pressure on a busy system.	Somewhat agree		Strongly disagree		Somewhat agree		Strongly disagree		Somewhat agree	
197	Vaughn	Lawrence	Neutral		Somewhat disagree		Somewhat disagree		Somewhat agree		Somewhat disagree		Strongly disagree	
198	Jo	Austin	Strongly disagree		Somewhat agree		Strongly disagree		Strongly agree	Or later	Strongly disagree		Strongly disagree	
199	andrew	hood	Strongly agree		Strongly agree		Strongly agree		Somewhat disagree		Strongly disagree		Strongly agree	
200	Tauranga	Resident	Strongly agree	Agree - limiting the availability of alcohol purchase will contribute towards reducing harm caused in our communities.	Strongly agree	Research confirms that reducing alcohol availability, reduces consumption and alcohol related harm. I strongly support limiting the number of bottle stores as much as possible.	Strongly agree		Strongly agree	Yes. Tauranga CBD needs more people to become a vibrant city. We need to create a lively and fun place for this to happen. I support limiting off licences and supporting good host responsibility for on licences in the CBD to encourage a thriving city and good businesses owners. I believe it is best to encourage drinking in a social setting such as bars, where people can be monitored with police presence. If bars are closing to early, students and young people in particular will continue to drink in their homes after, where there is no way to monitor consumption and/or aggressive behaviour. We need to encourage young people to enjoy Tauranga city.	Strongly agree	One way door policies have been proven not to work in other cities and countries. There is concern for groups who get split up from each other from this policy and leave people alone and vulnerable outside a premise. E.g females in particular. It can also create hostile environments with enforcers.	Strongly agree	Yes, I believe the DLC should be able to make discretionary conditions based on their judgement and evidence held about the premise.

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201	Brent	Tonkin	Somewhat disagree	I am busy and might need to buy my alcohol in the morning. I would still like this option.	Somewhat agree		Somewhat disagree	Hard workers should be allowed to walk to an establishment and have a beer at the end of the day.	Strongly agree	Nothing good happens after 3am	Somewhat agree	May be hard to remove some customers at the end of the night.	Neutral	It would depend on what these conditions would be and how they would affect me.
202	Rachel	Cochrane	Strongly agree	I work on the port where a lot of people are drinking through all hours and I've even heard of them waiting outside the supermarkets just so they can buy more alcohol, I've seen the impact it has on their health and mental well-being	Strongly agree		Neutral		Neutral		Somewhat agree		Neutral	
203	Sarah	Elliott	Somewhat agree	Seems a nuisance for supermarkets	Somewhat disagree		Strongly agree		Somewhat agree		Somewhat disagree		Strongly disagree	
204	Andy	Armstrong	Neutral		Strongly agree		Neutral		Somewhat disagree	People need sleep to make healthy decisions and if things go wrong which they do its harder on emergency services	Neutral		Strongly agree	Need to go much further than this. The majority of people have normal enjoyable drinking habits but about 15% are addicted and display destructive heartbreaking behaviour we need a team on hand 24/7 to deal with this no matter what it costs. Team would include counsellor, doctor, security, and addiction expert. This should be priority No. 1. Just do it
205	Bridgitte	Ozich	Strongly disagree	I buy my alcohol (a bottle of wine and 1ltr cider) each week when/with my groceries in the morning before 9am - changing the time to 10am will mean i will have to do a separate trip later in the day..	Neutral		Somewhat disagree		Neutral		Neutral		Strongly disagree	
206	Andrew	Baker	Strongly agree		Strongly agree		Somewhat agree		Somewhat agree		Strongly disagree		Somewhat agree	
207	No	No	Strongly disagree		Strongly disagree		Strongly disagree		Neutral		Strongly disagree		Somewhat disagree	
208	Kirsty	Willison	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Strongly agree	
209	Keahi	Kohu	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Neutral		Neutral	
210	Michael	Courtenay	Strongly agree		Strongly agree		Strongly agree		Somewhat agree		Somewhat agree		Somewhat agree	
211	Corinne	Hill	Somewhat disagree	I am not sure that would make much difference and may be hard for supermarket staff to manage	Strongly agree	We don't need anymore	Strongly agree	I live on the edge of an industrial zone and I get drunken people causing issues on their way home and see examples of drunk driving so I strongly support this move not to add more.	Strongly agree		Neutral		Neutral	
212	Siobhan	Cooper	Strongly agree	I do believe that 10am is definitely a better time to start selling alcohol than 7am	Strongly agree	Yes, there are enough liquor stores presently	Strongly agree	Many people that access liquor straight after work so close to their work places don't eat before they drive and have two or three beers or more.	Neutral	I do think that 3am is starting to get quite late, and that 2am would probably be better but if people are still enjoying themselves well then go with the flow.	Somewhat agree	I think that is a good way of getting people to wind down before the evening ends	Strongly agree	
213	Darryl	Wesley	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Strongly agree	
214	George	Swanepoel	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	The time should be adjusted to 12 am.	Strongly agree		Strongly disagree	
215	Tane	Ruwhiu	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Strongly agree		Strongly disagree	
216	Anne	Langley	Strongly disagree	A person should be able to buy at a time that suits them For example. If I choose to shop early then I should be able to get what I need	Neutral		Somewhat disagree		Neutral		Neutral		Somewhat disagree	
217	Annah	Hanson	Strongly agree		Strongly agree		Strongly disagree		Somewhat disagree		Somewhat disagree		Strongly disagree	
218	Andrew	Shewen	Somewhat agree		Strongly disagree		Somewhat disagree		Somewhat agree		Somewhat agree		Strongly disagree	
219	Tui	Hambrook	Somewhat agree		Strongly agree		Strongly agree		Somewhat agree		Somewhat disagree		Somewhat agree	
220	Amber	Lillis	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Strongly agree	Yes, the one way door entry needs to be removed. You are killing business and nightlife in the city. Many people come from the mount when it closes at 1am to support city centre licensed premises.	Strongly disagree	
221	Bobby	Kanji	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Strongly agree	
222	Harpreet	Singh	Strongly disagree		Strongly agree		Neutral		Neutral		Somewhat disagree		Strongly agree	
223	John Robert	O'Connell	Strongly agree	There is know reason for early opening	Strongly agree	It only should be sold in a bottle store and no need for any more.	Strongly agree	They are not needed	Strongly disagree	Cut off time should be 1am	Strongly agree	It' helps the staff in planing there on bed times E.C.T.	Strongly disagree	An reduction will have a good put come for all (That's my Opinion.) And I consume Alcohol.
224	Shane	Duncan	Strongly disagree	Stop turning New Zealand into a snowflake nation	Neutral		Strongly disagree		Strongly agree	If anything they should be open later. Look at the rest of the world...	Strongly disagree		Strongly disagree	
225	Lesley	Wright	Strongly agree		Strongly agree		Somewhat disagree		Strongly agree		Strongly agree		Strongly agree	



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226	Julia	Johnstone	Strongly disagree	You are being pedantic.	Strongly disagree	That is clearly discriminating!	Strongly disagree	Why ever not! I can see you wanting to close down a few places. C'mon..	Strongly agree	3am is acceptable.	Somewhat agree		Strongly disagree	We are all adults, not a bunch of kids.  Next minute prohibition...is your agenda
227	Brian	Burton	Strongly agree	Why not make it 11.00am	Strongly agree	Katikati also needs to be included in these changes	Strongly agree		Somewhat disagree	I think that 1.00am would be better	Strongly disagree		Strongly agree	
228	Janine	Simcock	Strongly agree		Strongly agree		Somewhat agree		Neutral	Earlier stopping time would be better	Somewhat agree		Neutral	Difficult to answer as I am not sure ehat the conditions are
229	Regina	Brown	Neutral	You need to allow people to access purchases with a more reasonable amount of time Suggest no evening selling.	Strongly agree		Neutral		Somewhat disagree		Somewhat agree		Strongly agree	
230	Tracey-Anne	Tayler	Strongly agree	It's 3 hours, who cares	Strongly agree	If alcohol is an issue in some areas, it makes sense not to saturate the area in Wholesalers, just to fatten the pocket of the retailer.	Neutral		Strongly agree	3am is late enough. Staff want to go home sometime!	Strongly agree	It's difficult enough getting the drunk stayers out if the bar at 3am, let alone people who walk in the door 15 mins before closing, feeling entitled because they just bought a drink.	Somewhat disagree	The details would need to be known by the public to agree with thus. Some dictator might decide all sorts of rules & regulations. Yes the intention is good to help reduce alcohol harm, but details need to be put past public.
231	Veronika	McEwan	Strongly disagree	You are forgetting about shift workers and those that do their shopping early in the day	Strongly disagree	In a freemarket democracy customers should be able to vote with their wallets.	Strongly disagree		Strongly disagree	If you want tourists and night life then no.	Somewhat disagree		Strongly disagree	
232	Allen	Morrison	Strongly disagree	No reason to change, this change is more likely to disadvantage the elderly.	Neutral		Neutral		Somewhat agree		Somewhat disagree		Somewhat disagree	
233	Jeannine	Tolley	Strongly agree	Should be later, 12 noon	Strongly agree		Strongly agree		Strongly disagree	12 midnight or 1am at the latest, nothing good happens after midnight!	Strongly agree		Strongly agree	
234	Christine	Gore	Strongly disagree	I have a specialist Mediterranean store which sells food and wine (off license). Our store opens at 9am and it would be a huge inconvenience to close off the wine section until 10am. If that change goes ahead, I'm hoping that the discretionary clause will apply. We have been open for 6 years and have never had an issue with problem drinkers.	Somewhat agree	I don't know what the 'deprivation index' is comprised of but if, as the title suggests, it relates to low income areas, I'm not convinced restricting them in those areas is valid. High income earners can certainly have drinking problems and perhaps just have the ability to hide it more.	Somewhat disagree	Industrial areas are possibly the best place for new bars etc. Noise isn't such an issue (less likely to be residents close by), parking is easier etc	Somewhat agree		Neutral		Strongly agree	We would love to see the discretionary conditions also applied to loosen up some of the current restrictions. For example, as retailers of mediterranean foods (olives, oils, cheeses, pasta etc) we'd love to extend our range to include things like lemoncello, aperol. Customers are surprised to learn that we don't currently stock this and it is entirely in keeping with the other products in our range.
235	Simon	Doole	Strongly disagree	As the owner of a supermarket, the policy change that directly affects me is changing the opening hours from 7am to 10am. For our community we do not sell much alcohol before the hours of 10am, however we do sell some and I can assure you an overwhelming majority of those purchases would be from a full trolley shop i.e someone shopping for their whole family groceries breakfasts, lunches, dinners etc and the odd bottle of wine or beer.  Limiting the opening hours would cause more inconvenience than actually fixing the REAL issue at hand. There needs to be better education and access to alcohol related services rather than limiting the operating hours of a retail store.  I would hope common sense would prevail in this instance.	Somewhat agree	I agree that looking at geographical areas and identifying where there are higher levels of depravation and limiting supply in those specific areas is the right thing to do.	Neutral	I am not aware of the issues you are experiencing in industrial areas. I cannot comment on this.	Strongly agree	Yes. Let people live a little. Perhaps make security guards after 12am - 3am mandatory if they intend to open until 3am.  You also need to consider that many people have spent hundreds of thousands and even millions of dollars to invest in a hospitality business to service the Tauranga population.  We are a growing city, we need to have the availability of bars, clubs to open until the early hours, just like any other city. Controlling the nuisance associated with the odd drunk person is what needs to be looked at.	Strongly agree	Let the customer's decide where they want to go. When the bar closes, the bar closes!  TCC getting involved with this makes no sense. You need to monitor the operators and ensure they are operating with integrity and above the law through continued surveillance of stings etc.  Do not enforce more rules and bureaucracy.	Strongly disagree	No. An off-licence is an off-licence. Is is not fair to vary each and every individual store to how someone at the council 'thinks' it would work better. It would raise much more questions than answers. Who would impose the discretionary conditions? Why did they decide to implement the discretionary decision? Is it fair and consistent with other retailers? Prove that that particular discretionary conditional will reduce alcohol related harm? The list could go on. The process to get an off-licence is already in-depth and thorough i.e submission of maps of restricted areas, meeting local council officers, meeting local health authorities, having to implement additional processes in place to sell as well as staff training to become Duty Managers. This all costs money and time. You should put the emphasis on the operator to run their business ethically and responsibly. Not impose more conditions on retailers. We do not want to become a Nany-type state.
236	Holly	McGillan	Strongly agree	I believe that alcohol stores are far too accessible in our community. There is no need for alcohol stores to be open at 7am. We need more policies in our community to help reduce the risk of alcohol harm and 7am for alcohol store to be open is too early.	Strongly agree		Strongly agree		Somewhat agree		Somewhat disagree		Strongly agree	
237	andrew	bowkett	Strongly disagree		Somewhat agree		Somewhat disagree		Somewhat agree		Somewhat agree		Strongly disagree	

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238	George	Stewart	Strongly agree	This may stop some of the daylight disorder these people tend to create.	Strongly agree	There are ample outlets already across the city. A few other suburbs should have been included as well.	Strongly agree	As above...there are enough already.	Strongly disagree	This later time will only increase the numbers of people causing problems for the police and wardens....1 am would be my suggested shut off time.	Strongly disagree	This is very poor policy making. The one way door systems has been very effective in preventing excessive drinking that end up on the streets, usually causing mayhem for the police.	Strongly agree	Definitely agree....
239	D J	fraser	Strongly agree		Strongly agree		Strongly agree		Somewhat agree		Neutral		Strongly agree	This is an individual comment re siting/licencing of Liquor AND Vaping outlets. I believe there should be a "bubble' policy as there are in some other countries that doesn't allow any 'harmful substances' be available within 500/750 metres of a school, community recreational centre, church, library, etc. Where I live in Greerton, there is a lot of booze being sold..especially the alco-pops , available vapes for the int./secondary students waiting for the bus, ...our city..(and country)..has to start really protecting and looking out for our children...sorry for using this space for general comment
240	Nathan	Paterson	Strongly disagree	It's all about personal responsibility.The people that cause trouble will always do it.	Strongly disagree	Again you can't stop bad people doing bad things.Also you cannot stop us law abiding people because of a few mongrels.	Strongly disagree		Neutral		Strongly disagree		Strongly disagree	
241	Shane	Loader	Somewhat agree		Somewhat agree		Somewhat disagree		Neutral		Neutral		Somewhat agree	
242	Imogen	R	Strongly agree		Strongly agree		Neutral		Neutral		Somewhat agree		Somewhat agree	
243	Ken	Short	Strongly disagree	I don't buy a lot of alcohol, but when i do it's at the supermarket with my weekly shop quite often before 10am. Changing the selling time is another imposition on our freedom of choice, and will it really reduce alcohol harm ?	Strongly agree		Somewhat agree		Neutral		Neutral		Neutral	
244	Lyndsay	Hayward	Strongly disagree		Strongly agree		Strongly agree		Strongly disagree	3am is too late. Bring it back if this is genuinely about reducing harm from alcohol	Strongly disagree	This makes no sense if the intent is to reduce harm from alcohol.	Strongly agree	
245	kelly	gartner	Strongly disagree	Its easier to call into the supermarket in the mornings than it is after work in peak traffic. I dont believe in any way that changing the times you can buy alcohol is going to decrease alcohoh harm.	Somewhat agree		Neutral		Neutral		Somewhat agree		Neutral	
246	Taute	Tocker	Strongly agree		Somewhat agree		Somewhat agree		Strongly agree		Strongly agree		Strongly agree	
247	Natasha	Thompson	Strongly agree		Strongly agree		Neutral		Somewhat agree		Neutral		Strongly agree	
248	none	ofyourbusiness	Strongly agree		Strongly agree		Somewhat disagree		Strongly agree		Strongly disagree		Neutral	
249	Phillippa	Smith	Strongly disagree	Those of us who do our usual grocery shopping including wine or beer earlier rather than later in the day, to avoid busy supermarket times, will be greatly inconvenienced by the proposed 10am rule, which I believe will cause much resentment and feelings of 'nanny-statism'. I suggest if you must tinker with the starting time, which I predict will make not the slightest difference to the problem you think you're going to fix, compromise a little and go for 8 or 9am.	Somewhat disagree	Further proliferation not desirable and only adds to the scruffy, downmarket appearance of such neighbourhoods.	Strongly disagree	On-licence is acceptable; people who work in industrial areas should be able to walk to their 'local' for a meal and drink if they wish, like in most civilised countries.	Neutral	Not relevant to us but probably the patrons would like to have the option of keeping such hours if they so wish, provided the place isn't causing noise or disruption issues for neighbours.	Somewhat agree	If someone wishes to visit a bar for example a few minutes before closing, and they leave when they're supposed to, I don't consider this to be a problem.	Strongly disagree	Well-intentioned interference like this sounds vague and too loosely-worded. Anything that imposes rules 'for our own good' needs careful scrutiny and is unlikely to be effective anyway.
250	Vicki	Coe	Strongly disagree	If I do my weekly grocery shop before 10am I want to be able to purchase alcohol at the same time and not have to make a separate trip to buy it later. Hour changes will make no change to the amount I purchase, it will just make it less convenient and require more trips to the supermarket on inadequate roading.	Neutral		Neutral		Neutral		Neutral		Strongly disagree	

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251	Chris	Doms	Strongly disagree	Is there really an epidemic of people buying booze first thing in the morning and getting wasted? This seems like total overreach, which will only inconvenience and annoy ordinary people.	Strongly disagree	The "availability theory" that greater availability of alcohol causes greater harm was put to bed when we had lockdown. A total loss of local availability and yet drinking rates increased. I live in an area that qualifies as "deprived" and we already only have a single bottle shop, and you're handing shops like this a local monopoly, to the inconvenience of legitimate, orindary buyers.	Neutral	I don't feel strongly about this, though I wonder if there's any evidence of demonstrable harm to be mitigated.	Somewhat agree	Yes, our city needs all the help it can get in terms of reducing anti-fun policies.	Neutral	No strong feeling.	Somewhat disagree	This sounds like a way of regulators getting a foot in the door so they can walk around democratic processes like this one.
252	Lyn	Hayson	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	The doors need close sooner 2am	Strongly agree		Strongly agree	
253	James	Blair	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree	
254	Soraya	Gates	Strongly disagree		Somewhat agree		Somewhat disagree		Neutral		Somewhat agree		Neutral	
255	Ben	Rover	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Strongly agree		Strongly disagree	
256	Nivada	Seamark	Strongly disagree		Somewhat disagree		Strongly disagree		Neutral		Somewhat disagree		Somewhat disagree	
257	Kim	Bailey	Strongly disagree	What a nightmare for supermarkets, and grocery stores, haven't we been down this path before? Trying to close off parts of their stores, plus it will cause agitation for staff and shop owners with the odd person who wants to purchase prior to 10am. How many people actually buy alcohol at 7am anyway?  Most bottle stores don't open till 9 or 10am	Neutral	Obviously there should be a quota on the number of bottle stores allowed in any area, but if a bottle store closes in an area, then the opening of a new one in the same area should be allowed.	Somewhat agree	Comes down what is defined as 'industrial' for example is Owens Place at the Mount defined as such? Owens Place has retail, residential & industry.	Strongly agree	that's late enough	Neutral		Somewhat agree	Safety conditions such as installation & operation of CCTV camera's and effective exterior lighting make sense. Signs detailing statutory restrictions & no single sales all good. Other proposed changes a bit OTT
258	Mike	Lane	Somewhat disagree	I think it should be 11am opening	Strongly agree	It;s just common Sense	Strongly agree		Neutral		Strongly agree		Strongly agree	
259	Erin	Davidson	Strongly agree	this is a step in the right direction.	Strongly agree	We have plenty of outlets as it is.	Strongly agree	As before we have plenty.	Strongly disagree	Earlier the better.	Strongly disagree	letting in late comes will cause problems.	Strongly agree	There needs more control, to help stop the harm to the community.
260	Matt	Barrowcliffe	Strongly disagree		Somewhat agree		Somewhat disagree		Neutral		Neutral		Somewhat disagree	
261	Phil	Finlay	Strongly agree		Strongly agree		Strongly agree		Somewhat disagree	I'd rather prefer a 2am final time.	Somewhat agree		Strongly agree	
262	Hamish	Dean	Strongly disagree	Alcohol withdrawal can be fatal, a few hours extra wait could kill, or cause medical emergency. Imagine alcoholics vomiting outside the bottle shop going through withdrawals desperately waiting for opening. Medical attention and therapy should be a priority for them.  Non-dependent, problem-drinkers won't care about opening hours changing anyway. They continue destructive behavior once they have alcohol regardless.	Somewhat agree	Nice thought, not sure how effective it would be.	Somewhat agree	Are they suggesting that industrial workers are all alcoholics? If this is about drunk-driving issues then yes.	Somewhat agree	Yes, these places won't serve the intoxicated anyway. Why ruin the fun for everyone else.	Somewhat agree	If I worked there I would definitely support this.	Neutral	Can't comment on what doesn't yet exist.
263	Peter	Davidson	Strongly agree		Strongly agree	Especially in areas that have a close proximity to a school zone and recreation areas.	Strongly agree		Somewhat agree		Somewhat agree		Somewhat disagree	
264	chris	newnham	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly agree		Strongly agree	
265	Taz	Thorn	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	Should be 1am	Somewhat disagree		Strongly agree	
266	Robert	Parry	Strongly agree	Supermarkets should not sell alcohol at all!	Strongly agree	makes sense.	Strongly agree		Somewhat agree	Leave it at 2.00 am	Strongly agree	Makes sense	Strongly agree	They shouldn't be selling alcohol anyway
267	Sharon	Scarlett	Strongly agree	Yes definetly later the better.	Strongly agree	Yes there is plenty of places to buy alcohol. I think it should never have been started to sell alcohol in supermarkets. I have seen a lot of damaged people.	Strongly agree		Neutral	Three am is quite late to be still buying alcohol. That's asking for trouble.	Somewhat agree		Strongly agree	Yes they need to really stop selling alcohol at supermarkets and grocery stores. Can they not see the damage it has done. And while there at it take pokie machines away also.

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268	Lulu	Alessandra	Strongly agree	I have someone close to me who is an alcoholic. When on a bender, at night they drink until they run out and each morning they try to make a better decision but when the supermarket opens at 7am, they give in because it's too easy to access. They walk in and no questions asked purchase 2-4 bottles of cider and wine. No food. Just alcohol. At 7 in the morning. That in my view is completely irresponsible of the seller. Especially if this person is doing it daily. I'm sure this case is one of many. By pushing the time back till 10, it might be enough to help that person sober up, withdraw and chose to go to work, instead of chosing the bottle. Why on earth does anyone need access to alcohol at 7am?	Strongly agree	I support liquor stores as being sole sellers of alcohol. Why is it even available in supermarkets as a convenience? There's never a line at liquor stores so why would we need any more than we have?	Somewhat agree		Strongly agree	Yes, people are better off drinking in a licensed place than on the street.	Strongly agree	As per previous	Strongly agree		
269	Andree	Jeffares	Somewhat agree		Strongly agree		Somewhat agree		Strongly disagree	Prefer it's amended to 2am.	Strongly agree		Somewhat agree		
270	Jane	Carroll-gordon	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Somewhat disagree		Somewhat agree		
271	Michael	Hill	Strongly disagree	Our weekly supermarket shop is early morning when we also buy alcohol we want for the week	Strongly agree		Neutral		Neutral		Somewhat disagree		Neutral		
272	Rene	Heidkamp	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Strongly agree		Strongly disagree		
273	Jocelyn	Holden	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	2am closing is a better time to reduce alcohol consumption	Strongly disagree		Strongly agree		
274	rory	fitzharris	Strongly disagree		Neutral		Strongly disagree		Strongly agree		Strongly agree		Somewhat disagree		
275	Tracy	Keys	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Neutral		Strongly agree		
276	Margaret	Ward	Strongly agree	I should also like to see these outlets close at 6pm	Strongly agree	Areas such as Parkvale definately do not need any bottle stores at all . They just add to the social problems in the area	Strongly agree		Strongly disagree	1am is a more appropriate time.	Strongly agree		Strongly agree	Anything that reduces alcohol harm can only be of benefit, not only to individuals but also to families and the community. The checking of ID for young people needs to be more thorough and the penalties for providing minors with alcohol need to be tougher.  Programmes for young people to inform them of the dangers of consuming to much alcohol would be a great start if delivered by Sports people who the young admire, not some dry older person who simply bore young people.	
277	John	Miller	Strongly agree		Strongly agree		Strongly agree		Somewhat agree		Somewhat agree		Strongly agree		
278	Karin	Zasada	Strongly disagree	Disagree with supermarkets & grocery stores - maybe bottle shops can open later	Strongly disagree		Somewhat disagree		Strongly agree	Nightclubs yes, bars - no	Somewhat disagree		Somewhat disagree		
279	Tim	Barnsley	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	Final alcohol sales time should be pulled back to 1am.	Strongly agree		Strongly agree		
280	Ian	Brothers	Strongly agree		Strongly agree		Neutral		Strongly agree		Strongly agree		Strongly agree		
281	Anne	Woods	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Strongly agree		Strongly disagree		
282	Valerie	Prentice	Strongly agree	Why would you need to buy alcohol at 7.00am?	Strongly agree	Help protect struggling communities from moneymaker.	Strongly agree	No relicencing of existing facilities as well. Strong sinking lid policy.	Strongly disagree	Surely everyone has drunk enough by midnight. Stop drunks causing problems in the wee hours.	Strongly disagree	We have to support people to drink sensibly.	Strongly agree		
283	Susan	Drummond	Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		Strongly agree		
284	Niall	Harley	Strongly disagree	I think this is very unfair on small businesses that may need this time to get certain aspects of there business to work while the store is quiet.	Strongly disagree	I find this extremely unfair on any business owner that is looking to expand there business to different areas around Tauranga but now may not be allowed to even if they have secured a building already. This is just making the Duopoly that the supermarkets hold even greater as they will not have anymore competition.	Strongly disagree	I extremely disagree with this proposal as well as I don't see the harm in having a bar restaurant in an industrial area. My same point as above, if a business owner would like to expand there business but can't afford rent in Urban areas why should they not be allowed to have a bar restaurant in an industrial area.	Strongly agree		Strongly agree		Strongly disagree	I strongly disagree with this as there are already enough restrictions that they have to go through to get a license and now to make it harder is unfair on business owners that have struggled for the last 2 years with covid.	
285	Darryn	Lukey	Strongly disagree	It suits me to do my supermarket shopping early in in the morning. If i want to by alcohol that would mean id have to go later or do two trips.	Neutral		Neutral		Neutral		Somewhat agree		Somewhat disagree	The conditions have not been listed so cannot agree	
286	Lisa	T	Strongly disagree		Strongly disagree		Strongly disagree		Neutral		Neutral		Strongly disagree		

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287	Helen mary	Smith	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Strongly agree	Alcohol is causing many issues in our community and I think we need to have some harm minimizations strategies in place. It would be good if there was some treatment facilities /support houses for people struggling with alcohol.
288	Scott	Mitchell	Strongly disagree	As a parent of a young child we do our grocery shopping well before 10am on a weekend and this occasionally includes the purchase of wine or beer for consumption over a number of weeks. Changing the sale time would require an extra trip out which is inconvenient and impractical for us which would likely lead me to bottle shop visits instead. This would come at a higher cost and I'd be more likely to purchase higher ABV drinks.	Strongly agree		Neutral		Strongly disagree		Somewhat agree		Strongly agree	

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289	Davina	Plummer	Strongly agree		Strongly agree	There should also be limits on how close the bottle stores can be to schools, hospitals, social services, kindergartens and day cares.  Alcohol can be extremely detrimental to the well-being of already vulnerable families. According to the Alcohol Use 2012-13 New Zealand Health Survey, 24% of past-year drinkers have a hazardous drinking pattern.	Strongly agree		Somewhat disagree	An earlier time of 1 am would make good sense. It would be interesting to see if the crime rates would decrease if the sales time was brought earlier. <a href="https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place">https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place</a> The Bay of Plenty has the second highest prevalence of hazardous drinking in the country and high rates of alcohol-related admissions to hospital Risky drinking behaviours – and their consequences Drink driving: Drinking and driving is the most commonly reported risky behaviour associated with drinking. According to the Alcohol Use 2012-13 New Zealand Health Survey, one in six drinkers who drove in the past year have driven while feeling under the influence of alcohol. Violence: Drinkers experience a range of harms (mostly physical) as a result of their own drinking. Also, a range of physical harm is experienced due to someone else's drinking. Health: Between 600 and 800 New Zealanders die each year from alcohol-related causes. Nearly 1/5 of all deaths for men, and 1/10 of all deaths for women are attributed to alcohol use.	Somewhat disagree	It would be preferable for a one-way door rule to be in place, however, I can understand that this could be hard to administer.	Strongly agree	Alcohol marketing needs to be addressed including the banning of free samples in stores.  See details from the research Consumer alcohol exposure in supermarkets: legislatively adherent, but a societal problem Karen McBride-Henry,1 Si Man Lui,1 Lisa Woods,3 Tara Nikki Office <a href="https://openaccess.wgtn.ac.nz/articles/journal_contribution/Consumer_alcohol_exposure_in_supermarkets_legislatively_adherent_but_a_societal_problem/15025875">https://openaccess.wgtn.ac.nz/articles/journal_contribution/Consumer_alcohol_exposure_in_supermarkets_legislatively_adherent_but_a_societal_problem/15025875</a>
290	Ellie	Kirk	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Somewhat agree		Strongly disagree	
291	jade	manyweathers	Strongly disagree	some people only go to supermarkets in the morning to avoid the rush , this would be silly to stop them being able to buy everything they need	Strongly disagree	If people want alcohol then they will go and find it no matter the means, so I don't believe one or two stores more would effect peoples drinking habits too much, specially in areas where there aren't many anyway	Strongly disagree	completely disagree, having a restaurant bar in and industrial area is super ideal. it provides a place to eat for all the workers on that street, can also bring people to areas less populated during busy lunch and dinner times, specially at dinner it makes parking easy , draws congestion away from main streets, and can bring some life and activity to industrial areas!	Strongly agree	yeah there is no need to make it any later	Strongly agree	yeah its a silly rule, specially if people/sober drivers are trying to find friends , or need to drop people of and then come back and get others. its an hour of business that some places miss out on, cause people change bar with out realising the time (obviously meaning the more sober, responsible crowd)	Strongly disagree	reducing licensing terms isn't going to stop drinking problems, need to do education in schools and provide more opportunities for teenagers and young adults.  if businesses are doing there job and sticking to laws and no problems are occuring in or around there store then there is no need to change terms
292	Lillian	Richmond	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Strongly disagree		Strongly agree	
293	Ciska	Vogelzang	Somewhat agree		Strongly agree		Somewhat agree		Neutral		Somewhat agree		Strongly agree	
294	Maria	Hart	Strongly agree	Alcohol is not a food group and should not be treated as such. Having reduced availability during the opening hours of supermarkets and grocery stores is an opportunity to spark conversation and raise awareness of alcohol consumption.	Strongly agree	The alcohol industry has historically and strategically targeted these areas as an easy source of income - its time we made a stand against this discrimination.	Strongly agree	The consumption of alcohol after 'a hard day at work' is ingrained in our culture - less availability could lead to increased productivity at work, less road accidents for those who drive home under the influence, decreased incidences of alcohol related family violence.	Somewhat disagree	3am is to late - 2am would be better in my opinion	Strongly disagree	The one way door provision limits the facility hopping just for the sake of alcohol consumption.	Strongly agree	

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295	Maddy	Bell	Somewhat agree		Strongly disagree		Strongly disagree		Strongly agree		Somewhat agree	I think this could mean less people on the streets causing chaos more money for the clubs, having no lock in times will allow people to get in to clubs instead of hanging around the streets people are already drunk by now wouldn't you just prefer them at a safe place	Neutral	
296	Rebekah	Murphy	Strongly agree		Strongly agree		Neutral		Strongly agree		Somewhat agree		Somewhat agree	
297	Jack	Graf	Strongly agree		Strongly agree		Somewhat agree		Strongly agree		Strongly agree		Somewhat agree	
298	Luke	Nagle	Somewhat agree		Somewhat disagree		Somewhat disagree		Strongly agree		Strongly agree		Neutral	
299	Brett	Dahlkamp	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Neutral		Strongly disagree	
300	Aimee	Palmer	Somewhat disagree		Somewhat disagree		Strongly disagree		Strongly agree	If the city closes any time before 3am this is going to cause more issues in the streets as people will be looking for places to go potentially causing more issues in the city centre	Somewhat agree		Strongly disagree	
301	Mark	Hamilton	Strongly agree	I also support the introduction of end time for alcohol sales at off-licensed premises to be no later than 10pm Monday to Saturday, and 7pm on Sundays.  Alcohol offers few social benefits and creates many costs to the community, so it should be subject to more stringent restrictions.	Strongly agree		Neutral		Strongly disagree	Bring forward to 2am, but require premises to stay open at least one hour after this to allow drinkers to 'filter' out gradually, rather than all leave in a sudden rush at 3am, with higher demand for transport and possibility of increased friction between a higher volume of intoxicated people.	Strongly disagree		Strongly agree	
302	Jessie	Kennedy	Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree		Strongly disagree	
303	Nicola	Webster	Somewhat agree		Somewhat agree		Strongly disagree		Strongly agree		Strongly agree	The bars/club scene in Tauranga use to be so much fun, sadly it's dead in town and all the young ones are going over the hill to Hamilton for the weekends. Stop making it worse for the bars that are trying to stay open. Bring life back to our city for young ones as well not just museums for the older ones.	Somewhat agree	
304	Te ara	Dirkse	Strongly disagree	A lot of mums do weekly grocery shopping after school drop off and it will be inconvenient that they have to go back to a supermarket just to get a bottle of wine if some beers for the week. I don't think changing this time helps reduce harm.	Somewhat agree		Strongly disagree	We have hardly any good bars as it is. Reducing places where bars can be just limits opportunities even more. I'd like to see more bars open, not less. Also industrial zones might be more suitable for bars that stay open later due to noise issues. The nightlife in Tauranga is dismal compared to other cities. If you want young and trendy people to stay in the bay you have to allow them to have culture and nightlife.	Strongly agree	I wouldn't want it to get earlier..	Somewhat disagree	From what I've seen, the current law helps send people home at staggered times because they can't go to another place after 2. I think this reduces issues that you might run into vs. people all being kicked out of bars at one time, drunk and not knowing what to do next which can lead to trouble.	Neutral	I can't comment on this unless I had examples of what they might be.
305	Summer	Pinn	Strongly agree		Strongly agree		Neutral		Neutral		Somewhat agree	I have had a negative experience in the past with the one way door policy. One experience was leaving a premise and being unable to go back in due to the line of other patrons. I was left alone outside with my phone in a friends bag who was inside and I had to wait around until friends came looking for me. I felt uncomfortable with the reaction from security being so Unwilling to help in my situation and felt unsafe being outside and alone.	Neutral	
306	Susan	Drummond			Strongly agree	I do not want any more alcohol licences especially in poorer areas								

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	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
307	Tauranga City - Alcohol Licensing Team	Team Leader Sam Kemp	Strongly disagree	Disagree with this change for supermarkets/grocery stores as the principal purpose in these businesses is foodstuffs. Would agree with a 9am to 10am start/opening time for bottle stores as their principal purpose is the sale of alcohol	Strongly agree	There is a concern it would increase the value of the bottle stores already in the areas and therefore be more attractive	Neutral	This question requires more information. Industrial areas can be isolated and therefore the residential premises may not be as affected by noise nuisance complaints if these premises are nearby.	Strongly disagree	Alcohol related harm occurs through the evening however between 2-3 am it can be more evident at that time of night. Less hours would reduce harm caused by alcohol and this will go hand and hand with the one way door policy Stay at 2am	Strongly disagree	The one way door policy was brought in to managed people movement and intoxication between bars. By removing this it will increase alcohol related harm	Strongly agree	Discretionary condition help the DLC deal with alcohol related harm that can't be achieved with the normal statutory conditions for licensed premises  Some conditions that could be included:  Bottle stores - Must have a low alcohol options, Must not sell single sale main stream beers, ciders , RTDs under 500ml
308	Cherie	Elsegood	Strongly disagree	How dare you tell us when to drink, when to shop etc, don't penalise the law abiding citizens of this Community by the behaviour of a limited group of troublemakers !! Get more Police in our Community !! It is becoming like a Communist Country, you have no right to tell us how to live !!	Strongly disagree		Strongly disagree		Strongly agree		Strongly disagree		Strongly disagree	
309	Graham	Gough	Strongly agree	No Supermarket, bottle stores and Grocery store Sales on Sundays.	Strongly agree		Somewhat agree		Strongly disagree	Suggest 2 am.	Strongly agree		Somewhat agree	
310	Joseph	Bourne	Strongly disagree		Strongly disagree		Strongly disagree		Strongly agree		Somewhat agree		Neutral	
311	Rod	Luxton	Strongly disagree	The current rules are working well.	Strongly disagree	Allow people to make the opportunity to make their own choices. The deprivation index a bureaucratic measure without foundation in the real world	Strongly disagree	Let the market decide if it works not some bureaucratic system	Strongly disagree	Give the choice to the people who can make the choice to go or not	Strongly disagree	Let the market and the patrons decide	Strongly disagree	Get out of peoples lives and let people decide themselves. Do not allow bureaucrats more power.
312	Harrison	Foreman	Strongly disagree	Restricting it more only makes people want to do ot more	Somewhat disagree		Strongly disagree		Strongly disagree		Strongly agree		Somewhat disagree	
313	r	r	Strongly disagree		Neutral		Neutral		Neutral		Neutral		Neutral	
314	luke	Van Veen	Strongly agree		Neutral		Strongly agree		Strongly agree		Strongly agree		Strongly disagree	
315	Denim	Feder-McDonald	Strongly disagree		Strongly disagree		Somewhat disagree		Strongly agree		Neutral		Strongly disagree	
316	Timi	Tawa	Neutral		Somewhat agree		Strongly disagree		Strongly agree		Strongly agree		Somewhat agree	
317	Glenn	Meikle	Strongly disagree	Our License at Super Liquor Mount Maunganui starts at 8am and that means we would have to resubmit a full license instead of just renewing it.	Strongly disagree	As a liquor store owner I am looking to expand my business by opening more in this region and that really makes it harder for me to expand my business in this area.	Strongly disagree	I strongly disagree as I own a bar in an industrial area and looking to open another one in another industrial area as I feel it really works for our business model so this again would stop me from growing my business and creating more jobs in this region.	Somewhat agree		Somewhat agree		Strongly disagree	I strongly disagree as the conditions directly impact my business and after conversing with our customers they believe implementing some of these conditions will cause more alcohol related harm to themselves. (eg if they can not buy a single can of beer or rtd less than 440mls they would have to buy a 6 pack and most likely drink that 6 pack in 1 night when they would only usually buy 2 single cans, therefore bringing more alcohol related harm onto themselves.)



			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
319	Ashleigh	Gee (Miss Gee's Bar and Eatery)	Strongly agree	See attached document	Strongly agree	I support this as a positive move for reducing alcohol harm in our communities.	Somewhat disagree	See attached document	Strongly agree	As per my previous submission and comments at the most recent hearing, I support the final alcohol sales time to stay at 3AM for on-licensed premises in the city centre.	Strongly agree	I support the removal of the one-way door provision. The one-way door causes a lot of issues and increases security demand on the outside of our venues when our security staff should be focusing on our patrons inside the venue. Permitted patrons are left on the outside of our safe venues requiring supervision. Patrons are left outside safe venues where they can be easily attacked by those looking to cause harm to others. Patrons unaware of the lockout timing receive a negative experience when visiting Tauranga's CBD. The safest space for people to be is inside our venues – period.	Strongly agree	Strongly support this as they do not trade the same as on-licensed premises and therefore should have further requirements to fulfil if they are going to supply alcohol out into our communities. Off-licensed alcohol sales are NZs major issue with pricing of alcohol being driven by our supermarkets and bottle stores. You can currently purchase a 12 pack of Tui Vodka Sodas at 7% ABV for \$20 at local bottle stores. This equals 16.8 standard drinks for \$1.20 each. Pricing for products of this alcohol percentage needs to monitored if we are ever going to get our binge drinking culture under control in NZ.

**Submission# 319****Ashleigh Gee (Miss Gee's Bar and Eatery)****Comment for Question 1**

As an operator of a bar in the CBD, I see first-hand the effects of the current ease of access to alcohol through outlets such as bottle stores, supermarkets and grocery stores. I believe reducing the trading hours of these outlets is a step in the right direction in reducing alcohol-related harm coming from those who would choose to purchase alcohol at these times. We as a country need to start addressing the alcohol-related harm that is caused by ease of access to alcohol and this would be a good opportunity for Tauranga to take the lead on this stance. I do not believe there would be a huge impact on sales for these outlets if this restriction was to come into force but highlight to our consumers that we need to change the way we drink. Off-licenses total up to 85% off all sales of alcohol in NZ but are the least regulated compared to our venues. I 100% support the proposal to change trading times for off-licensed premises to 10AM to 10PM.

As an operator, we are unable to supply alcohol before 9AM without the requirement of a special license so why do we allow off-license to sell alcohol before this time? This could help to boost hospitality venues for special events such as sporting, encouraging customers to venture out of their homes and into venues where safe drinking atmospheres are. Build better atmospheres for our town centres.

My major concern with changing the trading times of off-license premises such as supermarkets, is that we will now follow what Auckland has been going through for years, where the supermarkets have massive wallets to fight this change, and this will result on all other changes that we are trying to put in place possibly taking years to get through and finalised. To supermarkets, this is just loss of sales – they are not invested in our communities and the efforts to reduce alcohol harm.

Leaving us years down the track, with no changes in place and the continuing hearings, submissions and potential alcohol-related incidents.

If we are going to do it, we need to do it now.

**Comment for Question 3**

I do not support this proposed change. From previous experience overseas, industrial zones made good locations for breweries, and event and activity spaces where alcohol could be served. Rather than proposing no new on-licence premises in these areas, I would like to see a more proactive application process and encourage operators to roll out quality venues that meet higher criteria. I worry that if we move to not allow this, as the CBD grows and hospitality venues are pushed further out to suburbs due to rising rent increases in the CBD, this could result in nowhere for new eateries to go. The likes of Rising Tide which is positioned in an Industrial zone and does exceptionally well and is less likely to receive noise complaints due to no residential neighbours. Hospitality spaces in industrial areas can complement these areas if run professionally.

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
320	Grant	Simpson Tasman Liquor Company Limited	Strongly disagree	Taman opposes the draft LAP proposal to restrict opening hours to 10 am in the morning. There is no evidence that a change in hours for morning trading of this nature will impact in a significant way alcohol-related harm. It will have some unintended consequences where the impact will be on trade customers, shift workers, visitors, and tourists that use the time in the morning to arrange purchases of alcohol for later in the day or beyond. Our experience is that prior to 10 am is generally a quiet time of day when sales volumes are lower than later in the day. If this provision is to remain, Tasman submits that it must apply to all forms of off licence (grocery stores, supermarkets, and bottle stores).	Strongly disagree	See attached document	Neutral	No comment	Neutral	No comment	Neutral	No comment	Strongly disagree	See attached document

**Submission# 320****Grant Simpson Tasman Liquor Company Limited****Comment for Question 2**

Tasman opposes this provision on the basis that each application should be considered on its merit. Tauranga is a growing city and with growth comes the need for services to be available to the community.

If a cap is to be initiated, the cap must apply to all retail outlets to ensure that the issues being identified with alcohol are addressed across the total retail sector. The potential issues identified in the council's research report will not be solved by a cap on bottle stores alone. All alcohol has the potential to result in alcohol-related harm including beer and wine sold through supermarkets and grocery stores.

It is not a council's role to determine commercial outcomes – restricting a cap in the way proposed will simply result in a commercial advantage for supermarkets and grocery stores and will not solve the issues of alcohol that the policy is referring to.

Treating bottle stores with a cap will result in supermarkets continuing their duopoly which has been well publicized, offering alcoholic beverages at lower prices than bottle stores in general.

**Comment for Question 6**

The following discretionary conditions have been identified for consideration by the District Licensing Committee when issuing and renewing licences for off-licensed premises. Tasman's submission relating to each proposed condition is set out as follows:

**Draft Condition**

- Signs detailing statutory restrictions on the sale of alcohol to minors and intoxicated persons adjacent to every point of sale;

**Tasman Submission**

- Provided signage is displayed nearby to the point-of-sale area, then this condition is unnecessary. Proliferation of signage can result in the key messages being lost in the array of signage. Not all point-of-sale locations have walls to display signs so implementing this condition could have some technical difficulties. A DLC can impose reasonable conditions – if additional signage is deemed necessary for a particular off licence, the committee can impose a reasonable condition accordingly.

**Draft Condition**

- The maintenance of an alcohol-related incidents book;

**Tasman Submission**

- This condition is supported – it is a practice common to the off-licence sector.

**Draft Condition**

- The installation and operation of CCTV cameras on the exterior of, and within, premises;

**Tasman Submission**

- Tasman submits that this condition is unnecessary as it is currently drafted. The principle is right – CCTV supports crime prevention and provides evidence of activity. Applicants need to demonstrate systems, staffing, and training. A DLC can determine if the systems proposed are sufficient and meet accepted standards which are set out in the Crime Prevention Through Environmental Design (CPTED) guide produced by the Health Promotion Agency.

Draft Condition

- Provision of effective exterior lighting;

Tasman Submission

- This condition is subjective. Effective lighting is addressed again in the CPTED guide. The issue is better managed through inspectors engaging with applicants – if there is an issue with a lighting, an inspector can report to the DLC accordingly.

Draft Condition

- No single sales of beer or ready to drink spirits (RTDs) in bottles, cans or containers of less than 440 mls in volume may occur except for craft beer.

Tasman Submission

- Tasman submits that there is no clear evidence to support this condition. Craft beer is very difficult to define. Without a clear definition this condition will be difficult to interpret. The imposition of a single serve condition is likely to result in the sale of two packs or four packs of product. Often single serves are made available due to broken packaging. Retailers do have regular customers that find it preferable to purchase one unit of product to consume at home. This condition will require those customers to buy more products which may not be desirable for their circumstances. The notion that single serves are purchased for immediate consumption is not the experience generally of our store owners.

Draft Condition

- No single sales of shots or premixed shots;

Tasman Submission

- The problem that this condition is proposing to address is not evident from council's research material, and specifically in Tauranga. Like the point above, it is the experience of our retailers that customers when purchasing a shot don't drink it immediately outside the store. Retailers do not report littering of single shot vessels adjacent to their stores. We submit that this condition is unreasonable given the lack of evidence indicating the need for the condition.

Draft Condition

- Restrictions on sales based on the type of product and/or its price;

Tasman Submission

- The proposed condition is very vague. We are unclear on the issue the council is wanting to address and the outcome it specifically wants to see achieved by this condition. It will be difficult to enforce and our submission is that the condition is unreasonable and unnecessary.

Draft Condition

- Restrictions on the display of RTDs at principal entrance to the store or within 3 meters of the front window; and

#### Tasman Submission

- Tasman is not clear on the issue of display of RTD's at the principal entrance or within three metres of the front window. Presumably this condition is intended to dissuade young people from seeing the product and being attracted into the store to purchase it. Young people are permitted as of right to enter the store to purchase product if they are over 18 years of age. Our experience is that younger shoppers are generally clear on the product they want to buy, often it is the specific flavour that they consider more than the product itself. This condition is unreasonable in that the restriction proposed is not supporting a clearly identified local problem that needs addressing.

#### Draft Condition

- Restrictions on the display of product or price specials

#### Tasman Submission

- This condition is very vague and unclear on what the issue it is addressing. Because it is so vague, interpreting what it means and how it will be enforced are not clear and therefore it is unreasonable. Pricing in terms of specials is governed by legislation and this condition adds no clarity or assistance to the provisions of the legislation.

#### Note

Tasman is clear that any conditions of a general nature relating to off licence must apply to all types of off licence as the revised draft policy currently applies.

To not do so is unreasonable, will create an uneven playing field and will not address equally the issues that a condition is trying to address.

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
321	Dawn	Meertens	Strongly agree	As noted in the Toi Te Ora Public Health written submission.	Strongly agree	As noted in the Toi Te Ora Public Health written submission.	Strongly agree	As noted in the Toi Te Ora Public Health written submission.	Strongly disagree	As noted in the Toi Te Ora Public Health written submission.	Strongly disagree	As noted in the Toi Te Ora Public Health written submission.	Strongly agree	As noted in the Toi Te Ora Public Health written submission. We would also like to advocate that off-licence premises must stock and promote low and zero alcohol beverages.



**TOI TE ORA**  
**PUBLIC HEALTH**  
*Bay of Plenty + Lakes Districts*

**Te Whatu Ora**  
**Health New Zealand**  
*Hauora o Tei Bay of Plenty*

**Te Whatu Ora**  
**Health New Zealand**  
*Lakes*

National Public Health Services  
Toi Te Ora Public Health  
PO Box 2120  
TAURANGA 3144

16 September 2022

Tauranga City Council  
Private Bag 12022  
TAURANGA 3143

Tēnā Koutou

Thank you for the invitation to provide feedback on the Tauranga City Council (TCC) Local Alcohol Policy (LAP). This letter provides the summary feedback from the Medical Officers of Health for the Bay of Plenty and Lakes regions.

Toi Te Ora Public Health's purpose is to improve and protect the health of the population with a focus on the achievement of equity, in particular for Māori. It is our role to help reduce the impact of alcohol and the burden of harm on the community, as well as the health of individuals.

A large body of research supports addressing alcohol-related harm and improving health outcomes through population-based prevention strategies that focus on changing physical and social environments (World Health Organisation, 2022). Alcohol control is therefore a key enforcement area for Toi Te Ora.

Alcohol has a significant adverse impact on well-being and safety and is a leading cause of disease and disability. It is also a well-known fact that Māori experience a disproportionate amount of alcohol-related harm compared to non-Māori and that this has been persistent (Muriwai, Huckle, & Romeo, 2018). It is pivotal for those in a position of authority to lead with a sense of social responsibility for whom services are provided.

#### **Upholding Te Tiriti o Waitangi in Alcohol Law**

It is important that alcohol policies within Aotearoa districts are reflective of and uphold the integrity of Te Tiriti o Waitangi. Māori experience a disproportionate level of alcohol-related harm, yet there are many barriers to Māori having a meaningful say in alcohol decisions that affect their communities (Te Hirianga Hauora Health Promotion Agency, 2022b). Therefore, policy action and decisions need to include input and guidance from local iwi to align policies that help support our Māori communities. Council can also align their LAP with Te Hirianga Hauora Te Tiriti o Waitangi-aligned National Alcohol Harm Minimisation Framework (Te Hirianga Hauora Public Health Agency, 2022a), which is a framework aspiring to create an Aotearoa free from alcohol-related harm. The framework is based on The World Health Organisations SAFER interventions to help reduce alcohol-related harm. The two pillars of action included alcohol policy and cultural change. This is important, as it outlines the need for cultural guidance to create robust and suitable policies specifically around alcohol. From a Te Hirianga Hauora

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report, 48% of Māori have shown to experienced harm from others drinking, this even more so for females, those in most deprived areas and our Rangatahi (aged 18-24 years). This means that it is important that policy and legislation reduce barriers for Māori to participate in decision making on alcohol sales and marketing setting. This can be done by Council working with and empowering *“whānau/hapū/iwi/rōpū so that they can meaningfully and effectively participate in the decisions about, and determine what happens with, alcohol in their communities”* (Te Hirianga Hauora Health Promotion Agency, 2022b)

Toi Te Ora Public Health recommends the following changes to the Tauranga City Council LAP to improve the local environment and culture around the consumption of alcohol to be considered and adopted:

- Uphold the current one-way door policy in the last hour of opening for all premises that are open after 1:00 am
- Change the final alcohol sales time to 2.00AM for all on-licensed premises (such as bars and nightclubs) in the central city
- Permit off-licensed premises to sell alcohol after 10AM
- No new on-licensed premises to be established in areas zoned industrial
- No new bottle stores to be established in areas with a deprivation index of seven or more
- Include a range of discretionary conditions for off-licensed premises.

#### **Public Support for Restriction of Alcohol Availability and Marketing**

Toi Te Ora Public Health recently published a report ([Toi Te Ora Public Health, 2020](#)) reflecting the community's views across a range of public health topics relevant to the Bay of Plenty District. The alcohol-related findings showed the following:

- 63.2% of respondents support reducing the number of places that sell alcohol
- 59.5% of respondents support more restrictions on advertising and sponsorship by alcohol companies
- 71.6% of respondents believe supermarkets and liquor stores should not be selling alcohol before 10AM
- 62.7% of respondents believe more restrictions on alcohol availability would improve safety in towns and cities at night (Toi Te Ora Public Health, 2020).

These results clearly indicate the community is supportive of tighter regulatory measures to manage issues such as alcohol outlet density, sponsorship, trading hours, and availability. A strengthened LAP will help the Council achieve the policy goal to 'reflect local communities' character, amenity, values, preferences, and needs (Western Bay of Plenty District Council, Tauranga City Council, 2012).

#### **Alcohol-Related Harm – Morbidity in Tauranga**

Toi Te Ora Public Health Intelligence Brief (2021) (Appendix One) outlines the alcohol-related harm within the Tauranga District. Of concern, over the last 10 years, the rate of admission to hospitals with conditions wholly attributable to alcohol has consistently been higher in Tauranga than the average rate for New Zealand.

Furthermore, alcohol-related hospital admissions rates were calculated for 1551 suburbs across the country. Several suburbs within the Tauranga District rank within the highest 100 for the number of alcohol-related admissions according to the broad definition. The suburbs with the highest rates of alcohol admissions include Tauranga Central, Mt Maunganui North, Tauranga South, and Gate Pa. These comparatively high rates of alcohol-related hospital admissions provide good cause to strengthen the TCC LAP in conjunction with other measures to reduce alcohol-related harm.

Moreover, Tauranga has higher hospital admission rates than the national average due to chronic alcohol use. This relatively higher level of health impact is important because those within rural parts of the district that experience harm caused by acute alcohol will have to travel much further to access hospital services.

#### **One-way Door Policy**

The one-way door policy or otherwise known as “lockouts” are put in place to prevent alcohol-related violence. The research confirms the assertion that one-way door policies are effective in achieving positive outcomes for the community, and “*have potential as a major crime prevention technique*” (Palk et al., 2010). One-way door policies allow management of patrons by staggering the exiting from on-licence premises, reducing clusters of intoxicated people. This reduces the risk of people within our community becoming a victim of a crime or engaging in criminal or disorderly behaviour. Furthermore, it reduces the stress on taxis and other means of public transport (Mazerolle et al., 2011; Nepal et al., 2018).

Research on one-way door policy identified a significant reduction in violence inside on-licence premises, but no significant change to the rate of violence on the streets of entertainment districts (Mazerolle et al., 2011). One-way door policies are not the only civil laws required to mitigate the risks and dangers of alcohol-related harm within the entertainment district. One-way policies should be applied within a multi-factorial approach such as restricting trading hours to have the greatest effect in reducing overall alcohol-related incidents (Palk et al., 2010).

#### **Restricting Trading Hours**

It is recommended that the trading hours of on-licence premises be reduced to 2am within the TCC jurisdiction. Research shows that alcohol-related harm decreases when trading hours are restricted (Nepal et al., 2018). In addition, research shows that restricting on-licence trading hours has the most significant impact on alcohol harm reduction amongst 15 – 29-year-olds (Connor et al., 2020). The LAP and associated trading hour restrictions could play a pivotal role in minimising alcohol-related harm in Tauranga.

In conclusion, there is clear evidence that the population of the Tauranga district suffers a relatively higher burden of alcohol-related harm compared to the rest of the country. Most local community members have expressed the desire to see reduced alcohol availability which would reduce the negative impact on our community, and in particular the local Māori population. The changes Toi Te Ora health recommends to the proposed Tauranga LAP are consistent with what the local community both wants and needs to happen to secure and ensure a healthier future for all.

Toi Te Ora Public Health appreciates the opportunity to provide feedback on the TCC LAP, which is a critical policy to protect the health of the community against alcohol-related harm. We would appreciate the opportunity to present on this matter.

Sincerely



**Dr Lynne Lane**  
Medical Officer of Health

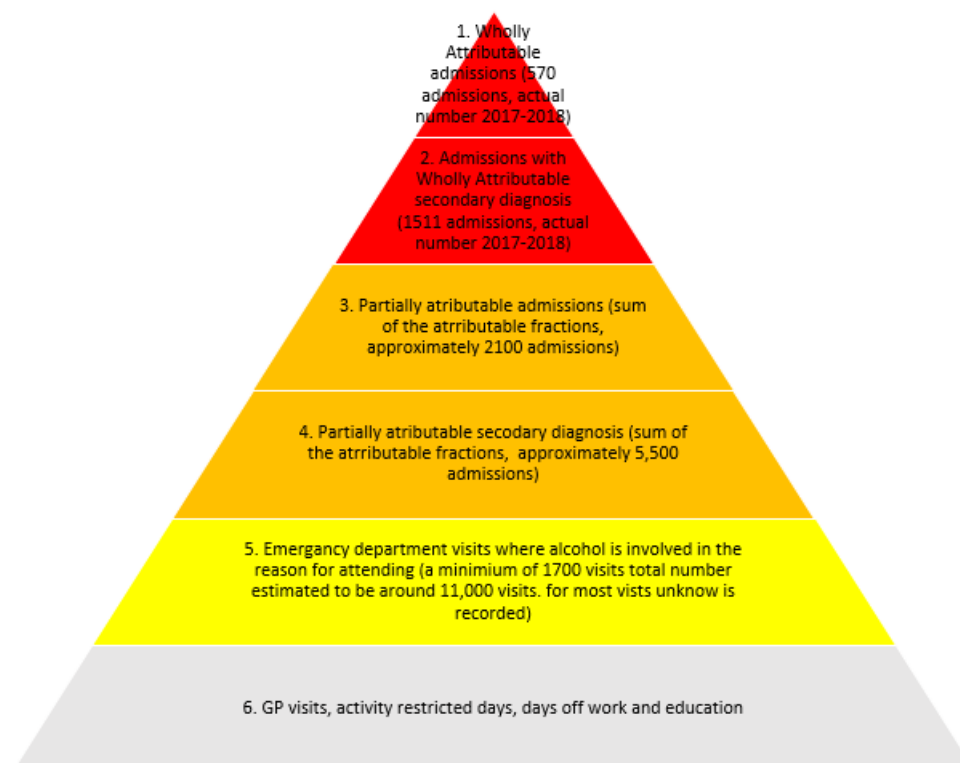
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## Appendix One – Toi Te Ora Alcohol related Harm - Morbidity in the Western Bay of Plenty 2021

### Alcohol related harm – Morbidity – Not for further distribution

Figure: Types of Alcohol related morbidity and estimates for the Bay of Plenty DHB



Currently we have only reliable data for the top two sections of the pyramid. Section 3 and 4 require detailed work to be carried out on the amount of alcohol New Zealanders are currently drinking in order to calculate the alcohol attributable fraction. Data is being collected about emergency department visits for section 5, however data quality improvements need to occur.

#### Wholly attributable admissions to hospital

Wholly attributable: diagnosis of a condition considered wholly attributable to alcohol as per Jones and Bellis (2014). ICD 10 AM codes: E24.4, F10, G31.2, G62.1, G72.1, I42.6, K29.2, K70, K85.2, K86.0, T51.0, T51.1, T51.9, Q86.0, R78.0, X45, X65, Y15, Y90, Y91.

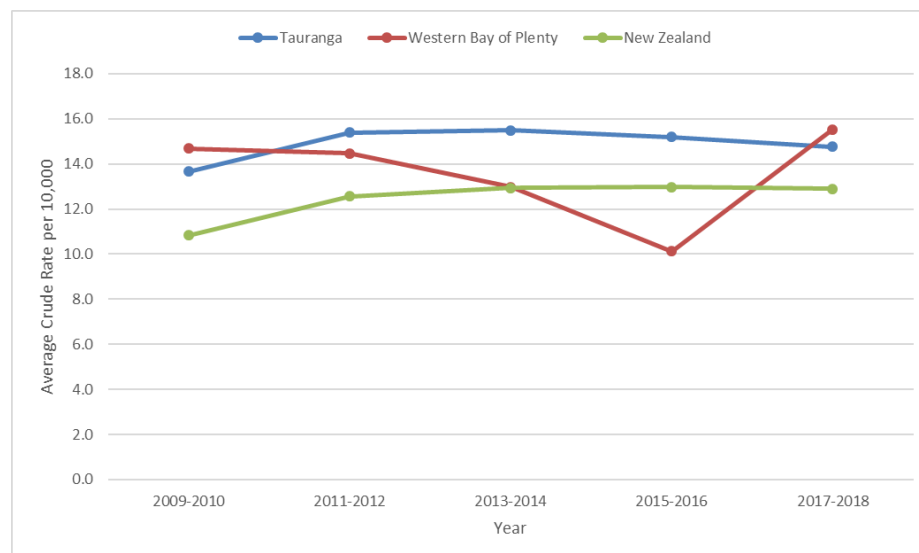
Two methods of measuring wholly attributable admissions:

- Narrow measure – where the main reason for admission to hospital was wholly attributable to alcohol. The narrow measure represents the top of the pyramid.
- Broad measure – where the primary reason for hospital admission or a secondary diagnosis was wholly attributable to alcohol. The broad measure represents the top two sections of the pyramid combined.

Rates of admissions – calculated using the statistic New Zealand Population estimates for territorial authorities.

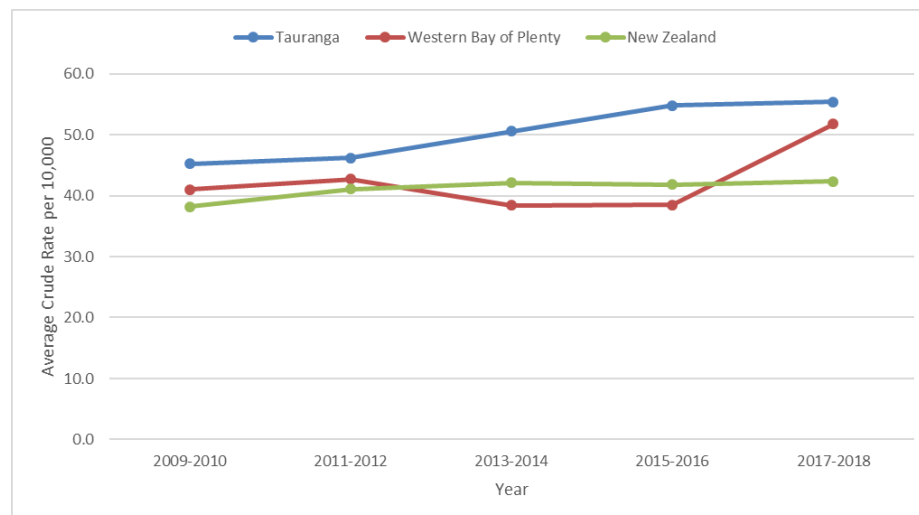
#### Wholly attributable admissions to hospital Narrow Measure

Figure: Crude rates of admissions to hospital for the narrow measure of admissions to hospital wholly attributable to Alcohol



**Wholly attributable admissions to hospital Broad Measure**

Figure: Crude rates of admissions to hospital for the broad measure of admissions to hospital wholly attributable to Alcohol

**References:**

Jones L, Bellis MA. 2014. Updating England-Specific Alcohol Attributable Fractions. Liverpool: Centre for Public Health, Liverpool John Moores University.

<https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-alcohol/2019/part-1>

Appendix – TLA Narrow Definition Data Table

	2009-2010		2011-2012		2013-2014		2015-2016		2017-2018		2009-2018	
TLA	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)
Tauranga	248	13.7	287	15.4	299	15.5	314	15.2	330	14.8	1478	14.9
Western BOP	105	14.7	105	14.5	96	13.0	80	10.1	133	15.5	519	13.6
New Zealand	7418	10.8	8759	12.6	9230	12.9	9715	13.0	10096	12.9	45218	12.5

Appendix – TLA Broad Definition Data Table

	2009-2010		2011-2012		2013-2014		2015-2016		2017-2018		2009-2018	
TLA	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)	number of discharges	crude average rate (per 10,000)
Tauranga	821	45.3	861	46.2	976	50.5	1132	54.8	1237	55.4	5027	50.7
Western BOP	293	41.0	310	42.7	284	38.4	304	38.5	443	51.8	1634	42.7
New Zealand	26116	38.2	28634	41.1	30062	42.1	31267	41.8	33147	42.3	149226	41.1

Appendix – Census Area Units Narrow Definition Data Table

TLA_name	DOM_description	2013-2014	2013-2014 Rank	2015-2016	2015-2016 Rank	2017-2018	2017-2018 Rank	2013-2018	2013-2018 Rank
Tauranga	Tauranga Central	59	5	39	11	34	13	132	8
Western BOP	Te Puke East	17	92	9	294	30	20	56	52
Tauranga	Greerton	18	73	25	39	9	334	52	68
Tauranga	Mt Maunganui North	12	199	20	63	19	61	51	71
Tauranga	Tauranga South	15	130	21	58	10	284	46	91
Tauranga	Gate Pa	5	665	9	335	27	28	41	122
Western BOP	Minden	6	571	9	331	25	32	40	130
Tauranga	Hairini	9	336	19	69	12	192	40	137
Tauranga	Te Maunga	10	273	19	68	11	235	40	138
Tauranga	Tauranga Hospital	13	166	8	365	18	90	39	143
Tauranga	Palm Springs	5	667	10	281	19	72	34	208
Western BOP	Kaimai	10	284	13	173	11	245	34	213
Tauranga	Doncaster	9	335	15	132	8	409	32	237
Tauranga	Omanu	10	272	5	619	16	118	31	242
Tauranga	Matua	5	666	13	183	13	170	31	243
Tauranga	Brookfield	14	146	10	263	5	677	29	287
Tauranga	Arataki	12	198	6	515	10	318	28	301
Tauranga	Welcome Bay East	6	553	9	328	12	207	27	320
Tauranga	Pyes Pa	8	399	3	888	15	131	26	334
Tauranga	Judea	11	229	7	434	7	501	25	382
Tauranga	Yatton Park	8	400	5	631	11	273	24	391
Tauranga	Otumoetai North	4	816	12	212	8	412	24	398
Western BOP	Katikati Community	9	346	8	377	5	688	22	458
Tauranga	Papamoa Beach East	4	817	8	405	9	371	21	472
Tauranga	Bellevue	10	270	4	729	7	533	21	482
Western BOP	Te Puna	12	203	7	432	2	1076	21	492
Western BOP	Pongakawa	5	692	6	555	9	383	20	500
Tauranga	Bethlehem	10	271	3	875	7	543	20	507
Tauranga	Bethlehem East	4	814	5	676	8	443	17	601
Tauranga	Welcome Bay West	3	955	7	493	7	509	17	607
Western BOP	Waihi Beach	5	693	5	660	7	524	17	613
Tauranga	Palm Beach	6	552	6	542	5	707	17	630
Western BOP	Rangiorua	6	572	1	1220	8	467	15	681
Tauranga	Maungatapu	4	815	6	567	5	709	15	692
Tauranga	Otumoetai South	7	472	6	534	2	1079	15	707
Western BOP	Te Puke West	3	985	4	813	7	538	14	719
Western BOP	Aongatete	5	690	5	659	4	829	14	741
Western BOP	Omokoroa	5	691	2	1072	6	650	13	773
Tauranga	Pacific View	8	398	3	887	2	1114	13	806
Tauranga	Te Reti	3	954	4	807	5	732	12	833
Western BOP	Upper Papamoa	4	840	7	487			11	908
Western BOP	Athenree	4	839	1	1245	5	763	10	919



TLA_name	DOM_description	2013-2014	2013-2014 Rank	2015-2016	2015-2016 Rank	2017-2018 Rank	2017-2018 Rank	2013-2018	2013-2018 Rank
Western BOP	Maketu Community	2	1163	2	1139	5	760	9	963
Tauranga	Poike	3	953	3	959	3	979	9	991
Tauranga	Gravatt	3	952	1	1263	2	1165	6	1175
Western BOP	Tahawai	1	1406		1622	4	915	5	1208
Western BOP	Ohauiti - Ngapeke		1714	1	1467	3	1045	4	1285
Tauranga	Kaitemako	1	1355	2	1165	1	1339	4	1325
Western BOP	Paengaroa	2	1164		1545	1	1432	3	1429
Tauranga	Kairua		1643		1701	2	1239	2	1480
Tauranga	Matapihi		1644	1	1442	1	1405	2	1512
Western BOP	Island View - Pios Beach		1713		1723	1	1511	1	1651

Appendix – Census Area Units Broad Definition Data Table

TLA_Name	Domicile name	2013-2014	2013-2014 Rank	2015-2016	2015-2016 Rank	2017-2018	2017-2018 Rank	2013-2018	2013-2018 Rank
Tauranga	Tauranga Central	143	5	133	7	108	10	384	7
Tauranga	Mt Maunganui North	70	33	63	51	66	42	199	35
Tauranga	Tauranga South	70	34	72	33	56	62	198	36
Western BOP	Te Puke East	47	109	45	122	74	28	166	62
Tauranga	Greerton	44	133	75	30	45	132	164	63
Tauranga	Gate Pa	35	227	34	255	94	16	163	64
Tauranga	Hairini	34	234	51	86	47	111	132	118
Tauranga	Doncaster	30	299	51	87	46	119	127	133
Western BOP	Kaimai	29	316	57	65	36	245	122	159
Tauranga	Yatton Park	37	194	34	254	45	138	116	176
Tauranga	Brookfield	41	158	45	125	30	347	116	181
Tauranga	Omanu	30	301	30	321	54	77	114	185
Tauranga	Arataki	37	193	36	224	40	203	113	191
Tauranga	Te Maunga	29	315	35	244	42	173	106	223
Western BOP	Katikati Community	35	228	29	332	41	191	105	229
Tauranga	Tauranga Hospital	38	183	28	349	36	249	102	247
Tauranga	Judea	30	300	36	228	35	264	101	250
Tauranga	Otumoetai North	22	484	37	217	41	186	100	256
Western BOP	Minden	20	543	20	570	49	105	89	329
Tauranga	Welcome Bay East	18	583	28	370	42	176	88	335
Tauranga	Otumoetai South	16	661	38	199	34	276	88	340
Tauranga	Bellevue	36	208	21	525	30	358	87	348
Tauranga	Palm Springs	12	835	24	456	50	100	86	353
Tauranga	Pyes Pa	20	542	24	453	41	194	85	357
Tauranga	Matua	16	660	33	279	35	267	84	363
Tauranga	Welcome Bay West	19	567	33	276	30	351	82	381
Tauranga	Bethlehem	29	314	31	304	22	543	82	385
Tauranga	Palm Beach	21	509	27	382	29	374	77	412
Tauranga	Papamoa Beach East	17	611	29	341	23	516	69	495
Western BOP	Te Puke West	19	568	22	509	23	524	64	547
Western BOP	Rangiora	16	662	12	862	35	273	63	555
Western BOP	Omokoroa	13	785	9	1002	39	220	61	568
Western BOP	Waihi Beach	14	732	15	748	27	443	56	627
Western BOP	Aongatete	12	836	15	753	26	465	53	667
Tauranga	Maungatapu	15	696	17	671	19	672	51	697
Western BOP	Pongakawa	11	878	18	641	19	669	48	732
Tauranga	Te Reti	10	934	20	587	17	737	47	747
Western BOP	Te Puna	17	612	16	703	11	959	44	795
Tauranga	Pacific View	20	541	7	1101	16	799	43	811
Tauranga	Gravatt	9	986	7	1120	16	800	32	962
Western BOP	Upper Papamoa	11	879	17	678	4	1382	32	975
Tauranga	Bethlehem East	7	1100	8	1073	16	797	31	980

TLA_Name	Domicile name	2013-2014	2013-2014 Rank	2015-2016	2015-2016 Rank	2017-2018	2017-2018 Rank	2013-2018	2013-2018 Rank
Western BOP	Maketu Community	8	1045	9	1015	14	860	31	983
Western BOP	Tahawai	10	935	4	1317	14	867	28	1032
Tauranga	Poike	7	1101	12	885	9	1049	28	1038
Western BOP	Athenree	11	877	5	1245	7	1201	23	1132
Tauranga	Kaitemako	5	1207	5	1272	8	1151	18	1226
Tauranga	Matapihi	6	1155	5	1264	7	1202	18	1229
Western BOP	Ohauti - Ngapeke	2	1446	4	1372	9	1084	15	1296
Western BOP	Paengaroa	5	1208	4	1341	5	1350	14	1341
Tauranga	Kairua	3	1347	3	1433	6	1284	12	1390
Western BOP	Island View - Pios Beach	1	1543	1	1660	9	1095	11	1414
Western BOP	Matakana Island	2	1445	2	1546	1	1689	5	1668
Tauranga	Tauranga City-Marinas					2	1651	2	1777
Western BOP	Inlet - Tauranga Harbour Omokoroa	1	1542					1	1840

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
322	Nathan	Cowie (Alcohol Healthwatch)	Strongly agree		Strongly agree		Strongly agree		Strongly disagree		Somewhat disagree		Strongly agree	



### **Submission on the Tauranga City Council Draft Local Alcohol Policy**

**September 16, 2022**

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

Thank you for the opportunity to provide feedback on the Tauranga City Council Draft Local Alcohol Policy.

We would like the opportunity to speak to our submission.

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

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P: (09) 520 7039  
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## Summary of issue and recommendations

### *Overall*

- restricting the local availability of alcohol is a pro-equity, evidence-based intervention to reduce the level of, and inequities in, alcohol harm in the Tauranga City region
- **strongly encourage** Council to show their support for the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill, and advocate to Government for a wide review of the Sale and Supply of Alcohol Act 2012, recommending implementation of evidence-based policies that address low alcohol prices, high availability and pervasive alcohol advertising and sponsorship
- **recommend** Council work closely with Te Whatu Ora to encourage collection of alcohol-related Emergency Department data
- **recommend** that the opening and closing hours for each licence type be listed as separate elements in the LAP

### *Off-licence provisions*

- **do not support** the off-licence closing hour of 10pm, **recommend** 9pm
- **support** the proposed off-licence opening hour of 10am
- **support** the restriction that new bottle stores cannot be located within suburbs with a social deprivation index score of 7 or more. We also **recommend** 'suburb' is clearly defined so that a licence is unable to be granted if it borders or is in very close proximity to an area experiencing deprivation.
- **recommend** Council also considers a cap on bottle store numbers across the remaining areas of the City (using numbers at the time of policy adoption, or specifying the maximum number/upper limit that will be permitted). New licences should be limited to new urban growth areas.
- **support** the inclusion of discretionary conditions relating to off-licences – **recommend** further discretionary conditions relating to advertising and signage, the use of Buy Now Pay Later payments, and a wider inclusion of products being captured as single sales
- **if a region-wide cap is not adopted, recommend** that consideration be given to not issue new licences intending to locate within 100m of sensitive sites
- **recommend** measures are put in place to ensure that Council is aware of all premises in the district selling alcohol online, to allow effective monitoring and compliance activities

### *On-licence provisions*

- **support** the restriction that does not allow new on-licence premises to be in areas zoned 'Industrial' in the City Plan
- **support** the on-licence trading hours of 9am to 1am for premises outside the Tauranga City Centre
- **do not support** the on-licence trading hours of 9am to 3am for premises in the City Centre. We **recommend** a closing hour of 2am for premises in the City Centre
- **recommend** the inclusion of a one-way door policy as a discretionary condition
- **support** the inclusion of discretionary conditions for on-licences

### *Club licence provisions*

- **do not support** the closing trading hours for clubs in all locations, recommend 12am closing
- **support** the inclusion of discretionary conditions for club licences

*Special licence provisions*

- **recommend** the LAP specify maximum trading hours for special licences, preferably no later than 3am, and not exceeding the national maximum trading hours
- **support** the discretionary conditions for special licences
- **recommend** a discretionary condition for events with over 1000 attendees (or as otherwise considered appropriate) that requires an Event Alcohol Risk Management Plan
- **recommend** the LAP include provisions that protect children in the region, by not allowing special licences to be granted for child-focussed events

## Introduction

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

*For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—*

  - (a) *any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
  - (b) *any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*
7. Therefore, a LAP must seek to do two things: Firstly, it needs to **minimise** alcohol-related harm in Tauranga City. Secondly, it needs to **prevent** further alcohol-related harm from happening (where able). Given alcohol is, by far, the most harmful of all drugs available in society,<sup>3,4</sup> residents deserve the strongest protections available from its range of harms.



8. We note that one study found no significant changes in crime following the adoption of local alcohol policies in New Zealand.<sup>5</sup> The authors note that the failure to identify significant reductions in crime may partly reflect the lack of meaningful reductions in trading hours, as many Territorial Authorities explicitly acknowledged that their LAP trading hours reflected actual trading hours at the time of policy adoption. This meant that, in many Territorial Authorities, the majority of on-licences were unaffected by the adopted trading hours in the LAP.
9. Local Government has a mandated role to promote the social, economic, environmental, and cultural well-being of their communities. Inequities in harm from alcohol will significantly reduce wellbeing for current and future generations, and must be urgently addressed. In particular, the council must consider the burden of alcohol-related harm on Māori. Māori are significantly more likely to drink hazardously than non-Māori,<sup>6</sup> and experience higher levels of both acute and chronic health harm from alcohol.<sup>7,8</sup> Research on premature deaths and disability attributable to alcohol has shown that alcohol-related mortality in Māori was double that of non-Māori in 2007.<sup>9</sup> This is especially relevant to Tauranga City, which has a slightly higher proportion of Māori residents (18.2%) than New Zealand as a whole (16.5%). The LAP Background Research Report notes that there is a projected increase in the proportion of Māori residents within Tauranga City.
10. Young Māori males (15-24 years) have been shown to have disproportionately higher risks of hazardous drinking from living close to licensed outlets<sup>10</sup> and tamariki Māori have at least five times the exposure to alcohol advertising compared to European/other children, with a significant proportion of this exposure arising from shop-front advertising and signage.<sup>11</sup>
11. Alcohol Healthwatch **supports** Councils around the country to develop wider alcohol harm reduction strategies that extend beyond licensing issues covered in a LAP. We further recommend Councils contribute to discussions on alcohol legislation at a national level with a view to influencing alcohol consumption and related harms at a local level. While **alcohol remains more affordable than ever before**<sup>12</sup>, it is a hard ask for Territorial Authorities to create a paradigm shift in the local drinking culture. Councils must advocate for evidence-based law change to **address the low price of alcohol, its high availability and pervasive marketing**.
12. As the previous Minister of Justice announced a review into New Zealand's liquor laws, to be scoped this Parliamentary term, it is especially important that the voice of local government is heard. We encourage all local governments to write to the new Minister outlining their experiences with upholding community wishes for greater control of alcohol availability (e.g. through licence application processes and/or LAP adoption and appeal processes) and seek on-going commitment to a review of our liquor laws. As an example, we commend the recent letter to the Minister co-signed and sent by the Mayor of Whanganui District Council on the challenges they have faced upholding community wishes through licensing decisions and LAP processes.
13. Since 24 March 2022, ten Councils have voted in favour of calling on the Government to review the liquor laws and/or endorsing MP Chlöe Swarbrick's Members' Bill (the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill. This includes Auckland Council, Christchurch City Council, Whanganui District Council, Hamilton City Council, Palmerston North City Council, Waipa District Council, Hauraki District Council, Gisborne District Council, New Plymouth District Council, and Dunedin City Council.

More Councils are looking to follow this leadership, in endorsing the following recommendation:

That the Council:

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

### **Importance of community input into the LAP**

15. As stated above, the priority objective of the Sale and Supply of Alcohol Act 2012 is to “improve community input into local alcohol licensing decisions”.
16. LAPs were intended as a method for communities to have a greater say on local alcohol availability. This is emphasised in the Court of Appeal decision ([2021] NZCA 484) in relation to Auckland Council’s Provisional Local Alcohol Policy:
- [32] The second and more general point is that revealed community preference has an important role to play under the Act. That is shown by provision for local alcohol policies, the extent to which it is permissible for such policies to govern the supply of alcohol, and delegation of decision-making to territorial authorities. As Mr McNamara submitted for the Council, a local alcohol policy is a means by which communities can implement, through participatory processes, some of their own policies on alcohol-related matters in their districts. Because those policies are the product of a process designed to discover and implement a community preference, they need not be evidence-based. If an objectively unreasonable preference finds its way into a proposed local alcohol policy, the remedy lies in an appeal to ARLA.*
17. The Health and Wellbeing Population Survey 2020 clearly demonstrates support among Bay of Plenty residents for restrictions to the availability of alcohol.<sup>13</sup>
18. We suggest that the proposed LAP does not sufficiently address community concerns around local alcohol availability.

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

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

Of those who reported drinking in the last four weeks:

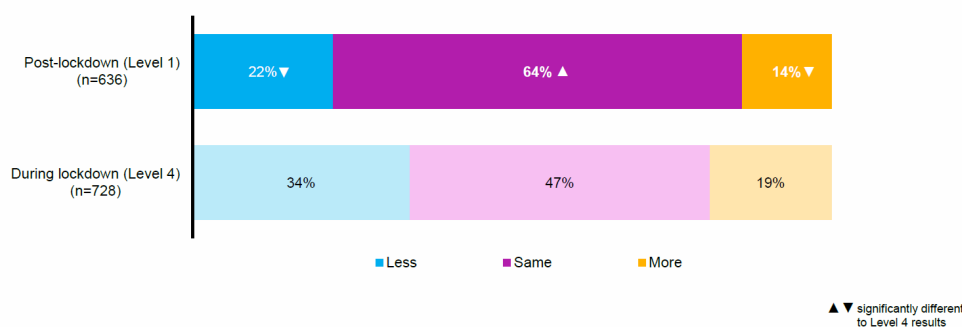


Figure 1. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic.

22. When looking at changes in the average amount of alcohol consumed per week during Level 4 lockdown, results show an increase (from 12.82 standard drinks per week pre-lockdown to 14.09 drinks during Level 4). This reduced to 13.47 drinks per week in Level 1. This finding points towards the reduced intake by many New Zealanders not offsetting the increased volume of alcohol consumed by those who increased their consumption. It is likely that heavy drinkers were the drinkers who consumed more, whilst it was low-risk drinkers that consumed less.
23. It is imperative that we do everything we can to support New Zealanders who have maintained lower levels of drinking during, and after, Level 4 lockdown. This is the 'good news' of alcohol use during the global pandemic.
24. Findings by ethnicity show that 22% of Māori drinkers increased their consumption in Level 4 lockdown, when compared to pre-lockdown. This **prevalence did not decrease** following the cease of Level 4 lockdown, with 22% reporting higher consumption in Level 1 when compared to pre-lockdown (Figure 2). This has important implications for minimising alcohol harm among Māori in the Tauranga City area and upholding Tiriti obligations to promote and protect the health of Māori.
25. Among Pasifika drinkers, the proportion that increased their consumption had halved at Level 1, from 20% in Level 4 lockdown to 10% in Level 1.<sup>14</sup> Therefore, there remain significant inequities by ethnicity in post-lockdown drinking.

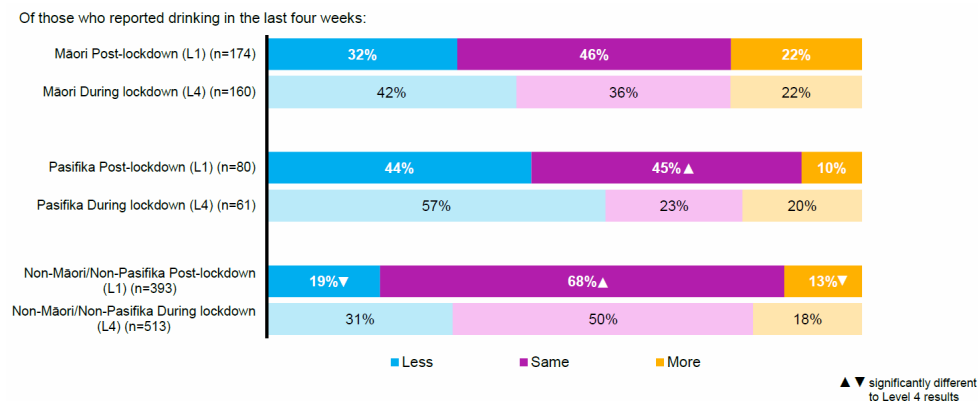


Figure 2. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic, by ethnicity.

26. Age differences in drinking during and post-lockdown were striking. It is clear that a higher proportion of 18-24 year olds reduced their consumption during Level 4 lockdown, when compared to other age groups. However, as Figure 3 shows, the proportion of young adults that increased their consumption did not change between Level 4 lockdown (19%) and Level 1 (23%).<sup>14</sup>

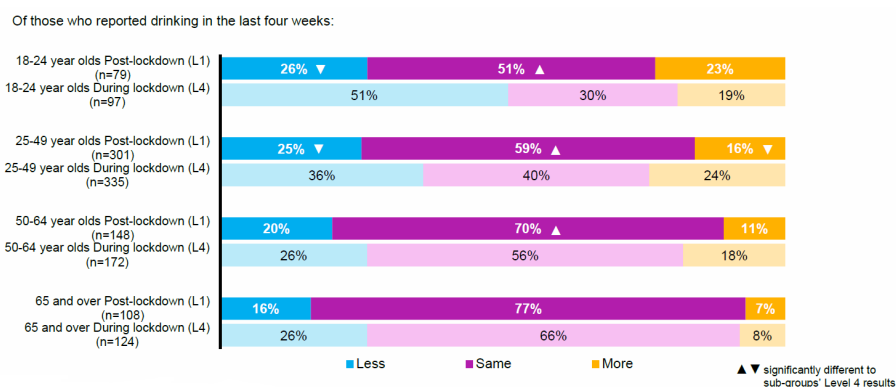


Figure 3. Changes in drinking during Level 4 lockdown and Level 1 of the COVID-19 pandemic, by age group.

27. Across all study participants, reasons given for drinking more included: 1) It helps me relax/switch off, 2) I have been feeling stressed out/anxious, and 3) I have been bored.<sup>14</sup>
28. Reasons given for drinking less included: 1) haven't been able to, or haven't wanted to, socialise as much or go out/visit the pub etc., 2) money/cost, 3) haven't wanted to go out and buy alcohol, 4) physical health reasons (e.g. weight, health condition, to be healthier), and 5) the lockdown period was a good time to reduce how much I drink and I want to continue drinking less.<sup>14</sup>
29. National data from the August 2021 lockdown paint a similar picture. Among those who drank alcohol in the last 4 weeks, 22% reported drinking more than usual during the August 2021 lockdown with 23% drinking less than usual. A larger proportion bought alcohol online (29%) during the August 2021 lockdown when compared to April 2020 (17%). Of particular concern, 10% of drinkers reported that a mental health problem developed or got worse due to their drinking in the August 2021 lockdown.<sup>15</sup>

30. We suggest that the context of the global pandemic warrants additional considerations in relation to alcohol licensing decisions and local alcohol policy development and review. A LAP can play a significant role in minimising alcohol harm, particularly among those who have increased their consumption during the pandemic.
31. Previous public health and economic crises inform the predictions of alcohol use going forward. Researchers propose that the COVID-19 pandemic will influence consumption via two main pathways:<sup>16</sup>
  - (a) *increase consumption*: due to psychological distress triggered by financial difficulties, social isolation and uncertainty about the future
  - (b) *reduce consumption*: due to income reductions from unemployment and reduced working hours leading to tighter budgets.
32. It is suggested that some impacts will be immediate, whilst others will occur over a longer time period.<sup>16</sup> The longer term impacts of the pandemic are believed to include a normalisation of home drinking, reinforcing or introducing drinking as a way to self-medicate symptoms of stress, anxiety, and boredom and increased prevalence of alcohol dependence.<sup>17-20</sup>
33. Many people will use alcohol to cope with the on-going impacts of the pandemic. Research shows that individuals who drink for coping reasons are at a heightened risk of developing problems with alcohol.<sup>21</sup> Depression and anxiety have been found to be associated with drinking to cope.<sup>21</sup>
34. A cross-sectional study in Australia found that depression and anxiety were associated with increased alcohol consumption during the first few months of COVID-19 pandemic.<sup>22,23</sup>
35. We propose that the long term negative impacts of the pandemic will cast a shadow over the entire period that the reviewed Tauranga City LAP is in force. The LAP has the potential to minimise any additional alcohol harm created by the pandemic, and thus improve community well-being.
36. A particular issue in New Zealand has been the expansion of bottle stores selling alcohol online. It has been argued that, in Australia, the licensing system has not kept pace with the changes in the market, and that online sales operate under much lower levels of scrutiny than the traditional bricks and mortar store.<sup>24</sup>
37. In New Zealand, we witnessed an overnight increase in bottle stores selling online during Level 4. However, there remains a lack of knowledge regarding who is selling online as off-licences have the default ability to sell in a physical shop as well as online. Compliance is therefore challenging, as there appears to be no list of online sellers (apart from those with a S40 remote sales only licence).
38. We **recommend** measures are put in place to ensure that Council is aware of all premises in the district selling online, so that monitoring and compliance activities can be effectively carried out.
39. Certainly, alcohol use places a major burden on health care.<sup>25</sup> Reducing the harm from alcohol will reduce any future burden on the health services.
40. In relation to the COVID-19 illness, alcohol is an immunosuppressant and increases acute respiratory distress syndrome via multiple pathways.<sup>26,27</sup> Alcohol use disorders

need to be considered as a predictor for COVID-19 disease severity and Intensive Care Unit admission.<sup>26</sup>

### Prevalence of health harms from alcohol in the Tauranga City area

41. The LAP Research Report clearly outlines the patterns of alcohol use and prevalence of harm in the City.
42. In relation to hospital admissions that are wholly attributable to alcohol use, it is shown below (Figure 4) that Tauranga City has a significantly higher age-standardised admission rate than the national average.

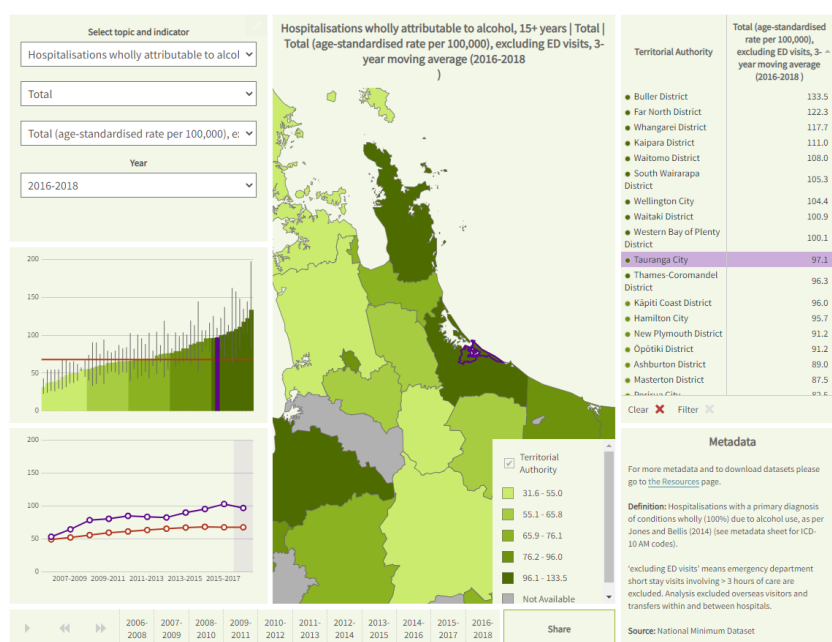


Figure 4. Hospitalisations wholly attributable to alcohol, 15+ years, 2016-2018 (Tauranga City Council highlighted).

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

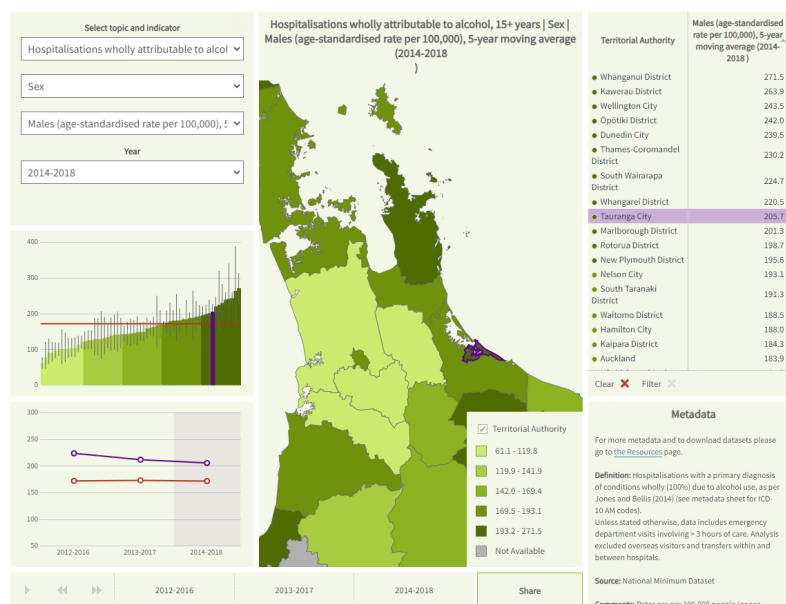


Figure 5. Hospitalisations wholly attributable to alcohol among males, 15+ years, 2014-2018 (Tauranga City Council highlighted).

44. Further analysis by drinking pattern shows that the admission rate due to acute intoxication is the same as the national average (Figure 6).

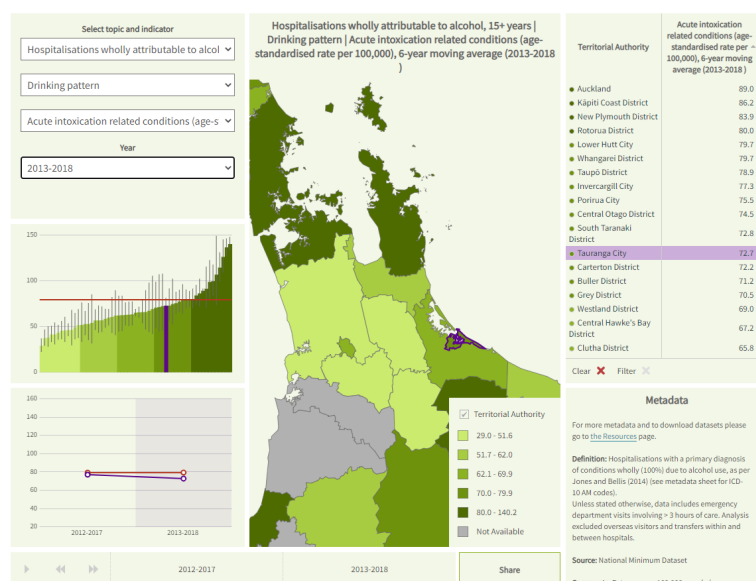


Figure 6. Hospitalisations wholly attributable to acute intoxication, 15+ years, 2013-2018 (Tauranga City Council highlighted).

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

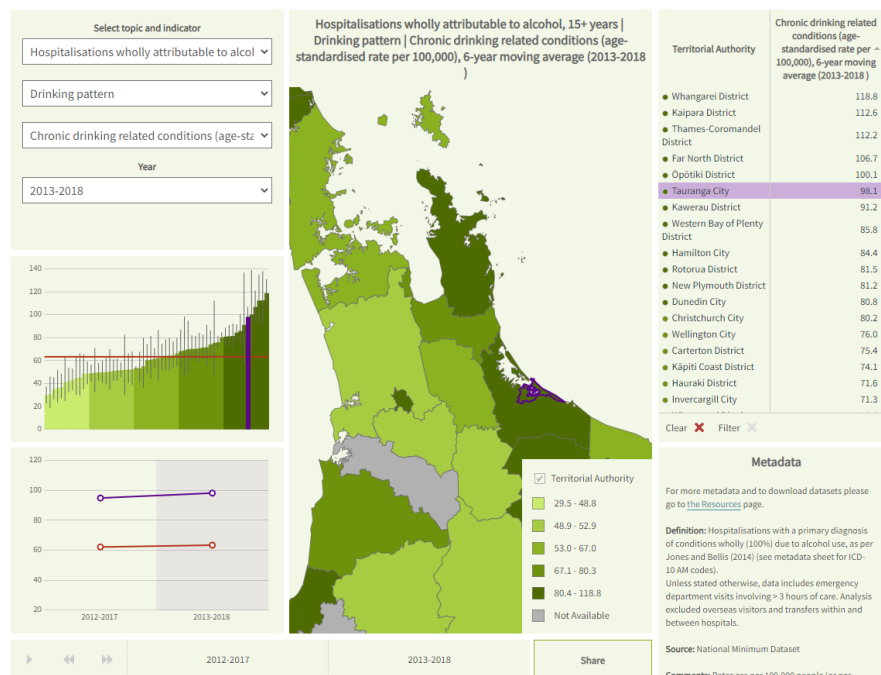


Figure 7. Hospitalisations wholly attributable to chronic drinking patterns, 15+ years, 2013-2018 (Tauranga City Council highlighted).

46. Alcohol Healthwatch believes that no council nor community is immune from alcohol harm. The national average represents a high level of harm across the country and so any comparisons need to take that into consideration.

### Off-licences

47. Off-licences sell over 80% of all alcohol in New Zealand.<sup>28</sup> This means that the majority of alcohol is purchased (often cheaply) and consumed in situations where there may be little control or supervision, such as private homes or public places.
48. A minority of the alcohol sold is consumed at on-licence premises or at licensed events, where there must be supervision, control and an expectation of host responsibility.
49. New Zealand research<sup>29</sup> shows that 73% of all alcohol consumed in very heavy drinking occasions is consumed in private homes. Around 14% of all alcohol consumed in heavy drinking occasions occurs in bars.
50. The closure of hospitality businesses during COVID-19 lockdowns has meant that off-licence availability became the main supply of alcohol to communities.
51. As such, evidence-based strategies to minimise the harm from off-licence availability are essential and desirable, and can make a meaningful difference to the well-being of local residents. Restrictions to availability are also pro-equity, given the unequal distribution of off-licences to the most deprived areas.
52. The Background Research Report shows that alcohol is involved in a significant proportion of offending in Tauranga.



*Trading hours - closing*

53. Alcohol Healthwatch **does not support** the continuation of the off-licence closing hour of 10pm. We **recommend** 9pm as the maximum trading hour for off-licence alcohol sales.
54. The Court of Appeal decision ([2021] NZCA 484) in relation to Auckland Council's Provisional Local Alcohol Policy stated that there was no onus on Authorities to justify departure from the national default hours:
 

*[32] So far as trading hours are concerned, ss 43–45 establish no presumption in favour of the default hours and nothing in them requires that a local authority justify departure from those hours. The default hours are merely those that apply if a territorial authority has chosen not to establish a local alcohol policy.*
55. The decision by the Alcohol Regulatory and Licensing Authority (ARLA) on Auckland Council's Provisional Local Alcohol Policy ([2017] NZARLA PH 247-254), the Authority did not consider that the closing hour restriction of 9pm was unreasonable in light of the object of the Act (see paragraph 146).<sup>30</sup>
56. New Zealand research has shown that the purchase of alcohol from an off-licence premise after 10pm was approximately twice as likely to be made by heavier drinkers.<sup>31</sup>
57. New Zealand research has also demonstrated the positive impacts of reduced trading hours on young people.<sup>32</sup> The introduction of the default maximum trading hours in New Zealand in 2013, which saw all bars and clubs closed by 4am and no off-licence alcohol sales after 11pm, was found to be associated with a reduction in the number of assault-related hospitalisations by 11%. The decline was the largest among 15 to 29-year-olds (who made up more than half of those hospitalised), at 18%. There was also a reduction in the number of night-time assaults coming to Police attention.
58. While these results point to the role of very late trading hours on alcohol-related harm, we agree with the authors of the study who suggest that further reductions in trading hours could provide many benefits.
59. In Switzerland, the province of Geneva reduced their off-licence trading hours from 24 hours per day to 7.00am to 9.00pm, and also prohibited the sale of alcohol from petrol stations and video stores. An examination of the effect of the policy change to reduce the availability of alcohol demonstrated that it led to an estimated reduction in the rate of hospitalisation due to intoxication by 35.7% among 10-15 year olds, and a 24.6% reduction in 16-19 year olds.<sup>33</sup>
60. In the Swiss province of Vaud, the capital city of Lausanne reduced the trading hours for all shops (including liquor shops) such that they had to be closed between 8pm on Friday and Saturday and 6am the next morning. Two years later, the hours were reduced across the whole province with restaurants and off-licences selling beer and spirits (but not wine) being required to close between 9pm and 6am every night of the week. However, the shops in the city of Lausanne were still required to close at 8pm. An analysis of its effects found reduced hospitalisations for alcohol intoxication (by 29%) across all age groups in Lausanne. Again, the greatest reduction was found among those aged 16-19 years (56.4%), monotonically decreasing with age. However, as the absolute number of admissions for alcohol intoxication were higher in adulthood than adolescence, the estimated change in number of cases was also relevant to public health among 20–69- year-olds.<sup>34</sup>

61. In a province of Germany, trading hours for off-licences were reduced from 24 hours per day to 5am to 10pm. When compared to the control provinces, the policy resulted in 7% fewer hospitalisations for intoxication among adolescents aged 15-19 years.<sup>35</sup>
62. Given the evidence that sales restrictions in the evening are associated with reduced heavy drinking and adverse consequences (especially among young people), Alcohol Healthwatch **strongly recommends** a closing hour of 9pm being implemented across the City and actively monitored.
63. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs may reduce the potential for appeals to the entire element, although this remains to be tested in the legal appeals.

*Trading hours - opening*

64. Alcohol Healthwatch **strongly supports** the proposed off-licence opening hour of 10am.
65. In regards to the proposed opening hour of 10am, we believe it is not unreasonable to require an off-licence premises to open after 10am.
66. Core hours for alcohol sales at bottle stores and supermarkets in Scotland include an opening hour of 10am,<sup>36</sup> and although our average consumption is less than the Scots, we see no reason why a similar approach could not be adopted here.
67. Research in Russia showed that the introduction of later opening hours was associated with reduced alcohol use, but that the magnitude of the effects of restricting the closing hour was 3.5-4 times stronger than the effects of later opening hours.<sup>37</sup> Unfortunately, there is a lack of New Zealand research on off-licence opening hours and harm.
68. The purpose of the LAP is to minimise harm; one of the ways this can be addressed is through reducing the exposure of alcohol (and its advertising) to children on their journey from home to school.
69. Research has documented the association between exposure to alcohol advertising around schools and intentions to use alcohol among very young adolescents.<sup>38</sup> Exposure to in-store displays of alcohol may also predict an increased probability of drinking.<sup>39</sup> Existing and new outlets will pose a risk in relation to exposure to alcohol advertising.
70. Protecting the current generation (particularly vulnerable groups such as children) from alcohol advertising can greatly assist in minimising future harm from alcohol use in the communities of Tauranga City.
71. Furthermore, a later opening hour will restrict the accessibility of alcohol to those with an alcohol dependence. Social service providers in New Zealand have previously described to us the negative impact of early opening hours on persons with alcohol dependence.
72. Alcohol Healthwatch believes that there are many more positive benefits accrued from a later opening hour when compared to any inconvenience or loss of profits from the off-licence sector. Furthermore, economic imperatives regarding the chosen elements included in a LAP (e.g. justifying early opening hours using economic reasons) are not permitted.<sup>40</sup>
73. Rather, minimising harm, and reflecting community views should be what determines the shape of a LAP.

74. It is important to note that 71.6% of persons surveyed in the Bay of Plenty District Health Board region in 2020 believed that 10am or later was a suitable opening time for bottle stores and supermarkets to start selling alcohol.<sup>13</sup>

*Issue of new licences*

75. Alcohol Healthwatch **supports** the provision for no new off-licences for bottle stores being issued in suburbs with a social deprivation index of 7 or higher.
76. We **recommend** that 'suburb' boundaries be clearly defined so that communities understand which areas are getting protections and which are not. This would mean clearly specifying the boundaries of the current areas that are listed as gaining this protection: Yatton Park, Baypark-Kairua, Greerton South, Gate Pa, Tauranga Hospital, Hairini, Welcome Bay East, Tauranga South, Te Reti, Pāpāmoa Beach North, Brookfield West, Arataki South, Tauranga Central and Mount Maunganui Central. We are concerned that a bottle store application could be made in an area that borders the 'suburb' or is in very close proximity to a deprived area.
77. In light of the existing unequal distribution of off-licences to deprived areas in Tauranga, we **do not support** licensed premises relocating to a new site being exempt from this restriction.
78. Whilst it is important that particular suburbs currently experiencing social deprivation are specified in the policy and are protected from new bottle stores for the duration of the policy, it is also important that the policy remains flexible to account for changes in social deprivation over time. The next Census takes place in 2023, and may reveal additional deprived areas to include in the bottle store restrictions.
79. We note in the Background Research Report that the number of off-licences has grown by 19%, slightly higher than population growth since 2015 (16%).
80. Research in Manukau, Auckland, found that areas with a higher density of off-licences had lower alcohol prices, longer operating hours, and later weekend closing times.<sup>41</sup> These factors are strongly associated with alcohol harm.
81. Further, there is an accumulating body of international evidence showing that off-licences are associated with greater levels of harm in deprived areas compared to least deprived areas.<sup>42–46</sup> Although two New Zealand studies did not find this relationship.<sup>47,48</sup> Research also shows that low income drinkers experience more harm per litre of alcohol consumed, when compared to higher income drinkers with the same level of drinking.<sup>49</sup>
82. As noted in the Research Report, there are 81 off-licences in the Council region. Having obtained the raw data in December 2021, there appears to be duplication of two records (one a bottle store, one a grocery store). Of the 79 off-licences, 39 (49%) are bottle stores, 29 are licensed grocery/supermarkets, 7 are tavern off-licences, and 4 are club or other off-licences.
83. Having assigned the deprivation decile (at the SA1 small area level) to each off-licence, it appears that 15 (38%) of the 39 bottle stores are located in areas with a deprivation decile 8-10. The distribution of off-licences by deprivation is shown in Figure 8, with a greater proportion in the top 40% of deprived neighbourhoods versus the 40% of least deprived. It is important to note that a further 5 bottle stores are located in very close proximity (e.g. across the road or very nearby) to decile 8-10 neighbourhoods.

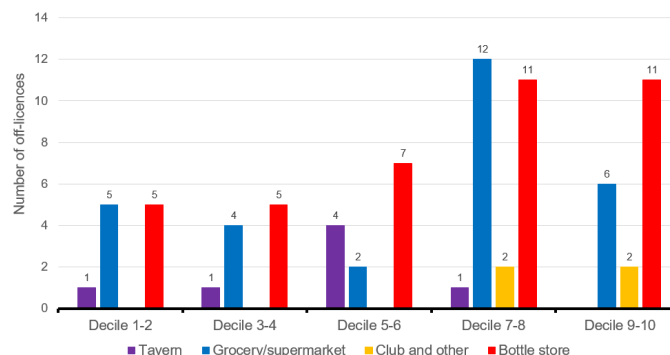


Figure 8. Distribution of off-licences in Tauranga City, by deprivation decile (SA1 level).

84. The relationship with deprivation at SA2 level (a larger geographic area akin to a neighbourhood) is less pronounced, but still shows a higher proportion of off-licences in the top 40% of deprived neighbourhoods (Figure 9).

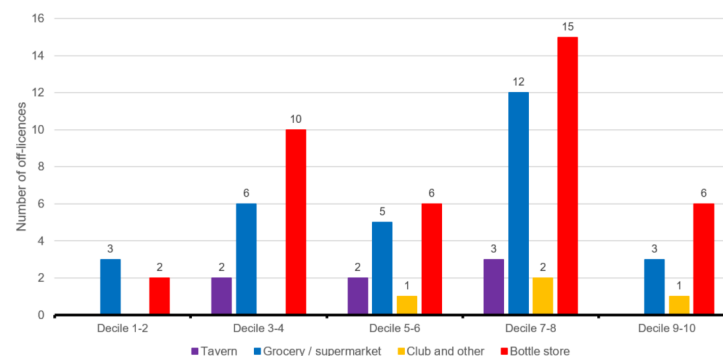


Figure 9. Distribution of off-licences in Tauranga City, by deprivation decile (SA2 level).

85. The importance of restrictions to off-licence availability of alcohol are underpinned by a number of New Zealand studies demonstrating a significant association between off-licence density and a range of alcohol-related harms.<sup>47,48,50-52</sup>
86. As described previously, Māori and Pacific young males (15-24 years) have been found to be more negatively impacted by living close to alcohol outlets (note: on-licence and off-licence types combined).<sup>10</sup>
87. For the above reasons, Alcohol Healthwatch **strongly supports** no new off-licences for bottle stores being issued in high deprivation suburbs (deciles 7-10 of the New Zealand Index of Deprivation) of Tauranga City.
88. We also recognise that other areas of Tauranga would benefit from a cap on the number of bottle stores. New bottle stores should be limited to urban areas that are planned for new growth and development.

#### *Discretionary conditions*

89. Alcohol Healthwatch **recommends** the inclusion of discretionary conditions relating to off-licences in the LAP.

90. It is recognised that New Zealand's liquor laws already provide for licensing committees to include conditions on a licence on a case-by-case basis.
91. However, we believe that the inclusion of discretionary conditions in a LAP can provide transparency to both the licence applicant and the community as to expectations around the sale of alcohol. Conditions are especially important when outlets are located in vulnerable areas and/or near sensitive sites such as schools.'
- a) Discretionary conditions to restrict advertising and signage
92. In the 2020 Population Health and Wellbeing Survey, 59.5% of Bay of Plenty DHB residents supported restrictions to alcohol advertising and sponsorship.<sup>13</sup>
93. Alcohol Healthwatch **recommends** including a discretionary condition to control the amount of alcohol advertising that is visible within 500m from schools and early childhood facilities.
94. In 2021, ARLA issued the following signage and advertising conditions on an off-licence that was within 500m of a primary school and pre-school and nursery ([2021] NZARLA 123):
- (i) Signage shall be limited to displaying the store name and logo on the existing roof display.
  - (ii) No bright colours shall be used in the external decoration of the premises.
  - (iii) No specific product or price specials shall be displayed externally.
  - (iv) No external advertising shall be displayed by way of flags or sandwich boards outside the store.
95. From November 12, 2019, Ireland no longer permits alcohol advertising within 200m of schools, crèches, or council playgrounds.<sup>53</sup> The Tauranga City Council could follow the leadership shown in Ireland and require (in the local alcohol policy) a similar provision to apply to licensed premises.
96. Harm from signage and advertising also extends to Tauranga City residents with alcohol use disorders. Research shows that heavy or problem drinkers can be more responsive to alcohol advertising and imagery (particularly of their favourite drink), placing them at risk of triggering alcohol use in relapse and maintaining alcohol dependence.<sup>54,55</sup>
97. It is suggested that reducing alcohol cues in outdoor advertisements (especially scenes showing drinking and/or alcohol products) could potentially reduce the occurrence of episodes of acute craving and cue reactivity in persons with alcohol dependence.<sup>55</sup>
98. Further, the Law Commission noted<sup>56</sup> that the pervasiveness of alcohol signs and advertising at liquor stores is likely to have a negative impact on community well-being. They stated that large obtrusive alcohol price advertisements and product branding on shop fronts, adjoining walls and sandwich boards is, in part, due to the pressure to compete with other liquor stores in a local community. They considered that the presence of this advertising can significantly lower the aesthetic value of an area, which in turn has flow-on effects for the community in terms of reduced amenity values and community welfare.
- b) Discretionary conditions to restrict single sales
99. Alcohol Healthwatch **supports** discretionary conditions in the LAP that restrict the sale of single alcoholic beverages (known as single sales). Restrictions on single sales can greatly assist compliance with liquor bans throughout the region and may reduce pre-loading or side-loading surrounding licensed premises.

100. International research has documented the association between single sales and alcohol-related violence and crime.<sup>57</sup> Furthermore, an intervention to reduce single sales was found to reduce rates of alcohol-related ambulance attendances among 15 to 24 year olds.<sup>58</sup>
101. Single containers of alcohol are likely to be favoured by those who are heavy drinkers and also price sensitive; namely adolescents and young adults, and those with an alcohol dependence. Many off-licences include conditions prohibiting single sales. For example, the Auckland District Licensing Committee<sup>59</sup> imposed a condition on a licence that no single sales of:
- i. Beer or ready to drink spirits (RTDs) in bottles, cans, or containers of less than 440mls in volume may occur except for craft beer; and*
  - ii. Shots or pre mixed shots.*
102. Again, the ARLA decision in the case of a bottle store in Pleasant Point ([2021] NZARLA 123), the following condition on single sales was imposed:
- [157] No single sales of beer, cider, or RTDs priced at, or less than, \$6.00 per unit are to be sold.*
103. The adopted Whanganui District Council Local Alcohol Policy has the following single sales condition:
- The licensee must not break down the retail packaging of packages containing less than 445ml units of beer, cider or RTDs for sale from the licensed premises, except where the retail packaging of those alcohol products has been accidentally damaged and in which case the licensee may re-package those alcohol products for sale in packages containing no less than 4 units.*
104. We **recommend** any condition on single sales specifies container sizes of 500ml or less, so that commonly available 440ml and 500ml containers that can be found littered in parks and public spaces are captured rather than excluded by the condition.
- c) Discretionary conditions that relate to the type of product sold and/or its price
105. Alcohol Healthwatch **supports** the inclusion of discretionary conditions that relate to type of product and/or its price.
106. In a decision by the Auckland DLC regarding a new off-licence, the DLC outlined conditions (see paragraph 136)<sup>60</sup> around RTDs, pricing, and advertising.
- (h) *No sales of:*
    - RTDs 7% abv or above*
    - No RTDs over 500ml*
    - Shots*
    - Light spirits (being spirits under 14% ABV)*
    - Single sales from packs*
    - Cask wine*
  - (i) *RTD pricing as follows:*
    - No RTD 4 pack below \$12.99*
    - No RTD 6 pack below \$16.99*
    - No RTD 10 or 12 pack below \$26.99*
    - No RTD 18 pack below \$36.99*

- (j) *External advertising on the front window is limited to a maximum of 25% and the name/brand of the store.*
  - (k) *There will be no advertising of alcohol products or brands outside the premises (apart from the trading name of the premises), such as (but not limited to) sandwich boards, billboards, flags, or similar forms of advertising.*
  - (l) *There will be no floor displays inside the premises.*
107. Alcohol Healthwatch **recommends** inclusion of a discretionary condition that off-licences must have a sufficient range of zero alcohol beverage options (e.g. zero alcohol beer, zero alcohol wine, zero alcohol cider) available for purchase. We further **recommend** that the availability of such a range of zero alcohol beverage options is clearly signalled to customers in store.
108. Alcohol Healthwatch **recommends** inclusion of a discretionary condition that off-licences must have a sufficient range of low alcohol beverage options (e.g. beverages containing not more than 2.5% ethanol by volume at 20°C) available for purchase. We further **recommend** that the availability of such a range of low alcohol beverage options is clearly signalled to customers in store.
- d) Discretionary conditions for remote sales
109. It is clear that the global health pandemic has accelerated the online delivery of alcohol. We recommend that DLC's have available to them conditions that reduce the harm from this highly accessible supply of alcohol.
110. As example of a condition is shown below, issued by the Hamilton City Council DLC [2021ALC-1803] on a remote seller licence:
- The licensee must take reasonable steps to verify that the buyer (and if applicable, the receiver) is not under the purchase age. The licensee must ensure that the sale will not be made unless the buyer (and if applicable, the receiver) completes a declaration that they are 18 years of age or over on first entering the internet site and again immediately before the sale is completed.*
- The outside of the delivery package must contain the following words:*
- COURIER WARNING**  
**CONTAINS ALCOHOL**
- Do not leave at destination without proof of delivery.*  
*Do not leave with persons under 18 years of age. If the receiver appears to be under the age of 25 years check valid identification such as current passport, NZ drivers licence or Hospitality NZ 18+ Card/ Kiwi Access Card, to ensure the receiver is 18 years of age or over.*  
*Do not leave with intoxicated persons.*  
*Contains alcoholic product.*
111. Alcohol Healthwatch **recommends** Tauranga City Council consider if these types of discretionary conditions can be included within a draft Local Alcohol Policy.

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

112. We believe that licensees should be prohibited from accepting buy now pay later (BNPL) as a method of payment for the sale and supply of alcohol to any customer, purchasing remotely or in person.
113. The buy now pay later sector is emerging and regulatory authorities are at early stages in their response to this novel market innovation.
114. Alcohol Healthwatch believes that alcohol retailers should not be allowed to offer BNPL services as an alternative payment method. This supports the submission made by Te Rūnanga o Ngāi te Rangi Iwi (the largest Iwi in Tauranga/Western Bay of Plenty) to the Ministry of Business, Innovation and Employment in December 2021.
115. Alcohol Healthwatch's perspective is that the availability of alcohol products on BNPL platforms may enable alcohol purchases and/or trigger the desire to purchase alcohol (and purchase more alcohol than planned) at a perceived lower price.
116. The price of alcohol and its affordability are well-known to be key drivers of consumption in Aotearoa New Zealand.<sup>61</sup> Of particular concern, alcohol has been regularly increasing in affordability over many years and in 2020, was more affordable than at any other time since the late 1980s.<sup>12</sup>
117. Nielsen research shows that, in New Zealand supermarkets, alcohol products are the most sensitive of all products to price promotion.<sup>62</sup> It has also been found that the majority (55%) of New Zealand drinkers purchase their alcohol when sold on promotion (cited in<sup>63</sup>).
118. We therefore believe there are fundamental risks in having alcohol available at (perceived) reduced prices, akin to the negative impacts of discounting and promotions of alcohol on increasing alcohol use. Alcohol Healthwatch is concerned that vulnerable drinkers are at an especially high risk when alcohol products for sale are perceived to be at a lower cost (as they would be using BNPL services).
119. The availability of alcohol at low alcohol prices facilitates moderate drinkers becoming heavy drinkers, and heavy drinkers transitioning to dependent drinkers. We suggest that BNPL services are, in effect, offering alcohol products at a low price even if the full cost is received later.
120. The alcohol industry is technologically innovative, as seen from the large increase in the number of off-licences that offer internet sales and deliveries since the COVID-19 pandemic. Likely, online alcohol purchases via BNPL services and rapid online delivery will continue to evolve and expand in New Zealand. Whilst there are only a few alcohol retailers (mainly boutique wine retailers, and (to our knowledge) one bottle store in Tauranga) currently offering BNPL services as an alternative payment method, we believe there is a risk that this will change.
121. Alcohol Healthwatch strongly believes that BNPL services can impose financial hardship on hazardous drinkers and dependent drinkers if the BNPL sector is left unregulated or without any control over alcohol products sold on these platforms.
122. It is important to note that 7% of male drinkers and 5% of female drinkers in 2012/13 reported experiencing financial harms from their drinking. This equated to 165,000 drinkers.<sup>64</sup> Increasing any further financial impacts, through BNPL, would be unacceptable.



123. From the Ministry of Business, Innovation and Employment discussion document on BNPL, results from a survey conducted in January 2021 showed that 63% of BNPL consumers were extremely, or somewhat concerned, about their level of debt compared with 38% of the general population. Data covering around 35 to 40 per cent of the New Zealand BNPL market, suggested that consumers who had both BNPL and credit cards were more likely to be in arrears with their credit card debt (late or missed instalments) compared to consumers who only hold credit cards.<sup>65</sup>

### Sensitive sites

124. Should a City-wide cap on off-licences not be included in the provisional LAP, Alcohol Healthwatch **does not support** the lack of protections in the proposed LAP that are provided in section 77(1(b)) of the Sale and Supply of Alcohol Act 2012 ("location of licensed premises by reference to proximity to premises of a particular kind or kinds").
125. Alcohol Healthwatch believes that every Council should consider offering protection from new licences (*of any type*) opening in close proximity to a variety of sensitive sites, including but not limited to, early childhood centres, primary and secondary schools, playgrounds, parks and reserves, Marae, health facilities, alcohol treatment centres, and places of worship.
126. Alcohol Healthwatch **recommends** that consideration be given to decisions on new licences (*of any type*) intending to locate within at least 100m of sensitive sites. The Horowhenua District Council Local Alcohol Policy<sup>66</sup> prohibits the issue of new bottles stores within 100m of sensitive sites.
127. Alcohol Healthwatch would not support a 50m restriction (as evident in other local alcohol policies around the country) as our experience working with communities throughout New Zealand to support them in their licensing objections demonstrates that 50m is simply too restrictive. This approach usually means that the provision is only applied to sensitive sites that are directly next door or directly across the road. Sensitive sites that are slightly further away are then neglected from this protection.

### On-licence location

128. We **support** the provision of no new on-licences being located in areas zoned 'industrial' in the City Plan. We propose that there is likely to be less supervision and informal community social control in these areas to reduce the impact of licensed premises.

### On-licence hours

129. Of the mechanisms available in a LAP, restricting the trading hours of licensed premises is likely to have one of the greatest impacts on reducing harm.<sup>67,68</sup> This is because a consistent and strong body of high-quality evidence has demonstrated the impact of on-licence trading hours on alcohol-related harm.
130. Alcohol Healthwatch **supports** the on-licence trading hours of 9am to 1am for premises outside the Tauranga City Centre.
131. Alcohol Healthwatch **does not support** the on-licence trading hours of 9am to 3am for premises in the Tauranga City Centre. The data provided by the Police concurs with research evidence that there is an increased risk of harm (including serious assault) when venues close after midnight.
132. As described previously, New Zealand research found that the reduction in very late night trading hours was associated with a reduction in weekend hospitalised assaults

declined by 11 percent, with the greatest reduction among 15–29-year-olds (18 percent).<sup>32</sup>

133. A systematic review of studies examining on-licence trading hours identified 22 studies in total (16 into extensions of on-licence hours, 5 into on-licence restrictions and 2 off-licence studies). Extended trading hours at on-licence premises was typically followed by increases in the incidence of assault, unintentional injury, or drink driving offences. Restricting trading hours was typically followed by decreases in the incidence of assault and hospitalisation.<sup>69</sup>
134. In line with the I3 theory, or Perfect Storm, increased trading hours within night-time entertainment areas increase the amount of time alcohol can be consumed and a person's level of fatigue, lowering one's ability to inhibit aggression.<sup>70</sup> The I3 Model is, at its core, a framework for understanding the push and pull factors that influence how people behave with regard to a given target object in their immediate environment.<sup>71</sup>
135. Late trading therefore enables an increase in instigators such as fatigue while decreasing the inhibition of the individual towards aggression.<sup>72</sup> It is believed that mental fatigue may contribute to aggression due to its effects on cognitive processing involved in managing social situations, especially potential conflicts. Mental fatigue may also contribute to aggression as a result of its effects on emotion, specifically, heightened irritability. Finally, fatigue may also contribute to aggression due to its effects on behaviour - specifically, decreased control over impulses.<sup>73</sup>
136. Outlet density is also implicated in the pathway of harm associated with late trading hours, due to the higher number of people who are intoxicated in close proximity.<sup>70</sup>
137. For the reasons listed above, Alcohol Healthwatch **recommends** a closing hour of 2am for on-licence premises in the Tauranga City centre.
138. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs may reduce the potential for appeals to the entire element, but recognise this is yet to be tested.
139. Alcohol Healthwatch **supports** the inclusion of discretionary conditions for on-licences in the proposed LAP.
140. Alcohol Healthwatch **further recommends** a one-way door policy, for premises licensed beyond 1am, be included as a discretionary condition, as this provides an extra tool where required, for alcohol harm reduction agencies.

### Club licences

141. Club licences, in particular those held by sports clubs, have been shown in research to contribute to the risky drinking behaviours among participants at the club.<sup>74</sup>
142. In addition, club licence density in New Zealand has been shown to be significantly associated with higher levels of violence and a range of alcohol-related offences.<sup>48,75</sup> In New Zealand, the effects of club licence density on violence are shown to be stronger in areas with low populations (e.g. rural areas).<sup>48</sup> Analysis of Pasifika youth drinking patterns in New Zealand found that participation in a sports team or club outside of school was independently associated with increased risk of binge drinking.<sup>76</sup>

143. Alcohol Healthwatch **does not support** the proposed cease of trading of 1am for club licences outside the Tauranga City Centre, Monday to Sunday. We **recommend** a 12am closing hour.
144. Alcohol Healthwatch **does not support** the proposed cease of trading of 2am for club licences inside the Tauranga City Centre, Monday to Sunday. Again, we **recommend** a 12am closing hour.
145. Club licences have fewer obligations than on-licences, as they are afforded some leniency under the Act. Minors are also present in the drinking environment. For these reasons, club licences should not have the same privileges as on-licence taverns, without operating under the same conditions as these premises. Clubs seeking a level playing field with taverns should seek a tavern licence.
146. Alcohol Healthwatch **recommends** that the opening and closing hours be listed as separate elements in the LAP. We believe this approach to trading hours in LAPs reduces the potential for appeals to the entire element, although we recognise it is yet to be tested in the appeals process.
147. Alcohol Healthwatch **supports** the inclusion of discretionary conditions for club licences. We further recommend discretionary conditions are more specific about requirements for certified managers being on duty at particular times and circumstances.

### Special licences

148. Alcohol Healthwatch **recommends** that guideline maximum trading hours for special licences be specified in the LAP. We **recommend** a 3am maximum closing hour. We further recommend special licences not be issued that exceed national maximum hours of 8am to 4am the following day.
149. Any extension beyond these guideline maximum hours should only be issued in exceptional circumstances as determined by the District Licensing Committee.
150. Alcohol Healthwatch **supports** the inclusion of discretionary conditions for special licences.
151. Alcohol Healthwatch **recommends** a discretionary condition for any event with over 1000 attendees (or as otherwise considered appropriate), to require an Event Alcohol Risk Management Plan.
152. Alcohol Healthwatch **recommends** the Council adopt special licence provisions that protect children in the region, mirroring the approach used in Wairoa. The Wairoa District Council Local Alcohol Policy requires that:
- Licences will not be granted for child-focussed events. A child focussed event is an event that is centred around minors. This includes but is not limited to galas, children's sports games, school kapa haka events, etc.*
153. The Population Health and Wellbeing Survey 2020 showed that only 14% of Bay of Plenty DHB residents agreed with the statement "It's OK for alcohol to be available at events held on school grounds (e.g., galas and fundraisers)".<sup>13</sup>

### Monitoring, evaluation, and review

154. Alcohol Healthwatch **recommends** the Council develop a monitoring and evaluation plan for the LAP. It is important that monitoring occurs throughout the six-year duration of the LAP, with results regularly reported to Council.

155. Alcohol Healthwatch suggests to every Council to include a broad range of indicators in a monitoring and evaluation plan, e.g.:
- number/rate of alcohol-related police events (e.g. drunk custodies, breach of liquor ban, late night assaults, drink-drive offences);
  - alcohol-related Emergency Department presentations, wholly-alcohol attributable hospitalisations, ambulance pick up data;
  - crash-analysis data (single, night time vehicle crashes);
  - alcohol consumption data (annual New Zealand Health Survey)
  - feedback from community members and local enforcement agencies (licensing inspectors, Medical Officer of Health, and Police).
156. Whilst the Tauranga City Background Research Report includes many of these indicators, we note the absence of Emergency Department data on alcohol-related presentations. We **recommend** that the Council advocate strongly to Te Whatu Ora regarding the importance of this regular data collection. Many Emergency Departments throughout New Zealand are routinely collecting, reporting on, and publishing data on alcohol-related Emergency Department presentations.
157. However, Alcohol Healthwatch **recommends** a cautious approach to interpreting monitoring and evaluation data. Changes in reporting practices around alcohol-related Emergency Department presentations, for example, could indicate a higher number of presentations due to more consistent data collection practices. Some indicators may require a longer lead time before harm reductions become detectable, for example alcohol-related chronic diseases may take a long time to show any change. However, some alcohol-related chronic diseases (e.g. gastritis) may be more responsive to short term changes in the regulation of licensed environments.
158. As stated earlier, the pandemic will continue to affect alcohol use in the coming years. Having up-to-date data is essential to monitor trends in alcohol harm, with the option to bring a review of the LAP forward if necessary.

## Conclusion

159. Alcohol Healthwatch **supports** the Council in proposing restrictions to the off-licence opening hour in the Tauranga City region and restriction to the issue of bottle stores in areas experiencing social deprivation.
160. We **do not support** the late trading hour for on-licences in the Tauranga City Centre.

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			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
323	Mark	Fogerty	Strongly agree	The Streets are full of Intoxicated People, This distracts from the Shopping or Recreational Experience Residents or Visitors are exposed to when simply trying to enjoy the Tauranga City Experience. Authorities have more issues to deal with needlessly including Domestic Violence, Common Assaults, General Antisocial Behaviour such as Tagging, proliferation of street garbage, broken glass, General vandalism as simple measurable examples.	Strongly agree	Don't under any circumstance encourage the Disenfranchised to waste Family funds they don't have on Alcohol sales. User pays should be introduced for street clean ups. A three Strike policy should be put in place so Licenses can be Revoked easily if non Compliance issues Occur such as allowing Pre Loaded Patrons into a Licensed premises in contradiction of the Responsible Sales of Liquor Act New Zealand.	Strongly agree	Keep the Bars in Plain Site so they can be easily Monitored for Compliance.	Strongly disagree	The Time should be reduced to reflect compliance issues to a measured Outcome.	Strongly disagree	Unless the Patrons are effectively screened for Legal entry Requirement's and modern ID Data Management systems are made compulsory self management is a cop out rife for corruption. Simply remove the option.	Strongly agree	The Big stick is all that works in a conflict of Interests if Bar owners self police



			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
324	Melissa	Renwick	Neutral		Neutral		Neutral		Strongly agree		Strongly agree		Neutral	

**Hospitality New Zealand Bay of Plenty Branch  
representing Tauranga City**



**TO TAURANGA CITY COUNCIL  
SUBMISSION ON THE LOCAL ALCOHOL POLICY 2021  
SEPTEMBER 2022**

**CONTACT DETAILS:** Hospitality New Zealand

**Contact:** Melissa Renwick

[REDACTED]  
[REDACTED]

[www.hospitality.org.nz](http://www.hospitality.org.nz)



## About Hospitality New Zealand

Hospitality New Zealand is a member-led, not-for-profit organisation representing approximately 3,000 businesses throughout New Zealand, including Taverns, Pubs, Bars, Restaurants, Cafes, Retail Liquor and Commercial Accommodation providers such as Camping Grounds, Lodges, Motels, Hotels and Backpackers.

We have a team of 8 locally based Regional Managers across the country, with a National Head Office based in Wellington. We have our own lawyer, who specialises in employment and alcohol licensing matters as well as being able to advise on the entire range of hospitality-related statutes and legislation. Our team is available 24/7 for members to obtain assistance, advice and guidance on a range of topics, questions and queries as they arise, and we have over 130 written resources available to members.

As well as our own resources, Hospitality New Zealand also work closely with Police, Local Government and the Health Promotion Agency to educate and ensure correct legal guidance for our members through the production of additional resources and interactive workshops.

Hospitality New Zealand also offers training and up-skilling courses to our members and their staff. Some of these modules include but are not limited to: 'LCQ training' and 'becoming a responsible host'. In addition, Hospitality New Zealand have recently launched an online learning management system designed for the Hospitality industry, this aims to get easy to consume, relevant training on Host Responsibility into the hands of our teams.

Based on the aforementioned information, Hospitality New Zealand considers themselves as part of the solution to preventing alcohol related harm by helping our members provide a safe and regulated environment for the consumption of alcohol.

Hospitality New Zealand has a 115-year history of advocating on behalf of the hospitality and tourism sector and is led by Chief Executive, Julie White. The Bay of Plenty Hospitality New Zealand branch president is Reg Hennessy of Hennessy's Irish Pub, Rotorua, and the Regional Manager for the Branch is Melissa Renwick.

The Bay of Plenty Branch of Hospitality New Zealand represents Tauranga City, which is made up of 186 members.

Hospitality New Zealand wishes to speak at any committee hearing in support of our submission.

We appreciate the opportunity to make a submission on the Local Alcohol Policy.

## TAURANGA CITY LOCAL ALCOHOL POLICY (LAP)

### Introduction and Overall Comments

1. The Hospitality industry is not only a significant employer in New Zealand, but it is the cornerstone of our culture and plays a vital role in our social life.
2. The production and sale of alcohol is a significant driver of economic activity, with more than 137,000 full-time equivalent employees working Nationwide in the food and beverage sector, or rather 172,458 filled jobs (Infometrics, 2021). The food and beverage sector in particular, is now the fifth largest area of financial spend for both international and domestic tourism, behind accommodation services, air transport and recreational activities.
3. Following the International lockdowns of 2020 & 2021 the value of hospitality venues in a post-COVID world have been identified in various International studies. One found 66% of adults polled across 10 countries agreed the social and mental wellbeing of the general population has been negatively impacted as a direct result of the closure of hospitality venues. It also went on to determine that 1 in 5 people said hospitality venues have a greater significance as places to avoid feelings of loneliness and 18% say they have increased in value as a place to meet new people. (IARD, 2021) We believe that this highlights the importance of having successful hospitality venues of varying styles to create a vibrant hospitality and night-time scene.
4. Government research shows 80% of New Zealand drinkers are staying at or below the Ministry of Health's recommended number of standard drinks per week. (HPA, 2021). Furthermore, the same data reported individuals drinking less frequently to intoxication and being more aware of moderating behaviours through food consumption and low alcohol beverages.
5. Research from NZ Alcohol Beverages Council shows that a third (29%) of individuals think the majority of New Zealanders don't drink moderately and responsibly, even though statistics show 80% of Kiwis do. Additionally, 47% thought that there were more 15-17 year olds drinking than a decade ago. Yet research shows 22.8% fewer younger people had alcohol in the past year. Perhaps most interestingly is 53% wrongly think New Zealanders drink more alcohol than most other developed countries. (NZABC, 2021)
6. Bridget MacDonald, NZABC's Executive Director has commented following research completed in April 2021, "We are seeing positive trends such as a general decline in hazardous drinking, fewer younger people drinking, our consumption is decreasing, and per capita, we consume less alcohol than the OECD average."

7. The consumption of alcohol also appears to have decreased within on-premise establishments as opposed to off-premise establishments. A 2018 report from the Health Promotion Agency estimated that on-premises establishments now account for around 14% of all alcohol sales in New Zealand, with 84% relating to off-premise sales. Supermarket and grocery store sales now account for the largest share of sales by total beverage volume (HPA 2018).

#### Comments relating specifically to the Revised Tauranga City Council Statement of Proposal

8. Hospitality New Zealand supports the need for reduction and minimisation of alcohol-related harm.
9. Hospitality New Zealand welcomes the removal of the one way door policy.
10. Hospitality New Zealand does not oppose the change that will prevent any new on licences being established in industrial areas.
11. Hospitality New Zealand supports the change to the proposed LAP that reverts back to the current policy closing time of 3am for On Licences in the city centre.
12. Hospitality New Zealand supports the proposed changes to the Local Alcohol Policy as outlined in the Statement of Proposal.

#### Summary and Recommendations from Hospitality New Zealand

13. Hospitality New Zealand applauds the Council in their recognition that on-licenses are where the sale, supply or consumption of alcohol is undertaken the most safely and responsibly.
14. We reinforce that recognition with the statement that on-licensed premises are the only places where the harm from excessive or inappropriate consumption of alcohol is minimised (as per the object of the Act) – and that on-licensed premises are the most heavily monitored and checked places of alcohol consumption and where the most accountability for the behaviour of the public is placed and enforced.
15. Hospitality New Zealand would like to see the use of current tools to improve the alcohol harm outcomes in the community, these are:
  1. Improved communication and positive engagement with operators from Police, Health and Licensing.

2. Proactive policing of issues such as the liquor ban areas
16. The industry is working hard with better engagement between operators, and proactive situation management through security personnel.
17. Hospitality New Zealand has developed tools to further train and develop staff including in person Host Responsibility training sessions and the release of online training course 'Responsible Service of Alcohol Standards'. The Responsible Service of Alcohol Standards course is essential training which provides knowledge of the law, the principles of responsible service and practical tools for all staff working in licensed premises to help manage alcohol safely.
18. We believe that making our on premise environments more attractive places to socialise will help to reduce alcohol related harm.

In summary, Hospitality New Zealand supports the proposed changes to the Tauranga City Council LAP. Specifically;

1. Hospitality New Zealand supports the existing closing hour of 3am for on-licences in the Tauranga City Centre
2. Hospitality New Zealand supports the removal of the one-way door policy in the Tauranga City Centre.

We would welcome the opportunity to work more closely with both Police & Public Health to further explore these recommendations and ways Hospitality NZ members can assist.

Hospitality New Zealand wishes to speak at any committee hearing in support of our submission.

## References

- Economic impact of the New Zealand hospitality sector – Infometrics (November 2021)
- Insights: The value of hospitality venues to social and mental wellbeing – IARD (October 2021)
- Where people drink alcohol – HPA (April 2019)
- Kiwis' (mis)perceptions of alcohol attitudes and behaviours – NZ Alcohol Beverages Council (January 2021)
- Affordability of Alcohol in New Zealand – HPA (2018)
- KPMG (2008) Evaluation of the Temporary Late-Night Entry Declaration
- Law, Justice and Safety Committee, Legislative Assembly of Queensland (2010) Inquiry into Alcohol-Related Violence – Final Rep



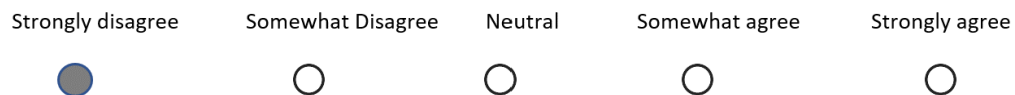
			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
325	Greg	Hoar	Strongly disagree		Strongly disagree		Neutral		Neutral		Neutral		Strongly disagree	

**2022 Tauranga District Council Draft LAP Submissions****Super Liquor Holdings Submission****Super Liquor Background**

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

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

**Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?**

**Comments**

It is the preference of SLH that the current hours be retained which enable flexibility to meet specific situations for example; shift workers and over holiday periods. Some Super Liquor stores also use website orders to dispatch and have trade customers (such as bars and restaurants) that may require the flexibility of earlier opening hours to purchase product, to enable them to set up their venues for the day's trading.

We are not aware of any evidence that the change in hours will impact in a significant way of alcohol related harm. Generally, the morning is a quiet time of day when sales volumes are lower but does allow for businesses to be open to attend to all aspects of retail, including, website orders, sales representatives, store merchandising etc.

If the change in hours is to be implemented, SLH submits that it should apply to all off licenses (including grocery stores, supermarkets, bottle stores and clubs holding an off licence).

**Do you support the proposal to not allow any new bottle stores to be established in some areas across the city where alcohol harm is likely to be greater?**

This means the number of bottle stores in areas with a deprivation index value of 7 or more will not increase. This includes: Yatton Park, Baypark-Kairua, Greerton South, Gate Pa, Tauranga Hospital, Hairini, Welcome Bay East, Tauranga South, Te Reti, Pāpāmoa Beach North, Brookfield West, Arataki South, Tauranga Central and Mount Maunganui Central.



**Comments**

SLH strongly opposes the provision in the draft LAP to differentiate between bottle stores and grocery stores/supermarkets based on deprivation level. SLH believes that each application should be judged on its merits and not governed by an overriding provision.

The index currently available is approximately 5 years old (2018). For the deprivation level to be relevant it would have to be kept up to date and effective, it would need to be applied across the board for all types of licenses, not just bottle stores. .

SLH does not accept that alcohol related harm results only from bottle stores. SLH supports an open and competitive network. SLH submits that it is not reasonable to differentiate between the types of off licences with a cap as proposed.

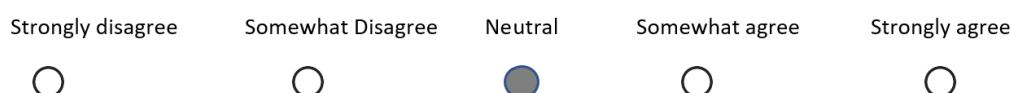
To differentiate between supermarkets and other retail operators (such as bottle stores), would further consolidate their perceived duopoly retail power in the retail system and serve to further perpetuate their competitive advantage over other retailers.

SLH also submits that an off-licence where a change ownership occurs is not considered a new licence. We seek to gain clarity about what is a new licence.

**Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?**

**Comments**

**Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?**



**Do you support the proposal to remove the one way door provision for on-licensed premises (bars, restaurants and pubs) in the city centre?**

The one-way door rule means that one hour before closing no new customers can enter.



**Do you support the proposal to add a range of discretionary conditions for off-licensed premises (bottle stores, supermarkets, and grocery stores)?**

These are conditions that the District Licensing Committee can add to any new license or a renewal of any existing license to help reduce alcohol harm.



**SLH strongly opposes discretionary conditions.** This policy needs to be applicable to all types of licences. Any conditions should be included in the LAP and not applied in a discretionary manner to avoid the risk of creating an unlevel playing field.

Comments from SLH regarding the discretionary conditions found on the Tauranga District Council website include:

- **Signs detailing statutory restrictions on the sale of alcohol to minors and intoxicated persons adjacent to every point of sale;**  
SLH supports this condition, providing it is limited to be displayed in a prominent position in the store, as not all ALL point of sale areas have walls to display signs,
- **The maintenance of an alcohol-related incidents book;**  
SLH supports this condition.
- **The installation and operation of CCTV cameras on the exterior of, and within, premises;**  
SLH supports this condition but detail should be provided for each individual liquor licence application. Crime Prevention Through Environmental Design (CPTED) guidelines should be considered when a new/renewal is being applied for, we believe would be a better way of addressing this proposed condition.
- **Provision of effective exterior lighting;**  
SLH supports this condition but detail should be provided for each individual liquor licence applications. Crime Prevention Through Environmental Design (CPTED) guidelines should be considered when a new/renewal is being applied for, we believe would be a better way of addressing this proposed condition.

- **No single sales of beer or ready to drink spirits (rtds) in bottles, cans or containers of less than 440mls in volume may occur except for craft beer;**  
SLH strongly opposes this draft condition. If they are legal products, approved by MPI, then we have should have the right to sell them. This condition potentially leads to an unlevel playing field where bottle stores are not allowed to sell them but supermarkets are. This is not fair and will not address the perceived issue that the council seems to be wanting to address. To differentiate between supermarkets and other retail operators (such as bottle stores), would further consolidate their perceived duopoly retail power in the retail system and serve to further perpetuate their competitive advantage over other retailers. We believe this condition is flawed as does not take into account single sales of craft beer, premium beer and day to issues of being able to sell products that have been salvaged from a broken pack of product etc. We are seeking the deletion of this condition.
- **No single sales of shots or premixed shots;**  
SLH strongly disagrees with this condition. Our experience as a retailer in Tauranga does not lead us to agree that there is a problem with single sales of shots. SLH also seeks clarity about the definition of a 'shot' to ensure that miniatures are exempt.
- **Restrictions on sales based on the type of product and/or its price;**  
SLH strongly opposes this. This goes against commerce commission and fair trade. The condition is too vague and difficult to enforce. We also believe that it is unreasonable and we are not aware of any research evidence to support this condition.
- **Restrictions on the display of RTD's at the principal entrance to the store or within three metres of the front window;**  
SLH strongly disagrees to this condition. All our stores are restricted or supervised so why do we need this. Due to the different sizes and shapes of the retail areas, this will be very hard to enforce.
- **Restrictions on the display of product or price specials.**  
SLH opposes this condition as it is too vague. Minimum pricing is currently governed by the SSAA (2012). This needs to be fair for all and not on a one-on-one discretionary basis. Until there is clarity on the exact outcome the condition intends to result in, SLH opposes this condition.

**General comments that need to be included in the submission.**

I request to present Super Liquors submission to Council by myself or a nominated person at the hearing in November 2022 or at a date the Council advises.

Thank you.

Yours sincerely



Greg Hoar  
National Operations Manager  
Super Liquor Holdings Limited

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
326	Susan	Comrie Hodkinson	Strongly agree	I am continually surprised at the number of alcohol bottles left roadside after I've cleaned up before breakfast and straight after the stores open at 9am.	Strongly agree	Alcohol harm is everywhere. But people in their own homes are drinking unseen until recycle day	Strongly agree	However building sites such as Zespri and the Combi turned a blind eye to the drinking roadside near the workplace ie Hinau Street	Strongly disagree	It's the next couple of hours as the 3.00am drinkers meander roadside. I believe no matter the time of final sale NO drinking roadside should occur	Strongly disagree	I think this provision gives the drinking patrons time to "cool down" and prepare to leave	Strongly agree	No one to be allowed to leave the premises drinking. No drinking roadside. Currently this is not even monitored in the no liquor drinking zones. People pre load and post load. It's ugly. In Canada and other countries Nelson and other NZ cities drinking is controlled. Canadians are NOT allowed to walk roadside with open alcohol containers nor are they allowed to drink in vehicles that are on or parked roadside. In vehicles alcohol containers must be closed. The NZ nationally or govt level needs to have an interparty accord re drinking laws. Tauranga needs to push for this. Last year the Mount was an alcohol tip. Every street every roadside reserve every marine parade & mall parking area was a sea of glass. At 5.00am in the morning. The bins were overflowing. The bylaws were not supported. The area was unsafe. Only 2 intergroup workers were rostered. They were slaves. The entire system needs revamping. These changes don't go far enough. Most of what I pick up everyday roadside is recyclable. 3 to 4 times a week I sort and dispose of the mostly alcohol containers. In summer it is 3 to 4x a day. At Easter and other holidays it is too. Bay Dreams and the cricket at the Oval means preloading and tossing the containers. No one cleans the neighbourhood except me. A behaviour change is required. Legislation is required. Every day our Marine Parade bins are like this and this is a good day in summer. Tauranga we have an almighty issue



## Revised draft Local Alcohol Policy

# Feedback form

### Your feedback

Tell us what you think about the revised draft Local Alcohol Policy at:  
[www.tauranga.govt.nz/lap](http://www.tauranga.govt.nz/lap) or by using this form.

### Contact details

Full name\*

Susan Conrie HODKINSON

Street address\*

Email\*

Phone\*

\* required

#### Privacy statement

Written submissions may contain personal information within the meaning of the Privacy Act 2020. By taking part in this public submission process, submitters agree to any personal information (including names and contact details) in their submission being made available to the public as part of the consultation and decision-making process. Council may choose to redact information from submissions before making them public. You don't have to answer all the questions on the form except for those marked with an \*. If you don't answer the questions marked with an \*, we may be unable to contact you about your submission such as to arrange a time for you to speak to Council in support of your submission or update you on the outcome of your submission. By providing your contact details you agree that we may contact you relating to the Local Alcohol Policy. All information collected will be held by Tauranga City Council, He Puna Manawa, 21 Devonport Road, Tauranga. Submitters have the right to request access to and correction of their personal information. For further information about this and our obligations and your rights under the Privacy Act 2020, please refer to Council's Privacy Statement on our website: [www.tauranga.govt.nz/privacy-statement](http://www.tauranga.govt.nz/privacy-statement)

**Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?**

☒ Strongly agree ☐ Somewhat agree ☐ Neutral ☐ Somewhat disagree ☐ Strongly disagree

Comments

I am continually surprised at the number of alcohol bottles left roadside after I've cleaned up before breakfast and straight after the stores open at 9.00am

**Do you support the proposal to not allow any new bottle stores to be established in some areas across the city where alcohol harm is likely to be greater?**

This means the number of bottle stores in areas with a deprivation index value of 7 or more will not increase. This includes: Yatton Park, Baypark-Kairua, Greerton South, Gate Pa, Tauranga Hospital, Hairini, Welcome Bay East, Tauranga South, Te Reti, Pāpāmoa Beach North, Brookfield West, Arataki South, Tauranga Central and Mount Maunganui Central.

☒ Strongly agree ☐ Somewhat agree ☐ Neutral ☐ Somewhat disagree ☐ Strongly disagree

PAGE 3



Comments

Alcohol Harm is everywhere.  
But people in their own homes are drinking  
Unseen until recycle day.

Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?

☒ Strongly agree ☐ Somewhat agree ☐ Neutral ☐ Somewhat disagree ☐ Strongly disagree

Comments

However building sites such as  
Zespi + the Combi turned a blind eye  
to the drinking roadside near the work  
place ie Hinton Street

Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?

☐ Strongly agree ☐ Somewhat agree ☐ Neutral ☐ Somewhat disagree ☒ Strongly disagree

Comments

Its the next couple of hours  
as the 3.00am drinkers wander roadside  
I believe no matter the time of final  
sale NO drinking roadside should occur.

Do you support the proposal to remove the one way door provision for on-licensed premises (bars, restaurants and pubs) in the city? The one-way door rule means that one hour before closing no new customers can enter.

☐ Strongly agree ☐ Somewhat agree ☐ Neutral ☐ Somewhat disagree ☒ Strongly disagree

Comments

I think this provision gives the  
drinking patrons time to "cool down"  
and prepare to leave

Do you support the proposal to add a range of discretionary conditions for off-licensed premises (bottle stores, supermarkets, and grocery stores)? These are conditions that the District Licensing Committee can add to any new license or a renewal of any existing license to help reduce alcohol harm.

☒ Strongly agree ☐ Somewhat agree ☐ Neutral ☐ Somewhat disagree ☐ Strongly disagree

Comments

No one to be allowed to  
leave the premises drinking

No drinking roadside

Currently This is not even monitored in the  
No liquor drinking zones.  
People are bad + fast bad Its ugly.

PAGE 4



Please include any further comments below

In Canada + other Countries  
Nelson + other NZ cities  
drinking is controlled.

Canadians are NOT allowed to  
walk roadside with open alcohol  
containers. Nor are they allowed  
to drink in vehicles that are  
on or parked roadside.

In vehicles alcohol containers  
must be closed.

The NZ National Govt <sup>or</sup> needs  
to have an Interparty Accord  
re drinking laws.

Tauranga needs to push for this.

Last New Year the Mount was an  
alcohol tip.

Every Street Every roadside reserve  
Every Marine Parade + Mall parking  
area was a sea of glass. at  
5.00am in the morning.

The bins were overflowing. The bylaws  
were not supported. The area was unsafe.

Only 2 Intergroup workers were

**Thank you for your feedback**

We will contact you by phone to arrange a speaking time. Each speaker is allocated five minutes.

Please send us your feedback by 5pm, Friday 16 September 2022.

Post to (no stamp required):

Freepost Authority Number 370  
Local Alcohol Policy consultation  
Tauranga City Council  
Private Bag 12022  
Tauranga 3143

PAGE 5

rostered They were  
Slaves.  
The entire System  
needs revamping  
These changes don't go far enough.









Most of what I pick up everyday roadside  
is acceptable.

3 to 4 times a week I sort +  
dispose of the mostly alcohol  
containers

In Summer it is 3 to 4+ a day.

At Easter + other holidays  
it is too.

Bay Dreamers + the Cricket at the Oval  
means preloading + tossing  
the containers

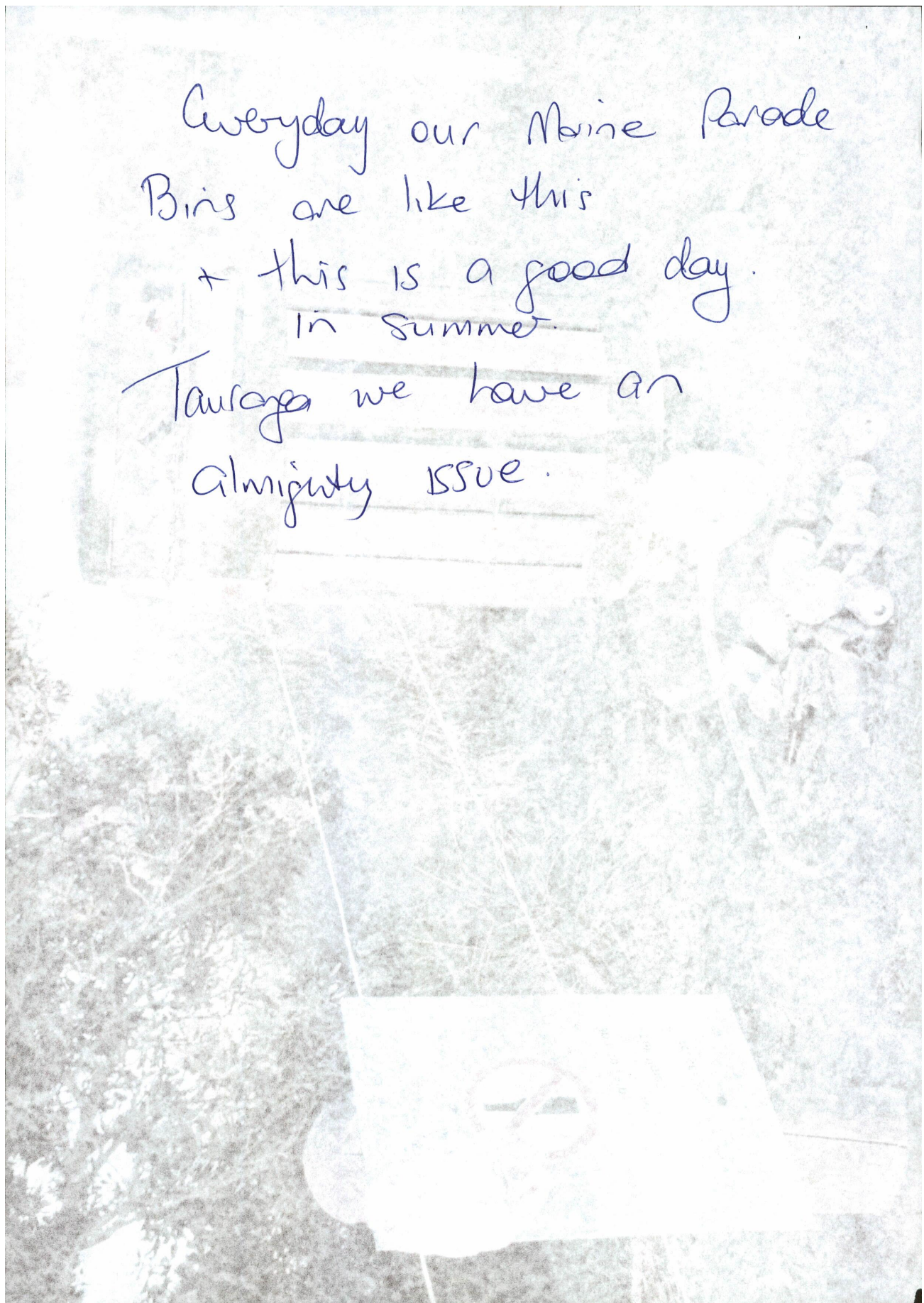
No one cleans the neighbourhood  
except me.

A behaviour change is required  
legislation is required











**Revised Draft Local Alcohol Policy****Statement of Proposal****Introduction**

Tauranga City Council's Local Alcohol Policy came into effect in 2015 and is now due for review. As part of this review a draft policy was developed in consultation with the Police, Medical Officers of Health and licensing inspections. This draft policy was consulted on between 17 November 2021 and 20 December 2021.

Council considered all submissions on 20 June 2022 and in response to the issues raised by submitters decided to revise the draft policy and carry out further community consultation. This document introduces the revised draft policy, which reflects changes made as a result of the earlier community consultation.

**Summary of the Proposed Changes**

The key changes proposed are:

- removal of the one-way door provision
- change the starting sales time to 10:00am instead of 7:00am for all off-licensed premises;
- no new on-licensed premises to be established in industrial zoned areas;
- no new licences issued for bottle stores located within suburbs with a social deprivation index of 7 or more. This does not apply to new licences for an existing premise that has been sold, or for an existing premises that relocates to a new site within the same suburb; and
- the inclusion of discretionary conditions for all off-licensed premises.

The revised draft Local Alcohol Policy, with amendments shown as track changes, is available at [www.tauranga.govt.nz](http://www.tauranga.govt.nz). For the full agenda report please see the Strategy, Finance and Risk Committee Report from 1 August 2022 titled 'Revised Draft Local Alcohol Policy'.

**Reasons for the Proposal**

The Local Alcohol Policy was adopted in 2015. The Local Alcohol Policy is due for review to meet the provisions of the Sale and Supply of Alcohol Act 2012.

Information and feedback from submitters supports continuing to have a Local Alcohol Policy in place. Submitters have asked for additional, and stronger, measures in the policy to reduce alcohol related harm.

The proposed changes to the revised draft Local Alcohol Policy aim to reduce alcohol related harm, clarify provisions in the policy and focus the policy on the Tauranga City Council area.

**Research Report**

Council has prepared a research report to gather information and collect feedback from stakeholders regarding alcohol, the community and the draft Local Alcohol Policy.

The report provides a range of information including information on current licences, community and demographic information, feedback from stakeholders, community health information and alcohol related problems in the district.



The full research report is available at [www.tauranga.govt.nz](http://www.tauranga.govt.nz)

### **Legislative Background**

The Local Alcohol Policy aims to minimise alcohol-related harm and to set requirements for licensing that are aligned to community views and address local issues. Local Alcohol Policies are not mandatory, without a Local Alcohol Policy, the default provisions would apply. The default maximum trading hours for an on-licensed premises are 8am to 4am the following day.

The Sale and Supply of Alcohol Act 2012 sets out the requirements and process for Local Alcohol Policies. Local Alcohol Policies are able to include policies on any or all of the following matters relating to licensing (and no others):

- location of licensed premises by reference to broad areas
- location of licensed premises by reference to proximity to premises of a particular kind or kinds
- location of licensed premises by reference to proximity to facilities of a particular kind or kinds
- whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district
- maximum trading hours
- the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions
- one-way door restrictions.

Council must follow the special consultative procedure in reviewing the policies. This statement has been prepared in accordance with Local Government Act 2002.

### **Feedback**

The draft Local Alcohol Policy will be open for public submission from 16 August 2022 to 16 September 2022.

If required, hearings will be held in November 2022.

You can submit online or send us your feedback by email or post.

Full copies of the draft policy and a submissions form are available from council's customer service centre at 21 Devonport Road Tauranga, the Tauranga, Mount Maunganui, Greerton and Papamoa libraries, on council's website at [www.tauranga.govt.nz](http://www.tauranga.govt.nz) or by contacting the policy team on 07 577 7000 or [info@tauranga.govt.nz](mailto:info@tauranga.govt.nz)

I would like to talk to my  
Submission

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
327	Dan	ROSER	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	refer previous and attached submissions from Police	Somewhat disagree	refer attached police submissions	Strongly agree	





16 September 2022

Jane BARNETT  
Policy Analyst  
Tauranga City Council

**Supplementary Police Submissions to the Tauranga City Council Local Alcohol Policy (LAP) review 2022.**

Last year Tauranga City Council developed a draft LAP, which was open for public consultation between 17 November and 20 December 2021

In relation to licensed premises in the Tauranga CBD, the initial proposed changes to the LAP were for a One-way door entry from 1am and a 2am final alcohol sales time for On licence in the city centre.

A public submissions hearing was held on the 14 March 2022. After considering these submissions, Council decided to revise the draft policy and carry out further community consultation in response to the issues raised by submitters.

The key changes included in the revised draft LAP are:

- changing the final alcohol sales time to 3am from the proposed 2am for all on-licensed premises (such as bars and nightclubs) in the central city
- removing the one-way door provision (allowing patrons to leave licensed premises but not enter or re-enter during specified times);
- changing the opening sales time to 10am instead of 7am for all off-licensed premises (such as bottle stores and supermarkets);
- no new on-licensed premises to be established in industrial zoned areas;
- no new licences issued for bottle stores located within suburbs where alcohol is likely to have greater impact on the community; and
- introducing a range of discretionary conditions for all off-licensed premises.

During the first public submissions hearing Council heard evidence from Dr Nikki Jackson from Alcohol Healthwatch. She referred to research evidence regarding the effect of fatigue and alcohol consumption on the levels of intoxication and the inhibition of aggression of those who are affected by alcohol.

Police have always recognised the degradation of people's behaviour as the hours of the night progress.

The reputation of the Tauranga CBD as being an unpleasant environment late night is longstanding. Police have maintained the position that a 2am closing time is appropriate for the licensed premises in the Tauranga CBD since submissions for the LAP were first called for in 2013. Further, the recommend changes to the LAP would likely improve amenity and good order would actually enhance the businesses in the Tauranga CBD. Police maintain that the present 3am cessation of alcohol sales is too late, and the compounding effects of fatigue and intoxication are creating an unsafe environment in the Tauranga CBD.

There is clear disparity with regard to the level of public order offending surrounding premises in the Tauranga CBD and those at Mount Maunganui, which has a 1am closing time. This was presented at the first hearing. Police submit that this is due to both the degree of intoxication, reduced violence inhibition, compounding effects of fatigue and styles of venues.

The premises at the Mount are vibrant and thriving. There are a few premises in the Tauranga CBD that are similar to those at the Mount but are affected by the reputation of the Tauranga CBD and many customers choose the Mount in preference.

Research referred to by Dr Jackson also showed customers attended venues which had earlier closing times earlier in the evening but finished their nights with a lower blood alcohol content. Anecdotally this is recognised in the busier dining trade at Mount based premises over Tauranga CBD premises.

A statistical analysis Intelligence Report (IR) relating to Alcohol Related Offending has been attached to these submissions. The IR clearly shows the late-night temporal distribution of alcohol related offending and the disparity in that distribution between the Tauranga CBD and the Mount Maunganui CBD.

The IR also shows the clear difference in the scale of alcohol related occurrences between the two geographical areas, which have difference licensing times.

The heat maps highlight the Tauranga CBD as the most affected area of Tauranga in terms of Alcohol being a contributing factor for offences / incidents.

During the first public hearing oral submission were made

One submitter stated that the proposed 2am close would affect her business and experience a major decline in revenue and need to assess its viability. None of this submitter's premises are licensed after the 2am proposed close time and will therefore it's unclear how this premise would be affected at all.

The submitter further stated that the 2am closing would cause customers to go to the Mount instead. No clear rationale was given as to why this would occur and as the Mount has an even earlier close time of 1am it seems unlikely.

Submissions were made by licensees:

- The One-Way door (OWD) entry policy was ineffective / created issues.
- That they provided a high level of care to their patrons.
- That there is a lack of Police presence which contributes to amenity and good issues.

The submissions are in contrast to what Police routinely observe. To evidence this point I have reviewed CCTV footage for a period of only a few nights in the Tauranga CBD. The compiled footage shows incidents of intoxication / disorder / assaults involving patrons of the bars.

These take place either before the proposed 2am closing time showing that the situation is already in a state of damaged amenity and good order. The persons involved have been patrons in the Tauranga Bars. Further that the care standard of care for patrons is not always at the level espoused.

**Synopsis to accompany video file.**

**Incident at Miss Gee's on 13-08-2022 to 14-08-2022.**

- 23:02 hours male approaches premises and is permitted entry. His body language implies he is jovial and influenced by alcohol - His entry is not inappropriate.
- 02:00am he is escorted from the premises. (Yellow circle)
- 02:11:50 the male is pushed, stumbles and falls backwards onto the concrete.
- He remains on the ground until Police sight him. He is assessed as grossly intoxicated.
- 02:19 Police conduct a walkthrough Miss Gee's.
- 02:26 female in green shirt (Yellow circle) is spoken to and assessed as intoxicated. She was observed swaying as she was being served a drink at the bar

**20<sup>th</sup> August 2022. Hamilton Street conjoined premises Havana and City Sports Bar.**

- 02:09am. Male in purple shirt exits bar. Followed by short male. Yellow circle. Neither are attempting to get back into the premises. Both are in an elevated state of agitated behaviour. Shortly after a confrontation occurs. The confrontation continues around the corner onto Willow Street where a taxi / Uber vehicle is kicked by purple shirt male.
- 02:33am Mr Purple shirt male is back outside the bar. He is not attempting to re-enter.
- 02:33am Male in black and white top exits bar. (Yellow circle)
- 02:37 this male starts a fight with a spinning back kick at another person. (two angles).

Police are present and arrest male.

Purple shirt male also arrested.

**20<sup>th</sup> August 03:43. The Strand reclamation car park.**

Disorder and assault involving intoxicated persons.

**21<sup>st</sup> August 2022. Hamilton Street conjoined premises Havana and City Sports Bar.**

- 01:11am Male Caucasian purple shirt exits bar. (Yellow circle). Crosses road then pulls bottle of beer from packet and drinks.
- 01:17am male in white top and green cap exits bar. (Yellow circle)
- 01:17am male in black t-shirt exits bar (Yellow circle) confrontation ensues outside bar. Security staff become involved.
- 01:21am Aggressive male removes shirt and attempts to instigate fight. Security intervenes.
- 01:25am confrontation continues down onto The Strand. Security walk from bar to intervene. Tensions remain.

The experience of the Tauranga camera operator following the group shows that they are of concern.

- 01:29am New confrontation erupts on the lawn of The Strand. Large numbers. Two police staff in attendance.
- Black T-Shirt male from bar has now put on his white shirt (Yellow circle) and is involved in the confrontation. Police staff disperse group.

**25<sup>th</sup> August 2022. Devonport Rd, H2O bar.**

- 01:19 male with t shirt exits bar. Later becomes victim of assault.
- 01:23 male exits bar – grey top and cap. Is offender for assault / fight.
- 01:41 third patron exits bar – male white t-shirt.
- 01:42 confrontation ensues and becomes street fight.
- 01:46 larger male is assaulted by shirtless male.

Police attend and arrest other shirtless male from fight.

**28<sup>th</sup> August 2022. Hamilton Street conjoined premises Havana and City Sports Bar.**

- 01:56am female exits bar (Yellow circle) puts on jacket.
- 02:02am Same female (Yellow circle) instigate a fight on the Strand.

**28<sup>th</sup> August 2022. Hamilton Street conjoined premises Havana and City Sports Bar.**

- 01:38 Mass disorder outside bar. Two police staff present.
- 01:39am Male in Purple shirt is warned to desist and moved on by Police. (Same male as on 20<sup>th</sup>)
- 01:41am Management of bar point out the instigators of the disorder (several females)
- 01:41am Male in purple shirt has walked the block around Masonic Park, still agitated and aggressive. Has dispute with female (partner?) on The Strand.
- 01:44am Minor confrontation with male passing by. Then takes seat in closed restaurant.
- 01:46am Police locate and arrest for disorder as highly likely to escalate.

- 01:48am While at the Strand Management from Bar speaks to Police regarding some characters standing around front of Havana bar.

Meanwhile...

- 01:35am Two males exit bar (yellow circle) One male covered in blood. Walked across road with security. Management attend.
- 01:37am Seriously injured male is bought out from bar being supported to stand by two security staff.
- Male is walked past Police officers and taken around the corner onto Willow Street.
- 01:38am Shows male being walked by security staff (yellow circle) up Willow Street and around into Harington Street and left.
- 01:40am Security guard (yellow circle) walks back to bar.
- 01:52am Bar security and management walk back to bar from previous disorder on The Strand.
- 01:53 Police Sergeant and staff return to area after disorder on the Strand. Police Sergeant spoken to by security staff regarding the persons standing outside bar who are possibly there to cause problems. The reason for this assumption was not provided to Police.
- Police Sergeant speak to the males.
- 02:33am Head-hunter gang members and associates approach area through construction site.
- 02:34am Have meeting with Security staff and management on Hamilton Street. Hold discussions and then return to out front of bar.
- 02:42am Police Sergeant films males present.
- 02:44 Gang members leave area.

Police understand that there is research (ex NZ) showing the limited beneficial effects of a One Way door (OWD) entry policy. It is understood that some overseas cities have since removed one way door policies from premises. Police believe the OWD is beneficial and video evidence will show that problems are occurring before the OWD 2am restriction even takes effect thus supporting the 2am closure recommendation. Due the levels and effects of intoxication these incidents are happening if police are in the area or not.

Police would however concede the OWD position but maintain that the 2am closing is the best reasonable way to improve the amenity and good order of the Tauranga CBD. Police maintain the position it has held since 2013 when first called for Local Alcohol Policy submissions. Whilst commercial interests are not a criterion for the Local Alcohol Policy considerations, Police point to the Mount Maunganui 1am closing entertainment precinct as an example of a thriving business environment.

**Sergeant Dan ROSE** Alcohol Harm Prevention Co-ordinator | New Zealand Police

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IN CONFIDENCE



# *Intelligence Report*

Alcohol Related Offending  
in WBOP

15/09/2022

IN CONFIDENCE

## Introduction

1. Alcohol contributes to a large number of offences within the community. The number of offences where alcohol was a contributing factor is starting to increase, coinciding with the easing of COVID-19 restrictions.
2. Alcohol has also resulted in a significant number of people being admitted to hospital with a condition that is wholly attributable to alcohol use, with Tauranga being consistently above the national average for the last 10 years.<sup>1</sup>

## Purpose

3. This report was originally requested by the WBOP Area Prevention Manager in April 2022, to provide situational awareness around current alcohol related offending in Western Bay of Plenty (WBOP) and assist with tasking to support Police's strategic goals of Safe Homes, Roads and Communities.
4. A copy of that report has been requested by the Alcohol Harm Prevention Officer, to share with Tauranga City Council. This report may only be distributed to the Tauranga City Council for the purpose of informing local alcohol policy changes and must not be used for any other purpose. Internal Police recommendations contained in the original report have been removed from this copy.

## Methodology

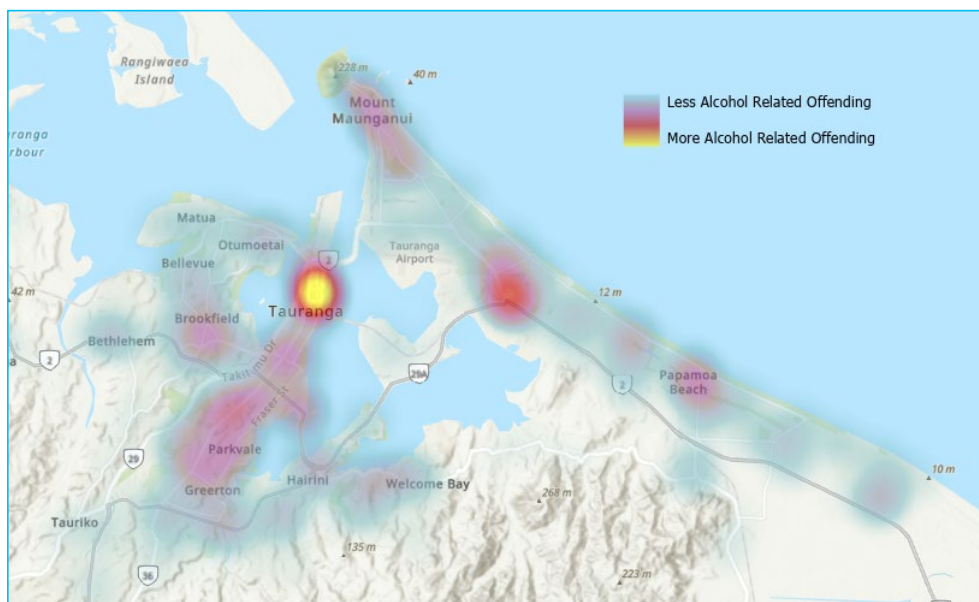
5. This report is based on data extracted from Business Objects using the BI NIA Occurrence universe containing information between 01 July 2019 and 26 April 2022.
6. "Lockdown" is used a generic term to refer to any period WBOP was in Alert Level 4 or 3, unless otherwise stated.
7. Statistics in this report are extracted from an operational database that is updated, and so may not be comparable with a data request covering the same dates extracted at a different time. The data is provisional as it is drawn from live collection and is therefore subject to change as further information becomes available. The data is not suitable to be official Tier 1 statistics<sup>2</sup>, as they do not have the same data quality protocols applied to them.

<sup>1</sup> Tauranga City Council, Local Alcohol Policy Background Report 2021, Retrieved 31<sup>st</sup> March 2022

<sup>2</sup> <https://www.data.govt.nz/catalogue-guide/showcase/official-statistics/>

## Analysis

8. The Alcohol Contributing Factor is a subjective assessment completed by the attending officer to assess whether intoxication of the parties contributed to the event occurring. It was introduced into Police recording practices in 2019.
9. Since its inception, the number of events where alcohol is noted as a contributing factor has fluctuated significantly, with clear peaks during periods where COVID-19 restrictions were not in place. Prior to the initial COVID-19 lockdown in 2020, the number of events involving alcohol was increasing at a significant rate and this increase has started to resume. With the recent easing of COVID-19 restrictions, it is likely the number of offences where alcohol was a contributing factor will continue to increase.



10. Alcohol was recorded as contributing to 9% of all events,<sup>3</sup> however certain types of events have higher percentages, such as family harm (21%), violence<sup>4</sup> (17%) and traffic incidents<sup>5</sup> (14%).

<sup>3</sup> Includes all events since 01 July 2019.

<sup>4</sup> Includes all 1000's series codes.

<sup>5</sup> Includes all 1V and 1U's.



*Alcohol Related Offending*

IN CONFIDENCE

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11. Most of the alcohol related demand is in the Tauranga CBD, Tauranga South, Mount Maunganui and near Bayfair. The majority occurs on Friday and Saturday nights between 9pm and 3am, often within a short walking distance<sup>6</sup> of a licensed premises.
12. The Tauranga CBD and Mount Maunganui have similar peak times for demand compared with whole of WBOP. Mount Maunganui's peak demand ends slightly earlier at 2am compared with the Tauranga CBD where demand only starts to decrease after 4am.
13. The Tauranga CBD has the highest number of alcohol related events, with 821 incidents occurring within 500m of the licensed premises in the CBD.<sup>7</sup> This is significantly higher than Mount Maunganui, which has 337 events occurring within 500m of the premises in the area<sup>8</sup>, despite having a similar number of licensed premises as Tauranga CBD.
14. All licensed premises in the Tauranga CBD can be open until 3am, which is two hours longer than all other places in Tauranga.<sup>9</sup> It is possible that with other locations closing earlier, people are travelling into the CBD after already consuming alcohol at another location and then being involved in an incident while in the CBD.
15. The types of licensed premises in the Tauranga CBD are also different from other areas, with more night club style locations where people generally consume larger quantities of alcohol rather than restaurants where people generally go earlier in the evening to eat and drink. It is likely this different type of location and the longer hours of operation are contributing to the increased level of alcohol related offending in the CBD.

*Recording Practices*

16. It is also challenging to identify which premises may have been a factor in the occurrence, as generally, if Police attended and the person is no longer at the location where the incident started, the premises is not linked to the occurrence.<sup>10</sup> This makes it difficult to identify premises that may be regularly neglecting their responsibilities. Therefore, there are opportunities to provide staff training around ensuring the premises where the event is occurring is linked in NIA, which will assist in further analysis to establish any problematic premises.

<sup>6</sup> Yong Yang (July 2012), 'Walking distance by trip purpose and population subgroups' determined a short walking distance is 400m. Retrieved on 01 April 2022, from the National Library of Medicine

<sup>7</sup> See Appendix for map of area. Tauranga CBD licensed premises

<sup>8</sup> See Appendix for map of area. Mount Maunganui licensed premises

<sup>9</sup> Tauranga City Council, Local Alcohol Policy Background Report 2021, Retrieved 31<sup>st</sup> March 2022

<sup>10</sup> Ibid

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## Appendix

### Times and Days of Peak Demand for Alcohol Related Occurrences in WBOP

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Sum:
0000 - 0100	31	27	30	53	75	199	166	581
0100 - 0200	23	21	33	38	60	176	176	527
0200 - 0300	17	12	22	28	33	120	124	356
0300 - 0400	7	13	16	18	37	62	105	258
0400 - 0500	3	7	9	13	12	39	43	126
0500 - 0600	6	8	6	5	5	11	24	65
0600 - 0700	8	7	3	6	5	12	18	59
0700 - 0800	11	7	12	10	10	17	14	81
0800 - 0900	15	8	14	12	14	18	22	103
0900 - 1000	10	9	13	6	15	18	21	92
1000 - 1100	14	14	10	10	11	28	12	99
1100 - 1200	18	9	22	11	20	15	20	115
1200 - 1300	15	18	21	12	32	28	25	151
1300 - 1400	17	17	21	17	17	26	19	134
1400 - 1500	28	23	19	22	23	25	29	169
1500 - 1600	22	20	35	35	37	29	44	222
1600 - 1700	34	29	49	43	36	44	49	284
1700 - 1800	39	35	39	60	55	57	42	327
1800 - 1900	46	48	54	48	74	77	51	398
1900 - 2000	48	53	57	60	101	99	62	480
2000 - 2100	52	59	71	80	115	135	70	582
2100 - 2200	54	68	75	91	114	112	63	577
2200 - 2300	35	67	63	83	126	172	55	601
2300 - 2400	31	48	75	90	199	195	50	688
Sum:	584	627	769	851	1226	1714	1304	7075

WBOP / IR / 220915

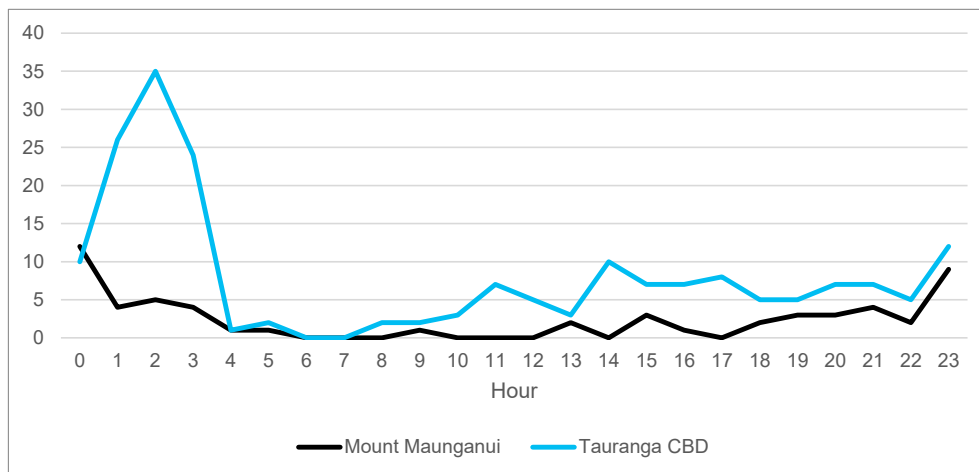
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Alcohol Related Offending

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*Occurrence Timings for Tauranga CBD and Mount Maunganui*

WBOP / IR / 220915

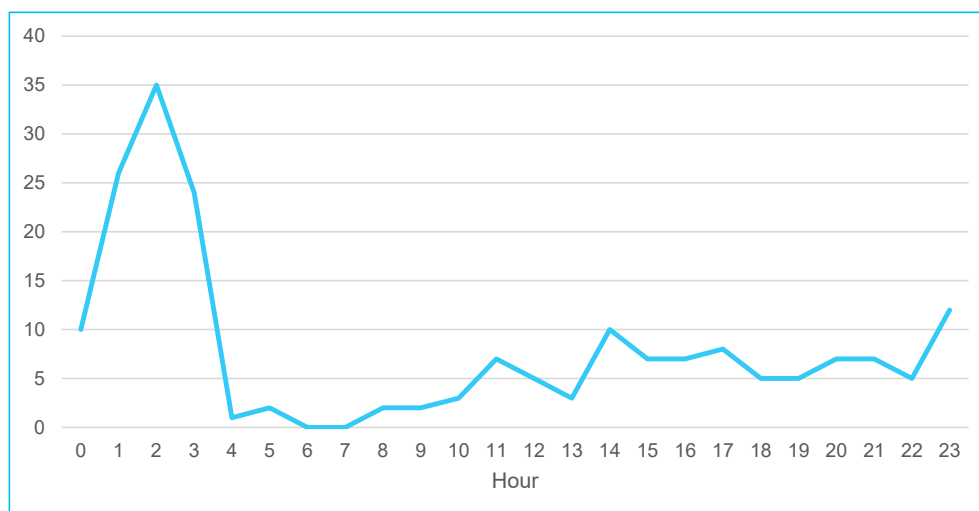
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## Alcohol Related Offending

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Occurrence Timings for Tauranga CBD<sup>11</sup>

## Tauranga CBD Top 10 Occurrence Codes

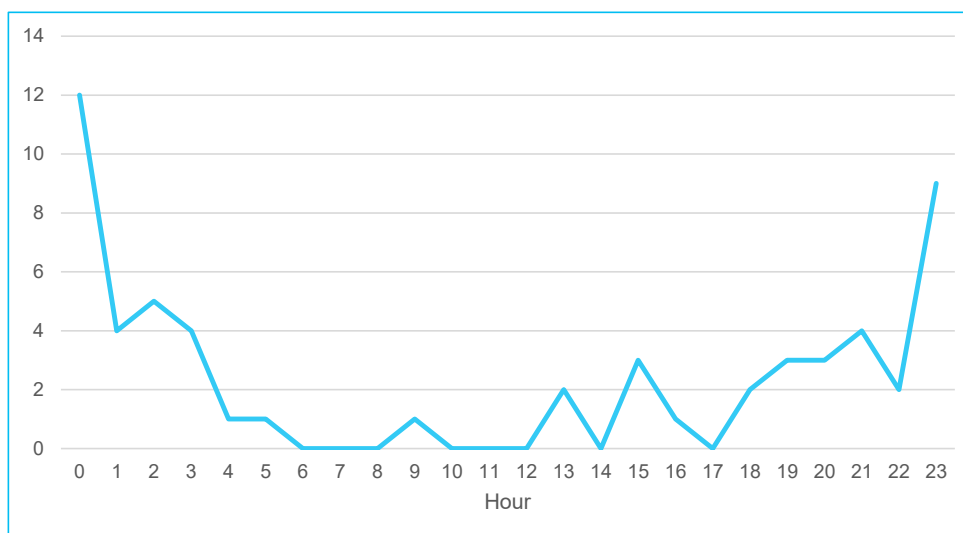
Code	Code Description	Count	Percentage
3536	Disorderly behaviour	28	14.5%
A518	Breath alcohol over 400mcgs	22	11.4%
W657	Possessed alcohol in alcohol banned area	14	7.3%
5F	Family harm	10	5.2%
3561	Fighting in a public place	8	4.1%
A530	Aided person <20 to exceed breath limit	8	4.1%
1545	Assault on person in family relationship	7	3.6%
5127	Wilful damage	7	3.6%
W655	Consumed alcohol in an alcohol banned area	7	3.6%
3514	Resist Police	5	2.6%

<sup>11</sup> See Appendix Tauranga CBD Licenced Premises

## Alcohol Related Offending

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Occurrence Timings for Mount Maunganui CBD<sup>12</sup>

## Mount Maunganui CBD Top 10 Occurrence Codes

Code	Code Description	Count	Percentage
5F	Family harm	8	14.0%
5127	Wilful Damage	5	8.8%
A518	Breath Alcohol over 400mcgs	5	8.8%
3536	Disorderly behaviour	4	7.0%
1593	Common Assault	3	5.3%
3252	Procure/possess cannabis plant	2	3.5%
3561	Fighting in public place	2	3.5%
A521	Person under 20's breath alcohol contained alcohol over 150 mcg	2	3.5%
W655	Consumed alcohol in banned area	2	3.5%
W657	Possessed alcohol in banned area	2	3.5%

<sup>12</sup> See Appendix Mount Maunganui Licenced Premises

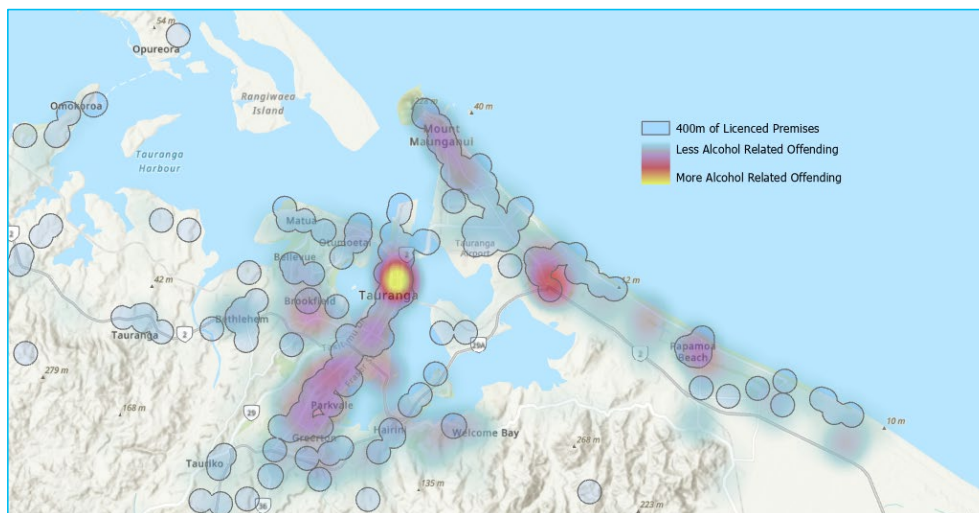
## Alcohol Related Offending

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**All Alcohol Related Events**

Map shows all events that are recorded in NIA that have alcohol as a contributing factor. The shaded areas are locations which are within 400m of a licensed premises.



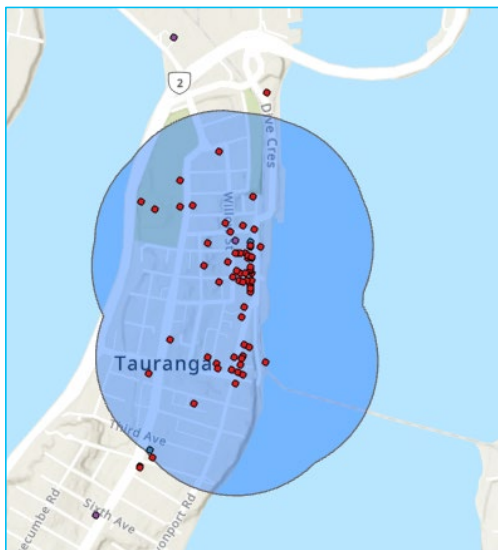
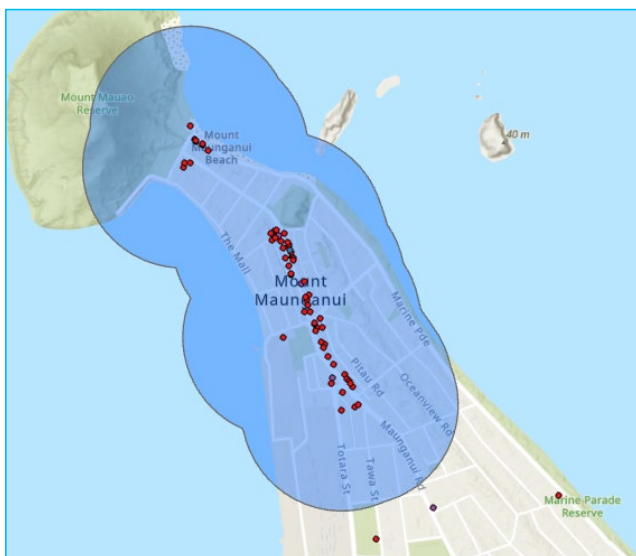
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Alcohol Related Offending

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**Tauranga CBD Licensed Premises Locations****Mount Maunganui Licensed Premises**

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## In Confidence

This document is classified **IN CONFIDENCE**. All In Confidence reporting and information (including data) should be dated and clearly identify the originating Government agency.

### Handling Instructions

Method	Rules
Electronic transmission	IN CONFIDENCE data can be transmitted across external or public networks but the level of information contained should be assessed before using clear text. Username / Password access control and/or encryption may be advisable (with the aim of maintaining confidence in public agencies).
Manual transmission	May be carried by ordinary postal service or commercial courier firms as well as mail delivery staff in a single closed envelope. The envelope must clearly show a return address in case delivery is unsuccessful. In some cases involving privacy concerns, identifying the originating department may be inappropriate and a return PO Box alone should be used.
Storage and disposal	IN CONFIDENCE information can be secured using the normal building security and door-swipe card systems that aim to keep the public out of administrative areas of government departments. Must be disposed of by departmental arrangements.

### Probabilistic Language

Probability Statement	Qualitative Statement	Percentage Probability
ALMOST CERTAIN	The event will occur in most circumstances	>95%
LIKELY	The event will probably occur in most circumstances	>65%
POSSIBLE	The event might occur some of the time	>35%
UNLIKELY	The event could occur in some circumstances	<35%
RARE	The event has remote chance of occurring	<5%



## Disclaimer

The interpretations and conclusions drawn in this report are made on the balance of probability on information available at the time of preparation. The information contained herein is not evidence and is intended to provide a basis for further investigation only.

## Acknowledgements

The author would like to acknowledge the WBOP Alcohol Harm Prevention Officer for their insight and expertise on this topic.

## Document Production

	Originator	Reviewed by	Released by
Name	ECJ274	MMCL53	MMCL53
Role	Intelligence Analyst	Intelligence Supervisor	Intelligence Supervisor
Extension	75742		
Date	14/09/2022	15/09/2022	15/09/2022

## Distribution List

### For Action

Tauranga City Council

### For Information

WBOP Alcohol Harm Prevention Officer

**Q1: Do we still need the LAP? The Benefits of the LAP.**

**General:** It is the Western Bay of Plenty Police's position, that a LAP is still required. A LAP is essentially to ensure the sale, supply and consumption of alcohol is undertaken in a safe and responsible manner and the harm caused by the excessive consumption of alcohol is minimised. The LAP provides a framework that balances public safety and commercial interests. It should articulate the number, location (area), type and operating hours for licensed premise in our community in a manner that promotes actual public safety while supporting business. Without a LAP there is a real risk that financial gain (which benefits few) will be promoted above community safety. It also supports an even playing field for business and mitigates the risk of bias in that all licensee are bound to the same set of rules.

**Harm caused by the abuse of Alcohol:** An excess number of licensed premises and trading hours for licensed premises can lead to undue alcohol harm and a reduction in amenity and good order.

Alcohol abuse is an underlying factor for many social issues and is estimated to cost New Zealand society \$7.85 billion each year. This includes costs resulting from lost productivity, unemployment, as well as justice, health, ACC, welfare costs etc.

<https://www.actionpoint.org.nz/cost-of-alcohol-to-society#:~:text=In%20contrast%2C%20alcohol%20misuse%20is,ACC%2C%20welfare%20costs%2C%20>

Alcohol is a significant driver of crime and road trauma in New Zealand. Approximately 40% of all assault, abduction, robbery, threats or damage to property offences involve alcohol, and one third of all family violence incidents are known to involve alcohol ([New Zealand Crime and Safety Survey 201; New Zealand Crime and Victims Survey 2018](#)).

In New Zealand for the 2019 calendar year there were 137 fatal crashes, 286 serious injury crashes, where alcohol / drugs were a contributing factor. In these crashes, 160 people died, 391 people were seriously injured, and 1936 people suffered minor injuries. In 2019, 17 people died in motor vehicle crashes in the Bay of Plenty and which alcohol/drugs were a contributing factor.

<https://www.transport.govt.nz/statistics-and-insights/safety-annual-statistics/sheet/alcohol-and-drugs>

**Benefits of a LAP:** One of the key benefits is that it sets local maximum trading hours for all licenses in the district instead of using the default hours (8am-4am for on licenses and 7am- 11pm for off licenses) that the Sale and Supply of Alcohol Act 2012 imposes.

Police have no doubt that alcohol related crime in our community would be higher if the maximum trading hours were set at the default hours. Previous experience clearly demonstrates that a reduction trading hours has had a positive impact on decreasing alcohol related offending in the Western Bay of Plenty.

**Q2: Is there evidence for changing the existing policy? What matters require change and why?**

Western Bay of Plenty (Tauranga) is a rapidly growing area that has seen significant change and therefore it is time to review and consider changing the current LAP. It is the Western Bay of Plenty Police's position that changes are required in the following areas;

- Operating hours in the Tauranga CBD.
- One-way door restrictions.
- Location of licensed premises.

**Operating hours in the Tauranga CBD.**

**General:** Urban spread has changed where people are socialising with there now being satellite entertainment destinations. Despite this, most of the reported violent crime and antisocial behaviour around licensed premises still occurs in the central city.

Police offer anecdotal evidence based on experience and observation that the Mount Maunganui entertainment precinct, with its 1:00am closing time has a thriving and vibrant nighttime economy with significantly higher amenity and good order. There is a marked difference in the calls for service and alcohol related harm relative to the Tauranga CBD.

The Tauranga CBD, from midnight onwards has become encumbered by late night disorder often fueled by alcohol preloading. The CBD appears to be a drawcard for groups who have been drinking in other areas to congregate, which often brings together different factions resulting in conflict (both as a result of intoxication and the mixing of conflicting groups).

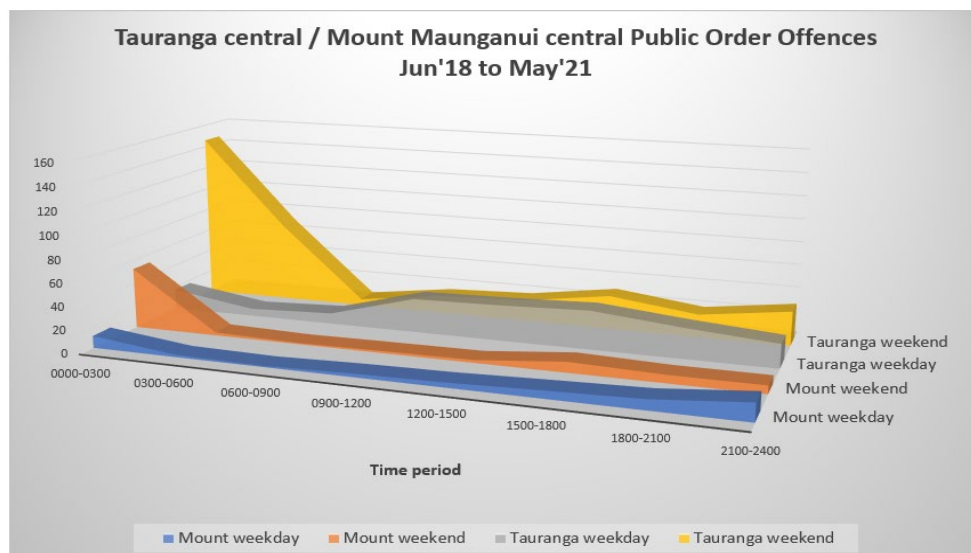
The most significant difference between the two areas is the different licensing hours for Mount Maunganui and the Tauranga CBB.

**Examples:** Time and Place temporal distribution table for the two main data mesh blocks in the Tauranga CBD entertainment precinct below (table 1) shows the increase risk of victimisation between midnight and 4am Saturday and Sunday mornings.



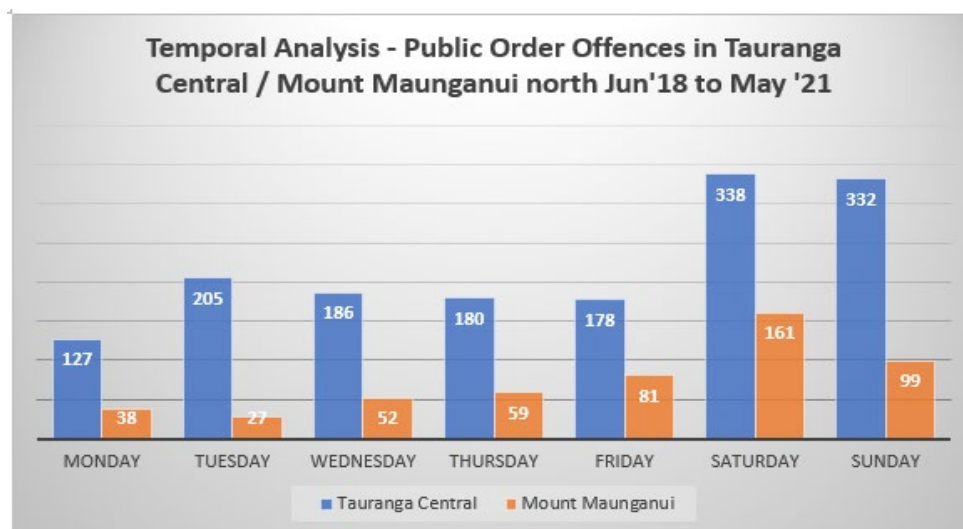
**Table 1:** <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>

Temporal analysis of public order offences in the Tauranga Central area show a heightened distribution on the weekends and peaks at the midnight to 03:00am time period.



**Graph 1:** Illustrates the temporal distribution of Public order offences. Data values are combined for weekend and weekdays with totals being averaged. Visual comparison of Tauranga Central and Mount Maunganui Central areas show a spike in incidents in the midnight to 03:00am time period. This is attributed to the presence of nighttime entertainment licensed venues in both areas.

It is notable that the spike in the Mount Maunganui area is dramatically lower than that in Tauranga Central. Police attribute this to the earlier closing time of the licensed premises, being 1:00am compared to that of Tauranga central being 3:00am. Style of venue and demographics also contribute.



**Graph 2:** Shows the difference in Public Order offence for Tauranga CBD and Mount Maunganui by day of week

**Impact on Road Safety:** In a recent Road Policing operation held over two consecutive weekends respectively (Operation Tri Cities 7/8 May and 14/15 May 2021), Police apprehend 85 and 95 drivers respectively who were driving with an excess of alcohol in their system (breath/blood). Apprehension rates were higher on Saturday nights than on Friday nights and there was a noticeable increase in the apprehension rate from Midnight through to 4am.

To provide context Western Bay of Plenty Police officers have offered the following testimonials.

**Testimonial 1:**

I am a Sergeant in the New Zealand Police. I have 44 years' Service. From October 2016 to April 2020 I was the Alcohol Harm Prevention Officer for Western Bay of Plenty Police. My duties in this role included the monitoring of licensed premises and enforcement of the laws in relation to the Sale and Supply of Alcohol Act 2012.

In May 2018 a hearing was held before the Tauranga District Licencing Committee (DLC) after Police opposed the licence renewal of "The Bahama Hut". Police opposed The Bahama Hut due to ongoing issues relating to intoxication and public disorder. In their decision the District Licencing Authority viewed the reduction of hours of sale to 2 am as a key tool in reducing alcohol harm.

Police, as a result of ongoing disorder, fighting and assaults resulted outside the Flow Bar and the general lack of amenity and good order around The Manger, in consultation with Police, agreed

1. Closure of the smoker's area at 2 am to ensure there is no loitering of customers on the exterior of the area
2. Closure of the City Burger Bar 10 minutes prior to bar service stopping from within Flow and City Sports Bar.
3. Closure of City Sports bar and Flow at 2.30 am
4. When required Security staff on the street after 2.30 am to maintain a presence to manage crowds to minimise disorder and impact on amenity and good order.
5. Active monitoring of the Hamilton street carpark to ensure there is not preloading and the area is not an attractor for alcohol related harm.

The agreement highlighted the licensee's acceptance that the longer operating hours does impacted on the ability to control Patron behaviour and the impact on the surrounding amenity

The reduced hours resulted in increased amenity and good order of the surrounding streets (Willow/Hamilton and The Strand) and a decrease in calls for service to Police. Further the licensee [REDACTED] indicated that there was a cultural adjustment of patron drinking behavior (arriving earlier) and that considering reduced staff hours the impact financially was not dramatic.

Prior to my departure in 2020 I had informal discussion with the key licensees in the Tauranga CBD in relation to their view on a reduction of trading hours. All but one licensee agreed that they would be open to discussion as long as there as an even playing field where all premises closed at the same time. There was a stronger appetite for a reduction to 2.30 am last drinks as opposed to 2 am last drinks.

**Testimonial 2:** I am a Senior Sergeant in the New Zealand Police based in Tauranga. I have 17 1/2 years' service, all of which has been served on the frontline. Two of these years were spent as the alcohol harm reduction Sergeant here in Tauranga which primarily involved Policing licensed premises on Friday and Saturday nights, three out of the four weekends per month.

During my time based in Tauranga, 15 years I have Police licensed premises across Western Bay of Plenty but the two main areas being the Mount Maunganui and Tauranga CBD's. There is a clear and obvious difference in the amount of alcohol related harm between the Mount Maunganui and Tauranga CBD's. The Tauranga CBD would see a significantly higher number of assaults, fights, disorder, drink driving and other alcohol related issues. My observation over the years is that the 0100hrs closing time for the licensed premises in Mount Maunganui is the main factor in the lower number of alcohol related issues.

In recent years the Tauranga CBD was affected by a 0200hrs one-way door policy. This has its obvious positive side but there is also a negative side effect of this policy. A large number of persons arrive in the Tauranga CBD after the Mount Maunganui premises close at 0100hrs and miss the 0200hrs one-way door policy. This leads to large numbers of people standing outside these premises, milling around on the road and often while intoxicated. These additional persons add to the volume of people at the 0300hrs closing time and contribute to the violence that occurs after 0300hrs. Having an earlier closing time in Tauranga to match the 0100hrs closing time in Mount Maunganui will reduce a lot of these issues. Even if the Tauranga premises had a closing time of 0200hrs with a one way policy starting at 0100hrs that would stop the introduction of large numbers of already intoxicated persons arriving in Tauranga on mass after the Mount Maunganui premises close at 0100hrs. Essentially patrons would need to choose which CBD they will socialise in. In my opinion this would have a positive effect on alcohol fueled violence in the Tauranga CBD and reduce the number of drink drivers commuting between Mount Maunganui and Tauranga.

The Strand and surrounding streets become heavily congested with private vehicles and taxis post 0100hrs. There is no designated taxi stand meaning they simply stop on the road to drop off/pick up patrons causing congestion at the intersections and round-a-bouts. This issue would also be resolved by reducing the closing time as there would be no need to travel from the Mount Maunganui licensed premises across to Tauranga as they would either be shut or have a one way door policy matching the Mount Maunganui closing time.

I am a Police Sergeant based in Tauranga. I have been a member of the New Zealand Police for 20 years, all of which has been served on the frontline. My main role is responding to calls for service across the Western Bay of Plenty which includes the supervision of Police staff and resources, coordinating and overseeing our response.

I have worked on both the Public Safety Team and Team Policing Units dealing with disorder and alcohol-related harm, including numerous New Year's Eve events.

Two of my 20 years were spent attached to the Alcohol Harm Reduction Team here in Tauranga. The role meant I was primarily involved in policing licensed premises across the Western Bay of Plenty on Thursday, Friday and Saturday nights three out of four weekends per month. As part of this role I was also tasked with policing larger public events within the Western Bay of Plenty where alcohol was sold and consumed.

I believe my varied roles and experience gives me a very good understanding of the policing issues across the Western Bay of Plenty area where I regularly work late shifts and night shifts and observe alcohol-related harm amongst the Mount and Tauranga communities.

There is a clear and obvious difference in the amount of alcohol-related harm between the Mount Maunganui business district and the Tauranga business district. The Tauranga CBD is seen as a significantly higher risk area with the number of serious assaults, sexual assaults, fights, disorder, drink/driving offences and other alcohol-related issues.

My observations over the years is that the 0100 hours closing time that we have in the Mount Maunganui area is the main factor for the lower number of alcohol-related harm in the Mount Maunganui business district.

In recent years, I know the Tauranga CBD was affected by the 0200 hours one-way door policy. When this was brought in, it had an obvious positive effect, however it also brought in a negative aspect and that is people were leaving the Mount at or by the 0100 hours closing time and making their way to Tauranga. However, due to the 0200 hours one-way door policy, they were unable to gain entry to licensed premises.

This resulted in a large number of people congregating outside these premises where they tend to mill around, often while heavily intoxicated. These additional persons added to the volume of people that are present at the 0300 hours closing time and contribute significantly to the violence and disorder and alcohol-related harm experienced by the community at closing time.

My belief is that moving the Tauranga premises to 0200 hours closing time with the one-way door policy starting at 0100 hours, would alleviate the pressure that the current closing and one-way door policy times create on the Tauranga business district. This would mean that patrons would essentially have to choose which business district they would like to socialise in and in my opinion, this would be a positive effect on alcohol fueled violence, dishonesty, and social harm within the Tauranga CBD. It would also have an impact on the reduction of drink/driving and driving-related offending with alcohol as a contributing factor between the Mount Maunganui and Tauranga business districts.

The current structure of the Tauranga CBD, the 0300 hours closing time and the surrounding streets of The Strand and the central business district here in Tauranga means that at this time the area becomes heavily congested both with pedestrian traffic and vehicle traffic, including private vehicles

and taxis. There are no designated taxi stands around The Strand and where these night spots are and so people simply stop on the road to drop off and pick up patrons which causes significant congestion – both from vehicles and pedestrians.

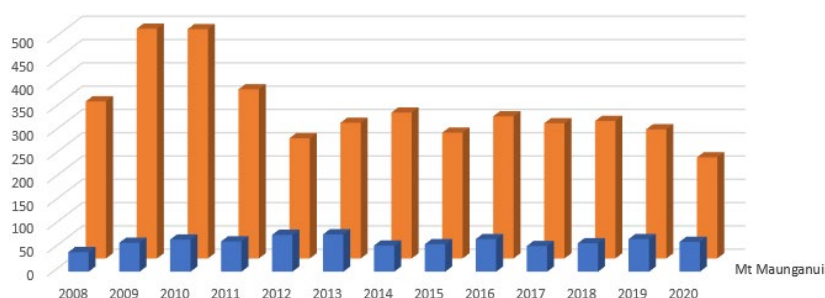
The congestion from the bars invariably leads to brawls often involving large numbers of intoxicated and aggressive patrons. These brawls either start inside licensed premises and are continued out onto the street or are carried out by people who have had confrontations inside the premises, are evicted from the premises but mill around on the street until closing time to continue and identify the parties they were having a confrontation with. These brawls are often quite serious by nature, resulting in hospitalisation of people and not only the risk to community but also the risk to Police staff who are often having to respond.

We have a large and unsatisfactory drinking culture that is only exacerbated through the current closing times of the Tauranga central business district night spots.

In my opinion the Mount Maunganui 0100 hours closing time has provided us little concern and the amount of alcohol-harm related offending is significantly lower than what we experience in Tauranga. In my opinion the Mount is an example of how things can be run without extensive and unnecessary alcohol-harm relating to the community.

This would likely make the central business district more attractive to families to come and socialise and partake and enjoy our city. It would have a dramatic change to the culture and the feel of the central business district.

Due to the change in the way Police have recorded / captured statistical data and changes in focus (the move away from prosecuting lower end offending e.g. breach of the liquor ban in favor of alternative action resolutions) comparing year on year statistics is difficult and can be misleading.



**Graph 3:** Shows offending in both Mount Maunganui and the Tauranga for the period 2008 to 2020. The offences captured in this data are those listed below in table 2. Please note the figures for 2020 are heavily impacted on by the Covid 19 Pandemic and subsequent restrictions. The data show a relatively consistent level of offending for both areas from 2012 onwards i.e. the issues seen in the CBD are not new.



Grievous Assaults	Sexual Affronts	Disorder
Serious Assaults	Abduction For Sex	Breach Of The Peace
Minor Assaults	Sexual Attacks	Obstructing/Hindering/Resisting
Intimidation/Threats	Rape	Unlawful Assembly
Crimes Against Personal Privacy	Domestic Dispute	Breach Of Local Council Liquor Ban
Drunk Custody/Detox Centre	Domestic Violence	Sale of Liquor offences (old Act)
Drunk Home	(Sale and Supply of Alcohol offences – new Act)	

Table 2

**Police position - Maximum Trading Hours for on-licenses**

It is the proposal of the Western Bay of Plenty Police that:

- On-licensed premises in the Tauranga CBD area close at 2.00am (a reduction of 1 hour on current maximum trading hours in the present LAP).
- On-licensed premises in the Mount Maunganui CBD area close at 1.00am (maintain the status quo).
- All other on-licensed premises throughout Tauranga or the Western Bay of Plenty close at 1.00am, unless they already have an earlier closing time (maintain the status quo).

**One-way door restrictions:**

The one-way door restriction set out in the LAP for on-licensed premises in the Tauranga city CBD has assisted in the reduction of alcohol related harm. The one-way door restrictions offer a simple yet effective method of lowering the risk of late night (pending premise closure) binge drinking. It also has the benefit of reducing the risk of people loitering outside licensed premises as they know they will not be admitted.

Police believe that to fully realise the benefits of a one-way door that any licensed premise that operates past midnight must have a one-way door policy that takes effect one hour prior to closing (the end of the licensed hours).

Police see this as a change that would further minimise alcohol related harm caused by the excessive or inappropriate consumption of alcohol. This would progress positively towards achieving the Object of the Act (s4).

**Locations for licensed premises:**

Western Bay Police do not agree with the locating of licensed premises in areas zoned as industrial. These areas historically have a lack of community oversight. They are often away from any form of public transport and have attracted a heavy drinking culture.

Police are of the opinion that there should be a limit to the number of areas that would be considered 'entertainment precincts' in the WBOP. These have traditionally been identified as the Tauranga and Mount Maunganui CBD areas, where there is a high concentration of licensed premises of all types (taverns, pubs, restaurants and bars) in a relatively small geographical area.

Police would not want to see numbers of such precincts established in other areas that are currently identified as commercial or retail shopping areas (such as Fraser Cove and Papamoa Plaza). This would severely reduce the ability of Police to monitor these premises and deal with the alcohol related issues that arise from these entertainment precincts.

Police believe that an emerging industry of remote sellers (selling remotely from the premise i.e. for delivery) poses significant risk of alcohol related harm. This was a topic for discussion at a recent (July

2021) Alcohol Harm conference at the Royal New Zealand Police College attended by representatives of the Police, Ministry of Justice, Crown Law, Te Hīringa Hauora / Health Promotion Agency, the Medical Officer of Health and Alcohol Healthwatch.

Police are aware of some incidents where OFF Licence holders were providing a 30-minute delivery service for alcohol purchases which enabled them to continue to run the bottle store past closing time and deliver to persons waiting outside. This topic will be discussed further at a national level for submissions on the re-write of the Act.

The LAP provides the ability to restrict the number and placement of a licensed premises.

This is an import function which when drafted and applied correctly can mitigate the risk of alcohol related harm by, ensuring licensed premises are not in vulnerable communities / areas e.g. adjacent to a school or Rehabilitation clinic. Further, the number / density of licensed premises in an area can result in cut priced alcohol being made readily available which is a driver of antisocial behaviour.

The Alcohol Regulatory Licensing Authority recently stated in [2021] NZARLA 50 Townill that a 'population-based' is only provided for in the context of a Local Alcohol Policy.

Police working in the Te Puke area have become concerned that the number of License premise in the Te Puke area is driving offending including antisocial behaviour in the community. Between August 2018 – July 2020, of the 1082 violence, disorder and drink driving offences committed in the Te Puke area, 154 offences are known to be alcohol related and a further 334 were estimated to be alcohol related. Further 225 of these offences were family harm offences (WBOP/IR/200908).

Anecdotal, local officers have received complaint of homeless persons coming to Police attention due to their behaviour. We also know that when they are refused alcohol they have become aggressive towards the proprietors often resulting in calls to Police. Police are aware that when trespassed from licensed premises they will loiter nearby and get 'associates' or accost passers-by to buy alcohol on their behalf. The high concentration of Off-Licence is an attractor for crime and public disorder.

Te Puke has an estimated population of 8,500 people, which fluctuates with seasonal workers coming into the area. In the Te Puke area there are

8 OFF-licence - all in the CBD and are all within a 500m stretch. Of these 8 off licence, 5 of them are bottle stores, 2 are supermarkets & 1 is the Four Square.

A further 7 ON-licence premises within the same 500m stretch

There are a further 8 separate CLUB licences within the Te Puke area, excluding Maketu, Pukehina & Paengaroa.

It is the Polices submission that consideration be given to the number of liquor Licenses, particularly OFF-Licenses in the Te Puke area.

Further to that, consideration needs to be given to how the maximum number of licences issued in an area is calculated. A holistic method is required, issuing licenses purely based on population may not be effective for ensuring amenity and good order.





18 February 2022

Jane BARNETT  
Policy Analyst  
Tauranga City Council

**RE: TAURANGA CITY LOCAL ALCOHOL POLICY Review**

Following the 2<sup>nd</sup> of February Council facilitated on-line meeting with representatives of the Tauranga CBD licensed premises, Hospitality NZ and brand and marketing specialists from Tuskany agency, Police would like to submit briefly on the breadth required Local Alcohol Policy.

The contentious issue for the meeting participants was the draft adoption of a 2am licensed hours closing time restriction, and the associated 1am one way door policy.

Local Alcohol Policies (LAP's) are constructed pursuant to the Sale and Supply of Alcohol Act 2012 (the Act).

Content of a LAP is covered by section 77 of the 'Act' and needs to be reasonable to meet the Purpose of the Act (section 3). The LAP must also be mindful of the most important section in the 'Act' – the Object (section 4).

The Object of the '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 minimised.

The scope of what is considered as harm is wide.

The Council is charged with community wide policy construction. The LAP must be mindful of this.

The LAP is restricted to the contents described in section 77 and must not contain matters not relating to licensing.

Sergeant Dan ROSER - Licensing and Alcohol Harm Prevention Co-ordinator  
Western Bay of Plenty Police - 11 Monmouth Street OR P O Box 144, TAURANGA

Because the nature of the licensed businesses in the Tauranga CBD affected by the proposed 2am closing is that of late-night entertainment and drinking; and the fact that alcohol related harm is not simply a phenomenon contained solely to the 'on premises' consumption of alcohol, the Council is well within its remit to consider the effect of the proposed LAP changes to the present 3am closing time on alcohol harm in the area wide community.

Police submit that the Council is required to maintain an area wide perspective when considering the licensed hours of the Tauranga CBD.

Even if a CBD premises complies with the requirements of the 'Act' and its offence provisions / licence conditions they can still contribute to alcohol related harm when patrons leave premises and potentially drive while intoxicated, damage property on their walk home or engage in domestic dispute upon arriving home intoxicated.

If the manner of operation of a premises was to constitute an offence or breach licence conditions, then there are provisions in the 'Act' to take appropriate enforcement action for that specific Manager / Licensee and/or premises.

The proposed hours change in the draft LAP should not be viewed as punishment of premises; it needs to be viewed as working toward achieving the Object of the 'Act'.

Police see that it is reasonable to reduce the licensed hours of the Tauranga CBD due to alcohol related harm occurring in the CBD and beyond.

The concept of "Reasonableness" as it relates to Local Alcohol Policies and bylaws in general, was well discussed by the New Zealand Court of Appeal (CV160/2020 [2021] NZCA 484) when ruling on the Auckland LAP.

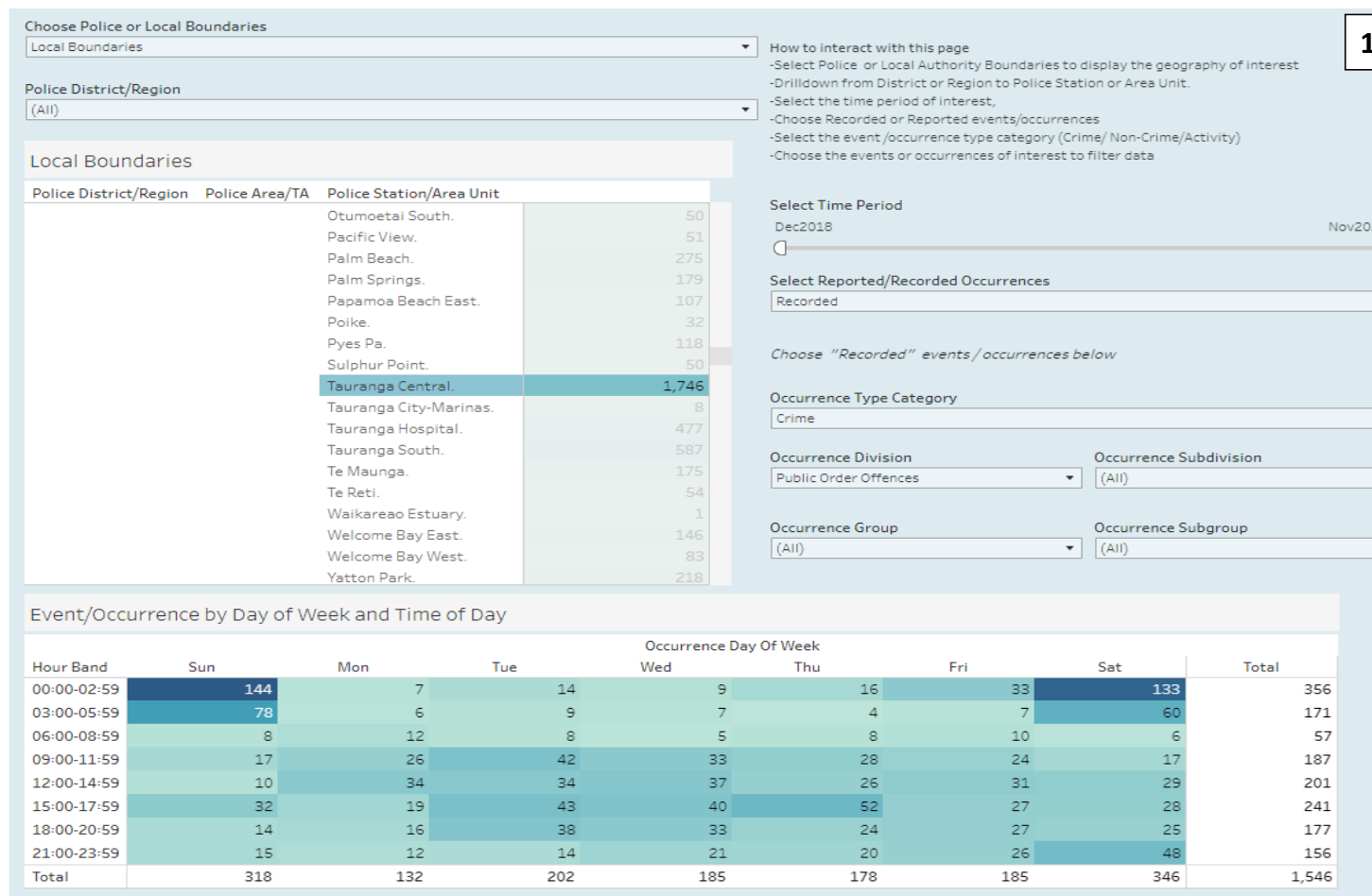
The Appeal Court case is of significant importance and well worth reading for decision makers.

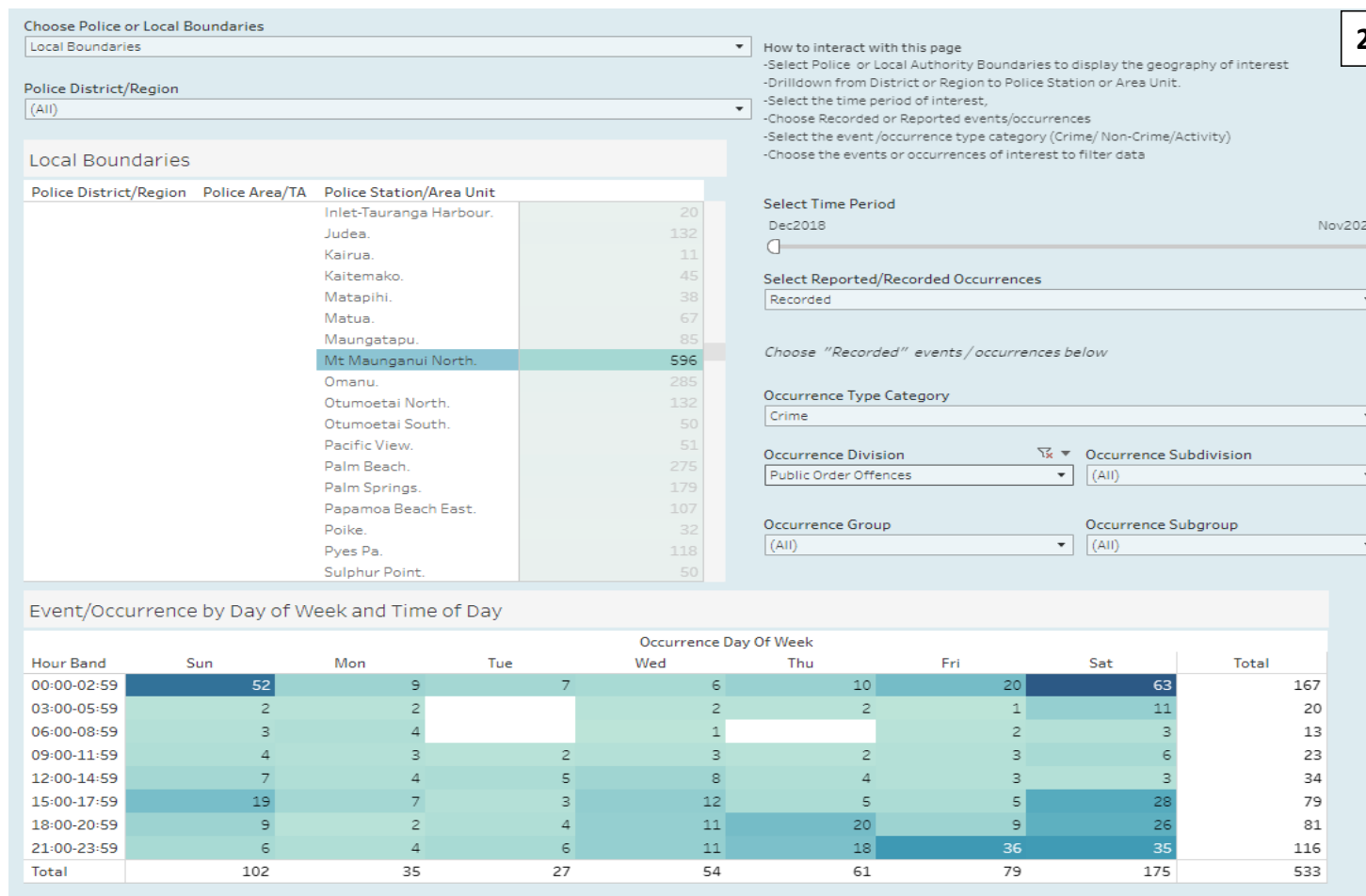
Kind regards

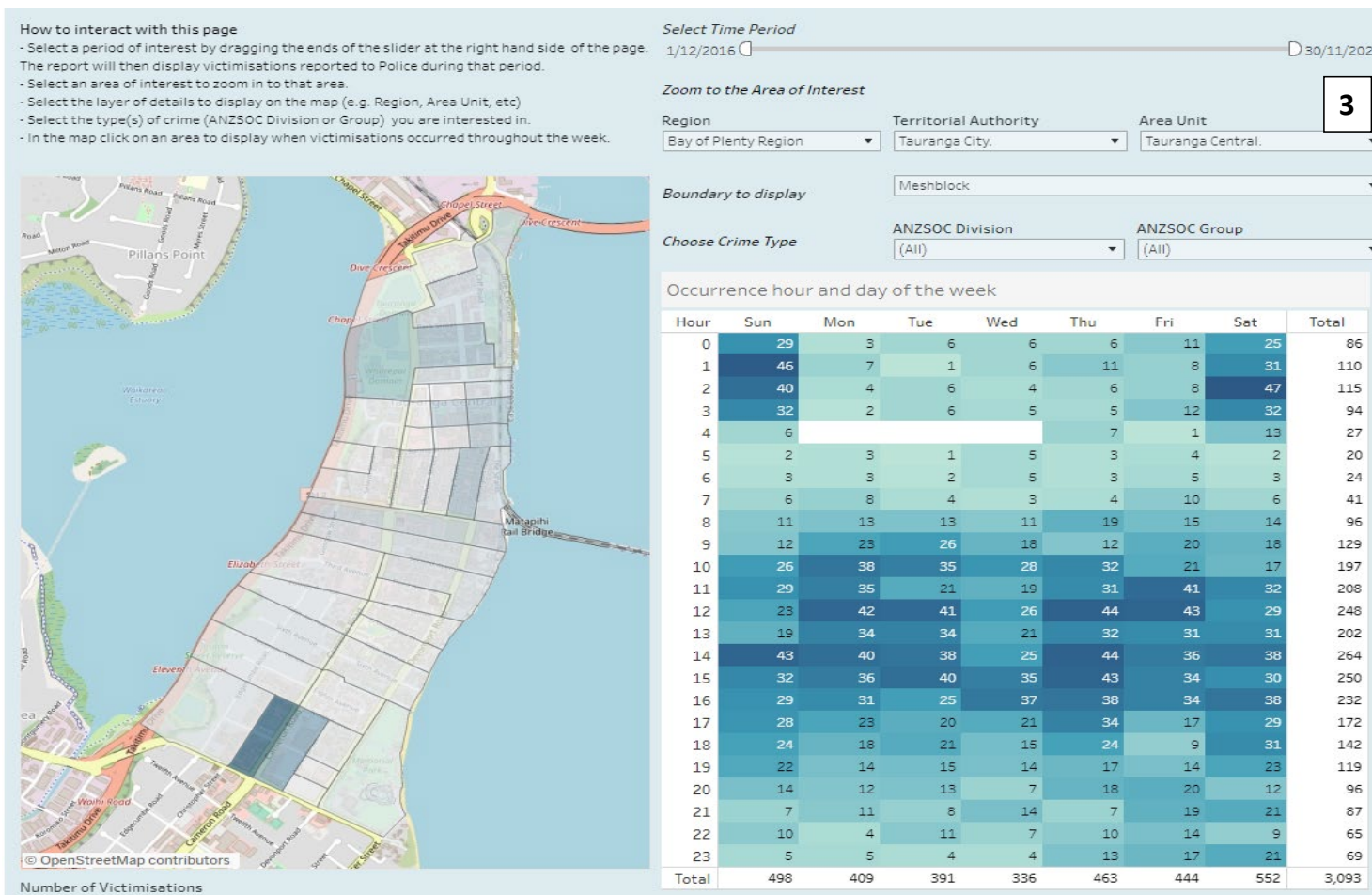


Dan ROSER  
Sergeant (DRI941)  
Alcohol Harm Prevention Co-ordinator  
**WESTERN BAY OF PLENTY**

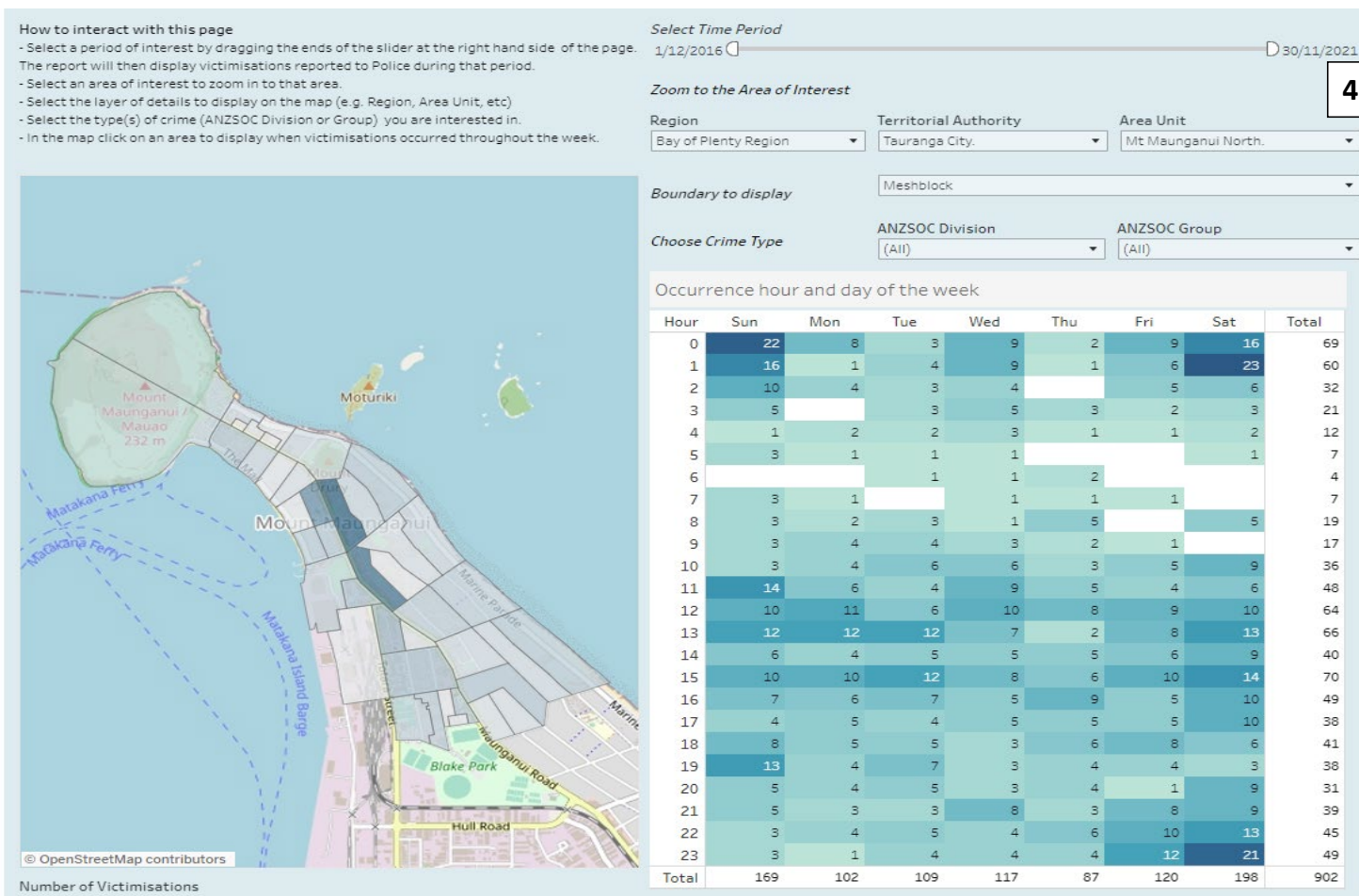
Sergeant Dan ROSER - Licensing and Alcohol Harm Prevention Co-ordinator  
Western Bay of Plenty Police - 11 Monmouth Street OR P O Box 144, TAURANGA



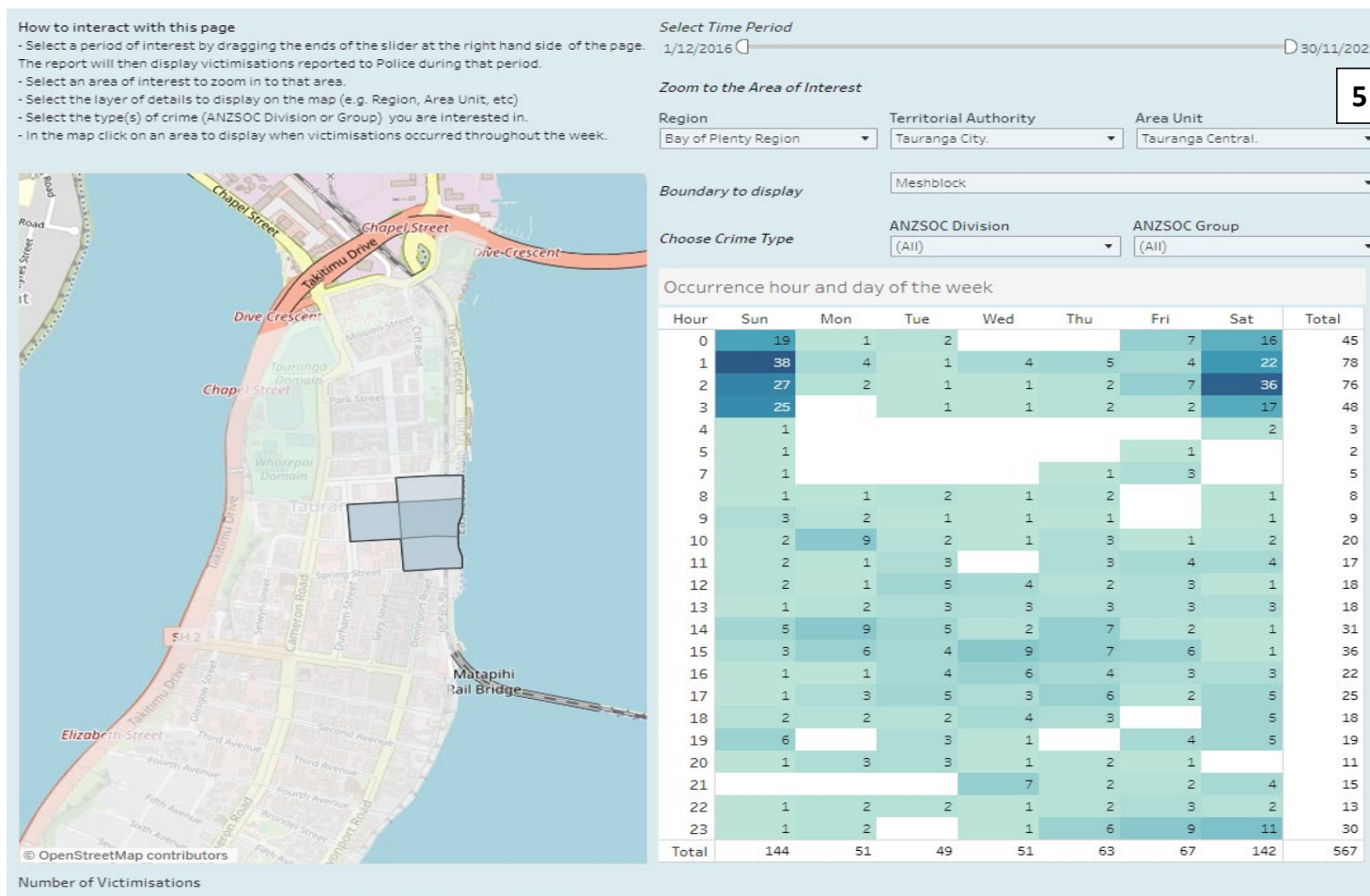




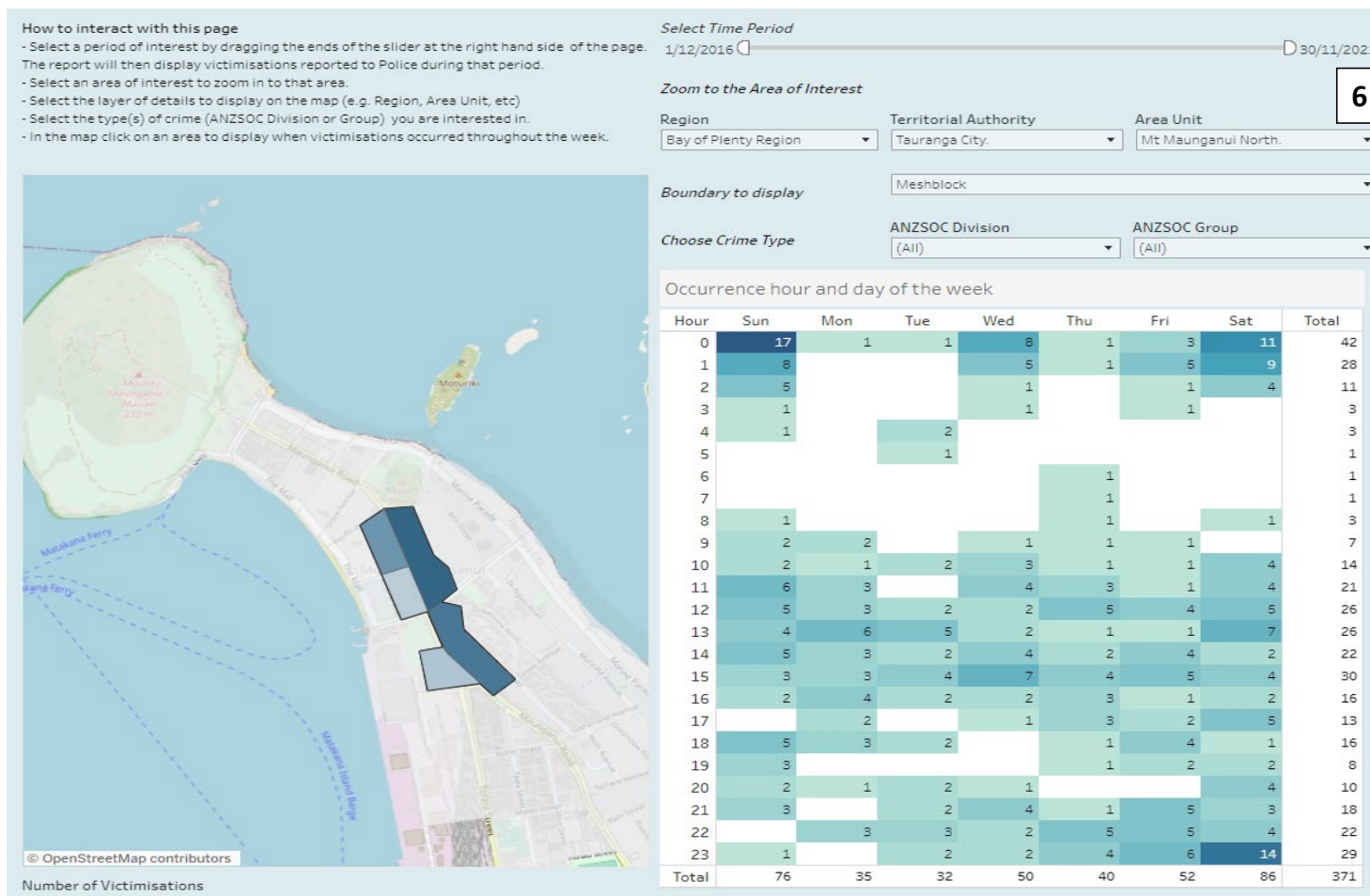




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**IN THE COURT OF APPEAL OF NEW ZEALAND****I TE KŌTI PĪRA O AOTEAROA****CA160/2020  
[2021] NZCA 484**

BETWEEN	AUCKLAND COUNCIL Appellant
AND	WOOLWORTHS NEW ZEALAND LIMITED First Respondent
AND	FOODSTUFFS NORTH ISLAND LIMITED Second Respondent
AND	ALCOHOL REGULATORY AND LICENSING AUTHORITY Third Respondent

Hearing: 15–16 June 2021

Court: Kós P, Miller and Goddard JJ

Counsel: PMS McNamara and T R Fischer for Appellant (Auckland Council)  
J S Cooper QC and A W Braggins for First Respondent (Woolworths New Zealand Ltd)  
I J Thain and I E Scorgie for Second Respondent (Foodstuffs North Island Ltd)  
D R La Hood for Interested Party (Medical Officer of Health)

Judgment: 24 September 2021 at 11.30 am

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**JUDGMENT OF THE COURT**

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**A The appeal is allowed. We make the orders specified at [126]–[127].****B The cross-appeal is dismissed.**

AUCKLAND COUNCIL v WOOLWORTHS NZ LTD &amp; OTHERS [2021] NZCA 484 [24 September 2021]

- C The first and second respondents must pay the appellant one set of costs on the appeal and cross-appeals for a complex appeal on a band A basis, with usual disbursements. We certify for second counsel.**

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### REASONS OF THE COURT

(Given by Miller J)

[1] Auckland Council developed a local alcohol policy which would limit trading hours for off-licences; restrict the granting of new off-licences by imposing a temporary freeze in certain central city areas and a rebuttable presumption against new off-licences in certain areas; require local impact reports in connection with licence applications; and establish certain discretionary conditions that might be imposed when issuing or renewing off-licences.

[2] The Council adopted the Policy in 2015 as a provisional local alcohol policy under s 75 of the Sale and Supply of Alcohol Act 2012, which allows a territorial authority to have a policy relating to the sale, supply or consumption of alcohol within its district. The Policy is to cover the entire Auckland district.

[3] The first and second respondents operate New Zealand's major supermarket chains. We will call them "Woolworths" and "Foodstuffs" or "the Supermarkets". They sell alcohol from those premises under off-licences. The Supermarkets objected to the Policy. They appealed to the Alcohol Regulatory and Licensing Authority, which we will call ARLA, on the ground that elements of the Policy were unreasonable having regard to the object of the Act. ARLA held they had failed to satisfy it that some of those elements were unreasonable.

[4] The Supermarkets sought judicial review of ARLA's decision. In a judgment delivered on 27 February 2020 Duffy J found for them on two grounds: ARLA had erred in law by not giving reasons for its decision, and elements of the Policy were

ultra vires the Act.<sup>1</sup> The Judge remitted the affected elements of the Policy to ARLA for reconsideration.

[5] The Council now appeals the High Court's decision on judicial review. The appeal addresses aspects of what are known as policy elements 1 (maximum trading hours), 2 (among other things, a temporary freeze and rebuttable presumption against new off-licences), and 4 (discretionary conditions on licences).

[6] Woolworths has cross-appealed and both Supermarkets have given notice of intention to support the judgment under appeal on other grounds. They challenge ARLA's invocation of the precautionary principle, which they say forms no part of the Act, and maintain that ARLA applied the wrong test to element 1 by failing to balance public harm against the public interest in the safe and responsible supply of alcohol. They say that element 2 is ultra vires the Act. And they contend that, contrary to the view arguably taken by the Judge, ARLA was obliged to form its own view of reasonableness by reference to the merits.

[7] The Medical Officer of Health, who supports the Policy, has been heard as an interested party.

### **Outline**

[8] Because this appeal is ultimately an exercise in statutory interpretation, we begin by discussing relevant provisions of the 2012 Act, remarking as we go on aspects of the High Court and ARLA decisions. We then outline the Policy elements and summarise relevant parts of ARLA's decision before addressing the judgment under appeal.

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<sup>1</sup> *Woolworths New Zealand Ltd v Alcohol Regulatory and Licensing Authority* [2020] NZHC 293 [Judgment under appeal].

## The legislation

### *Background*

[9] The 2012 Act marked the end of an experiment in the regulation of alcohol supply in New Zealand. Its immediate predecessor, the Sale of Liquor Act 1989, had the modest objective, which was not expressly incorporated in that Act's licensing criteria, of establishing "a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse, so far as that can be achieved by legislative means".<sup>2</sup> It was thought at that time that New Zealand's drinking culture would be best addressed through public education. As this Court remarked in 2002, the 1989 Act differed markedly from its predecessors by departing from the notion that limits on supply would reduce alcohol abuse in the community:<sup>3</sup>

In marked contrast with its predecessors the [1989] Act does not provide for general economic regulation of the liquor industry ... The notion that if the availability of licenses to sell and supply liquor is restricted the abuse of liquor will be diminished has been at the heart of licensing systems in New Zealand since 1881.

After the introduction of the 1989 Act, an applicant for a new licence need no longer show that the licence was "necessary and desirable".<sup>4</sup> Rather, any licensee and premises that met the 1989 Act's criteria might be licensed. The effect was to allow availability and price to be determined by the market. It was under the 1989 Act that the Supermarkets were first permitted to sell alcohol.

[10] The Law Commission found in 2010 that the experiment had not been a success.<sup>5</sup> The 1989 Act had not reduced alcohol-related harm and was insufficiently ambitious about doing so.<sup>6</sup> The problem had worsened, partly through proliferation of outlets.<sup>7</sup> The Commission emphasised that levels of alcohol-related harm in the community were high, both for those who consume alcohol and those who are affected

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<sup>2</sup> Sale of Liquor Act 1989, s 4(1).

<sup>3</sup> *Meads Brothers Ltd v Rotorua District Licensing Agency* [2002] NZAR 308 (CA) at [24].

<sup>4</sup> As was required under the Sale of Liquor Act 1962, ss 74–75.

<sup>5</sup> Law Commission *Alcohol in our Lives: Curbing the Harm* (NZLC R114, 2010).

<sup>6</sup> See generally ch 3, and specifically see [3.23]–[3.29].

<sup>7</sup> The Law Commission considered the relationship between drinking and the availability of liquor in detail in ch 6. See in particular the conclusion at [6.45]–[6.46].



directly or indirectly by others' consumption.<sup>8</sup> The problem is not confined to binge drinking, drinking to intoxication and offending while under the influence. Alcohol misuse affects children from conception,<sup>9</sup> it reduces workplace productivity and safety,<sup>10</sup> and it increases the risk of death from alcohol-related causes for the many New Zealanders who consume more than two drinks a day.<sup>11</sup> Its effects are disproportionately felt by Māori and those in lower socioeconomic groups.<sup>12</sup>

[11] As the Law Commission recognised, the concept of a “reasonable system of control” assumed importance in the 1989 Act and industry groups were anxious to retain it. The Commission accepted that it was “essential that, in addition to providing a focus on the key alcohol-related harms that the Act aims to prevent, the object of the Act should include the establishment of a reasonable system for the sale, supply and consumption of alcohol” and that control should be “for the benefit of the community”.<sup>13</sup> But the Commission rejected submissions arguing that the object of the 1989 Act should be retained:<sup>14</sup>

However, our review has shown us that fundamental changes are needed to the way in which we regulate the sale, supply and consumption of alcohol. Many sections of New Zealand society have told us clearly that there are problems with alcohol-related harms that are not adequately addressed by the current regime. While several elements of the proposed scheme are consistent with the existing legislation, a new focus is needed if New Zealand is to achieve a reduction in alcohol-related harms. We consider it to be essential that the object of the new Act sets out aims that relate directly to the broad spectrum of alcohol-related harms. We are convinced that the current state of alcohol-related harms means a new approach is warranted. The object of the new Act should signal this. The legislation needs to take a wider focus than that of simply contributing to the reduction of liquor abuse. Preventing liquor abuse is clearly important, but there are wider effects of alcohol use and misuse that should be emphasised, such as crime, disorder, public health, accidents, the amenity of public places and the resource use of our public services. The problems related to alcohol in New Zealand are at a point where a more proactive approach to addressing harms is needed.

[12] The Commission proposed a suite of reforms which included restrictions on opening hours and allowing more local input into licensing policy and decisions.

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<sup>8</sup> See generally ch 3.

<sup>9</sup> At [3.76]–[3.81].

<sup>10</sup> At [3.99]–[3.102].

<sup>11</sup> At [3.12].

<sup>12</sup> At [3.103]–[3.110].

<sup>13</sup> At [5.41].

<sup>14</sup> At [5.42].

A reasonable system of control would encourage responsible attitudes, contribute to minimisation of social harms, delay the onset of youth drinking, protect public health and promote public safety, and reduce the impact of alcohol abuse on police and public health resources.<sup>15</sup> Among the Commission's proposals were restrictions of various kinds on supply.<sup>16</sup>

[13] In a Cabinet Paper dated 5 August 2010 the Minister of Justice, then the Hon Simon Power, responded to the Law Commission's report. He proposed to accept most of the Commission's 153 recommendations, in whole or in part, but added that he did not want "to unduly inconvenience low and moderate drinkers".<sup>17</sup> He proposed "to focus on the availability and accessibility of alcohol to reduce opportunities for excessive drinking".<sup>18</sup> With respect to licensing, he proposed to improve community input into licensing decisions and to reduce the availability of alcohol. He stated that there was evidence that high outlet density and lengthened trading hours lead to greater levels of harm.<sup>19</sup>

[14] Speaking on the Bill's third reading on 11 December 2012, the Hon Judith Collins, by then the Minister of Justice, spoke of "clear evidence" linking availability and harm and stated that the Bill's "key measures" included restrictions on access to alcohol.<sup>20</sup> Referring to local alcohol policies, she said that:<sup>21</sup>

Another important measure to give local communities a greater say is the option for communities to adopt a local alcohol policy. Under these policies, communities will be able to restrict or extend maximum trading hours. They will also be able to limit the location of licensed premises near certain facilities, such as schools, and specify whether further licences should be issued in a defined area. There have been calls to make local alcohol policies mandatory; however, there are important reasons why policies should be optional. Firstly, there is significant cost associated with the development of a local alcohol policy. Some territorial authorities—particularly the smaller ones—may not want to fund the development of a policy. Secondly, some communities may consider that a local alcohol policy is unnecessary for their area, and that the national maximum trading hours, a new criteria in the bill, adequately address their needs. It is very important that we allow

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<sup>15</sup> At the summary at [35]. See also [5.44].

<sup>16</sup> See the summary at [8] and [36].

<sup>17</sup> Office of the Minister of Justice "Alcohol Law Reform" (5 August 2010) at [9].

<sup>18</sup> At [10].

<sup>19</sup> At [13].

<sup>20</sup> (11 December 2012) 686 NZPD 7348.

<sup>21</sup> (11 December 2012) 686 NZPD 7349.

communities to decide what is best for them, especially given the aim of increasing community input and control over licensing.

*The object of the 2012 Act*

[15] We begin with the object of the Act because an appeal against an element of a proposed local alcohol policy must be decided by reference to it. As we explain at [33] below, the question for ARLA on such an appeal is whether the element is unreasonable in light of the Act's object. It is found in s 4:

**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 minimised.
- (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 behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
  - (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

[16] It will be seen that subs (1)(a) and (b) form a single object. The Act does not envisage that there will be conflict between the two subsections, or a need to balance one against the other. They are directed toward the same end. The Act permits the sale, supply and consumption of alcohol, provided *all* of those things are done safely and responsibly and provided the harm caused by excessive or inappropriate consumption is minimised.

[17] The definition of alcohol-related harm (meaning harm caused by excessive or inappropriate consumption) was a significant departure from the 1989 Act. The term is extensively defined to include both harm from injury, illness, disease, death, damage, crime, or disorderly behaviour to which misuse of alcohol has contributed

directly or indirectly, and harm to society generally or the community resulting directly or indirectly from such injury, illness or misconduct. This is a very broad concept of harm, not limited to those who misuse alcohol or directly experience the consequences of its misuse. It envisages that harm relating from supply of alcohol may occur after sale, where the alcohol is consumed or the consequences of its misuse felt. And it recognises that society and communities experience harm and have an interest in minimising it.

[18] The Act also contains a purpose statement, which is found in s 3:

### **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.

[19] We make several points about s 3. The first, which is obvious but bears labouring having regard to the Supermarkets' submissions before us, is that the legislature chose, as the Law Commission had recommended, not to retain the object of the 1989 Act. It will be recalled that the object of that Act was a "reasonable system of control" which aimed to contribute, so far as legislation could do, to the reduction of alcohol abuse.<sup>22</sup> Section 3 of the 2012 Act refers to a system of control that is reasonable, but it is to be a "new system of control";<sup>23</sup> it is not carried over from the system established under the 1989 Act.

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<sup>22</sup> Sale of Liquor Act, s 4. The 1989 Act spoke of "liquor"; alcohol has been used in the 2012 Act because it is in common use to describe alcoholic beverages.

<sup>23</sup> Sale and Supply of Alcohol Act, s 3(1).

[20] Second, the new system of control is not only to be reasonable but also to help achieve the object of the Act, which differs very significantly from that of the 1989 Act. In contrast to the 1989 Act, the reasonable system of control is not the Act's end in itself.

[21] Third, the content of a reasonable system of control should be gleaned from the legislation itself and the legislative history, including the Law Commission's report which, as we have explained, the legislation sought to implement in significant measure. We observe that it is a premise of the 2012 Act that licensing policy can reduce alcohol-related harm; that was the lesson the legislature took from the 1989 Act, under which increased outlet density and longer trading hours contributed to increased harm.<sup>24</sup> We have referred at [12] above to what the Commission identified as characteristics of a reasonable system of control. We observe too that it is a feature of the 2012 Act that the system of control should facilitate local preferences about alcohol supply.<sup>25</sup>

[22] In what we have to say below it will be apparent that we respectfully think Duffy J did not attach sufficient weight to these features of the Act's object and purpose provisions. She considered that the Act balances a "freedom" to sell alcohol against a community freedom to take reasonable steps to protect people from harm.<sup>26</sup> But there is no antecedent right or freedom to sell or supply alcohol; the right to do so is conferred under the Act and on its terms. Section 4 does not speak of balancing competing rights or freedoms, though it undoubtedly recognises that alcohol may be consumed lawfully and safely, and that alcohol-related harm cannot be eliminated. And, perhaps most importantly, there is no presumption in favour of the status quo; the 2012 Act looks to a new system of control.

#### *Default trading hours and terms*

[23] Section 43 establishes "default national maximum trading hours", relevantly the hours between 7 am and 11 pm on any day for the sale of alcohol on premises for

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<sup>24</sup> For the connection between density and alcohol-related harm see Law Commission, above n 5, at Chapter 6. For the connection between trading hours and alcohol related harm see [9.27]–[9.39].

<sup>25</sup> See (11 December 2012) 686 NZPD 7348–7349. See also sections 75 (permitting local alcohol policies) and 189 (establishing District Licensing Committees) of the 2012 Act.

<sup>26</sup> Judgment under appeal, above n 1, at [54].

which an off-licence is held.<sup>27</sup> Where a local alcohol policy setting maximum trading hours is in force, s 45(1)(a) provides that the applicable maximum trading hours for any licensed premises are those stated in the policy.

[24] Speaking generally of the Act's provisions for sale, supply and consumption, Duffy J held that:<sup>28</sup>

[55] The provisions for the sale, supply and consumption of alcohol must indicate Parliament's view on what will generally achieve the [Act's] purpose and object, because otherwise they would not be in their present form. They are a general default standard from which there should be reason for departure. The presence of Part 2 Subpart 2 of the [Act], however, with provisions for [local alcohol policies], indicates that Parliament also recognises the [Act's] general provisions may require tailoring to meet specific features of individual communities, if the purpose and object of the [Act] are to be met. Accordingly, the elements of a [provisional local authority policy] need to be formulated with these matters in mind. ....

[25] We do not agree. So far as trading hours are concerned, ss 43–45 establish no presumption in favour of the default hours and nothing in them requires that a local authority justify departure from those hours. The default hours are merely those that apply if a territorial authority has chosen not to establish a local alcohol policy. Where a policy is established, any limit on trading hours prevails unless ARLA finds that element of the policy unreasonable in light of the Act's purpose, as we explain below.

#### *Local alcohol policies*

[26] Under s 75 a territorial authority may have a local alcohol policy, which may discriminate among parts of its district and between kinds of licence:

#### **75 Territorial authorities may have local alcohol policies**

- (1) Any territorial authority may have a policy relating to the sale, supply, or consumption of alcohol within its district (or to 2 or all of those matters).
- (2) A local alcohol policy—
  - (a) may provide differently for different parts of its district; and
  - (b) may apply to only part (or 2 or more parts) of its district; and

<sup>27</sup> Section 43(1)(b).

<sup>28</sup> Judgment under appeal, above n 1.

- (c) may apply differently to premises for which licences of different kinds are held or have been applied for.
- (3) A local alcohol policy must be produced, adopted, and brought into force, in accordance with this subpart.
- (4) No territorial authority is required to have a local alcohol policy.

[27] Section 77 sets out what a local alcohol policy may contain:

**77 Contents of policies**

- (1) A local alcohol policy may include policies on any or all of the following matters relating to licensing (and no others):
  - (a) location of licensed premises by reference to broad areas:
  - (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
  - (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
  - (d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district:
  - (e) maximum trading hours:
  - (f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions:
  - (g) one-way door restrictions.

[28] It will be seen that a policy may include restrictions on new licences and trading hours. It may provide for licences to be issued subject to discretionary conditions. The policy must be confined to matters relating to licensing. Under s 94 it must also be consistent with the Act and the general law.

[29] Under s 78 the territorial authority must produce a draft policy which has regard to certain matters, and it must not produce the draft without consulting the police, licensing inspectors and Medical Officers of Health:

**78 Territorial authorities must produce 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.
- (3) For the purposes of subsection (2), a district’s residents include people who have holiday homes there.
- (4) The authority must not produce a draft policy without having consulted the Police, inspectors, and Medical Officers of Health, each of whom must, if asked by the authority to do so, make reasonable efforts to give the authority any information they hold relating to any of the matters stated in subsection (2)(c) to (g).

[30] The territorial authority must then produce a provisional policy, following a prescribed public consultative process, if it wishes to proceed.<sup>29</sup>

[31] We return to s 78 at [110] below. We pause here to make two points about it. The first is that a local alcohol policy need not discriminate among parts of the territorial authority’s district. There is no presumption that, as the Judge held, a policy may require “tailoring to meet specific features of individual communities, if the purpose and object of the [Act] are to be met”.<sup>30</sup> On the contrary, there may be good reason not to discriminate. By way of example, evidence as to alcohol-related harm may be generally applicable; put another way, there may be no reason to doubt that it affects the entire district. (In this case, by way of illustration, there was general evidence that those purchasing alcohol after 9 pm are likely to be abusing it.) Subdivision of a district into boundaries may tend to defeat the purpose of a control

<sup>29</sup> Section 79.

<sup>30</sup> Judgment under appeal, above n 1, at [55].

on off-licences, since people may travel to buy alcohol and may consume it anywhere. Attempts to draw boundaries are prone to engender controversy, making the policy difficult and costly to develop and administer.<sup>31</sup> This last point is a relevant consideration because the Act recognises that a local alcohol policy imposes burdens on a territorial authority; the legislative record suggest that is why local alcohol policies were not made compulsory and why two or more local authorities may adopt a joint policy.<sup>32</sup>

[32] The second and more general point is that revealed community preference has an important role to play under the Act. That is shown by provision for local alcohol policies, the extent to which it is permissible for such policies to govern the supply of alcohol, and delegation of decision-making to territorial authorities.<sup>33</sup> As Mr McNamara submitted for the Council, a local alcohol policy is a means by which communities can implement, through participatory processes, some of their own policies on alcohol-related matters in their districts. Because those policies are the product of a process designed to discover and implement a community preference, they need not be evidence-based. If an objectively unreasonable preference finds its way into a proposed local alcohol policy, the remedy lies in an appeal to ARLA.

### *Appeals*

[33] Anyone who made submissions during the consultative process may appeal to ARLA. The sole ground on which “an element of” the policy can be appealed against is that it “is unreasonable in the light of the object of this Act”.<sup>34</sup> Section 83 prescribes how ARLA is to deal with an appeal:

#### **83 Consideration of appeals by licensing authority**

- (1) The licensing authority must dismiss an appeal against an element of a provisional local alcohol policy if it—
  - (a) is not satisfied that the element is unreasonable in the light of the object of this Act; or

<sup>31</sup> As demonstrated by the Redwood appeal, heard by ARLA at the same time as the appeal by the Supermarkets and dealt with in a separate but related judgment of Duffy J. See our discussion of the Redwood appeal at [84] below.

<sup>32</sup> See (11 December 2012) 686 NZPD at 7349.

<sup>33</sup> The consultative processes are found in the Local Government Act 2002, s 5(1): see the Sale and Supply of Alcohol Act, s 5(1) definition of “special consultative procedure”.

<sup>34</sup> Section 83.

- (b) is satisfied that the appellant did not make submissions as part of the special consultative procedure on the draft local alcohol policy concerned.
- (2) The licensing authority must ask the territorial authority concerned to reconsider an element of a draft local alcohol policy appealed against if it is satisfied that—
  - (a) the appellant made submissions as part of the special consultative procedure on the draft local alcohol policy concerned; and
  - (b) the element is unreasonable in the light of the object of this Act.
- (3) The licensing authority must notify the appellant and territorial authority of its decision.
- (4) The appellant has no right of appeal against the decision of the licensing authority.
- (5) Subsection (4) does not limit or affect the Judicature Review Procedure Act 2016.

[34] It will be seen that ARLA must dismiss an appeal against an element of the policy if not satisfied that the element is unreasonable. If satisfied that the element is unreasonable it must ask the territorial authority to reconsider that element. In contrast to appeals on licensing matters under ss 154–158, which are by way of rehearing,<sup>35</sup> ARLA may not substitute its own view of the merits.

[35] Duffy J held that the words “in light of the object of this Act” do no more than invoke well settled administrative law principles for assessing the exercise of administrative powers; that is to say, ARLA’s jurisdiction must be exercised to promote the policy and objects of the legislation.<sup>36</sup> The latter proposition is of course correct, but it was an error to view ARLA’s jurisdiction through an administrative law lens. The Judge went on to hold that ARLA must decide whether the inclusion of an impugned element was something that no reasonable territorial authority acting in light of the object of the Act would have done, and she stated that unreasonableness is generally understood to mean *Wednesbury* unreasonableness.<sup>37</sup> It was common ground before us that this was an error, for ARLA’s task under s 83 is evaluative.

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<sup>35</sup> Section 158.

<sup>36</sup> Judgment under appeal, above n 1, at [47], citing *Padfield v Minister of Agriculture* [1968] AC 997 (HL) at 351.

<sup>37</sup> At [56].

We agree. It must decide for itself whether a given element is unreasonable in light of the Act's object. ARLA correctly took that approach in this case.<sup>38</sup>

[36] The appeal standard has built into it a substantial degree of deference to the preferences of the territorial authority; only if an element is unreasonable in light of the Act's object may ARLA intervene, and then only by asking the territorial authority to reconsider. When exercising this jurisdiction ARLA must bear in mind that, as noted above, community preferences have a substantial role to play in deciding what is reasonable.

[37] Counsel before us debated whether the standard of review to be applied by ARLA is the same as used in the bylaw cases, the leading examples of which are *Kruse v Johnson*<sup>39</sup> and *McCarthy v Madden*.<sup>40</sup> ARLA itself adopted what it described as the proportionality principle applied in those cases,<sup>41</sup> holding that it is likely the policies in a Local Alcohol Policy will be unreasonable in light of the object of the Act if:<sup>42</sup>

- (a) the proposed measures constitute a disproportionate or excessive response to the perceived problems;
- (b) the proposed measures are partial or unequal in their operation between licence holders;
- (c) an element of the [provisional local alcohol policy] is manifestly unjust or discloses bad faith; or
- (d) an element is an oppressive or gratuitous inference with the rights of those affected.

[38] The authority ultimately relied on for these propositions in a licensing context is *Hospitality New Zealand Inc v Tasman District Council*, in which ARLA held:<sup>43</sup>

[44] It was suggested that when considering "unreasonableness" consideration should be given as to how the concept was considered under the Sale of Liquor Act 1989. The Authority agrees. In particular, the comments

<sup>38</sup> *Redwood Corp Ltd v Auckland City Council* [2017] NZARLA PH 247–254 [Decision of ARLA] at [30].

<sup>39</sup> *Kruse v Johnson* [1898] 2 QB 91.

<sup>40</sup> *McCarthy v Madden* (1914) 33 NZLR 1251.

<sup>41</sup> Decision of ARLA, above n 38, at [31]–[36].

<sup>42</sup> At [32].

<sup>43</sup> *Hospitality New Zealand Incorporated v Tasman District Council* [2014] NZARLA PH 846.

of the Court of Appeal in *Meads Brothers Limited v Rotorua District Licensing Agency*, [2002] NZARLA 308 (CA) at [53] are pertinent:

“It is to be remembered that the statutory object is to establish a **reasonable** system of control. This envisages that at a certain point, at the extreme end of the scale, the administration of the licensing may become unreasonable in its pursuit of the aim of reducing liquor abuse.”

[45] The comment made in *Meads Brothers Limited* was reiterated in *Christchurch District Licensing Agency v Karara Holdings Limited*, [2003] NZAR 752 (CA) at [26]. This the Authority confirmed in *New Zealand Police v Absolute Caterers Limited*, [2013] NZARLA 946 at paragraph [12]. Thus, it will be an indicator that a particular element of a [provisional local alcohol policy] is unreasonable if those wishing to purchase or consume alcohol in a safe and responsible manner find that the element is a disproportionate response to possible alcohol-related harm.

[46] The same principle can be deduced from the by-law cases. As was stated in the leading case of *McCarthy v Madden*, [1914] 33 NZLR 1251 (SC):

*“The reasonableness or unreasonableness of a by-law can be ascertained only by relation to the surrounding facts including the nature and condition of the locality in which it is to take effect, the evil, danger, or inconvenience which it is designed or professes to be designed to remedy, and whether or not public or private rights are unnecessarily or unjustly invaded.”*

[47] An important aspect of reasonableness discussed in the by-law cases is proportionality. In essence, proportionality involves the assessment of the interference with a public right, against the benefits sought to be achieved by the provision.

(Emphasis in original.)

[39] We accept Mr La Hood’s submission, for the Medical Officer of Health, that ARLA erred to the extent it held that “the proportionality principles used in bylaw cases” apply under the 2012 Act.<sup>44</sup> The context is not the same.

[40] It is correct, as noted above, that an element is not unreasonable merely because ARLA might take a different view of its merits than did the territorial authority. The bylaw cases stand for that proposition, holding that a bylaw cannot be condemned as unreasonable “merely because it does not contain qualifications which commend themselves to the minds of Judges”.<sup>45</sup> Deference must be paid to the preferences of the community.

<sup>44</sup> Decision of ARLA, above n 38, at [32].

<sup>45</sup> *McCarthy v Madden*, above n 40, at 1259 per Stout CJ and 1268 per Denniston and Edwards JJ, quoting *Slattery v Naylor* (1888) 13 App Cas 446 (PC) and 453.

[41] What is not appropriately transferred from the bylaws context to alcohol regulation under the 2012 Act are the propositions that (a) the reasonableness of a bylaw depends in part on “whether or not public or private rights are unnecessarily or unjustly invaded” and (b) any bylaw must be unreasonable if it unnecessarily abridges or interferes with a public right without producing for local inhabitants a benefit that is “real and not merely fanciful”.<sup>46</sup> As explained above, under the 2012 Act there is no antecedent right to sell alcohol that must be balanced against a given control on supply. It is inherent in a licensing regime, and to be expected given the object of the 2012 Act, that controls may have an adverse economic impact on licensees.<sup>47</sup> Nor is it necessary to prove that tangible harm reduction is more likely than not to result from a given policy element, as we explain below. And finally, the concept of a “reasonable” system of control under the 2012 Act is not the same as it was under the 1989 Act, as explained at [19] above. We add that for that reason, care should be taken when applying authorities decided under the 1989 Act.

*No further appeal, except for the territorial authority*

[42] An appellant before ARLA has no right of further appeal, but the territorial authority may appeal ARLA’s decision to the High Court under s 84:

**84 Actions territorial authority may take if asked to reconsider element of provisional policy**

- (1) If the licensing authority asks a territorial authority to reconsider an element of a provisional local alcohol policy, the territorial authority must—
  - (a) resubmit the policy to the licensing authority with the element deleted; or
  - (b) resubmit the policy to the licensing authority with the element replaced with a new or amended element; or
  - (c) appeal to the High Court against the licensing authority’s finding that the element is unreasonable in the light of the object of this Act; or
  - (d) abandon the provisional policy.

<sup>46</sup> *McCarthy v Madden*, above n 40, at 1269.

<sup>47</sup> As the Court noted in *Meads Brothers Ltd v Rotorua District Licensing Agency*, above n 3, at [56].

[43] Section 85 provides that if the High Court overturns ARLA's decision the affected element stands as part of the policy, otherwise the territorial authority must delete the element, abandon the policy or resubmit the policy to ARLA with an amended element:

**85 Effect of High Court decisions on appeal by territorial authority**

- (1) If the High Court overturns the licensing authority's finding that an element of a provisional local alcohol policy is unreasonable in the light of the object of this Act, the element stands as part of the policy.
- (2) If the High Court upholds the licensing authority's finding that an element of a provisional local alcohol policy is unreasonable in the light of the object of this Act, the territorial authority must—
  - (a) resubmit the policy to the licensing authority with the element deleted; or
  - (b) resubmit the policy to the licensing authority with the element replaced with a new or amended element; or
  - (c) abandon the provisional policy.

*Judicial review*

[44] The Act recognises judicial review, providing in s 83 both that an appellant before ARLA has no right of further appeal and that the prohibition on appeal does not limit or affect the Judicial Review Procedure Act 2016.

[45] However, the 2012 Act does no more than specify, for the avoidance of doubt, that the prohibition on appeals does not preclude judicial review. It goes without saying that judicial review must be conducted by reference to the particular statutory powers and processes found in the 2012 Act. So, for example, it may be relevant that the legislature established a consultative process for the adoption of local alcohol policies by territorial authorities and conferred a limited right of appeal in which (a) an appellant must show an element of the policy is unreasonable in light of the object of the Act and (b) ARLA or the High Court may not substitute their own view but must refer an unreasonable element back to the territorial authority for reconsideration.

[46] Judicial review is not an appeal. The consequence of the Supermarkets' success in judicial review in the High Court is not that the Council must revise the elements as it would be required to do on losing an appeal under s 85. It is not the

policy but ARLA's decision that has been found wanting, and it is ARLA which must reconsider.

*Onus and proof in appeals to ARLA under s 81*

[47] ARLA's functions under the Act extend to deciding licence applications, deciding appeals from decisions of licensing committees, deciding applications for variation, suspension or cancellation of licenses and managers certificates and deciding appeals against elements of draft local alcohol policies.<sup>48</sup> Within the scope of its jurisdiction it must be treated as if it were a Commission of Inquiry.<sup>49</sup>

[48] Section 205 deals with rights to appear on appeals under s 81:

**205 Right of persons to appear in relation to appeal under section 81**

- (1) The following persons may appear and be heard, whether personally or by counsel, and call, examine, and cross-examine witnesses in an appeal under section 81 (which relates to an appeal to the licensing authority against any element of a local alcohol policy that is a matter relating to licensing):
  - (a) the appellant:
  - (b) any person authorised in that behalf by a territorial authority.
- (2) With the leave of the chairperson of the licensing authority, the following persons may appear and be heard, whether personally or by counsel, and call evidence:
  - (a) any inspector:
  - (b) any constable:
  - (c) any Medical Officer of Health:
  - (d) any other party who made a submission as part of the special consultative procedure on the draft local alcohol policy:
  - (e) any other person who satisfies the licensing authority that he or she has an interest in the proceedings, apart from any interest in common with the public.

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<sup>48</sup> Sale and Supply of Alcohol Act, s 170.

<sup>49</sup> Section 201(1).



[49] Under section 207, ARLA may receive as evidence any statement, document, information or matter that in its opinion may assist it to deal effectually with any matter before it.

[50] ARLA held, citing its own previous decisions, that in an appeal under s 81 the onus of proof is on the appellant and the standard of proof is the balance of probabilities.<sup>50</sup>

[31] The onus of proof is on the appellant. The standard of proof is ‘on the balance of probabilities’. In *Tasman* we said at [36]:

*“the onus is on the appellant to satisfy the Authority that the appealed element is unreasonable in light of the object of the Act. The very wording of the ground of appeal places that onus on the appellant. Should an applicant fail to discharge its onus on the balance of probabilities then there would be no need for a territorial authority respondent to do anything.”*

[51] Judicial review was not sought on the ground that ARLA misdirected itself on this point, but Duffy J decided that it had done so. She stated that burden and standard of proof are “evidential principles to be applied when there is a need to make factual determinations on evidence in the context of a lis inter partes” and cited a licensing decision, *Re Venus NZ Ltd*, for the proposition that there is no onus.<sup>51</sup>

[52] It is not in dispute that the Judge was correct to hold there is no legal burden in an appeal to ARLA under s 81. Rather, an appellant bears a persuasive burden of showing that an element included by the territorial authority was unreasonable in light of the Act’s object.

[53] Ultimately ARLA must be satisfied that a given element of a policy is unreasonable. Sometimes that may call for proof of facts on the balance of probabilities. An appeal may raise a question of past or present fact that is capable of proof to that standard. But an appeal may also raise factual propositions that are not capable of proof on the balance of probabilities. As ARLA plainly recognised, evidence of alcohol-related harm may not be directly traceable to a given licensee or

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<sup>50</sup> Decision of ARLA, above n 38.

<sup>51</sup> Judgment under appeal, above n 1, at [64]–[65], citing *Re Venus NZ Ltd* [2015] NZHC 1377, [2015] NZAR 1315 at [52]–[53] and [57]–[61].

class of licensee, but that does not preclude intervention if it may reduce the harm.<sup>52</sup> ARLA may also be required to evaluate what will happen with and without a given policy element. Such an inquiry involves predictions about what might happen in future in two states of regulation, one current and the other hypothetical. Neither outcome is likely to be capable of proof on the balance of probabilities. It would be an error — because the object of the Act could not be achieved — to insist on proof that, for example, restrictions on trading hours will reduce alcohol-related harm. Rather, ARLA must make a decision on the information and evidence available to it, incorporating the likelihood that a given element will reduce alcohol-related harm. A prospective benefit may be taken into account if there is a real and appreciable possibility that the element will deliver it.

[54] We doubt ARLA meant to hold, in the passage quoted at [50] above, that an appeal under s 81 must be “proved” on the balance of probabilities. An appeal may raise questions of law as well as fact, and ARLA itself recognised that causes of alcohol-related harm cannot be proved on the balance of probabilities; it sufficed that there was evidence of “a relationship” between off-licence trading hours and consumption and harm.<sup>53</sup> ARLA did not rest its decision on a burden of proof; it evaluated each element in light of the object of the Act. When dealing with element 1, for example, it examined the evidence about the relationship between trading hours and alcohol consumption and harm and satisfied itself that there was an evidential foundation for the restriction on closing hours. It concluded that it had not been established that the closing hours restriction was unreasonable in light of the object of the Act.<sup>54</sup>

[55] Woolworths invited us to classify appeals under s 81 as *de novo*. We decline to do that. The term is inapt. It is correct that evidence may be called before ARLA and there is no provision for transmission to ARLA of any record created in the

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<sup>52</sup> See *Medical Officer of Health (Wellington Region) v Lion Liquor Retail Ltd* [2018] NZHC 1123, [2018] NZAR 882 at [64]–[65] and [68]–[70]; and *Capital Liquor Limited v Police* [2019] NZHC 1846, (2019) 15 TCLR 375 at [66].

<sup>53</sup> Decision of ARLA, above n 38, at [146].

<sup>54</sup> At [146].

territorial authority's process.<sup>55</sup> But Woolworths sought to argue that because the appeal is de novo there is no presumption that the local authority's decision was correct. We cannot accept that. A distinction must be drawn between appellate process and the standard of appellate review, which is provided for in s 81; the element stands unless ARLA is satisfied that it is unreasonable in light of the object of the Act.

*The precautionary principle*

[56] ARLA invoked the precautionary principle, citing the judgment of this Court in *My Noodle Ltd v Queenstown-Lakes District Council*, which was decided under the 1989 Act.<sup>56</sup>

[40] In *Tasman*, we said that the precautionary principle applies to the development of a local alcohol policy (at [54]). This was deduced from *My Noodle Ltd v Queenstown-Lakes District Council* (Court of Appeal) [2009] NZCA 564; 2010 NZAR 152. There Glazebrook J said at [74]:

*"In our view, the Authority is not required to be sure that particular conditions will reduce liquor abuse. It is entitled to apply the equivalent of the precautionary principle in environmental law. If there is a possibility of meeting the statutory objective (as the Authority found there was in this case), then it is entitled to test whether that possibility is a reality. In this case, it clearly intended to test its hypothesis and keep the matter under review: ..."*

[57] ARLA went on to explain that it would apply the precautionary principle where there was an evidential basis supporting it, meaning that there is evidence sufficient to show that a proposed element may have a "positive effect" on alcohol-related harm or "has the possibility of meeting the object of the Act".<sup>57</sup>

[58] Duffy J accepted that the precautionary principle is available but reasoned that ARLA erred when applying it: in her view, ARLA understood the principle to mean that it need not interrogate the evidence itself but could simply defer to the Council.<sup>58</sup>

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<sup>55</sup> We are not called on in this appeal to decide to what extent ARLA, which has the powers of a Commission of Inquiry, may limit or control the evidence adduced in an appeal under s 81; compare *Meads Brothers Ltd v Rotorua District Licensing Agency*, above n 3, at [53], where the Court held ARLA has control over the nature and scope of evidence it will receive.

<sup>56</sup> Decision of ARLA, above n 38.

<sup>57</sup> At [42]–[43].

<sup>58</sup> Judgment under appeal, above n 1, at [69].

ARLA must have applied the precautionary principle, but because its reasons were inadequate the Judge found it impossible to say how.<sup>59</sup>

[59] As we explain below, we consider that ARLA did not fail to evaluate the evidence for itself and its reasons were adequate. We focus here on Woolworths's cross-appeal, in which it is alleged that the Judge was wrong to conclude that ARLA might apply the precautionary principle. Woolworths contends that *My Noodle* is not binding because there was no provision for local alcohol policies under the 1989 Act; the precautionary principle is expressly applied in environmental regulation but is nowhere mentioned in the 2012 Act; the principle applies where there is scientific uncertainty about harm, which is not the case with alcohol; and if it is to be used at all, it must be done in a rigorously scientific way.

[60] The precautionary principle is usually traced in law to the Rio Declaration, Principle 15 of which provides that "[i]n order to protect the environment, the precautionary approach shall be widely applied ... [w]here there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation".<sup>60</sup> The principle has been employed in New Zealand environmental legislation, in which it may simply require that decisionmakers favour caution where information about effects is uncertain or inadequate.<sup>61</sup>

[61] *My Noodle* concerned a territorial authority proposal, adopted by ARLA,<sup>62</sup> to reduce on-licence trading hours in Queenstown to reduce alcohol-related harm.<sup>63</sup> 24-hour trading had been in place since 1989. The question was not whether there was evidence of alcohol-related harm — there was — but to what extent a blanket reduction in trading hours (from 24 to 21 hours in the day) would mitigate it. One of the questions on appeal was whether ARLA must be sure the new conditions would reduce alcohol abuse. The Court held that ARLA need not be sure; it could impose

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<sup>59</sup> At [71] and [73].

<sup>60</sup> *Rio Declaration on Environment and Development* UN Doc A/CONF151/26, Vol 1 (12 August 1992), annex I.

<sup>61</sup> By way of example, see Fisheries Act 1996, s 10, and formerly the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, s 87E (repealed on 1 June 2017).

<sup>62</sup> In its former incarnation as the Liquor Licensing Authority.

<sup>63</sup> *My Noodle Ltd v Queenstown Lakes District Council* [2009] NZCA 564, [2010] NZAR 152.

conditions and assess later whether they had the desired effect.<sup>64</sup> It was in this context that the Court held ARLA might apply the equivalent of the precautionary principle.

[62] We have reached the same conclusion by a more direct route under the 2012 Act, holding that the appellate standard does not require that ARLA be sure a given element will reduce alcohol-related harm. It suffices that there is a real and appreciable possibility that the element will do so. As Mr McNamara submitted for the Council, this is consistent with the Act's requirement that an element be "reasonable" in light of the Act's object. This approach can be described as "precautionary", in that it admits remedial measures to reduce harm although their effects are uncertain.

[63] It follows that we do not accept the submission for Woolworths that a precautionary approach is unavailable because the effects of alcohol on the body are well understood. The Act is concerned with the licensing of alcohol, and the effects of specific licensing measures on alcohol abuse are not easy to measure.

[64] Woolworths also argued that if a precautionary approach is to be used ARLA must adopt a specific hypothesis and incorporate specific provision for testing the hypothesis by measuring harm and the effects of policy elements. It will be apparent from what we have already said that this submission rests on a misunderstanding of *My Noodle*, in which the Court employed the precautionary principle not as scientific methodology but by analogy, to emphasise that harm reduction measures need not await proof but may be tested by imposing restrictions. It is correct that there is a need to keep licensing policies under review, but the Act itself provides for it. Under s 97 territorial authorities review local alcohol policies at intervals of not less than six years. There is no warrant for reading any additional requirement into the legislation. As we see it, the argument is an attempt to defend a status quo which developed under the 1989 Act by insisting that any change to existing licensing arrangements be founded on thorough proof of effectiveness. To impose such a requirement would be contrary to the harm reduction and community decisionmaking purposes of the 2012 Act.

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<sup>64</sup> At [74].

*Implementation of a local alcohol policy in practice*

[65] The Act contains a series of provisions for implementing a local alcohol policy once it has been notified and any objections dealt with. It is ultimately given effect through the grant or renewal of licences. Licences are granted in the first instance by district licensing committees (DLCs)<sup>65</sup> which must be chaired by a member of the territorial authority.<sup>66</sup> The Council has one licensing committee which sits in panels to deal with the volume of work.

[66] A licensing committee or ARLA may refuse to issue a licence if that would be inconsistent with a local alcohol policy, which may for example establish maximum trading hours.<sup>67</sup> A licence may be issued subject to conditions if it would be inconsistent with the policy to issue it without those conditions.<sup>68</sup> Section 105 provides that:

**105 Criteria for issue of licences**

- (1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:
  - (a) the object of this Act:
  - (b) the suitability of the applicant:
  - (c) any relevant local alcohol policy:
  - (d) the days on which and the hours during which the applicant proposes to sell alcohol:
  - (e) the design and layout of any proposed premises:
  - (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:
  - (g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

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<sup>65</sup> Section 187.

<sup>66</sup> Section 189(2).

<sup>67</sup> Section 108.

<sup>68</sup> Section 109.

- (h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:
  - (i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
    - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
    - (ii) it is nevertheless desirable not to issue any further licences:
  - (j) whether the applicant has appropriate systems, staff, and training to comply with the law:
  - (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.
- (2) The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

[67] It will be seen that a local alcohol policy is one of 11 statutory criteria to which a licensing committee or ARLA must have regard in the exercise of its decision to grant a licence. Under s 117 it may impose any reasonable conditions that are not inconsistent with the Act's object. The jurisdiction affords licensing authorities significant discretion and admits a wide range of relevant considerations, as Clark J held in *Medical Officer of Health (Wellington Region) v Lion Liquor*.<sup>69</sup>

[43] On any analysis of the Act, and the various functions of the bodies making decisions under it, the object of the Act is the first criterion when considering applications for renewals. What the Court of Appeal described as the "modest object" of the Sale of Liquor Act 1989 has been replaced by a new Act signalling "a new community-oriented approach incorporating both purpose and object provisions". Decision-making in the context of Lion's application is essentially rooted in a risk assessment. The factors to be considered in the course of assessing an application for a licence or for renewal, as the appellants submitted, stand to be assessed in terms of their potential impact upon the prospective risk of alcohol-related harm.

[44] An application for renewal of a licence is to be assessed in light of a range of factors relevant to the particular application. There is no one test. Regard must be had to the object of the Act and the statutory criteria for renewal. The criteria relevant to this application include the suitability of the applicant, the days on which and the hours during which the applicant

<sup>69</sup> *Medical Officer of Health v Lion Liquor Retail Ltd*, above n 52.

proposes to sell alcohol, the design and layout of the premises, and the matters dealt with in the reports from the Police and Medical Officer of Health. There is also to be regard for the amenity and good order of the locality and whether it would be likely to be increased by more than a minor extent, if a renewal were refused.

[45] The statutory provisions must be applied in a way that promotes the twin statutory objects which are that the sale, supply and consumption of alcohol should be undertaken safely and responsibly *and* that alcohol-related harm should be minimised. The aim of minimisation requires alcohol-related harm to be reduced to the smallest amount, extent or degree.

[46] No party contests that the proper approach to the application is evaluative and merits based. The following further principles may be taken from the cases:

- (a) There is no presumption that an application for a licence will be granted or that a licence will be renewed.
- (b) This is made reasonably plain by the fact the approach to renewal is virtually the same as the process engaged by an application for an initial licence.
- (c) A licensing committee or Authority, after having regard to the criteria for renewal in s 131, is then to step back and consider whether there is any evidence indicating that granting the application will be contrary to the statutory object in s 4. Or, as Heath J articulated a “test”:

Although the “object” of the 2012 Act is stated as one of 11 criteria to be considered on an application for an off-licence, it is difficult to see how the remaining factors can be weighed, other than against the “object” of the legislation. It seems to me that the test may be articulated as follows: is the Authority satisfied, having considered all relevant factors set out in s 105(1)(b)–(k) of the 2012 Act, that grant of an off-licence is consistent with the object of that Act?

- (d) The breadth of the Authority’s functions suggests the application of rules involving onus of proof may be inappropriate. Similarly there is no onus on the reporting agencies to prove the application should not be granted.
- (e) The criteria for the issue of licences, and for renewal, are not to be interpreted in any narrow or exhaustive sense. The Authority may take into account anything which, from the terms of the statute as a whole, appears to be regarded by the legislature as relevant to licence conditions and the terms on which they should be granted. “That must include the statutory object referred to in s 4.” The matters raised by s 4 are to be approached on a nationally consistent basis.
- (f) The Authority is not required to be sure that particular conditions will reduce liquor abuse:



It is entitled to apply the equivalent of the precautionary principle in environmental law. If there is a possibility of meeting the statutory objective ... then it is entitled to test whether that possibility is a reality.

(Footnotes omitted, emphasis in original.)

[68] Consistent with the object of the Act, which we discussed at [15]–[16] above, Clark J recognised that restrictions on supply by a given off-licensee may be justified although the licensee conducts its business lawfully, provided there is reason to think the premises contribute to excessive or inappropriate consumption.<sup>70</sup> That may happen, for example, where premises are located in an area in which alcohol-related harm is common; the premises contribute to harm merely by making alcohol accessible to those who go on to abuse it. We return to this point at [119] below.

[69] We address at [125] below the question whether the discretionary conditions in the Policy in this case were ultra vires the Act as an impermissible fetter on the discretion of a licensing committee.

### **The Auckland Council Provisional Local Alcohol Policy**

[70] The Policy was recorded in a document dated May 2015 and accompanied by an explanatory document. It was to be the first local alcohol policy adopted for the Auckland region. It applied to the entire region but identified discrete areas of concern; they were the City Centre and the Priority Overlay (which comprised named suburban centres).

[71] With respect to element 2 (the temporary freeze and rebuttable presumption), the Policy stated in cl 3.2.1 that the Council's policy position was that there should be a temporary 24-month freeze in the City Centre and Priority Overlay areas and in cl 3.3.1 that there should be a rebuttable presumption against new off-licences in those areas (and in certain neighbourhood centres) following expiry of the freeze.

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<sup>70</sup> At [67]–[70].

[72] With respect to element 1 (trading hours), the Policy stated that no licences should be issued with longer trading hours than that specified in the Policy.<sup>71</sup> Initially the off-licence maximum trading hours were 9 am to 9 pm Monday to Sunday, but they were revised after ARLA found there was no evidence that a starting hour of 9 am would reduce alcohol-related harm compared to the default statutory starting hour of 7 am.<sup>72</sup> The Policy envisaged that individual licences might be issued with more restrictive hours.<sup>73</sup>

[73] Element 4 comprised policies relating to off-licences. Parts of element 4 concerned hours of delivery from remote sellers, which ARLA found to be ultra vires.<sup>74</sup> That was not in issue on judicial review and we need say no more about it.

[74] Clauses 4.4.3 and 4.4.4–4.4.5 contained discretionary conditions intended respectively to ensure that alcohol is not sold to prohibited persons and that licensees must maintain a register of alcohol-related incidents. The Policy specified, in cl 4.4.1, that it was the Council’s policy that the specified conditions be imposed “unless there is good reason not to do so”. It was these elements that were in issue before Duffy J, the Supermarkets contending that while the specified conditions were not intrinsically objectionable they were made ultra vires by the requirement that they be imposed unless there was good reason not to.

[75] The Council further recommended, in cl 4.5.1, that licensing committees and ARLA consider conditions relating to CCTV, exterior lighting, single sales and closure of premises near education facilities. We record that the last two of these items were referred back by ARLA for reconsideration, the Council having conceded that there were shortcomings with their drafting.<sup>75</sup> These elements were not in dispute on judicial review.

[76] It is not in dispute that the Council consulted the police, licensing inspectors and the Medical Officer of Health before producing a draft of the Policy, and we were

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<sup>71</sup> Clause 3.4.1.

<sup>72</sup> Decision of ARLA, above n 38, at [153]–[157].

<sup>73</sup> Clause 3.4.2.

<sup>74</sup> Decision of ARLA, above n 38, at [195]–[196].

<sup>75</sup> At [198].

given to understand that the police and the Medical Officer of Health support those parts of it that are in issue before us. (In some respects they wished the Council had gone further.)

### **ARLA's decision**

[77] The Provisional Policy having been notified following consultation, and appeals having been filed, ARLA held a four-week hearing at which a number of interested parties, including the Supermarkets, were represented. It heard a good deal of factual and expert evidence about alcohol-related harm and its linkage to the sale and supply of alcohol. The evidence addressed behaviour in the City Centre and Priority Overlay areas and the linkage between trading hours and alcohol-related harm as experienced by police and health professionals. ARLA heard evidence that the Council had sought to target the Policy toward at-risk populations and applied a risk-based approach to defining the City Centre and Priority Overlay areas. It noted evidence that off-licence density is associated with high levels of criminal offending.<sup>76</sup>

[78] ARLA referred to the views of the police and Medical Officer of Health that there is a linkage between off-licence hours and alcohol-related harm.<sup>77</sup> It considered expert evidence that, among other things: purchases from off-licences after 10 pm are likely to be made by heavier drinkers;<sup>78</sup> a high proportion (compared to national averages) of hospital presentations in Auckland is attributable to alcohol;<sup>79</sup> off-licences were the source of the last drink for most alcohol-related presentations in the early hours of weekend mornings;<sup>80</sup> the practices of pre-loading and side-loading with cheap alcohol are harmful in themselves and lead to other harm;<sup>81</sup> up to 80 per cent of alcohol sold in Auckland is sold from off-licences and consumed in an unlicensed place;<sup>82</sup> and violent and disorderly offending, including in the home, correlates with off-licence opening hours.<sup>83</sup>

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<sup>76</sup> At [120].

<sup>77</sup> At [132].

<sup>78</sup> At [134].

<sup>79</sup> At [136].

<sup>80</sup> At [138].

<sup>81</sup> At [137].

<sup>82</sup> At [139].

<sup>83</sup> At [140]–[141].

[79] The evidence heard by ARLA included expert evidence of Dr Douglas Fairgray, Dr Francesca Kelly and Michael Foster for the Supermarkets. There was also evidence from Natalie Hampson about the timing of alcohol-related offending, relative to off-licence hours. The evidence was to the effect that the Policy ought to discriminate by area and population characteristics and among types of off-licence. The witnesses challenged the theory that availability contributes to alcohol-related harm. They considered that the evidence did not sufficiently link supermarkets to harm, which is predominantly associated with bottle stores. ARLA referred to the Supermarkets' arguments based on this evidence but did not expressly refer to most of the witnesses.

[80] The purpose of element 1 (trading hours) was that of targeting what the Council described as high risk purchases. ARLA concluded that:

[146] Notwithstanding that evidence of reduction in harm from specific reductions in trading hours of off-licences is sparse, there is evidence to establish a relationship between off-licence trading hours and alcohol consumption and harm. Given the level of alcohol-related harm in Auckland, the Authority does not consider that it has been established that the closing hour restriction is unreasonable in light of the object of the Act. Given this evidential basis for the closing hour restriction, if the Council considers the closing hour restriction for off-licences has the possibility of meeting the object of the Act, then the Council is entitled to test whether that possibility is a reality.

It will be seen that ARLA considered the evidence, though sparse, justified this element of the Policy and it was reasonable for the Council to test the possibility that earlier evening closing hours would reduce the high level of alcohol-related harm in Auckland.

[81] With respect to element 2 (the freeze and rebuttable presumption in the City Centre and Priority Overlay areas), ARLA reasoned that the freeze was justified and did not discriminate unfairly against off-licences:

[82] The Authority does not consider that the Priority Overlay areas have an unequal and disproportionate policy impact on supermarkets and grocery stores compared to other types of off-licences. This is discussed below in relation to the impact of the "freeze" and "rebuttable presumption" elements of the [provisional local alcohol policy].

...

[84] Otherwise, the Authority is not satisfied that it has been shown that it is illogical that the [provisional local alcohol policy] imposes restrictions on new off-licences in the City Centre and Priority Overlay areas but does not put any restrictions on new on-licences given the impact of on-licences on alcohol-related harm. The proposed cls 5.1.4 - 5.1.5 and 5.2.2 – 5.2.3 impose restrictions on on-licences in the Priority Overlay areas. Given the nature of off-licences, it has not been shown that these restrictions are unreasonable in light of the object of the Act because they are different from those which apply to on-licences.

[82] ARLA held that the rebuttable presumption was not *ultra vires* the Act:

[114] The Authority considers that the freeze and rebuttable presumption elements, at best, provide guidance to the Committee and the Authority on the Council's preferred outcome. They do not operate automatically to prevent the issue of off-licences in all cases. A licence may still be issued where an applicant, in light of the information contained in the Local Impacts Report, satisfies the DLC or Authority that a licence should be granted.

[115] The Authority does not agree that the rebuttable presumption is *ultra vires* s 77(1) of the Act. The rebuttable presumption is a policy that goes to whether further licences should be issued for stated parts of Auckland. In the Authority's view, the rebuttable presumption falls within the types of policies permitted by s 77(1)(d) of the Act and provides some guidance to the DLC and the Authority on the Council's preferred treatment and outcome of certain licensing applications.

[116] As the parties have acknowledged, these elements do not act as a prohibition on the issue of licences. Because the local alcohol policy is but one of the matters in s 105 to which the DLC or the Authority must have regard to when deciding whether to issue a licence, a licence may still be issued depending on the weight given to the local alcohol policy relative to the other matters in s 105. While the Council hopes that the DLC or Authority will give significant weight to the freeze and rebuttable presumption, that remains a matter for the decision-maker.

[117] The rebuttable presumption is able to be considered on a case by case basis having regard to the information in the Local Impacts Report and information put forward by the applicant. As the circumstances of each application will vary, the rebuttable presumption simply requires that in certain cases, the information required to persuade the DLC will be greater than what might otherwise be the case. The effect of this is that the rebuttable presumption may require the applicant to provide more information to the DLC to satisfy it that the criteria in s 105 have been met. Alternatively, the applicant may need to state how the applicant proposes to address a matter of concern. This will, in time, lift the quality of applications.

[118] The Authority is also not persuaded that there will be unintended consequences for Auckland as a result of the [provisional local alcohol policy] or that the freeze or rebuttable presumption is disproportionate in effect. While there will undoubtedly be development pressures arising from the application of the Auckland Unitary Plan as regards supermarkets in residential areas (which may see some supermarkets developed outside Priority Overlay areas), the Authority consider that this impact is overstated.

The freeze and rebuttable presumption are not intended to operate in metropolitan centres. Nor will they apply to town centres or local centres unless those centres are in the Priority Overlay areas. As the Authority heard from Mr Andrews, Team Manager Resolutions within the Resource Consents Department of the Council:

*“Supermarkets are already well-established in the City Centre and Priority Overlay. The Priority Overlay affects a relatively small proportion of centres. The Neighbourhood Centre zone anticipates smaller scale supermarkets where land size allows. New off-licences for supermarkets are not precluded in the City Centre or Priority Overlay (after the temporary freeze) or in Neighbourhood Centres; there is simply a higher threshold for granting because the presumption against granting must be rebutted. For these reasons I consider that Mr Foster overstates his concerns that the [provisional local alcohol policy] will “drastically change the zoned opportunity for supermarket and grocery store growth.”*

[83] As explained above, element 4.4.3 and elements 4.4.4–4.4.5 contained discretionary conditions intended respectively to ensure that alcohol is not sold to prohibited persons and that licensees must maintain a register of alcohol-related incidents. ARLA dismissed the appeal with respect to these elements. It found that the proposed register of alcohol-related incidents was not ultra vires:<sup>84</sup>

... that these clauses indicate the Council’s preferred position in respect of their imposition does not mean that they will necessarily be imposed. The words “unless there is a good reason not to” in cl 4.4.1 means that the DLC and the Authority still retain the ability to [not] impose the condition and the conditions are, therefore, still discretionary in nature. There is nothing in the [provisional local alcohol policy] which fetters what the DLC or Authority may consider to be a good reason not to impose the condition.

It will be seen that ARLA’s view generally was that appropriately drafted conditions are permissible provided licensing authorities retain the discretion to not impose those conditions. We infer that ARLA took the same view with respect to sales to prohibited persons; the decision does not refer expressly to them.<sup>85</sup>

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<sup>84</sup> At [202].

<sup>85</sup> Woolworths’ submissions suggested that both cls 4.4 and 4.5 were in issue on the basis they fettered ARLA’s discretion. Neither ARLA nor the High Court engaged with cl 4.5 and we infer that only cl 4.4 is now in dispute.

### **The judicial review applications**

#### *Separate review applications by the Supermarkets and Redwood*

[84] Separate appeals were brought before ARLA by the Supermarkets and by Redwood Corporation but ARLA held one hearing and delivered a single decision. The Supermarkets and Redwood then brought separate applications for judicial review. Their applications were heard together but not consolidated, and Duffy J delivered separate decisions.

[85] The Judge's decision in the Redwood appeal has not been appealed to this Court, though it rested on similar grounds, principally what she saw as an absence of reasons.<sup>86</sup> The Judge "set aside in its entirety" ARLA's "decision on Redwood's appeal" and directed that ARLA reconsider the appeal.<sup>87</sup>

#### *Consequence of judicial review for ARLA*

[86] We have referred to the judicial review jurisdiction at [44] above. In granting judicial review the Judge presumably envisaged that ARLA would revisit its reasons and decide whether to remit the affected elements to the Council under s 83. Because the question for the High Court was not whether a given element was unreasonable in light of the Act's object, it need not be the case that ARLA must decide to remit an element in respect of which the High Court set its decision aside. ARLA presumably would have no alternative to the extent the High Court found a given element ultra vires the Act, but it could address a failure to give reasons by reconsidering its reasons against the evidence that was before it at the first hearing, following which it might remain of the view that an element was not unreasonable and dismiss the Supermarkets' appeals accordingly. We record that counsel for the Supermarkets accepted this before us, and further recognised that ARLA might make such a decision on the papers, if it thought fit. We accept that ARLA might also choose to hold another hearing or even to receive further evidence about the elements concerned; that would be a matter for ARLA. But this litigation has dragged on long enough, and it should

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<sup>86</sup> *Woolworths New Zealand Ltd v Alcohol Regulatory and Licensing Authority* [2020] NZHC 971 [Redwood Decision].

<sup>87</sup> At [126].

be of concern to all involved that not until it is concluded by ARLA will Auckland finally get a local alcohol policy.

*No res judicata or issue estoppel in this appeal*

[87] For Woolworths, Ms Cooper QC argued that the relief sought by the Council cannot be granted, for ARLA issued a single decision dealing with appeals by both the Supermarkets and ARLA and the Council has not appealed Duffy J's decision setting aside ARLA's decision in Redwood's appeal. It is true that the Judge delivered separate judgments in separate judicial review applications, but her reasons overlapped; it is difficult to see how ARLA's decision could be set aside for Redwood but not the Supermarkets.

[88] The argument is without merit. As noted, in her *Redwood* judgment the Judge set aside ARLA's decision on Redwood's appeal, so severing those parts of ARLA's decision dealing with Redwood from those dealing with the Supermarkets. Redwood was not party to the Supermarkets' appeals and they are not privies. The subject matter differed; Redwood's concern was with the definition of City Centre and the Policy's provision for a closing hour of 3 am, rather than the statutory default hour of 4 am, for on-licences in the City Fringe area, where Redwood's premises (a brothel) are located. Those elements were not the subject of the Supermarkets' appeal to ARLA. Further, the Council is entitled to pursue its right of appeal in this judicial review proceeding. To the extent that the appeal raises questions of law or fact that were addressed in both the judgment under appeal and the Judge's subsequent decision in *Redwood*, we cannot be bound by her conclusions. Lastly, there is no reason to suppose that ARLA or the Council will be bound by conflicting outcomes, since it may be assumed that ARLA will take this Court's decision into account, so far as relevant, when reconsidering the policy elements at issue in Redwood's appeal.



### The obligation to give reasons

[89] The 2012 Act does not specify that ARLA must give reasons for its decisions on appeals under s 81, but it was common ground before us that it must do so.<sup>88</sup> As Mr Braggins contended, arguing this part of the appeal for Woolworths, reasons are integral to the open justice principle, they discipline the decisionmaker, and they allow a court exercising supervisory jurisdiction to assess the decision's lawfulness.<sup>89</sup>

[90] Counsel cited the judgment of this Court in *Belgiorno-Nettis*, which was said to be analogous.<sup>90</sup> There was a statutory obligation to give reasons and the legislation, recognising the scale of the task and the likely number of interested parties, provided that reasons might be grouped.<sup>91</sup> The Court confirmed that reasons might be of a summary nature but they must give some articulation of the decisionmaker's thinking.<sup>92</sup> The decisionmaker had set out a general approach to zoning and height controls in an overview report, but that was no more than a statement of principles; it did not provide reasons for accepting or rejecting competing submissions on zoning and height restrictions in specific areas.<sup>93</sup>

[91] Duffy J relied on *Belgiorno-Nettis*, reasoning that ARLA here made the error of dividing its decision into general comment on the specific elements on appeal, then failed to give specific reasons for accepting or rejecting specific submissions.<sup>94</sup>

[92] In our view what the Court had to say in *Belgiorno-Nettis* was merely an application, in a very particular statutory and factual setting, of the general rule as to adequacy of reasons which was summarised in *Lewis v Wilson & Horton*:<sup>95</sup>

[81] The reasons may be abbreviated. In some cases they will be evident without express reference. What is necessary, and why it is necessary was

<sup>88</sup> *Lewis v Wilson & Horton Ltd* [2000] 3 NZLR 546 (CA); and *Belgiorno-Nettis v Auckland Unitary Plan Independent Hearings Panel* [2019] NZCA 175, [2019] 3 NZLR 345. Section 211 of the 2012 Act does provide that ARLA must give written decisions, with reasons, on applications, but this was an appeal.

<sup>89</sup> *Lewis v Wilston & Horton Ltd*, above n 88, at [76]–[82].

<sup>90</sup> The judgment was delivered on judicial review of decisions by a specialist body established to make recommendations on a unitary plan for Auckland. There were limited rights of appeal.

<sup>91</sup> *Belgriorno-Nettis v Auckland Unitary Plan Independent Hearings Panel*, above n 88, at [52].

<sup>92</sup> At [65].

<sup>93</sup> At [77] and [83].

<sup>94</sup> Judgment under appeal, above n 1, at [104].

<sup>95</sup> *Lewis v Wilson & Horton*, above n 88.

described in relation to the Civil Service Appeal Board (a body which carried out a judicial function) by Lord Donaldson MR in *R v Civil Service Appeal Board, ex parte Cunningham* [1991] 4 All ER 310 at p 319:

“... the board should have given outline reasons sufficient to show to what they were directing their mind and thereby indirectly showing not whether their decision was right or wrong, which is a matter solely for them, but whether their decision was lawful....”

[93] As the Court said there, reasons may be abbreviated and in some cases they will be evident without express reference. The decision under review must be read as a whole.

### **Element 1: trading hours**

[94] We have referred at [77]–[80] above to ARLA’s conclusions about the association between off-licences and alcohol-related harm and the adoption of a 9 pm closing time. ARLA considered that there was an evidential basis for the restriction and the Council was entitled to test whether it would be effective.

[95] Duffy J’s approach turned on her view that the Act sets default standards from which there should be reason for departure on a community by community basis. We have quoted what she had to say about that at [24] above. Partly because of her view about default standards, she took the view that the Council was required to justify discriminating between supermarkets and other off-licences:<sup>96</sup>

[96] None of the submissions or evidence in support of reduced closing hours, to which ARLA refers, differentiates between supermarket and grocery store off-licences on the one hand and bottle store off-licences on the other. The alcoholic beverages that each group sells differ. The types of problems identified in the evidence of those supporting the [provisional local alcohol policy] are not problems one would usually associate with off-licence sales from supermarkets and grocery stores throughout the Auckland region. Why those outlets and their customers should be subject to reduced closing hours is not clear from this evidence. Nor is it clear from the available evidence why the closing hours of all bottle stores in the Auckland region should be reduced to 9pm, when Parliament considers that in general 11pm closing hours will meet the object of the [Act]. The idea the examples given of alcohol-related harm can be associated with all bottle stores wherever located in the Auckland region is not self-evident.

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<sup>96</sup> Judgment under appeal, above n 1.

[96] She concluded that ARLA gave no reasons for concluding that the same closing hours restriction could apply across all of Auckland:

[97] ARLA's dismissal of the appeals against the off-licence closing hours restriction must mean ARLA found it was not unreasonable in light of the object of the [Act] for the same closing hours restriction to apply to all off-licences in the Auckland region. But, ARLA gives no reasons for this outcome. This is in circumstances where reasons for the outcome are not self-evident, nor can they be inferred from the evidence and submissions ARLA mentions in its decision. ARLA uses the language of "proof" in its conclusion; stating that it "does not consider that it has been established that the closing hour restriction is unreasonable...". ARLA also uses language which suggests it was influenced by the precautionary principle. For the reasons set out below I consider these to be errors of law by ARLA, which led to it wrongly dismissing the appeals of Woolworths and Foodstuffs.

(Footnote omitted.)

[97] She returned to the subject of default hours when concluding that the Council was obliged to consider the individual characteristics and needs of the various local communities within Auckland:

[113] The [Act] recognises the freedom to consume alcohol in a reasonably safe and responsible way. Parliament considers 11pm closing hours for off-licences to be consistent with the purpose and object of the [Act], otherwise those hours would not have been adopted as default hours. As Foodstuffs submitted, Auckland Council's replacement of the default hours with the reduced hours in the [provisional local alcohol policy] appears to be an attempt to re-write the [Act] by substituting an earlier closing time for the statutory time, without proper regard being paid to the individual characteristics of the various local communities within Auckland and their respective needs.

[98] Ultimately, however, she did not conclude that the Policy was unreasonable for these reasons, though she doubted how "the comprehensive substitution of the [Act's] provisions with the restrictions imposed by the reduced closing hours ... could ever satisfy the [Act's] requirements for a [provisional local alcohol policy]".<sup>97</sup> Rather, she granted the application for review and remitted the matter of closing hours to ARLA for reconsideration:

[212] Whilst the outcomes of those decisions are not necessarily excluded by the [Act], it is difficult to see how: (a) the comprehensive substitution of the [Act's] provisions with the restrictions imposed by the reduced closing hours; and (b) the comprehensive application of the temporary freeze and rebuttable presumptions could ever satisfy the [Act's] requirements for a

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<sup>97</sup> At [212].

[provisional local alcohol policy]. However, this is a matter that should be left to ARLA to determine. The discipline which the requirement to provide reasons imposes on a decision-maker should ensure that when ARLA comes to determine the appeals against those elements again they receive proper consideration.

It will be seen that the Judge dealt with element 2 (temporary freeze/rebuttable presumptions) in the same paragraph and on the same basis as element 1.

[99] As we have made clear at [23]–[25] above, we do not accept that there is any onus on a territorial authority to justify departure from the statutory hours. Nor does the Act presume that trading hours should be set on an area by area or community by community basis within the district. On the contrary, there may be good reason to adopt an area-wide policy, as we explained at [31] above.

[100] The Judge's view about default standards informed her expectations of ARLA's reasons. She recognised that she might look to the evidence and submissions that were before ARLA for inferences about its reasons, but found the evidence linking off-licence trading hours with criminal offending was at best weak.<sup>98</sup> The evidence could not be accepted without considering the extent to which other causes (on-licence hours) might play a part, whether the harm was attributable to a type of off-licence rather than off-licences generally, and whether the pattern was district-wide:

[107] First, ARLA referred to evidence that it considered showed a pattern of violent and disorderly behaviour offences between 7.00am and 12 midnight and off-licence trading hours, which currently end at 11pm. This is as far as the evidence went. There was no consideration of other factors that may contribute to this pattern of offending, such as: (a) the extent to which on-licence trading hours play a part; (b) whether it is a certain type of off-licence supplier rather than all off-licence suppliers; and (c) whether this pattern of offending happens throughout the entire Auckland region or only in certain parts of the region. But without such consideration the correlation that ARLA purports to draw between off-licence trading hours and alcohol related offending to support a blanket reduction in off-licence closing hours throughout the entire Auckland region appears to be no more than an expression of the post hoc ergo propter hoc fallacy. There is nothing inferentially available here to explain why ARLA dismissed Woolworths and Foodstuffs appeal.

(Footnotes omitted.)

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<sup>98</sup> At [106].

[101] For similar reasons, she rejected the evidence that many alcohol presentations at hospitals occur at around 1 am and 80 per cent of alcohol purchases are made from off-licences:

[108] Secondly, ARLA referred to evidence from medical experts regarding alcohol presentations at hospitals around 1 am. ARLA accepted this evidence did not identify where alcohol was purchased and therefore the influence of on-licence supply could not be discounted. ARLA also referred to other evidence that showed 80 per cent of alcohol purchases were made from off-licence suppliers. This gave ARLA the confidence to find that off-licence supply was a contributor to the late-night/early morning presentations at hospital emergency departments. Again, the extent of the contribution from off-licence suppliers, to what extent any such contribution by them could be attributed to all off-licence suppliers, rather than a particular type of supplier, in all districts, rather than some districts, was not touched on. Again, the failure to address those factors leaves ARLA's reasoning open to the inference it has fallen victim to the post hoc ergo propter hoc fallacy. Again, there is nothing inferentially available here to explain why ARLA dismissed Woolworths and Foodstuffs appeal.

[102] Similarly, the Judge rejected the evidence about reported incidence of risky drinking behaviour among young people in Auckland, their pattern of buying alcohol between 9 pm and 11 pm, and pre-loading and side-loading:

[109] Thirdly, ARLA took evidence from Ms Turner that 25 per cent of Aucklanders had reported risky drinking behaviour "in the last four weeks", that those most likely to engage in consumption in this way were young people between 15 and 24 years old, those living in south/south east Auckland and Māori and Pacific populations, and combined this evidence with evidence from Dr Clough that most young people between 18 and 24 years do their alcohol spending between 9pm and 11pm. ARLA does not say how the combined effect of this evidence would indicate the need for a blanket restriction on off-licence closing hours throughout the entire Auckland region, nor is it inferentially apparent.

[110] Fourthly, ARLA had heard evidence that pre-loading was a well-planned activity and heard submissions to the effect that this suggested the restriction of off-licence closing hours would not control alcohol consumption, except for those who failed to plan. ARLA expressly referred to and relied on a contrary submission from a Police Officer from the Counties Manukau district who said that pre-planning was not a feature of lower socio-economic groups, where the relationship between alcohol and consumption is "more immediate" and opportunities for stockpiling are more limited. For those persons alcohol is not consumed when it is not available. However, this evidence does not address whether such persons seek their supplies from all off-licences or whether they are drawn to those off-licence suppliers that supply alcoholic beverages with a higher alcohol content than beer, wine and mead, and only to those off-licences near to where they live or frequent. Logic would suggest such persons prefer beverages with higher levels of alcohol for quick effect and are likely to purchase them from suppliers close to where they live and frequent. Again, ARLA does not say why it thought this evidence

supported a blanket restriction on off-licence closing hours throughout the entire Auckland region, nor is it inferentially apparent.

[103] The Judge expressed the opinion that supermarkets and grocery stores are less likely to be associated with alcohol-related harm than are other off-licences:

[112] Such evidence as there is of a link between reduced trading hours of off-licences, alcohol consumption and alcohol-related harm does not distinguish between the different types of off-licence suppliers. Supermarkets and grocery stores are restricted to selling beverages with a lower alcohol content. Supermarkets and grocery stores are not self-evidently associated with displays of excessive alcohol consumption or alcohol related harm, nor are those features generally associated with their customers. ...

[104] We agree with the Judge that the evidence, and ARLA's account of it, may be considered when examining ARLA's reasons for sufficiency. We differ in the conclusions to be drawn from that exercise. In short, and notwithstanding her adoption of a *Wednesbury* standard and acceptance of the precautionary principle, we consider that the Judge insisted the evidence meet a higher standard than the legislation requires.<sup>99</sup> This is perhaps best seen in her view that correlation between alcohol-related harm and trading hours is not sufficient justification to reduce trading hours, in the absence of evidence identifying supermarkets and grocery stores as the cause of such harm.

[105] We accept the submissions of Mr McNamara, for the Council, and Mr La Hood that the evidence was sufficient to justify the restriction on closing hours. Specifically, the Council's evidence discussed region-wide evidence of harm, including survey evidence.<sup>100</sup> The evidence indicated that 25 per cent of Aucklanders had reported recent risky drinking behaviour. It is more prevalent among young people, for whom excess consumption is also more likely to manifest in public drunkenness, offending and hospitalisation, but it is not limited to them. There was evidence about the practices of pre-loading and side-loading by young people, using cheap alcohol purchased from off-licences to become intoxicated before driving to an on-licence in the city. Price is the main driver of this behaviour, which is associated with excess consumption and alcohol-related harm. Preloading occurs until about 11 pm.

<sup>99</sup> As discussed at [47]–[55] above.

<sup>100</sup> For example, Health Promotion Agency *Attitudes and Behaviour towards Alcohol Survey 2013/14 to 2015/16: Auckland Regional Analysis* (Health Promotion Agency, Wellington, November 2016).

The supplier is usually a bottle store, but it is reasonable to infer that supermarkets would be used if bottle stores were closed, so long as supermarkets are accessible and the alcohol is cheaper than it would be at on-licence premises.

[106] Before us counsel for the Supermarkets sought to support the Judge's conclusion that the Policy ought to discriminate by area and by type of off-licence. We do not agree. There was expert evidence, based on New Zealand and overseas experience, that there is a relationship between off-licence hours and alcohol-related harm, and that reducing availability is one of the most cost-effective ways of reducing harm. Because it dealt expressly with the proper use of the evidence, we mention the evidence of Dr Jennie Connor, a leading epidemiologist and expert of alcohol-related harm. She recognised that all epidemiological research is subject to limitations that affect causal inference, but considered that within a regulatory framework that permits a precautionary approach it is reasonable to rely on conclusions founded on critical appraisal of a wide range of studies. Good quality research can be generalised from other settings. Her own analysis of the research led her to conclude that it justified the conclusion that restrictions on off-licence hours in Auckland would reduce availability and subsequent harm. She cited overseas studies that measured a material reduction in alcohol-related harm following reduction in off-licence hours and a New Zealand study which showed that purchases from off-licences after 10 pm were approximately twice as likely to be made by heavier drinkers. We add that there was also evidence, from Dr Nicola Jackson, the Executive Director of Alcohol Healthwatch, that the incidence of alcohol-related harm is significantly higher among young people in Auckland than in other parts of New Zealand; and further, that the incidence of hazardous drinking has increased year on year since 2011.

[107] As noted above, there is also evidence that an off-licence was the most common source of a last drink for intoxicated people who present at hospital around 1 am on a Saturday or Sunday morning. They may have been drinking in a city on-licence, but their pre-loading usually happens in a home, which may be in any part of the district, and alcohol-related harm resulting from their consumption may be

experienced anywhere. There is a correlation between alcohol-related offending, which peaks around midnight, and off-licence closing times.<sup>101</sup>

[108] The Supermarkets contest the inferences to be drawn from much of this evidence. Before us Mr Braggins sought to show, by reference to a New South Wales study, that there is a weak correlation between off-licence hours and alcohol-related offending. The argument rested on the false premise that the Council must prove harm associated with supermarkets as a class of licensee before it can justify restrictions on off-licence hours in any given area. The evidence that ARLA cited sufficiently established a correlation between the serious alcohol-related harm experienced in Auckland and off-licence trading hours, such that restricting the latter might reasonably reduce the former. Ultimately, that was sufficient to justify the Policy's supply restrictions.

[109] It is true, as Ms Cooper submitted, that ARLA did not expressly engage with the witnesses for the Supermarkets and explain why their evidence was rejected. But we accept Mr McNamara's submission that when its decision is read as a whole ARLA relied on the evidence led in support of the Policy for its conclusions that "there is evidence to establish a relationship between off-licence trading hours and alcohol consumption and harm".<sup>102</sup> It was not necessary that ARLA reach a final view about the relationship between trading hours and harm. It sufficed, as we have explained, that there was a real and appreciable possibility that an earlier closing time would reduce alcohol-related harm. And that, in essence, is what ARLA decided in the passage quoted at [80] above, in which it referred to the evidence it had mentioned and concluded that there was an evidential basis for the closing hours restriction.

[110] We specifically reject Mr Thain's submission, for Foodstuffs, that ARLA's reasons were inadequate because it is implicit in s 78 that reasons must be given for failing to discriminate by area and population type. To cite s 78 as the source of an obligation to give reasons is to criticise the Council, whose policy it is, not ARLA. In any event, we have explained at [31] above that s 78 allows that a local policy may

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<sup>101</sup> Decision of ARLA, above n 38, at [140].

<sup>102</sup> Decision of ARLA, above n 38, at [146].



discriminate by area and demographic characteristics, but does not require it. A policy need be no more than a local preference about a licensing matter.

[111] It follows that in our respectful opinion Duffy J was wrong to find that ARLA did not give reasons for its decisions. It did, and in our view its reasons were adequate.

**Element 2: temporary freeze and rebuttable presumption against new off-licences in certain areas**

[112] We have quoted ARLA's decision on this element at [81]–[82] above. In short, it reasoned that the freeze and rebuttable presumption were not unreasonable, nor did they preclude the issue of new off-licences; they were at best guidance for licensing committees and ARLA itself.

[113] Duffy J surveyed the evidence, arguments and ARLA's decision at some length before finding that ARLA had failed to provide reasons for treating supermarkets and grocery stores in the same manner as other off-licences, or for finding that a policy against new licences in the short term was not unreasonable. She did not conclude that the temporary freeze and rebuttable presumption were unreasonable.

[114] Nor did the Judge find that these elements were necessarily ultra vires the Act. She observed that under s 77(1)(a) it is permissible to include a policy on the location of licensed premises. She reasoned, however, that before doing so it would be necessary to consider the relevant considerations set out in s 78, "which would include the different types of off-licences and the different impacts they might have on the relevant factors set out in s 78".<sup>103</sup> She held that ARLA had again failed to provide reasons:

[154] By upholding the [provisional local alcohol policy's] comprehensive application of the temporary freeze and rebuttable presumptions to all off-licences in the City Centre, Priority Overlay areas and Neighbourhood Centres ARLA has found this element of the [provisional local alcohol policy] is not unreasonable in light of the object of the Act. However, ARLA gives no reasons for this finding. For the Court to assess the lawfulness of the decision-making process that led to the inclusion of this element, whether it complied with the requirements of ss 77 and 78 and whether ARLA properly considered this aspect of the appeal the Court needs to know ARLA's reasons for its decision. How and why the decision was reached needs to be seen. Whether

<sup>103</sup> Judgment under appeal, above n 1, at [153].

due regard was paid to the relevant factors in s 78 and whether the discretionary authority in s 77(1)(a) and (d) were properly exercised cannot be properly assessed when no reasons have been given. In short, the absence of reasons to explain ARLA's decision on this element, including the failure to explain why Woolworths' arguments were rejected prevent any proper analysis by this Court of the ultra vires ground of review.

[115] She concluded that in the absence of reasons the Court could not decide whether the "comprehensive application" of the temporary freeze and rebuttable presumption to all off-licences was unreasonable in light of the object of the Act. We observe that this appears to assume the Court was engaged in a merits review. Notwithstanding that s 77 expressly contemplates that a local alcohol policy may include policies on location of licensed premises by reference to broad areas, she contemplated that the Policy might ultimately prove to be ultra vires.<sup>104</sup> It is not clear to us how that could be so.

[116] The Judge went on to dismiss the Council's arguments:

[157] Auckland Council contended that the temporary freeze and rebuttable presumption were not ultra vires as they comprised a policy that goes to whether further licences should be issued in certain stated parts of Auckland, which brought them within s 77(1) of the [Act]. The Council also submitted that the evidence of Dr Cameron, before ARLA, suggested there was no basis for different treatment of supermarkets and other off-licences, and thus ARLA was entitled not to find elements of the [provisional local alcohol policy] unreasonable on account of their failure to differentiate between different off-licence locations. The Medical Officer of Health made minimal submissions on this point, opting to support the submissions made by the Council, but he also noted that if an element could be linked to the minimisation of alcohol related harm, because this was an objective of the [Act], the element would not be unreasonable in light of the object of the Act. Regarding the temporary freeze and the rebuttable presumption sufficient evidence was placed before ARLA to establish the necessary link that rendered the policy reasonable.

[158] I reject the opposing submissions. First, if ARLA was influenced by the suggested inferences that Auckland Council draws from Dr Cameron's evidence I would expect ARLA to refer to those inferences as part of its discussion of Dr Cameron's evidence. But it does not. ARLA simply refers to Dr Cameron's evidence in relation to Neighbourhood Centres and says it shows an association between off-licence density and higher levels of violence, sexual offences and drug and alcohol offences. This outline of Dr Cameron's evidence is not enough to support the inference ARLA either understood or accepted that the features Dr Cameron identified are something that is common to all types of off-licences. Secondly, Auckland Council took me to aspects of Dr Cameron's evidence and invited me to infer from those that his evidence showed there was no basis for differentiation between

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<sup>104</sup> At [156].

different types of off-licences when it came to their association with alcohol-related harm. However, unlike ARLA I have not had the benefit of seeing and hearing all of Dr Cameron's evidence. So, I am not well-placed to assess his evidence or to draw the inferences that Auckland Council wants me to draw. Accordingly, I propose to approach Dr Cameron's evidence from the perspective of how it was outlined in ARLA's decision.

[159] More importantly, it is not apparent from ARLA's decision whether evidence that it understood as showing linkage between off-licences and alcohol-related harm was evidence that generally referred to off-licences, without the researchers taking account of any distinction between the different types of off-licences; or whether they had taken this factor into account and then found that much the same level of alcohol-related harm could be linked to all types of off-licences. The former circumstance may well render the same treatment for all off-licences unreasonable in light of the object of the [Act], whereas the latter may not. Even if the level of alcohol-related harm were found to be the same for all types of off-licences, the next question is whether that would be the case for all areas within the region, or whether it would differ according to the local characteristics of the various areas. Until a view is formed on these questions, it is not possible to say whether an approach that may limit the number of all new off-licences in all parts of the Auckland region is not unreasonable in light of the object of the [Act]. The arguments advanced by Auckland Council and the Medical Officer of Health rely on an overly superficial view of the evidence and relevant issues.

[117] It will be seen that the Judge again considered that the Policy must justify a decision not to discriminate among licensees and among communities within Auckland. She recognised that there was evidence to support the view that there was no basis for differentiation among off-licences, but reasoned that ARLA itself had not discussed whether the evidence applied to all off-licences.

[118] We do not agree. In its decision ARLA reviewed the evidence and arguments at length, concluding among other things that the definition of areas affected by the freeze/presumption was reasonable having regard to extensive evidence of harm there,<sup>105</sup> that it was reasonable to distinguish between on-licences and off-licences for this purpose,<sup>106</sup> and that there was evidence of an association between off-licence density and the more severe forms of alcohol-related harm.<sup>107</sup> We accept Mr McNamara's submission that the Judge again focused on the perceived absence of reasons for failing to discriminate among off-licence types. We have already held that the Policy need not do that, in circumstances where the evidence sufficiently justified

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<sup>105</sup> Decision of ARLA, above n 38, at [80].

<sup>106</sup> At [84].

<sup>107</sup> At [120].

the inference that there is a relationship between off-licence density and alcohol-related harm in these areas. The evidence applied generally to off-licences.

[119] There is force in Mr La Hood's submission that the Judge's approach rested in part on assumptions that supermarkets cause less harm because they are restricted to "selling beverages with a lower alcohol content" and "are not self-evidently associated with displays of excessive alcohol consumption or alcohol related harm, nor are those features generally associated with their customers".<sup>108</sup> Those assumptions are not warranted on the evidence. It cannot be assumed that those who are pre-loading are consuming beverages with a higher alcohol content than wine or beer. Alcohol-related harm is not confined to public displays of drunkenness; it extends to health effects on those who drink to excess, perhaps in their suburban homes. It is a reasonable inference that those who are pre-loading or making impulse purchases will frequent supermarkets if they are allowed to sell alcohol when other off-licences are closed; what matters is that the alcohol is accessible and cheaper than it would be in an on-licence.

[120] The Supermarkets sought to defend the Judge's decision to remit this element of the Policy to ARLA on a collateral ground, namely her decision that the Policy's provision for Local Impact Reports was ultra vires the Act.<sup>109</sup> The Reports were intended as a tool to guide licensing committees and ARLA in licensing decisions. The Policy envisaged that the Reports would provide information about matters including the number of licensed premises in the area, proximity to education facilities and nature and severity of alcohol-related harm in the area. The Judge's decision that they were ultra vires has not been appealed.

[121] The Supermarkets argue that it must follow that, as the Judge directed, ARLA should reconsider the freeze/presumption element because ARLA expressly relied on Local Impact Reports to justify its conclusion that the element was reasonable and the Reports were part of the element, which ARLA must reconsider in its entirety.

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<sup>108</sup> Judgment under appeal, above n 1, at [112].

<sup>109</sup> At [189].

[122] ARLA did rely on Local Impact Reports when reasoning that the element was not ultra vires because licences could still issue, having regard to information contained in the Reports.<sup>110</sup> But the Reports would duplicate responsibilities already assigned to reporting authorities under the Act; they were intended to ensure those authorities do their job consistently and thoroughly.<sup>111</sup> It may be true that the Reports imposed stricter reporting requirements than the Act, but as Mr McNamara submitted, there is no express link between the Reports and the temporary freeze, and the rebuttable presumption refers to them in cl 3.3.3(a) only by requiring that licensing committees and ARLA should consider them when deciding whether to issue a licence. Element 2 functions without provision for the Reports.

[123] Mr Thain took a jurisdictional point, arguing that the decision to amend a local alcohol policy can be made by the territorial authority only after ARLA has referred the policy back for reconsideration. We do not agree. It is correct, as noted at [33] above, that an appeal to ARLA addresses an element of a local alcohol policy, but “element” is not defined. Division into elements is a question of fact and judgement. In our view, the policy element dealing with Local Impact Reports is cl 3.1, which provided for them as a “policy tool”. The temporary freeze was a separate policy tool, provided for in cl 3.2, as was the rebuttable presumption, provided for in cl 3.3. They are discrete policy elements which the Policy treats as separate tools and which ARLA might treat separately. The Reports were intended to apply to all licensing decisions, not just those affected by the temporary freeze and rebuttable presumption, which concerned new off-licences in specified areas.

#### **Element 4: discretionary considerations**

[124] We can deal with this ground of appeal shortly. Ms Cooper argued that the Policy left little room for “any real exercise of discretion” by licensing committees and ARLA; in effect cl 4.4.1 was directive, requiring that the relevant conditions be imposed. She accepted, as noted above, that the conditions themselves would not be ultra vires the Act if a licensing committee chose to require them under s 117.

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<sup>110</sup> Decision of ARLA, above n 38, at [114] and [117].

<sup>111</sup> As the Judge discussed at [181]–[182] of the Judgment under appeal, above n 1.

[125] In our view cl 4.4.1 plainly is not ultra vires. Section 77 permits the Council to include a policy about discretionary conditions. There is no reason why a policy cannot include a preference about how the discretion to impose a condition should be exercised. That is all that cl 4.4.1 amounts to. It is not a direction to licensing committees to include the specified conditions. On the face of the legislation, such a policy could not fetter their express statutory discretion with respect to conditions.<sup>112</sup> As the Judge recognised, cl 4.4.3 replicates mandatory considerations relating to prohibited persons; that being so, it can hardly be ultra vires the Act.

### **Disposition**

[126] The Council's appeal is allowed. Woolworths' cross-appeals is dismissed. The High Court order remitting ARLA's decision on the Supermarkets' appeals for reconsideration is set aside. The effect of this decision is that:

- (a) The orders made by ARLA at [203(b)] to (d) of its decision stand (this includes its decision that cl 4.4.1 is not ultra vires or unreasonable);
- (b) ARLA's decision is reinstated with respect to trading hours (noting that the effect of the order made at [203(a)] of its decision was that the Council need reconsider only the opening hours component of this element of the Policy); and
- (c) ARLA's decision that the temporary freeze and rebuttable presumption (elements 3.2 and 3.3) are not unreasonable in light of the object of the Act is reinstated.

[127] Those elements of the Policy that were not the subject of the Council's appeal to this Court (being provision for Local Impact Reports and certain discretionary conditions) remain subject to reconsideration as agreed by the Council or directed by Duffy J. We record that the effect of her decision was only that certain elements must be reconsidered by ARLA, which may in turn remit them to the Council for reconsideration. She could not and did not quash, or declare unreasonable, any

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<sup>112</sup> Section 105(1)(c). Clause 4.5.1 also expresses the Council's preference that certain discretionary conditions be considered by the District Licensing Committee.

element of the Policy herself. To the extent that any element is in fact ultra vires the Act, we agree with the Judge that it could not be found reasonable in light of the Act's object. However, the question whether any element is ultra vires or unreasonable must be reconsidered by ARLA by reference to the law as explained in this judgment. ARLA is not bound by the Judge's reasons to the extent they differ from those given here.

[128] The Supermarkets must pay the Council one set of costs on the appeal and cross-appeals for a complex appeal on a band A basis, with usual disbursements. We certify for second counsel.

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# Effects of Extensions and Restrictions in Alcohol Trading Hours on the Incidence of Assault and Unintentional Injury: Systematic Review

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**ABSTRACT. Objective:** We undertook a systematic review to assess the effects of extensions and restrictions in trading hours of on- and off-license alcohol outlets. We included new primary studies that help address limitations in previous reviews. **Method:** We systematically searched electronic databases and reference lists, up to December 2018, and contacted the authors of eligible studies. Studies were eligible if (a) the design was randomized, or nonrandomized with at least one control site/series; (b) the intervention evaluated extensions or restrictions in trading hours at on- or off-license premises; and (c) the outcome measures were assault, unintentional injury, traffic crash, drink-driving offenses, or hospitalization. Two reviewers independently extracted data using a standard form that included study quality indicators. **Results:** After screening 3,857 records, we selected 22 studies for the

systematic review, all of which used an interrupted time series design. In the included studies, extension of trading hours concerned on-license premises only, whereas restriction concerned both on- and off-license premises. Extending trading hours at on-license premises was typically followed by increases in the incidence of assault, unintentional injury, or drink-driving offenses. Conversely, restricting trading hours at on- and off-license premises was typically followed by decreases in the incidence of assault and hospitalization. **Conclusions:** On balance, this review augments existing evidence that harm typically increases after extensions in on-license alcohol trading hours. It provides new evidence that alcohol-related harm decreases when on- and off-license trading hours are restricted. (*J. Stud. Alcohol Drugs*, 81, 5–23, 2020)

GLOBALLY, HARMFUL CONSUMPTION of alcohol is the third leading risk factor for morbidity and mortality, accounting for 3 million (5% of all) deaths per annum (World Health Organization [WHO], 2018), and around half of this burden is the result of the acute effects of alcohol consumption, including traffic injury and violence (WHO, 2018). According to Availability Theory, levels of drinking in a society are partly a consequence of how affordable and accessible alcohol is to the population (Stockwell & Gruenewald, 2004).

The interaction between the physiological effects of alcohol, characteristics of consumers, and drinking environments help explain the association between alcohol consumption and harm (Leonard et al., 2003; Plant et al., 2002). The euphoria and increased confidence consumers experience at low doses give way to depressant effects as the dose increases (Dimeff, 1999). As their blood alcohol levels rise, drinkers exhibit impaired coordination, ataxia, poor judgment,

and labile mood (Schuckit, 2000). Reductions in fear and anxiety, and impaired problem-solving skills increase drinker propensities for aggression and risk taking (Room et al., 2005; Schuckit, 2000).

Increased availability of alcohol is positively associated with harm (Babor et al., 2010), with the incidence of violence typically being greater with higher geographic density of alcohol outlets and with a closer proximity of outlets to people's homes (Fitterer et al., 2015; Kearns et al., 2015). For example, across New Zealand, each additional off-license outlet within 1 km of people's homes was associated with a 4% increase in the odds of binge drinking and a 2% increase in harms to people's personal relationships, physical health, work, studies, and employment opportunities (Connor et al., 2011).

Five systematic reviews have previously examined the association between alcohol trading hours and alcohol-related harm. In their review of 14 studies with baseline

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and control observations, Stockwell and Chikritzhs (2009) found that extensions in on-license trading hours were typically followed by increases in the incidence of alcohol-related harm or hazardous drinking. Similarly, reviewing 11 studies, Popova et al. (2009) found that extensions in on-license trading were followed by increased purchasing of high-alcohol beverages and increased alcohol-related harm. One review concluded that on-license trading extensions of 2 or more hours were associated with increased harm and that evidence was too weak concerning increases of less than 2 hours (Hahn et al., 2010). This limitation is noteworthy given that smaller changes are most relevant to mature alcohol markets, where drastic policy changes are uncommon. The focus of research examined in those reviews—namely, the impact of trading hour extensions—reflects the trend of market deregulation in the latter half of the 20th century (Babor et al., 2010).

More recent reviews (Sanchez-Ramirez & Voaklander, 2018; Wilkinson et al., 2016) suggest that restrictions in on- and off-license trading hours were followed by decreases in harm, but those reviews identify methodologic limitations that make inferences from this smaller body of evidence “less compelling” in relation to injury outcomes.

These reviews included some studies that lacked counterfactuals, such that associations potentially reflect changes other than trading hours, and none formally assessed the risk of bias in the primary studies. Our aims were to update the literature to account for new primary studies and address the limitations of previous reviews by including only primary studies with counterfactuals, formally assessing the risk of bias in each.

### Method

We used the Cochrane Effective Practice and Organization of Care (EPOC) framework (The Cochrane Collaboration, 2017), pre-registered the review (Registration number: CRD42015027584), and filed the report according to PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses; Moher et al., 2009).

#### *Eligibility criteria*

Studies were eligible if they investigated extensions or restrictions in trading hours at on- or off-license premises, included the whole population of the study area, and used a counterfactual. On-licenses are outlets where people drink alcohol, whereas off-licenses sell alcohol for consumption elsewhere. The counterfactual could be matched control locations with an alternative intervention/no intervention, or a single location in an interrupted time series with sufficient pre-intervention data to estimate the pre-change trend serving as a counterfactual.

Outcomes eligible for inclusion were violence, unintentional injury (ICD-10 codes S or T, including traffic injury;

ICD10Data.com, 2016), drink-driving, and alcohol-related hospitalization. The latter included patients admitted with excessive alcohol consumption/harmful use/alcohol poisoning, toxicity/alcohol-related injury, and mental/behavior disorder. Following EPOC, we defined as eligible for inclusion randomized trials, controlled nonrandomized trials, controlled before-and-after studies, and interrupted time-series (ITS) designs. Our criteria did not exclude studies using regression discontinuity or instrumental variables, but our search identified no such studies. In an ITS design, the point in time that the intervention commenced had to be specified, with more than three data points before and afterward (The Cochrane Collaboration, 2017). We placed no restriction on language and considered publications up to December 31, 2018.

#### *Information sources and search strategy*

Table 1 describes our search, informed by previous reviews and consultation with a librarian. We deployed the search strategy (Table S1) in Medline, translated for other databases, and imported records into Endnote, where we removed duplicates. (Supplemental material appears as an online-only addendum to the article on the journal's website.) SN and RH independently reviewed titles, abstracts, and, where necessary, full text to identify eligible studies. In accordance with Cochrane (Higgins et al., 2019), we re-ran in August 2019 the search that we had conducted more than 12 months previously. SN reviewed titles, abstracts, and full text of new eligible studies.

#### *Data extraction*

We adapted the Cochrane Data Extraction Form (The Cochrane Public Health Group, 2011) and had three pairs of reviewers (SN and RH/TT/TB) extract data, resolve disagreements through discussion, and consult a third reviewer (KK) to adjudicate where necessary. Upon agreeing on the results to be extracted, we tabulated effect-size estimates along with a confidence interval or *p* value. Where exact *p* values were not provided, we placed the significance test result in quotation marks (e.g., “*p* < .05”).

#### *Risk of bias in primary studies*

We relied on EPOC Guidelines (The Cochrane Collaboration, 2017), the only bias assessment protocol with criteria for ITS designs. Our pilot testing showed that studies addressing the question of interest commonly used ITS designs to which several EPOC criteria (e.g., blinding of assessors, selective outcome reporting) were not relevant. Accordingly, we retained criteria that applied to ITS designs (i.e., confounding due to unadjusted differences between groups,

TABLE 1. Information sources, search strategy, and risk of bias assessment

<p><b>Keywords:</b>  <i>alcohol, consumption, drinking, alcoholic beverage, trading hour, closing time, extend, restrict, extend*, restrict*, relaxed, increase*, open*, hour*, trad*, policy, liquor license, sale, licensing, alcohol-related harm, assault, injury, violence, and traffic crash.</i></p>
<p><b>Electronic databases:</b>  CINAHL, Embase, Google Scholar, Medline, Medline In-Process, ProQuest, PsycINFO, and Scopus.  Duration of search: May 1, 2016, to December 31, 2016, repeated in August 2017, December 2018, August 2019  We considered articles published from all years to December 2018.</p>
<p><b>Other sources:</b>  - Citation searching: manual search of reference lists and studies that have cited the included studies  - Contact with authors of included studies for nomination of literature not identified through our search</p>
<p><b>Risk of bias assessment criteria applied to studies identified in the review (1–3; The Cochrane Collaboration, 2017), with additional criteria to address seasonality and displacement</b>  1) <i>Confounding due to baseline differences</i> between intervention and control areas;  2) <i>Confounding due to other changes</i> coinciding with intervention;  3) <i>Contamination</i> due to control site(s) being exposed to some aspect of the intervention;  4) <i>Seasonality</i>: whether seasonal variation in the outcome was accounted for analytically; and  5) <i>Displacement</i>: whether the intervention caused the outcome to shift geographically (from either the intervention or control site), or temporally—from one time period to another—that is, from earlier in the night to later, or vice-versa.</p>

the effects of other changes at the time of intervention, and contamination bias). In Table 1, we present additional criteria for design issues that EPOC does not address.

## Results

### Study selection

Figure 1 shows how we arrived at the 22 studies that met the eligibility criteria.

### Study characteristics

Eligible studies were conducted in Australia (7), Canada (4), Germany (1), Norway (1), the Netherlands (1), Sweden (1), Switzerland (1), the United Kingdom (4), and the United States (2). Fifteen evaluated extensions, six evaluated restrictions, and one evaluated both. Twenty studied on-licenses, and two studied off-licenses. All used ITS designs, including 15 with control localities, 6 with the pre-intervention trend as the counterfactual, and 1 with a contemporaneous control (Table S2). The outcomes reported were assault (9), all injury (6), traffic crashes, including traffic injury (3), traffic fatalities (2), drink-driving (5), and alcohol-related hospitalization (2).

### Suitability for meta-analysis

Studies varied substantially in outcome specification and analytic methods. We judged only three as comparable in intervention and outcome (Kypri et al., 2011; Menéndez et al., 2017; Rossow & Norström, 2012) and two of those examined the same jurisdiction; therefore, we deemed meta-analysis unfeasible.

### Results of individual studies

**Extending trading hours at on-license premises.** Table 2 summarizes studies of extended trading hours. All studies of extensions concerned on-license premises in the United Kingdom, Canada, Australia, United States, Norway, the Netherlands, and Sweden. Eleven showed an increase and two a decrease, on at least one outcome; two found no association.

In June–August 2014 in Visby, Sweden, premises were permitted to extend trading from 2:00 A.M. to 3:00 A.M. Norström et al. (2018) found a 71% reduction in police-recorded assault compared with corresponding periods in 2010–2013.

From April 2009, premises in two nightlife areas of Amsterdam were permitted to extend trading from 3:00 A.M. to 4:00 A.M. on weekdays, and from 4:00 A.M. to 5:00 A.M. on weekends. Comparing intervention areas with neighboring areas where trading hours did not increase, de Goeij et al. (2015) found a 34% increase in ambulance attendances for alcohol-related injury.

From June 2009, on-licenses in San Marcos, TX, were permitted to extend trading from midnight to 2:00 A.M. Chamlin and Scott (2014) found a 72% increase in “physical disturbances” but no effect on “verbal disturbances” and drink-driving offenses, in downtown San Marcos. In the remainder of the city they found decreased “physical disturbances” and increased drink-driving offenses but no effect on “verbal disturbances.”

In England and Wales, before the Licensing Act (2003) came into effect in 2005, on-licenses with a standard license were allowed to serve alcohol from 11:00 A.M. to 11:00 P.M. (10:30 P.M. on Sunday) and with a “Special Hours Certificate” from 11:00 A.M. to 2:00 A.M. (3:00 A.M. in London). Examining Manchester from February 2004 to December

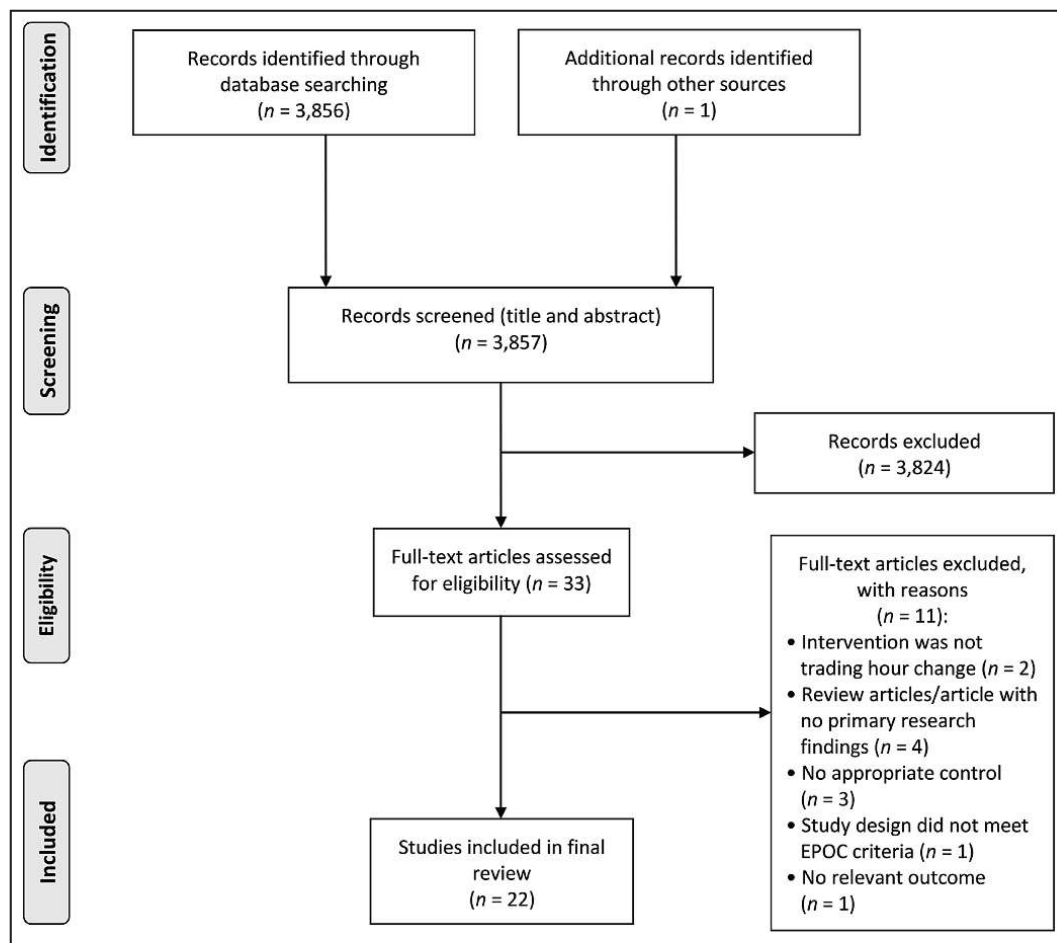


FIGURE 1. PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) flowchart. EPOC = Effective Practice and Organization of Care.

2007, Humphreys et al. (2013) found no increase in the overall incidence of police-recorded assault after trading hour restrictions were removed, but a 36% increase between 3:00 and 6:00 A.M. Given evidence on indicators of alcohol-related injury (Langley et al., 2008; Nepal et al., 2019), we judged assault at “any time of day” a choice of outcome that would bias estimates toward the null, because of low sensitivity to change in late-night alcohol availability. We therefore relied on the analysis of assaults occurring between midnight and 3:00 A.M., and from 3:00 A.M. to 6:00 A.M. in our assessment.

Also in England and Wales, Green et al. (2014) estimated a 13% decrease in the incidence of traffic crashes rela-

tive to Scotland over the same period, the decrease being greatest among 18- to 25-year-olds and during late nights and early hours of weekends. The primary inference in that study relies on the rough equivalence of the pre-extension trend in the two jurisdictions, but figures in the article demonstrate that Scotland had a much steeper reduction in traffic crash incidence than did England and Wales before trading hours were extended in the latter. This, along with the inexplicable change in slope (a relative increase) in Scotland after trading hours were extended in England and Wales, undermines the validity of the primary inference.

From 2000 to 2010, eight Norwegian municipalities granted permission for on-licenses to extend their hours by

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TABLE 2. Characteristics of included studies examining extension of trading hours

Study, country	Setting	Intervention	Study design/analysis/outcome	Findings	Relative effect estimates and comments
<i>On-license premises</i> Norström et al. (2018), Sweden	Intervention: Visby Control: Pre-intervention period	On a trial basis, between June 9, 2014, and August 17, 2014 (Week 24-Week 33), the latest permissible closing time for on-license premises was extended from 2:00 A.M. to 3:00 A.M.	Study design: ITS with no control site Analysis: Difference-in-Difference (DiD) Outcome: Assault	The 1-hour extension was associated with a reduction of 3 assaults per week when compared to the pre-intervention period ( $p < .001$ ).	The extension was associated with a 71% decrease in the incidence of assault, compared to the pre-intervention period.
de Goeij et al. (2015), the Netherlands	Intervention: The Leidseplein and Rembrandtplein, Amsterdam Control: Dam, Koningsplein, and Red-light district, Amsterdam	From April 1, 2009, the municipality of Amsterdam permitted two of the five nightlife areas to extend closing times of on-license premises by 1 hour (2 hours for daytime venues during weeknights). The trading hour changes implemented were as follows: <i>Daytime venues</i> Weeknights: from 1:00 A.M. to 3:00 A.M. Weekend: from 3:00 A.M. to 4:00 A.M. <i>Evening venues</i> Weeknights: from 3:00 A.M. to 4:00 A.M. Weekends: from 4:00 A.M. to 5:00 A.M. <i>Night-time venues</i> Weeknights: from 4:00 A.M. to 5:00 A.M. Weekend: from 5:00 A.M. to 6:00 A.M. Three of the nightlife areas in Amsterdam did not implement the closing time extension, and served as a control.	Study design: ITS with control site Analysis: Segmented time-series design Outcome: Alcohol-related injury (with alcohol involvement judged by ambulance officers)	The 1-hour extension was associated with an increase in the incidence of injury in the intervention areas compared to the control areas. <i>Intervention area</i> Before (April 1, 2006, to April 1, 2009): 499 After (April 1, 2009, to April 1, 2011): 480 <i>Control area</i> Before: 544 After: 357	After adjusting for time of injury, sex, age, transportation to a hospital, and involvement of violence, a 34% increase in injury was associated with the extension in the intervention area relative to the control area. (incidence rate ratio = 1.34, 95% CI [1.12, 1.61])

Table continued

TABLE 2. Continued

Study, country	Setting	Intervention	Study design/analysis/outcome	Findings	Relative effect estimates and comments
Chamlin & Scott (2014), United States	Intervention: San Marcos Control: Pre-intervention period	In May 2009 the city council of San Marcos, Texas, adopted a law allowing on-license premises to extend their trading hours by 2 hours, from midnight to 2:00 A.M.	Study design: ITS with no control Analysis: Autoregressive integrated moving average (ARIMA) Outcome: Calls for police services for assault (verbal and physical disturbances), drink-driving offense	<i>Downtown San Marcos</i> Verbal disturbances Extended trading hours + increased police patrol): $\omega_{10} = .50$ ( $^*p < .01$ ) Extended trading hours only: $\omega_{20} = .19$ (n.s.) <i>Physical disturbances</i> Extended trading hours + increased police patrol): $\omega_{10} = .71$ ( $^*p < .001$ ) Extended trading hours only: $\omega_{20} = .19$ ( $^*p < .05$ ) <i>Drink-driving offenses</i> Extended trading hours + increased police patrol): $\omega_{10} = .65$ ( $^*p < .01$ ) Extended trading hours only: $\omega_{20} = .28$ (n.s.) <i>Rest of San Marcos</i> Verbal disturbances Extended trading hours: $\omega_{10} = -.01$ (n.s.) <i>Physical disturbances</i> Extended trading hours: $\omega_{10} = -.29$ ( $^*p < .01$ ) <i>Drink-driving offenses</i> Extended trading hours: $\omega_{10} = .60$ ( $^*p < .001$ )	No relative effect estimate reported.
Green et al. (2014), United Kingdom	Intervention: England and Wales Control: Scotland	In November 2005, the Licensing Act was introduced under which trading hour restrictions on licensed premises were removed. Previously premises with a standard license were allowed to serve alcohol between the hours of 11:00 A.M. and 11:00 P.M. (10:30 P.M. on a Sunday) and between 11:00 A.M. and 2:00 A.M. (3:00 A.M. in London) with a "Special Hours Certificate." No extension was implemented in Scotland which served as a control.	Study design: ITS with a control site Analysis: DiD Outcome: Traffic crash involving injury, recorded by police	The extension was associated with a decrease in traffic crash counts in local jurisdictions in England and Wales, compared with those in Scotland. The association was strongest among 18- to 25-year-olds. Average monthly traffic crash counts per local jurisdiction are not presented for both countries. Instead we estimate them from Figure 2: <i>Intervention</i> Before (2002–2005): 33 After (2006–2008): 30 <i>Control</i> Before (2002–2005): 22 After (2006–2008): 14	The extension was associated with a 13% decrease in traffic crash counts in the intervention areas (England and Wales), relative to the control areas (Scotland). Actual $p$ values associated with effect estimates are not reported but decrease from $< .10$ in the simplest model to $< .01$ in models adjusted for population size, jurisdiction area, seasonality, and clustering.

Table continued

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TABLE 2. Continued

Study, country	Setting	Intervention	Study design/analysis/outcome series	Findings	Relative effect estimates and comments
Humphreys et al. (2013), United Kingdom	Intervention: Manchester Control: Non-equivalent dependent variables (robbery and total crime)	As reported for Green et al. (2014), above.	Study design: ITS with control series Analysis: ARIMA Outcome: Assaults occurring at any time of the day at weekends	The Licensing Act was not associated with a change in the overall incidence of assault (at any time of day) at weekends, but a 36% increase in assaults occurring from 3:00 A.M. to 6:00 A.M. on Saturday or Sunday.	No relative effect estimate reported.
Rosow & Norström (2012), Norway	Intervention: 18 Norwegian cities (city center) Control: Assaults in city periphery	Between 2000 and 2010, 18 Norwegian municipalities granted permission to on-license premises to either extend or restrict their trading hours. Eight cities extended their hours, by between 30 and 120 minutes up to a maximum of 3:00 A.M. closing.	Study design: ITS with control site Analysis: ARIMA Outcome: Assault recorded by police	Each 1 hour of extension was associated with an increase in violence. Mean: 29.2 assaults per 100,000 inhabitants	After adjusting for violence in the city periphery, each additional 1-hour extension was associated with an increase of 16% (95% CI [9, 24]) in violent cases in the intervention areas, relative to control areas.
Vingilis et al. (2008), Canada	Intervention: Towns of London and Windsor Control: Pre-intervention period	On May 1, 1996, the Liquor License Act of Ontario, Canada was amended to extend on-license alcohol trading hours from 1:00 A.M. to 2:00 A.M.	Study design: ITS with no control Analysis: Poisson and negative binomial regression Outcome: Drink-driving, violence	<b>Drink-driving:</b> The 1-hour extension was associated with a decrease in drink-driving, between 11:00 P.M. and 4:00 A.M., in London ( $p < .01$ ) and Windsor ( $p < .01$ ). In London, the extension was associated with a decrease in drink-driving, between 1:00 A.M. and 2:00 A.M. for Sunday–Wednesday ( $p < .0001$ ) and also for Thursday–Saturday ( $p < .0001$ ). An increase was found between 3:00 A.M. and 4:00 A.M. for Sunday–Wednesday ( $p = .004$ ). In Windsor, the extension was associated with a decrease in drink-driving, between 1:00 A.M. and 2:00 A.M. for Sunday–Wednesday ( $p = .00004$ ) and also for Thursday–Saturday ( $p < .00001$ ). An increase was found between 2:00 A.M. and 3:00 A.M. ( $p = .014$ ) and 3:00 A.M. and 4:00 A.M. ( $p = .037$ ) for Sunday–Wednesday. An increase was also found between 2:00 A.M. and 3:00 A.M. for Thursday–Saturday ( $p = .0004$ ). <b>Violence:</b> The 1-hour extension was not associated with any change, from pre- to post-intervention, in London and Windsor. In London, the extension was associated with a decrease between 1:00 A.M. and 2:00 A.M. for Thursday–Saturday ( $p = .004$ ). An increase was found between 2:00 A.M. and 3:00 A.M. for Sunday–Wednesday ( $p = .03$ ) and between 3:00 A.M. and 4:00 A.M. for Thursday–Saturday ( $p = .02$ ). In Windsor, an increase in violence was found, between 2:00 A.M. and 3:00 A.M. for Thursday–Saturday ( $p = .001$ ).	No relative effect estimate reported.

Table continued

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TABLE 2. Continued

Study, country	Setting	Intervention	Study design/analysis/outcome	Findings	Relative effect estimates and comments
Bouffard et al. (2007), United States	Intervention: Minnesota Control: Pre-intervention period	From July 1, 2003, on-license premises in Minnesota were allowed to extend their trading hours from 1:00 A.M. to 2:00 A.M.	Study design: ITS with no control Analysis: ARIMA Outcome: Police stops for suspected drink-driving with BACs over the legal limit of .08 g/dl	<i>Pre-intervention (January 2002 to June 2003)</i> <i>Post-intervention (July 2003 to December 2005)</i> The 1-hour extension was associated with an abrupt increase in the number of stops for drink-driving ( $\alpha = .398$ , $t = 2.067$ , $p < .05$ ).	No relative effect estimate reported.
Chikritzhs & Stockwell (2007), Australia	Intervention: On-license outlets with extended trading hours in Perth Control: On-license outlets without extended trading hours	Between 1989 and 1997, as a consequence of the Liquor Licensing Act of 1988, on-license outlets in Perth were allowed to extend trade from midnight to 1:00 A.M. by obtaining an extended trading permit (ETP). The control sites were outlets continuing to operate with midnight closing.	Study design: ITS with control series Analysis: Multiple linear regression Outcome: Mean breath alcohol level (BAL) of drivers apprehended on testing positive in roadside random breath testing	<i>Female drivers</i> Estimates were not presented for BALs of female drivers apprehended between 12:01 A.M. and 2:00 A.M. because the association was "nonsignificant." However, for 10:01 P.M. to midnight (before closing), female drivers' mean BALs associated with ETP outlets decreased by 14% ( $p < .01$ ) whereas mean BALs associated with non-ETP outlets increased by 3%. <i>Male drivers</i> For 12:01 A.M.–2:00 A.M., mean BALs associated with drinking at ETP outlets increased by 1.5% ( $p < .05$ ) whereas mean BALs associated with drinking at non-ETP outlets decreased by 9%. No estimate for all drivers apprehended for drink-driving offenses was reported.	No relative effect estimate reported.
Vingilis et al. (2007), Canada	Intervention: Ontario Control: Pre-intervention period	As reported for Vingilis et al. (2008).	Study design: ITS with no control Analysis: Linear regression analysis Outcome: Traffic and nontraffic injury	<i>Traffic injuries:</i> 1,094 cases were recorded during the 11:00 P.M.–3:00 A.M. period. The extension was associated with a decrease in MVC injuries between 11:00 P.M.–midnight ( $p = .019$ ) and 1:00 A.M.–2:00 A.M. ( $p = .001$ ). <i>Nontraffic injuries:</i> 765 cases were recorded during the 11:00 P.M.–3:00 A.M. period. The extension was associated with an increase in non-MVC injuries between 2:00 A.M. and 3:00 A.M. ( $p = .027$ ).	No relative effect estimate reported.
Chikritzhs & Stockwell (2006), Australia	Intervention: On-license outlets with extended trading hours in Perth Control: On-license outlets without extended trading hours	As reported for Chikritzhs & Stockwell (2007), above.	Study design: ITS with control series Analysis: Multiple linear regression Outcome: Traffic crash involving an alcohol-impaired driver	After adjusting for traffic crash associated with standard trading outlets and the introduction of freeway "booze buses" (random breath testing units), mean traffic crash with an alcohol-impaired driver, per outlet per month increased by 47% ( $p < .05$ ). No change was seen in the incidence of drink-driving offenses. Mean monthly traffic crash rates: ETP outlets Before: 0.055 traffic crash per outlet After: 0.081 traffic crash per outlet Non-ETP outlets: Not reported.	No relative effect estimate reported.

Table continued

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TABLE 2. *Continued*

Study, country	Setting	Intervention	Study design/analysis/outcome sites	Findings	Relative effect estimates and comments
Vingilis et al. (2006), Canada	Intervention: Windsor Control: Detroit, Michigan (USA)	As reported for Vingilis et al. (2008). The control site implemented no extension.	Study design: ITS with control sites Analysis: Poisson and negative binomial regression Outcome: Traffic crashes (includes fatalities and injury)	<p><i>Total traffic injury between 11:00 P.M. and 3:00 A.M.</i></p> <p>Windsor (Between January 1, 1992, and December 31, 1999)—the extension was not associated with motor vehicle injury.</p> <p>Detroit (May 1, 1992, to April 30, 1999)—the extension was associated with a decrease in motor vehicle injury (<math>p = .036</math>).</p> <p><i>Total alcohol-related traffic injury between 11:00 P.M. and 3:00 A.M.</i></p> <p>Windsor (between January 1, 1992, and December 31, 1999)—the extension was associated with an increase in alcohol-related traffic injury (<math>p = .035</math>).</p> <p>Detroit (May 1, 1992, to April 30, 1999)—a decrease in alcohol-related traffic injury (<math>p &lt; .0001^{**}</math>) was found.</p> <p><i>Total and alcohol-related traffic fatalities between 11:00 P.M. and 3:00 A.M.</i></p> <p>In Ontario, the extension was not associated with total traffic fatalities; a decrease was seen in alcohol-related traffic fatalities (<math>p = .013</math>). During the weekdays, the extension was associated with a decrease in alcohol-related traffic injury during 1:00 A.M.–2:00 A.M. (<math>p = .022</math>), and an increase during 2:00 A.M.–3:00 A.M. (<math>p = .005</math>). During the weekends, the extension was not associated with change in alcohol-related traffic crashes.</p> <p>In Michigan, no association between either total or alcohol-related traffic fatalities.</p>	No relative effect estimate reported.
Vingilis et al. (2005), Canada	Intervention: Ontario Control: New York and Michigan (USA)	As reported for Vingilis et al. (2008). The control sites implemented no extension.	Study design: ITS with control sites Analysis: Poisson and negative binomial regression Outcome: Total and BAL positive traffic fatalities	<p>The article reports on the difference in trends before and after the intervention in the intervention and control sites, presenting graphical information but no statistical estimates.</p> <p>The extension showed no consistent impact on trends of BAL positive traffic fatalities in Ontario.</p> <p>Ontario: Downward trends for BAL positive traffic fatalities were seen for Sunday–Wednesday 12:01 A.M.–1:00 A.M. (<math>p = .024</math>) and 1:00 A.M.–2:00 A.M. (<math>p = .01</math>).</p> <p>New York and Michigan: Downward trends for BAL positive traffic fatalities Thursday–Saturday, midnight–1:00 A.M. (<math>p = .03</math>) and 2:00 A.M.–3:00 A.M. (<math>p = .001</math>).</p> <p>There were diverging trends between Ontario and the control states of New York and Michigan.</p> <p>Total BAL positive traffic fatalities: Not reported.</p>	No relative effect estimate reported.

*Table continued*



TABLE 2. Continued

Study, country	Setting	Intervention	Study design/analysis/outcome	Findings	Relative effect estimates and comments
Chikritzhs & Stockwell (2002), Australia	Intervention: On-license outlets with extended trading hours in Perth Control: On-license premises without extended trading hours	As reported for Chikritzhs & Stockwell (2007), above.	Study design: ITS with control series Analysis: Multiple linear regression Outcome: Assaults recorded by police	The mean monthly assault incidence rate in ETP outlets increased by 55% whereas the rate for non-ETP outlets increased by 19%. After controlling for the assault incidence rate in non-ETP outlets, the mean incidence in ETP outlets increased by 70% ( $p < .01$ ) compared with before the law change. Overall assault incidence rate: <i>ETP outlet</i> Before: 0.121 cases per outlet per month (0.064, 95% CI [0.094, 0.148]) After: 0.187 cases per outlet per month (0.072, 95% CI [0.166, 0.208]) <i>Non-ETP outlet</i> Before: 0.112 cases per outlets per month (0.038, 95% CI [0.095, 0.128]) After: 0.133 cases per outlets per month (0.034, 95% CI [0.123, 0.143])	No relative effect estimate reported.
Duffy & Pinot de Moira (1996), United Kingdom	Intervention: England and Wales Control: Scotland	In August 1988, a new law was implemented in England and Wales that permitted extensions in opening hours for licensed premises, allowing them to open between 11:00 A.M. and 11:00 P.M. on weekdays and Saturday; on Sundays premises were permitted to open at 11:00 A.M. instead of 12:00 noon. No changes were implemented in Scotland during the study period.	Study design: ITS with control site Analysis: Logistic linear regression Outcome: The incidence of traffic crash, and apprehensions for drink-driving and assault	The extension was associated an increase in traffic injury in England and Wales while no impact was found on drink-driving offenses An initial rise was seen in the incidence of assault in England and Wales, however, this declined by 1989. Total traffic crash: Not reported. Total drink-driving offense: Not reported. Total violent cases: Not reported.	Adjusting for "extra-binomial" variation, the extension was associated with a 4% increase in traffic injury in England and Wales relative to Scotland. The extension was also associated with an initial increase of 16% in the incidence of assault in England and Wales relative to Scotland. This subsequently decreased by 9% in the following years. The article provided insufficient information to compute p-values or confidence intervals for the estimates.
Duffy, J. C., & Plant, M. A. (1986), United Kingdom	Intervention: Scotland Control: England and Wales	On-license premises were allowed to extend their trading hours from 10:00 P.M. to 11:00 P.M. starting December 1976. The licensing changes were not applied in England and Wales.	Study design: ITS with control site Analysis: Figure plotting data on a logarithmic scale; no statistical results reported. Outcome: Drink-driving offenses	Based on graphical representation of the data, the extension was not associated with change in the incidence of apprehensions for drink-driving in Scotland. All apprehensions for drink-driving: Not reported.	No relative effect estimate reported.

Notes: ITS = interrupted time-series; CI = confidence interval; N.S. = not significant; BAC = blood alcohol concentration; UK = United Kingdom; MVC = motor vehicle crash.

between 30 and 120 minutes, to no later than 3:00 A.M. Examining police-reported assault with outer areas as a control, Rossow and Norström (2012) found that each 1-hour extension was associated with a 16% increase in the incidence of assault.

In Ontario, Canada, licensees were granted permission to extend trading from 1:00 A.M. to 2:00 A.M., from May 1996. Vingilis et al. (2005) found no evidence of effects on BAC-positive traffic fatalities compared with the states of New York and Michigan. Comparing Windsor (Ontario) with neighboring Detroit (Michigan), they found no changes in nonfatal traffic injury, an increase in alcohol-related traffic injury, and a simultaneous decrease in all injury and alcohol-related injury in Detroit. Vingilis et al. reported an increase in alcohol-related traffic and nontraffic injury between 2:00 A.M. and 3:00 A.M. on weekdays (Vingilis et al., 2006) but no change in all traffic injury (Vingilis et al., 2007). In a fourth study of drink-driving and violence in London, Ontario, Vingilis et al. (2008) found an increase in drink-driving offenses between 3:00 A.M. and 4:00 A.M. on weekdays and increased police-recorded assault between 2:00 A.M. and 3:00 A.M. on weekdays, and between 3:00 A.M. and 4:00 A.M. on weekends.

In Minnesota, on-licenses were allowed extensions from 1:00 A.M. to 2:00 A.M., from July 2003. In the 2.5 years following the change, Bouffard et al. (2007) found an abrupt and sustained increase in police stops for suspected drink-driving in which drivers exceeded the legal limit of 0.08 g/dL, compared with the 1.5 years before.

In Perth, Australia, from 1989 to 1997, on-licenses were allowed extensions from midnight to 1:00 A.M. Comparing premises that extended trading versus those that did not, Chikritzhs and Stockwell found substantial increases in police-recorded assault (2002), traffic crashes (Chikritzhs & Stockwell, 2006), and blood alcohol levels of men apprehended for drink-driving (Chikritzhs & Stockwell, 2007). They found no significant change in blood alcohol levels of women apprehended after midnight, and lower levels from 10:00 P.M. to 12:00 midnight (i.e., before closing time; Chikritzhs & Stockwell, 2007).

In 1988, amendments to the England and Wales Licensing Act allowed on-licenses to open from 11:00 A.M. to 11:00 P.M. (We were unable to determine the previous limits.) Duffy and Pinot de Moira (1996) found an increase of 4% in the incidence of traffic crashes, relative to Scotland, where hours were unchanged. They found no change in drink-driving offenses and an increase in the incidence of police-recorded assault in England and Wales of 16% (relative to Scotland), which subsequently declined by 9%.

In December 1976, Scotland permitted on-licenses to trade until 11:00 P.M., rather than 10:00 P.M. Comparing trends in drink-driving offenses in Scotland with England and Wales, Duffy and Plant (1986) found no evidence of an impact.

### *Restricting trading hours*

Table 3 summarizes studies of restricted trading, of which five concerned on-licenses and two off-licenses. All found decreases in at least one outcome, and none showed an increase in any outcome.

*On-license premises.* In January 2014, on-licenses in Kings Cross and the Central Business District (CBD) of Sydney, Australia, required last drinks to be served no later than 3:00 A.M. (previously 5:00 A.M.) with a “lockout” from 1:30 A.M., allowing patrons to continue drinking until closing but forbidding entry of patrons after 1:30 A.M. Menéndez et al. (2017) found reductions in police-recorded assault of 45% in Kings Cross and 23% in the CBD, against a stable trend in the rest of New South Wales (NSW). They found no evidence of displacement to neighboring areas or other areas accessible by public transport (Menéndez et al., 2017).

In March 2008, in the CBD of Newcastle, Australia, on-licenses were required to close at 3:30 A.M. (previously 5:00 A.M.), with a 1:30 A.M. lockout. Kypri et al. (2011) found a 37% reduction in police-recorded assault in the CBD compared with nearby Hamilton, where trading continued to be permitted to 5:00 A.M. In an independent study of the same restriction, Hoffman et al. (2017) found a 47% reduction in hospital presentations for alcohol-related facial injury, from pre- to post-intervention.

In another Australian study, Miller et al. (2014) compared the same set of restrictions in Newcastle with voluntary licensing conditions in Geelong, a demographically similar city in the neighboring state of Victoria. The Newcastle restrictions were associated with a reduction of 344 emergency department presentations for alcohol-related injury per year, whereas the Geelong voluntary licensing conditions had no effect on injury presentations.

Rossow and Norström’s (2012) evaluation of changes in Norway included 10 cities that restricted closing by 30–60 minutes, where previously they were open until 3:00 A.M. Overall, each hour of restriction was associated with a 20% reduction in the incidence of assault.

*Off-license premises.* From March 2010, in the German state of Baden-Württemberg, off-licensed premises were prohibited from selling alcohol from 10:00 P.M. to 5:00 A.M.; previously they could trade 24 hours a day (Marcus & Siedler, 2015). Comparing hospitalizations in Baden-Württemberg with the rest of Germany, a 7% relative reduction in hospitalizations among adolescents and young adults was detected.

From February 2005 in Geneva, Switzerland, off-licenses were prohibited from selling alcohol from 9:00 P.M. to 7:00 A.M. (the authors advise that they were unable to determine what actual trading hours were before the restriction). Comparing alcohol-related hospitalizations in cantons with and without the restrictions, Wicki and Gmel (2011) estimated a relative reduction in the intervention areas of 36% among

TABLE 3. Characteristics of included studies examining restriction of trading hours

Study, country	Setting	Intervention	Analysis/outcome	Findings	Relative effect estimates
<i>On-license premises</i>					
Hoffman et al. (2017), Australia	Intervention: Newcastle Central Business District (CBD) Control: pre-intervention period	In March 2008, trading hour restrictions were imposed on 14 pubs in the Newcastle CBD. This included a 3:30 A.M. closing (previously 5:00 A.M.) and 1:30 A.M. lockout. In addition to these restrictions, licenses were also required to develop a plan of management, to undergo compliance audits, to have a "responsible service of alcohol" officer present from 11:00 P.M. until closing, were not allowed to serve shots after 10:00 P.M., had to cease selling alcohol 30 minutes before closing, could not permit stockpiling of drinks, had to use shared radio procedures, and the licenses had to notify their staff of all conditions.	Study design: ITS with no control site Analysis: Segmented regression assuming negative binomial and Poisson distributions Outcome: Hospital admission for all maxillofacial injury and alcohol-related maxillofacial injury	The number of hospitalizations for all oral and maxillofacial injury increased at a rate of 14% per year in the pre-intervention period (2003–2008). In the post-intervention period (2009–2015), the number of hospitalizations for oral and maxillofacial injury decreased at a rate of 21% per year. The number of hospitalizations for all oral and maxillofacial injury increased at a rate of 57% per year in the pre-intervention period (2003–2008). In the post-intervention period (2009–2015), the number of hospitalizations for oral and maxillofacial injury decreased at a rate of 17% per year.	The relative effect estimate for oral and maxillofacial injury, that is, adjusting the post-change decrease for the pre-change increasing trend, was a -31% (relative rate ratio: 0.69; 95% CI [0.60, 0.79]). The relative effect estimate for alcohol-related oral and maxillofacial injury, that is, adjusting the post-change decrease for the pre-change increasing trend, was a -47% (relative rate ratio: 0.53; 95% CI [0.37, 0.75]).
Menendez et al. (2017), Australia	Intervention: CBD and Kings Cross entertainment precincts of Sydney Control: Proximal displacement area: area spatially contiguous to the CBD and Kings Cross Distal displacement area: composite of Double Bay, Newtown, Coogee and Bondi	On February 24, 2014, new restrictions were implemented to counter violence in the CBD and Kings Cross, including: 3:00 A.M. cessation of alcohol service and 1:30 A.M. lockouts in on-license premises The control areas were not subject to the restrictions.	Study design: ITS with control site Analysis: Time series structural models Outcome: Assaults recorded by police	The restriction was associated with a 45% reduction in the incidence of assault in Kings Cross (95% CI [9%, 67%]) and a 23% reduction in the CBD (95% CI [12%, 33%]), and a 27% overall reduction across both areas (95% CI [17%, 36%]), with little evidence of displacement to the control areas. The reduction in violence in the rest of NSW was 1% (95% CI [2%, 5%]). Total violent cases: Not reported.	No relative effect estimate reported.

Table continued

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TABLE 3. *Continued*

Study, country	Setting	Intervention	Analysis/outcome	Findings	Relative effect estimates
Miller et al. (2014), Australia	Intervention: Newcastle Control: Geelong	As reported for Hoffman et al. (2017), above. Between 1990 and 2010, various voluntary initiatives were implemented in Geelong which included: radio connection between security staff, street cleaners and CCTV operators, use of ID scanners, increased police visibility during high-risk hours, improved radio contact between licensees and police, and a media campaign that showed celebrities endorsing safe drinking and violence reduction.	Study design: ITS with control site Analysis: ARIMA time series Outcome: Emergency department presentations for injury during "high alcohol hours", times of the night previously found to have a high incidence of injury presentations in which alcohol judged a likely cause.	Models examining immediate, delayed, and gradual changes in the outcome after interventions were introduced (between January 1, 2005, and June 30, 2011). Following the restriction, in Newcastle, there was a decline of 344 emergency department presentations per year ( $p < .001$ ) for injury during high alcohol hours. None of the voluntary interventions in Geelong was associated with a decline in emergency department injury presentations. Total emergency department injury presentations: <i>Intervention</i> : 127,022 (4,538 during high alcohol hours) <i>Control</i> : 63,282 (2,828 during high alcohol hours)	No relative effect estimate reported.
Rosow & Norström (2012), Norway	Intervention: 18 Norwegian cities (city center) Control: Peripheral area of each city	In the early 2000s, Norway granted municipalities the power to vary closing time between 1:00 A.M. and 3:00 A.M. Up to 2010, 18 municipalities either extended or restricted their trading hours. Ten restricted their hours, by between 30 and 120 minutes.	Study design: ITS with control site Analysis: Pooled cross-sectional time-series analysis Outcome of interest: Assault recorded by police	Each 1 hour of restriction was associated with a decrease in the incidence of assault. 29.2 assaults per 100,000 inhabitants: per quarter	After adjusting for incidence rates city peripheries, each additional 1-hour restriction was associated with a decrease of 20% in the incidence of assault.
Kypri et al. (2011), Australia	Intervention: Newcastle CBD Control: Hamilton	As reported for Hoffman et al. (2014), above. From November 2009, pubs in Hamilton voluntarily adopted some of the interventions.	Study design: ITS with control site Analysis: negative binomial regression Outcome of interest: Violence	The restriction was associated with reduction in incidence of violent cases in Newcastle CBD, relative to Hamilton. Total violent cases: <i>Intervention</i> : Before – 5,205 After – 750 <i>Control</i> : Before – 1,236 After – 281	After adjusting for any secular trend and seasonal variation in violence, it was found that the restriction was associated with a 37% reduction in incidence of violent cases in Newcastle CBD, relative to Hamilton. (incidence rate ratio = 0.63, 95% CI [0.49, 0.81])

*Table continued*

TABLE 3. Continued

Study, country	Setting	Intervention	Analysis/outcome	Findings	Relative effect estimates
<i>Off-licence premises</i> Marcus & Stedler (2015), Germany	Intervention: State of Baden-Württemberg Control: Other German states	The State of Baden-Württemberg banned the sale of alcoholic beverages at off-licence premises (e.g., gas stations, supermarkets, kiosks), between 10:00 P.M. and 5:00 A.M. Before the ban, it was possible to buy alcoholic beverages 24 hours a day. The other states continued to permit sales 24 hours a day.	Study design: ITS with control site Analysis: Basic Difference-in-Difference (DiD) and regression DiD models Outcome: "hospitalization for alcoholic intoxication," a composite of three ICD-codes: F10.0 (acute alcohol intoxication), F10.1 (harmful use of alcohol), and T51.0 (toxic effects of alcohol)	The restriction was associated with a decrease in the incidence of ARH either for mental health and behavioral disorders or toxic effect of alcohol in Baden-Württemberg, relative to the other German states; the decrease being most marked among adolescents and young adults.  Incidence of alcohol-related hospitalization per 100,000 persons, per month: <i>Intervention:</i> Before: 45.87 (15- to 19-year-olds), 26.25 (20- to 24-year-olds), 24.06 (25- to 29-year-olds), 35.85 (≥30-year-olds), 35.00 (all ages) After: 46.09 (15- to 19-year-olds), 26.67 (20- to 24-year-olds), 26.73 (25- to 29-year-olds), 35.77 (≥30-year-olds), 35.14 (all ages) <i>Control:</i> Before: 44.20 (15- to 19-year-olds), 25.03 (20- to 24-year-olds), 23.92 (25- to 29-year-olds), 38.44 (≥30-year-olds), 36.84 (all ages) After: 48.05 (15- to 19-year-olds), 27.13 (20- to 24-year-olds), 26.35 (25- to 29-year-olds), 38.29 (≥30-year-olds), 37.22 (all ages)	After adjusting for seasonal variation, there was an overall decrease of 2% ( $p < .01$ ) in alcohol-related hospitalization; and a decrease of 7% in alcohol-related hospitalization among 15- to 19-year-olds ( $p < .01$ ) and 20- to 24-year-olds ( $p < .01$ ).
Wicki & Gmel (2011), Switzerland	Intervention: The canton of Geneva Control: rest of Switzerland	In February 2005, off-licence trading hours were restricted in Geneva, Switzerland, no longer permitting the sale of alcohol between 9:00 P.M. and 7:00 A.M. It is not known what the previous permitted trading hours were. Contemporaneously, the sale of alcohol was no longer permitted (i.e., not at any time) at petrol stations and video stores. No restrictions were imposed in most of Switzerland. Some cantons imposed the same restrictions toward the end of the study period but they were judged to be poorly enforced and therefore included in the control data.	Study design: ITS with control site Analysis: ARIMA time series Outcome: "hospitalization for alcoholic intoxication," a composite of three ICD-codes: F10.0 (acute alcohol intoxication), F10.1 (harmful use of alcohol), and T51.0 (toxic effects of alcohol)	The restriction was associated with a decrease in hospitalization for alcoholic intoxication in Geneva, relative to the rest of Switzerland (where rates increased to a greater extent than in Geneva).  Mean number of alcoholic intoxication cases per month and rates (per 1,000 cases): <i>Intervention:</i> Before: 7.4 (10- to 15-year-olds), 5.4 (16- to 19-year-olds), 2.3 (20- to 29-year-olds), 2.9 (≥30-year-olds), 3.1 (all ages) After: 7.3 (10- to 15-year-olds), 9.2 (16- to 19-year-olds), 4.2 (20- to 29-year-olds), 6.1 (≥30-year-olds), 5.9 (all ages) <i>Control:</i> Before: 5.6 (10- to 15-year-olds), 12.4 (16- to 19-year-olds), 7.9 (20- to 29-year-olds), 7.6 (≥30-year-olds), 7.7 (all ages) After: 10.3 (10- to 15-year-olds), 18.7 (16- to 19-year-olds), 12.4 (20- to 29-year-olds), 10.0 (≥30-year-olds), 10.5 (all ages)  Population: Not reported.	The restriction was associated with relatively in the outcome in the three younger age groups: -36% ( $p = .003$ ) among 10- to 15-year-olds, -25% ( $p = .046$ ) among 16- to 19-year-olds, and -40% ( $p < .001$ ) among 20- to 29-year-olds.  The change in outcome among ≥30-year-olds was 9% ( $p = .640$ ).

Notes: ITS = interrupted time-series; CI = confidence interval; NSW = New South Wales; CCTV = closed-circuit television; ID = identification; ARIMA = autoregressive integrated moving average; ICD-10 = *International Statistical Classification of Diseases and Related Health Problems, 10th revision*.

10- to 15-year-olds, 25% among 16- to 19-year-olds, and 40% among 20- to 29-year-olds.

#### *Risk of bias*

Table 4 summarizes our risk of bias assessments in the primary studies.

*Displacement.* We rated 5 studies at high risk of displacement and 11 at low risk; 6 did not provide the information required to make an assessment (Table 4). In Amsterdam, patrons from the control area may have moved to the intervention area after hours were extended in the latter, increasing the incidence of injury in the intervention area and reducing it in the control area, thereby inflating the effect estimate (de Goeij et al., 2015). Similarly, Ontario (Vingilis et al., 2005, 2006, 2007, 2008) is likely to have attracted youth from Detroit because of the extension and lower minimum age of drinking in Canada. We assessed the risk of bias as low in other studies because they used noncontiguous intervention and control areas, making displacement less likely.

*Contamination.* We rated one study at high risk and seven at low risk; eight did not provide the information necessary to assess prevailing conditions in control areas or the pre-intervention period (Table 4). This criterion was inapplicable to studies using the pre-intervention trend as the counterfactual.

We rated the study by Kypri et al. (2011) at high risk, because outlets in the control area started implementing aspects of the intervention following its success in the CBD, potentially leading to underestimation of the true intervention effect. In five studies, control areas were in different countries, and in one, it was a different jurisdiction, making contamination unlikely.

*Confounding due to unadjusted differences at baseline.* We rated four studies at high risk and eight at low risk (Table 4). In the former group, baseline differences were not adjusted for, so estimates may at least partly reflect differences in the study areas. Ten studies did not provide the information needed to make an assessment.

*Confounding due to other changes at the time of intervention.* We rated 12 studies at high risk and four at low risk (Table 4). Two adjusted for co-interventions, and one reported that no other relevant changes occurred.

#### *Seasonality*

We rated all studies at low risk because they measured outcomes for an equivalent number of high incidence seasons before and after changes, or used a contemporaneous control series. Because of the absence of prospectively registered study protocols, we could not assess bias arising from changes in the choice of outcome, multiple testing, selective reporting, and nonpublication of small, negative studies.

## **Discussion**

The overall pattern of results, from various jurisdictions, justifies the conclusion that changes in trading hours are typically followed by changes in the incidence of alcohol-related harm. Studies of trading hour extensions typically reported increases in at least one outcome, whereas trading hour restrictions all reported decreases in harm.

Exceptions to the overall pattern included (a) Swedish and Canadian studies in which extensions were associated with large decreases in assault (Norström et al., 2018) and no apparent increases in traffic fatalities (Vingilis et al., 2005) and (b) two British studies, one showing a decrease in traffic crashes (Green et al., 2014) and another showing no significant change in drink-driving (Duffy & Plant, 1986) after trading-hour extensions.

Strengths of our study include the use of independent reviewers to extract data and assess bias. Our risk-of-bias assessment suggests that the main limitation in the primary studies is unadjusted confounding from nonequivalence of comparators in some primary studies. For example, outlets granted extensions in Perth (Chikritzhs & Stockwell, 2002) were located in inner-city areas assumed to be serving younger patrons than were comparators in outer suburbs. Such nonequivalence usually arises from pragmatic study design decisions that highlight the infeasibility of more robust designs, particularly where policymakers do not incorporate evaluation in the planning of important changes (Kypri et al., 2009).

Twelve studies were of changes implemented with co-interventions, such that their effect alone could not be isolated. In these studies, effect estimates are probably confounded because of unmeasured or insufficiently adjusted effects of co-interventions or other changes. In Visby, Sweden, the contemporaneous implementation of other countermeasures, including increased supervision of venues by alcohol inspectors, and Responsible Server Training programs, may account for part or all of the decrease in assaults following trading hour extensions (Norström et al., 2018). Downtown San Marcos was subject to increased police patrolling along with trading hour extensions, potentially accounting for increases in assault and drink-driving offenses (Chamlin & Scott, 2014). Similarly, in Ontario, road safety initiatives introduced from 1994 to 1996 may have affected traffic crash incidence.

In Sydney, restrictions included orders to prevent “trouble-makers” from entering premises in intervention areas, a ban on takeaway alcohol sales after 10:00 P.M., and a lockdown from 1:30 A.M. (Menéndez et al., 2017). Although the findings are consistent with those in other countries where only changes in trading hours occurred, the possibility remains that the decline could be attributable to other elements of the intervention. However, it should be noted that findings on the effectiveness of lockdowns are equivocal at best (Nepal

TABLE 4. Risk of bias assessment

	Nosrati et al. (2018) Trading hour change: Extension Outcome: Assault	Hoffman et al. (2017) Trading hour change: Restriction Outcome: Facial injury	Menendez et al. (2017) Trading hour change: Restriction Outcome: Assault	de Goeij et al. (2015) Trading hour change: Restriction Outcome: Injury	Marcus & Siedler (2015) Trading hour change: Restriction Outcome: Hospitalization	Chamlin & Scott (2014) Trading hour change: Extension Outcome: Physical and verbal disturbances, public intoxication, drink driving offenses	Green et al. (2014) Trading hour change: Extension Outcome: Traffic crash	Miller et al. (2014) Trading hour change: Restriction Outcome: Injury	Humphreys et al. (2013) Trading hour change: Extension Outcome: Assault	Rossow & Norström (2012) Trading hour change: Extension and restriction Outcome: Assault	Wiski & Gmel (2011) Trading hour change: Restriction Outcome: Hospitalization	Kypri et al. (2011) Trading hour change: Restriction Outcome: Assault
Displacement	Low	Low	Low	High	Unclear	Low	Low	Low	Low	Unclear	Unclear	Low
Contamination	N.A.	N.A.	Unclear	Unclear	Unclear	N.A.	Low	Low	N.A.	Unclear	Unclear	High
Confounding- Unadjusted differences at baseline	Low	Low	Low	Low	Unclear	Unclear	Low	Low	Unclear	Low	Unclear	High
Confounding- Intervention independent of other change	High	High	High	Unclear	Unclear	High	Unclear	Unclear	Low	Low	High	High
Seasonality	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low

	Vingilis et al. (2008) Trading hour change: Extension Outcome: Drink-driving offenses, assault	Bouffard et al. (2007) Trading hour change: Extension Outcome: Assault	Chikritzis & Stockwell (2007) Trading hour change: Extension Outcome: Drink-driving offenses	Vingilis et al. (2007) Trading hour change: Extension Outcome: Injury (Traffic and non-traffic)	Chikritzis & Stockwell (2006) Trading hour change: Extension Outcome: Traffic crash	Vingilis et al. (2006) Trading hour change: Extension Outcome: Traffic crashes (injury and fatalities)	Vingilis et al. (2005) Trading hour change: Extension Outcome: Traffic fatalities	Chikritzis & Stockwell (2002) Trading hour change: Extension Outcome: Assault	Duffy & Pinot de Mora (1996) Trading hour change: Extension Outcome: Drink-driving offenses	Duffy & Plant (1986) Trading hour change: Extension Outcome: Traffic injury, drink-driving offense
Displacement	High	Low	Unclear	High	Unclear	High	High	Unclear	Low	Low
Contamination	N.A.	N.A.	Unclear	Low	Unclear	Low	Low	Unclear	Low	Low
Confounding- Unadjusted differences at baseline	Unclear	Unclear	High	Unclear	High	Unclear	Unclear	High	Low	Unclear
Confounding- Intervention independent of other change	Low	High	High	High	Low	High	High	Low	Unclear	Unclear
Seasonality	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low

Notes: We assessed the studies as having high or low risk of bias on each criterion. In the absence of relevant information, we assessed the risk as unclear. N.A. = not applicable.



et al., 2018), and there is no evidence to support the other strategies used in Sydney.

Although the two recent UK studies did not discuss other changes or co-interventions (Green et al., 2014; Humphreys et al., 2013), our literature search identified aspects of the legislation implemented alongside longer trading hours that may have biased effect estimates. These include extending police powers to close problematic premises, shifting the responsibility for licensing from magistrates to local authorities, increasing penalties for sale to minors, and giving community members the right to review licenses and provide feedback on new applications (Hough & Hunter, 2008). In addition, it has been noted that the police workforce increased by 13% in England and Wales between 2003 and 2010 (Allen & Uberoi, 2017), raising the possibility that greater police presence reduced alcohol-related crime.

Our findings are consistent with previous reviews and extend evidence concerning the effects of (a) changes of less than 2 hours, (b) trading hour restrictions, and (c) changes at off-license premises. In regard to the limitations of the literature identified by Hahn and colleagues (2010) a decade ago, we found evidence from four studies since their review on trading hour restrictions of less than 2 hours, including one from Norway involving 18 cities (Hoffman et al., 2017; Kypri et al., 2011; Menéndez et al., 2017; Rossow & Norström, 2012). Those studies showed that changes of 30–90 minutes were followed by large reductions in assault.

Stockwell and Chikritzhs (2009) found too little evidence to reach a conclusion concerning the effects of restricting trading hours, and none of the studies reviewed by Popova et al. (2009) assessed restricted hours. In addition to synthesizing new evidence concerning on-licenses, our review shows that restricting off-license trading is followed by reductions in hospitalization, particularly among young people (Marcus & Siedler, 2015; Wicki & Gmel, 2011).

Our findings align with the most recent reviews (Sanchez-Ramirez & Voaklander, 2018; Wilkinson et al., 2016) and expand on them in the following ways. First, by pre-registering our protocol and applying more stringent design criteria, we offer more secure conclusions regarding the associations of interest. For example, we excluded the study by Newton et al. (2007) because it used a pre-post study design that did not protect against other changes that occurred at the same time; this study was included in the review by Wilkinson et al. (2016). Second, we formally assessed the risk of bias in primary studies to inform our interpretation. Third, we included one previously unidentified study (Chamlin & Scott, 2014) that adds to the evidence on extended trading, and three new studies (Hoffman et al., 2017; Menéndez et al., 2017; Norström et al., 2018) that build on the previously less substantial evidence concerning trading restrictions. Our findings are consistent with availability theory (Stockwell & Gruenewald, 2004) in showing that increases and decreases

in the availability of alcohol are usually followed by more and less harm, respectively.

Further research is needed to quantify the economic consequences of extensions and restrictions, particularly in relation to off-license trading, given that most of the alcohol consumed is purchased from such outlets (Ellaway et al., 2010). Research is also needed to fill the evidence gap in low- and middle-income countries, where the burden of alcohol-related harm will increase as economies grow and transnational corporations promote their products (Casswell & Thamarangsi, 2009; Jernigan et al., 2000). Not all studies provided sufficient information to assess the risk of bias. Consideration should be given to reporting standards for quasi-experimental studies to facilitate future data synthesis (e.g., <http://www.equator-network.org>).

### Conclusions

On balance, this review augments existing evidence that harm increases after extensions in on-license trading hours, and consolidates new evidence that harm decreases when on- and off-license trading hours are restricted.

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**VICTIMISATION (Time and Place)**

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

**Tauranga central (Statistical Area 2) as per below map.**

Covid-19 restrictions									
	<b>Jul-Dec 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Jan 2022</b>
<b>All Crime</b>	322	685	723	768	814	899	791	885	95
<b>Acts intending to cause injury</b>	72	145	129	144	187	174	149	153	15
<b>As a %age of all crime</b>	22%	21%	18%	19%	23%	19%	19%	17%	16%

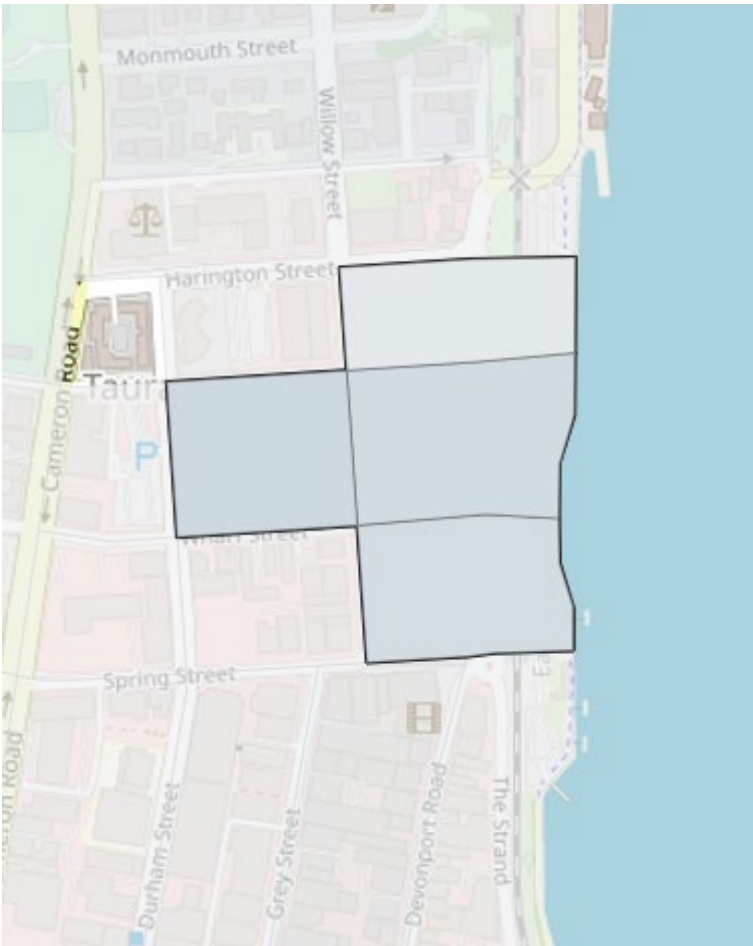


**Selection of 4 mesh-blocks in Tauranga Central (around entertainment area)**

As per below map

Bahama Hutt  
Closed for the  
yearCovid-19  
restrictions

	<b>Jul-Dec 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Jan 2022</b>
<b>All Crime (4 mesh- blocks)</b>	60	153	150	173	169	161	115 Decrease by 29%	125	16
<b>% of total Tauranga central All crime</b>	19%	20%	21%	23%	21%	18%	14.5%	14%	17%
<b>Acts intending to cause injury (AICI)</b>	28	56	68	77	88	71 Decrease by 20%	49 Decrease by 31%	55	3
<b>(AICI) as a %age of Tauranga Central (AICI)</b>	39%	39%	52%	53%	47%	41%	33%	36%	20%



**VICTIMISATION (Time and Place)**

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

**Tauranga central (Statistical Area 2) as per below map.**

		Bahama Hutt closed		Covid-19 restrictions			
Year	(2017 excl Jan)	2018	2019	2020		2021	
All Crime	716	813	899	791	↓ 13%	886	
Act Intending to Cause injury	138	187	174	149		153	
As a (%) of all crime	19%	23%	19%	18%		17%	

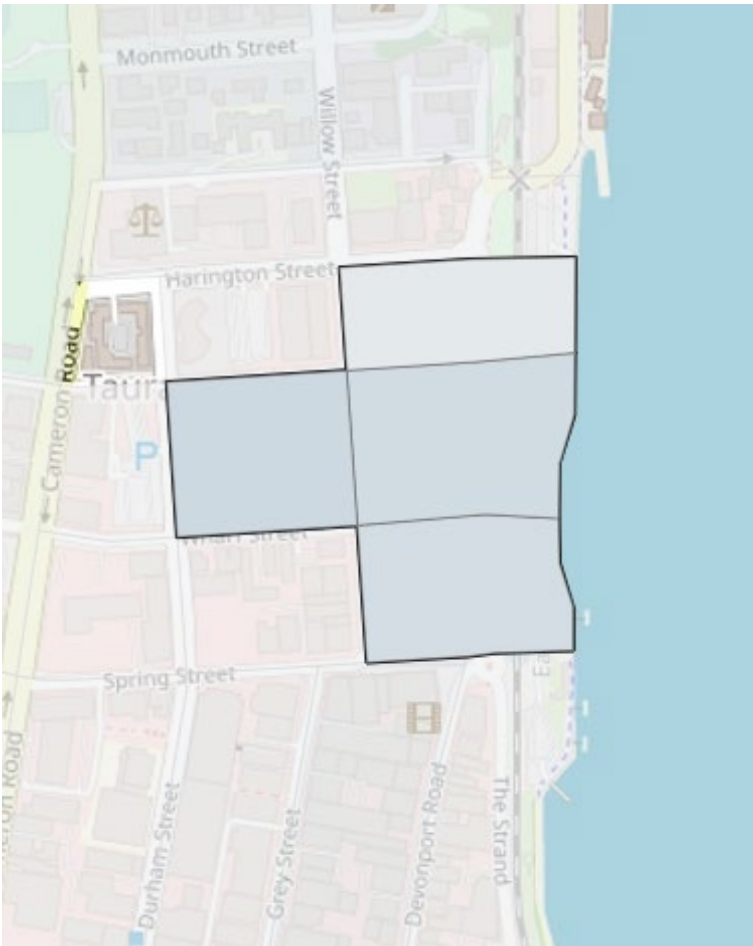




**Selection of 4 mesh-blocks in Tauranga Central (around entertainment area)**

As per below map

Year	(2017 excl Jan)	2018	Bahama Hutt closed		Covid-19 restrictions		2021
			2019	2020	2020	2021	
All crime	158	169	161	115	↓ 29%	125	
% of total TG							
Central all crime	22%	21%	18%	15%		14%	
Act Intending to Cause injury	72	88	71	↓ 20%	49	↓ 31%	55
% of total TG	52%	47%	40%	32%		35%	
intend injury							



			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
328	Brian	Berry (on behalf of Mainstreet Tauranga Inc)	Strongly agree						Strongly agree	Mainstreet Tauranga strongly supports and thanks the Commissioners for using sound judgement in this area and acknowledging the added security and collaboration that the bar owners invest to mitigate issues inside and outside their premises.	Strongly agree	Mainstreet Tauranga strongly supports and thanks the Commissioners for using sound judgement in this area. As per our previous submission to the LAP one-way door systems do not work in isolation and some studies have shown that they can in fact exacerbate confrontations.	Strongly agree	



**SUBMISSION FROM MAINSTREET TAURANGA INCORPORATED  
TO TAURANGA CITY COUNCIL'S  
REVISED DRAFT LOCAL ALCOHOL POLICY**

**OVERVIEW OF REPRESENTATION**

Mainstreet Tauranga Incorporated (Downtown Tauranga) advocates for and on behalf of the businesses in our boundary as defined by the Rules of Mainstreet Tauranga Incorporated (1.1C The Tauranga Central Business District ("CBD") means that area bounded by the seas to the east, Cameron Road to the west, 1st Avenue to the south, Harington Street, and part of McLean Street to the north).

**SUBMISSION**

Mainstreet Tauranga would like to thank the Commissioners for their holistic view of the Local Alcohol Policy (LAP) and for extending the scope past just the bars and for demonstrating pragmatic reasoning when it came to some of the changes requested in the first round of consultation. The affected businesses felt listened to and that some balance had been restored to the consultation process.

Mainstreet Tauranga continues to advocate for open communication between all parties to ensure anti-social behaviour in relation to alcohol consumption is neither tolerated nor accepted. All stakeholders working as one to discuss and mitigate the issues will see a more constructive outcome for the city, than waiting for issues to fester and grow.

Mainstreet Tauranga supports the LAP being broadened to include off-licence premises, as this acknowledges the part that off-licence premises play in alcohol consumption alongside other stakeholders. It is important when looking at alcohol consumption and the affect that it has in the community that the holistic lens is used so that no one alcohol supply business is held responsible for all. There is a growing concern that preloading, drinking from the boot of parked cars and alcohol deliveries through the likes of Uber are having a significant impact on society, more so than the controlled environment of a restaurant or bar.

Mainstreet Tauranga in line with the main points for review advise as follows:

Changing the final alcohol sales time to 3am from the proposed 2am for all on-licensed premises (such as bars and nightclubs) in the central city.

**Mainstreet Tauranga strongly supports and thanks the Commissioners for using sound judgement in this area** and acknowledging the added security and collaboration that the bar owners invest to mitigate issues inside and outside their premises.

Removing the one-way door provision (allowing patrons to leave licensed premises but not enter or re-enter during specified times).

**Mainstreet Tauranga strongly supports and thanks the Commissioners for using sound judgement in this area.** As per our previous submission to the LAP one-way door systems do not work in isolation and some studies have shown that they can in fact exacerbate confrontations.

Changing the opening sales time to 10am instead of 7am for all off-licensed premises (such as bottle stores and supermarkets).

**Mainstreet Tauranga strongly supports**

Introducing a range of discretionary conditions for all off-licensed premises.

**Mainstreet Tauranga strongly supports**



Mainstreet Tauranga asks to be able to speak to our submission.

Name: Brian Berry (Chairman)  
Organisation: Mainstreet Tauranga Incorporated (Downtown Tauranga)  
Address: 58 Devonport Road, Tauranga  
Email: [REDACTED] and [info@downtowntauranga.co.nz](mailto:info@downtowntauranga.co.nz)  
Phone (daytime): [REDACTED]

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
329	Rob	McGregor	Strongly disagree	As the operator of a large supermarket this move would place undue inconvenience to our shoppers who prefer to shop their whole shop in the earlier part of the day, either due to family commitments, work constraints or just preference. It would also become a cumbersome and onerous task as far as compliance and enforcing of the policy, with having to close off a portion of our store for particular periods of time. By far the majority of our wine and beer sales made before 10am are part of our customers regular weekly purchases which they are making as a component of a much larger shop.	Neutral		Neutral		Neutral	However if there is disruption in the city centre due to intoxicated patrons leaving on premise locations why isn't the issue being taken up with the premises? Under the current law it is illegal to have intoxicated people in your licensed premises so it seems that is the root of any issues in the centre city from intoxication.	Neutral		Somewhat agree	As long as there is a process which validates the conditions and an opportunity to challenge.

12th September 2022

Tauranga City Council

By email Jane.barnett@tauranga.govt.nz

**Submission on the revised draft Local Alcohol Policy**

***Summary of Submission***

I believe that the Maximum Trading Hours for the Tauranga area for supermarkets and grocery stores off-licences should remain at 7am-10pm.

***Who I am***

My name is Robert James McGregor (Rob) and I am the owner-operator of PAK'nSAVE Papamoa and have been so since it was opened in 2010.

My store employs over 200 full and part-time staff. I am an active member of the community and support many community groups and local schools with a focus on supporting youth and keeping our communities safe, such as the local surf lifesaving club, the local learn to swim program, fostering self worth programs for teenage girls in the local college, Big Buddy program for boys without male role models etc.

I take many steps to ensure all alcohol sold in my store is done so in accordance with the Sale and Supply of Alcohol Act. In particular, in the alcohol department we employ 4-6 staff, generally working shifts from 7am til 9pm. While all our employees have a role to play in the safe and responsible sale of alcohol from my store, those in the alcohol department ensure that the single area condition is complied with, the shelves are stocked and presentable and our range accommodates our customers' differing needs, as well as monitoring the single alcohol area for any anti-social behaviour and co-ordinating with check-out or security as required. My store has always passed controlled-purchase operations, 'stings', conducted by the Police and we have never been charged with selling to minors or intoxicated customers, we also subject our team to the Foodstuffs mystery shopper test shops whereby ID checking processes are checked. These audits are taken very seriously and failures would result in disciplinary actions, we have an exemplary record with these.

My store is a franchisee of the Foodstuffs Co-operative and I also support the submissions made by Foodstuffs and do not repeat them here.

***Maximum Trading Hours***

We set out below, for your reference, the current licence and store trading hours for my store and the proposed Maximum Trading Hours as set out in the revised draft LAP:

Store	Opening Hours (weekdays)	Current Licence Hours	Proposed Maximum Trading Hours
PAK'nSAVE Papamoa	8am to 9pm 7 days	7am to 10pm 7	10am-10pm

***Submission on hours***

My store opens at 8am, Monday to Sunday. The proposed hours in the revised draft LAP would prevent me from selling beer and wine until 10am, Monday to Sunday. I believe that grocery stores and supermarkets should have Maximum Alcohol Trading Hours of 7am to 10pm for the following reasons:

- Maximum Trading Hours are not the default licence hours that licensees can obtain as of right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. That assessment takes into account the particular needs and circumstances of the applicant, including the location of the premises, the strength of the applicant's systems, staff and training, and the other conditions or restrictions imposed on the licence. I do not believe that there would be many other licence holders in the Tauranga district who would have legitimate reasons for needing a liquor licence commencing at 7.00am. That is why many bottle stores do not open until much later in the morning. So, keeping 7.00am for the maximum trading hours will not lead to more early morning alcohol outlets.
- I do not believe that purchases of alcohol from my store between the hours of 7am and 10am result in undue harm to the community as, unlike purchases from bottle stores, most purchases during this time are part of a main order household shop and not just alcohol. In our experience, customers purchase groceries and alcohol from our stores between 7am and 10am for a range of reasons including because they are shift workers or they are holiday makers or others purchasing supplies for summer day excursions or picnics. Some customers, particularly our older customers and families who have dropped children to school or childcare, also simply prefer to do their full shop in the early morning when the store is less crowded. This is particularly the case in the summer months, when the store gets much busier due to the influx of holiday makers and the long summer days in which people tend to have lots planned and are keen to get the shop done early. The variation on hours would cause unnecessary inconvenience for those customers. In addition, those customers who cannot do their full shop in the early morning may be forced to return later in the day to complete their shopping or they will move their whole shopping trip to later in the day. That will put pressure on staff and stock and may well ultimately detract from the customer experience that we strive to deliver at the store. This is particularly likely to be the case on the weekends, when overall the store is much busier. Alternatively, those customers may choose to purchase their alcohol later in the day from a bottle store, which stocks liquor and higher percentage alcohol products than can be sold at my store.
- The proposed Maximum Trading Hours are much more restrictive than my store's current licensed hours. The proposed Maximum Trading Hours are also significantly shorter than the default national Maximum Trading Hours for off-licences in the Act. Those default hours are 7am to 11pm which were what Parliament considered would be reasonable at a national level. I don't believe that a change in morning opening hours for off-licensed premises such as supermarkets and grocery stores, would result in a meaningful reduction in alcohol harm.
- To avoid operational difficulties with closing off a part of the store for a substantial period of the morning, my store may need to open later in the morning. That would reduce convenience for the community and would also decrease the hours of work available to my current employees.
- If there is a conflict between my store's opening hours and the hours my store can sell alcohol, significant expenditure would need to be spent putting in place new systems and training staff, to avoid any inadvertent sale outside of permitted trading hours and to manage customer expectations. This would be a strain on my employees and my business in terms of both time and money. Those costs will need to be recovered somehow and that might lead to cutbacks in other areas or an increase in grocery prices, which I seek to avoid.
- Supermarkets and grocery stores are also different to specialist liquor stores in that they are subject to the alcohol single area restriction. This is a compulsory condition imposed on all



supermarket and grocery store licences to restrict the display and promotion of alcohol to one designated area of the store. Having a single alcohol area means:

- All alcohol products in a supermarket or grocery store must be displayed within the single alcohol area. Alcohol products cannot be displayed anywhere else in the store.
- No other products can be displayed for sale in the single alcohol area.
- The promotion or advertisement of alcohol (i.e. posters and other promotional material for alcohol products) must be located within the single alcohol area. There cannot be any promotion or advertisement of alcohol located outside this area in the store. For example, signage advertising a wine special in the foyer of a store or on the outside of a store is prohibited.
- When a single alcohol area is described for a supermarket or grocery store, the District Licensing Committee must consider whether the area described limits (so far as reasonably practicable) the exposure of customers to alcohol. In my store, the single alcohol area is last in flow.

**Presenting submission in person**

Thank you for the opportunity to make this written submission. I am grateful for your consideration of the matters I have set out and therefore do not wish to present my submission in person.

Yours sincerely

Rob McGregor

Owner / Operator

PAK'nSAVE Papamoa

████████████████████

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
330	Gurnek	Brar	Strongly disagree	I do not think this is a good idea as elderly people come in early or people going away on holiday, fishing or camping come to buy early.	Strongly disagree	No I believe if the good order and amenity is getting affecting by more than a minor effect than a store should not open. I believe that the number of stores does not matter as someone willing to buy alcohol will buy it no matter what. Having good operators in the area who interact with costumers and have conversations etc may even lead to less alcohol harm	Strongly disagree	This will in reality effect socialising after work and may even have a greater impact on mental health as many people like to finish work and go for a drink in there near by area with work colleagues	Strongly agree	I support Hospitality New Zealand's submission on the Tauranga City Council Revised Draft Local Alcohol Policy.	Strongly agree	I support Hospitality New Zealand's submission on the Tauranga City Council Revised Draft Local Alcohol Policy.	Strongly disagree	This is not fair either it should be the same rules for every store.

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
331	Olivia	Taylor	Strongly disagree	Please see attached submission.	Neutral		Neutral		Neutral		Neutral		Somewhat disagree	Please see attached submission.

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16 September 2022

Local Alcohol Policy Review  
Tauranga City Council

By email [info@tauranga.govt.nz](mailto:info@tauranga.govt.nz)

## Submission on the Tauranga City Council's revised Draft Local Alcohol Policy

### Summary of submission

Foodstuffs is the franchisor of the PAK'nSAVE, New World, Four Square, Gilmours and Fresh Collective brands. Foodstuffs is also an ultimate parent of Liquorland Limited, which is franchisor of the Liquorland brand. Foodstuffs takes many steps to ensure our stores are responsible retailers of alcohol.

Foodstuffs considers that the proposal to further restrict the maximum licensed trading hours for all off-licences, including supermarkets and grocery stores, is unreasonable and should be removed or amended.

Foodstuffs also considers that a number of discretionary conditions, as relevant to supermarket and grocery store off licences, should be clarified and amended to better achieve their purposes in a reasonable way. Foodstuffs also notes that some of the discretionary conditions are not matters permitted to be included in a Local Alcohol Policy and therefore should be removed.

### Introduction

You have invited feedback in relation to the Tauranga City Council's revised Draft Local Alcohol Policy (**DLAP**).

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

Foodstuffs takes many steps to ensure our stores are responsible retailers of alcohol and we appreciate the opportunity to provide feedback on the revised DLAP.

### Who we are

As proudly 100% Kiwi owned and operated businesses, the two Foodstuffs Co-operatives (North and South Islands) have grown from humble beginnings to become some of New

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Zealand's biggest grocery distributors. Our stores are active members of their communities and, as small, medium, and large employers, they continuously strive to give back by sponsoring and giving support to a wide range of charitable initiatives, sports teams and schools.

Foodstuffs' stores in the Tauranga City Council district are:

- Bethlehem Four Square
- Cherrywood Four Square
- Papamoa Beach Four Square
- Welcome Bay Four Square
- The Lakes Four Square
- Brookfield New World
- Gate Pa New World
- Mt Maunganui New World
- PAK'nSAVE Cameron Road
- PAK'nSAVE Papamoa
- PAK'nSAVE Tauriko
- Gilmours Tauranga

We may in the future open more stores in the Tauranga City Council district.

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

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

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

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

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

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

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

#### ***Off-licences hours***

Of course, our stores hold only off-licences.

Originally a joint Tauranga and Western Bay of Plenty District Local Alcohol Policy was developed in the Western Bay of Plenty. While Western Bay of Plenty District Council has now developed its own separate policy, the former joint policy still applies in the Tauranga City Council region. It sets maximum trading hours for off-licensed premises (including bottle stores, grocery stores, and supermarkets) of 7am to 10pm, Monday to Sunday.

The DLAP proposes to reduce the maximum trading hours for *all* off-licensed premises within the district to 10am to 10pm, Monday to Sunday.

Foodstuffs is not aware of any evidence or reason that would justify the proposed reduction in maximum trading hours for all off-licensed premises, and particularly for supermarkets and grocery stores.

We note that the trading hours specified in a local alcohol policy are only the *maximum* possible. In any given case the District Licensing Committee can impose more restrictive hours when that is appropriate to address alcohol-related harm. There is no obligation to grant a licence with the full maximum permitted hours stated in a local alcohol policy. Therefore, the maximum hours stated in the revised DLAP should take into account the need to provide options and flexibility. They should be considered within the context of the district's *most* suitable and responsible licensees and the need to provide flexibility for future growth, development, and socio-economic and other changes in the region.

We set out below for your reference the usual store trading and also licensed hours for our stores in the Tauranga district. We note that our stores often open earlier and close later than usual over the very busy holiday period.

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Store	Store's usual trading hours (weekdays' maximum)	Store licensed trading hours
Bethlehem Four Square	6.30am 8.30pm	7am 8.30pm
Cherrywood Four Square	7.30am 8.00pm	7.30am 8pm
Papamoa Beach Four Square	7.30am 8pm	7am 9pm
Welcome Bay Four Square	7am 7.30pm	7am 9pm
The Lakes Four Square	7am 8pm	7am 8pm
Brookfield New World	7am 9pm	7am 10pm
Gate Pa New World	7am 9pm	7am 10pm
Mt Maunganui New World	7am 8pm	7am 10pm
PAK'nSAVE Tauranga	8am 9pm	7am 10pm
PAK'nSAVE Papamoa	8am 9pm	7am 10pm
PAK'nSAVE Tauriko	8am 9pm	7am 10pm
Gilmours Tauranga	8am 6pm	8am 8pm

We believe that maximum licensed hours should remain commencing at 7am for supermarket and grocery store off-licences.

Our primary concern is to avoid unnecessarily or unreasonably inconveniencing our customers, the rate payers and residents of Tauranga, as well as holiday-makers and other visitors to the City. Many of those customers wish to complete a full grocery shop, including

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beer and wine purchases, before 10am in the morning. In many instances, this is not simply for convenience. People often need to shop in the earlier morning to accommodate work, childcare, or other commitments or activities later in the day.

*Significant difference to the default national maximum hours*

Parliament diligently and responsibly considered the issue of trading hours and reacted with the sensible proposal to set default maximum trading hours for off-licences under the Act at 7am-11pm. Parliament set the default national maximum trading hours as an appropriate base level, to cover the range of diverse communities within New Zealand as a whole, and from which territorial authorities may reasonably implement restrictions (or extensions) to address particular circumstances within their districts. The Tauranga district includes a very diverse range of communities and circumstances and there is no evidence in the 2021 Local Alcohol Policy Background Report of any particular concern arising from the existing maximum licensed trading hours of supermarkets and grocery stores within any areas of the district. There was also no identification of any particular concerns during the Council's Committee meetings to discuss proposed revisions to the DLAP. Foodstuffs considers that it would therefore be inappropriate and unreasonable for Tauranga City Council to have a *blanket* departure from the default national maximum trading hours prescribed in section 43 of the Act (ie 7am to 11pm). There is no good reason for Council's proposed blanket modification to the default national maximum trading hours, particularly when Licensing Committees will be setting each applicant's hours on a case by case basis and can adjust a particular licence for location, community or vendor specific issues and to address any particular risks.

Section 3 of the Sale and Supply of Alcohol Act records expressly that Parliament's purpose was to establish a *reasonable* system of control over the sale and supply of alcohol. Maximum trading hours under the Council's local alcohol policy would be a part of that system of control. So the hours specified must be reasonable. As the Minister said when introducing the legislation to Parliament, the Act is to 'target harm without penalising responsible drinkers'. That was repeated on the legislation's third reading in Parliament when the Minister said the Act was to 'strike a sensible balance' to deal with harm 'without unfairly affecting responsible drinkers'.

*Differences between specialist liquor stores and supermarkets and grocery stores*

Our sales data shows that alcohol purchased between 7am and 10am at our supermarkets and grocery stores is almost always part of a customer's wider grocery shop. In fact, our point of sale systems show that of the morning transactions across all of our Tauranga supermarkets and grocery stores before 10am, less than 0.8% of transactions are of alcohol only.

By contrast, purchases from specialist liquor outlets are less likely to be part of a weekly grocery shopping trip, more likely to be purchases of alcohol only and therefore much more likely to be for immediate consumption and result in public nuisance or other alcohol-related harm.



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In addition, supermarkets and grocery stores are restricted by the Act in the types of alcohol they can sell. They can only sell beer and wine. They cannot sell spirits or RTDs.

Supermarkets and grocery stores are also different to specialist liquor stores in that they are subject to a single alcohol area restriction. This is a compulsory condition imposed in all supermarket and grocery store licences to restrict the display and promotion of alcohol to one designated area of the store. Having a single alcohol area means:

- All alcohol products in a supermarket or grocery store must be displayed within the single alcohol area (which cannot be at the entrance or checkout of the store) and cannot be displayed anywhere else in the store.
- No other products can be displayed for sale in the single alcohol area.
- The promotion or advertisement of alcohol within the store (i.e. posters and other promotional material for alcohol products) must only be located within the single alcohol area. There cannot be any promotion of alcohol outside this area within the store. For example, signage advertising a wine special in the foyer of a store or on the outside of a store is prohibited.
- When describing the single alcohol area for a supermarket or grocery store, the District Licensing Committee must consider whether the described area limits (so far as reasonably practicable) the exposure of customers to alcohol.

This means that supermarkets and grocery stores are not able to have non-alcohol products within the single alcohol area, nor are they able to have any alcohol signage or promotional material on the outside of their stores - unlike some liquor stores, which cover the vast majority of the outside of their stores with specific alcohol signage and promotional material.

A recent survey of Tauranga shoppers also indicates that customers support our view that supermarkets are responsible off-licence alcohol retailers, and more so than bottle stores.<sup>1</sup>

*Why do supermarket and grocery store customers shop early in the day?*

Many of our customers choose to shop early in the morning. For some of those customers that is simply the most convenient time and for others it is the only time they can fit in their shopping around other commitments, such as work and childcare. In our Tauranga retail stores approximately 11.38% of our total weekly transactions occur before 10am each week.

<sup>1</sup> A recent online survey was undertaken of shoppers in the Tauranga district between 18 August and 2 September 2022. 186 shoppers agreed to take part. Strong support was provided for supermarkets being responsible sellers of alcohol. Some comments included that 'Supermarkets do extremely well I believe with the sale of alcohol, very, very responsible. Do not inconvenience the many for the few who abuse it', that 'Supermarkets are most convenient places to purchase alcohol and have found them to be more strict than bottle stores for requiring ID with purchase' and that 'I think it is responsibly sold and convenient. I would not be happy with the proposed changes and consider it overly intrusive in people's lives, and of no benefit to anyone.'.

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We carried out an online customer survey of our Tauranga shoppers and we asked why they chose to shop earlier in the morning.<sup>2</sup> We were told:

- For the majority of customers, key reasons were that they preferred to shop in the morning when there were less people in-store and/or because there were smaller queues with less waiting.
- 17% of customers confirmed that shopping in the morning fit around their work hours and 8% of customers confirmed that it was the only time they had available.
- Other reasons included that they shopped during the morning hours to fit around kids' school, activities or daycare, or that it fit in with their journey to or from work / gym / studies.

*Customers want freedom to buy beer and wine from our stores in the mornings*

- 1.1. The majority (80%) of the shoppers preferred to be able to purchase beer and wine from the store at all hours the store was open. And 23% of shoppers confirmed that it would be highly inconvenient for them if they were not able to purchase alcohol between 7am and 10am. In addition, of the shoppers surveyed, 19% confirmed that they had last purchased alcohol from a supermarket between 7am and 10am and 26% preferred to shop between the hours of 7am and 10am.
- 1.2. As noted above, our point of sale systems show that of the morning transactions across all of our Tauranga supermarkets and grocery stores before 10am, less than 0.8% of transactions are of alcohol only. In other words, when alcohol is bought at supermarkets and grocery stores it is almost always part of a wider grocery shop.

Therefore, restricting maximum licensed trading hours will inconvenience a significant portion of our customers and their families – sometimes that inconvenience will be substantial. Our stores will also be put to additional cost in restricting access to the single alcohol area and, for those customers who are able to shop later in the day, in catering to a busier store at those times. Our members provide some further comments around this in their submissions.

*Lack of evidence*

Council has not produced any evidence to show that the purchases of alcohol from our stores by customers between the hours of 7am to 10am result in alcohol-related harm to the community. In other words, there is no evidence that any harm from excessive or inappropriate consumption of alcohol is likely to be reduced if our stores are prohibited from selling beer and wine until 10am. It is also not clear what particular concern Council is addressing (other than just to restrict access to alcohol per se – which is not the aim of the Act) by reducing the maximum trading hours. We consider there can be no such evidence because:

- Our stores are responsible retailers who do not sell to minors or intoxicated people.

<sup>2</sup> See n1 above.

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- The vast majority of our sales of beer and wine are as part of wider grocery shops - beer and wine is not purchased for immediate consumption.
- Our stores are subject to the single alcohol area condition, signage and promotional restrictions as noted above.

In any event, the relevant question is not whether alcohol purchased from off-licensed premises, including supermarkets and grocery stores, is sometimes consumed to excess or inappropriately by some people. There is nothing inherently unsafe or irresponsible about supermarkets and grocery stores selling beer and wine in accordance with the current maximum licensed trading hours. The actual question is only whether it is likely that any harm results from the mere fact that supermarkets and grocery stores sell beer and wine between 7am and 10am, rather than only after 10am. Council has produced no evidence to support an affirmative answer to that question and has not identified any particular concern it wishes to address by restricting the hours in the way proposed.

*Modifications not reasonable in light of the object of the Act*

Given the lack of evidence, a prohibition on sales before 10am is unjustified and therefore would be unreasonable in light of the purpose of the Act. It would inconvenience customers and prejudice responsible drinkers which would be in fact contrary to the intention of the Act. As noted above, the Hon Simon Power said when introducing the Act to Parliament:

*"...we must achieve a balance. Addressing harm must be weighed against the positive benefits associated with responsible drinking. The Government's approach is, therefore, a considered, integrated and balanced package that targets harm without penalising responsible drinkers."*

Consistent with that approach, Council can modify trading hours through its revised LAP. However, that can only be done if the modifications are not unreasonable in light of the object of the Act. The object of the Act targets harm caused by *excessive or inappropriate* consumption. But the Act's object is also to support the *safe and responsible* sale, supply and consumption of alcohol. We believe that the reduced trading hours for supermarkets and grocery stores proposed by Council in the revised draft LAP would be unreasonable when proper consideration is given to the object of the Act and the balance that the Minister referred to and which is the intention behind the Act. Specifically:

- We question how the proposed hours seek to support the premise that 'the sale, supply, and consumption of alcohol should be undertaken safely and responsibly', and more specifically the particular concern sought to be addressed by departure from the default national maximum trading hours set by Parliament and/or the current maximum licensed trading hours?
- We question how the proposed hours seek to target 'the harm caused by excessive or inappropriate consumption of alcohol'? The proposed reduction in hours may arguably lead to a reduction in overall consumption (although this is highly debateable because consumers may simply change their shopping behaviour). But even if a later morning opening time for supermarkets and grocery stores reduced their overall sales of alcohol,

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there is no evidence that reduction would lead to a reduction in excessive and inappropriate consumption.

- We question what specific evidence Council had for its proposal?
  - In Council's initial Research Papers report the only references to alcohol harm in morning hours refers to police evidence of a spike in incidents between midnight to 3.00am.
  - In Council's Option Analysis Report on the revised Draft LAP very little evidence is referred to and instead there is reliance on studies which suggest that reducing off-licence 'supply' may reduce harm. This at first blush seems obvious, but the studies were referring to the *total* availability of alcohol in all forms. The studies did not look at later morning opening hours for supermarkets and grocery stores. These studies are not reliable grounds for the proposition that curbing three hours off the morning opening time of a supermarket or grocery store will reduce alcohol-related harm.

The draft LAP proposes that all off-licences have the same maximum trading hours. However, there are considerable differences between supermarkets/grocery stores and liquor stores. The most obvious is that the grocery channel sells a wide variety of goods, the other mostly alcohol. Supermarkets and grocery stores are therefore disproportionately impacted by the proposed reduction in trading hours because of the simple fact that our customers choose to do their *grocery* shopping earlier in the morning. The other major difference is that liquor stores sell spirits and spirit-based drinks such as RTDs, which can have a much higher alcohol content and RTDs can be more attractive to younger drinkers. Therefore, the impact of supermarkets and grocery stores on the risk of alcohol-related harm is different to that of a bottle store.

Our data shows that virtually all of our alcohol sales are part of a wider grocery shop. Obviously, customers of liquor stores are seeking out alcohol only. Store variations aside, supermarkets and grocery stores generally have much greater resources and senior management capability, as well as superior systems and staff training. The development of the draft LAP does not seem to have taken any of these factors into account.

For there to be no differentiation between supermarkets/grocery stores and liquor stores, Council would need to have properly formed the view that the likelihood of each proposed measure, in particular the hours, reducing alcohol-related harm was the same regardless of the type of off-licensed premises concerned. In fact, we doubt that the shift from 7am to 10am opening hours will have any material impact on liquor stores (which often do not open earlier than 10am) but, as set out above, it will have a significant impact on the customers of our stores and therefore also their owners and their employees (and opportunities or work for future employees).

Of course, maximum licence hours are not the default licence hours that licensees can obtain as of right – the actual licence hours for any given premises are set by the licence decision-maker after assessment of the application in accordance with the Act. We do not believe that there would be many off-licence holders in the Tauranga Region who would have legitimate

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reasons for needing off-licence hours commencing at 7am, other than supermarkets and grocery stores, which are already open from 7am and wish to offer their customers the convenience of purchasing the full range of products offered, regardless of the time they choose to shop. It must be remembered that Parliament has considered the matter and decided that beer, wine, and mead should be available in supermarkets and grocery stores.

We also note that Council has indirectly acknowledged the difference in harm created by liquor store off-licences and supermarket and grocery store licences from the fact that the new proposed prohibition on new off licences for suburbs with a social deprivation index of 7 or more *only* applies to bottle stores.

However, Council does not seem to have considered the interrelationship between the treatment of on-licences and off-licences proposed in the draft LAP. The standard maximum hours for on-licences in the Tauranga City Centre are 9am to 3am, and to 1am outside of the City Centre. It seems wholly inconsistent for the policy to allow the *consumption* of alcohol, including spirits, in bars and restaurants from 9am while prohibiting the *purchase* of beer and wine from a supermarket or grocery store until 10am.

#### ***Discretionary conditions for off-licences***

Section 77 of the Act sets out the matters which can be in a Local Alcohol Policy. Section 77(3) of the Act expressly states that *a local alcohol policy must not include policies on any matter not relating to licensing*. By attempting to go beyond the existing requirements in the Act and beyond the object of the Act, we believe that certain of the proposed discretionary conditions of the draft LAP would be ‘*ultra vires*’ (beyond the power granted to Council) or otherwise unreasonable in light of the object of the Act (being unreasonably vague or uncertain and/or a disproportionate response to a perceived harm) and therefore open to legal challenge. This is amplified when there are already specific provisions in the Act (ie set by the Government at a national level) dealing with the same subject matter. We note each of these below.

We also note our concern that Council appears (from the Council’s meetings to discuss the DLAP) to have sought advice from the District Licensing Committee as to what conditions the District Licensing Committee would like to see included in the DLAP. That is, in our submission, entirely inappropriate.

The District Licensing Committee is an independent decision-maker, assessing particular applications on a case-by-case basis and in accordance with the prescribed considerations in the Act. While they may have regard to the discretionary conditions proposed in a local alcohol policy, that is having regard to *the Council’s* policy. The District Licensing Committee is not permitted to prejudge applications or to impose conditions as a matter of course. The reference to a proposed discretionary condition in a local alcohol policy does not give the District Licensing Committee the power to impose conditions that it could not otherwise impose under section 117 of the Act.

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### *Signage*

It is also proposed that licensees be required to ensure that signs are prominently displayed adjacent to every point of sale detailing the statutory prohibition on the sale of alcohol to minors and intoxicated persons. Foodstuffs is comfortable with this proposal as our stores already comply with this requirement.

### *Alcohol-related incidents book*

The revised draft LAP proposes that licensees must maintain a register of alcohol-related incidents. Many of our supermarkets already keep records similar to this, and Foodstuffs is generally comfortable with this proposed condition.

However, we believe licensees should only be required to record details of *material* incidents. For example, our in-store policy requires checkout staff to ask for ID from any customer who looks under 25 – so we will decline a sale to a customer who is, in fact 24, but who does not have ID and we suspect may be under 18. Recording every such incident would be a significant endeavour for our checkout staff and for no perceived benefit.

### *Single serves*

The draft LAP recommends that a discretionary condition be imposed on all off-licences to prohibit licensees selling **“No single sales of beer or ready to drink spirits (RTDs) in bottles, cans or containers of less than 440 mls in volume may occur except for craft beer”**.

If Council’s specific concern is about retailers who take large pre-packed beer and RTD products and break these down into single unit sales, thereby allowing them to be sold at a low price for immediate consumption, then we would suggest that the restriction be drafted to focus on this. If the language of the draft LAP is not changed then we suspect that the suppliers will in practice respond to this restriction by creating single units which just exceed the 445ml restriction or rather than producing single units they will produce double units (ie two bottle packs). And, we note that the condition would appear to drive customers towards purchasing more than they may otherwise wish to.

In addition, we note that there is a real practical difficulty in describing with any certainty what is meant by ‘craft beer’.

But, in any event, there is no evidence that single sales of beer (which for supermarkets must be beer of less than 15% alcohol by volume) leads customers to consume to excess or irresponsibly. It is therefore unclear what this proposal is intended to address, other than, perhaps a restriction based on price (which we address *below*).

### *Restrictions on sales based by product or price*

The first part of this proposed conditions proposes a condition that could be used to restrict the types of products an off-licence could sell. This is not a matter that can be included in a Local Alcohol Policy. The Act itself provides for the types of alcohol that can be sold by an off

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licence (ie a supermarket and grocery store off licence can only see beer, wine and mead and other types of off licence can sell any type of alcohol) and also provides a mechanism by which *regulations* can prohibit or restrict certain alcohol products.<sup>3</sup> That these decisions have been left to the Government makes good sense because the impact on suppliers of discretionary conditions prohibiting supermarkets from ranging their products would be substantial and would arise out of a process they have no control over and no general right to appear in relation to.

The second part of this proposed condition relates to pricing. While we appreciate that there are a lot of different opinions on the introduction of minimum pricing for alcohol, when and again after the Act was introduced the question of whether there should be any alcohol price control was considered and rejected by the government. That was because introducing minimum pricing on alcohol was viewed as having a greater impact on moderate drinkers than on those who consume alcohol to excess or inappropriately (which is the only kind of consumption the object of the Act targets). There was no compelling evidence that increasing the price of alcohol was the correct approach. There were also concerns that minimum pricing would create unintended adverse consequences such as increasing theft or the use of illegal drugs.

Therefore, the Act does not include any minimum price controls and, although the Act prohibits advertising discounts of greater than 25% on alcohol, that is *only* when the *advertising* is (or can be seen or heard from) *outside* the licensed premises. Very large discounts are not, themselves, prohibited as irresponsible and they can even be specifically advertised within the store's single alcohol area (and whether or not they can be seen from outside the area – provided that is still within the store). Even the promotion of alcohol completely free of charge is not 'irresponsible' under the Act unless it can be seen or heard from outside the premises. In fact, the only reference to pricing schemes for alcohol (as opposed to advertising restrictions) in the Act is at section 397(1)(d), which empowers the *Governor-General to make regulations* for the purpose *only* of any investigations to be undertaken in relation to the *possibility* of introducing minimum pricing schemes for alcohol, requiring sellers of alcohol to give the chief executive information relating to their alcohol sales.

And that position makes sense, because, as you will be aware, any agreement for competing retailers to set a minimum price for any particular product or kind of product would be anti-competitive and in breach of the Commerce Act 1986. We are not legally able to be a party to any agreement with any competitor not to stock any particular product or kind of product, or any agreement setting any minimum price. It is therefore appropriate that Parliament has retained for itself the power to decide whether there is to be any price control on alcohol products.

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<sup>3</sup> See sections 17, 58 and 400 of the Act.

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We therefore consider that it would be ultra vires (legally impermissible) to include in the revised LAP *any* condition relating to minimum pricing. Price control mechanisms are simply not matters that can be considered to have been delegated to territorial authorities or, for that matter, to licensing decision-makers. They cannot be the subject of a discretionary condition.

But in any event, we also note that the proposed element in fact provides no guidance on what problems or concerns the Council has identified and that it is intending to address. The element on its face could apply to every product and every sale of alcohol from an off-licence and must therefore be void for uncertainty or a disproportionate response.

*Restriction on the display of products and or price specials*

We repeat our comments noted above in relation to price control. We also repeat our concern that the element could apply to every product and every sale of alcohol at a discount from an off-licence. There is no identified harm sought to be addressed and no guidance given as to how the condition is to apply. It must, therefore, be void for uncertainty or a disproportionate response.

But in any event, in relation to the display of products, as noted above, supermarkets and grocery stores are subject to a single area condition that already restricts the display, advertisement and promotion of alcohol within the store. The District Licensing Committee is already required to consider whether that single alcohol area limits exposure (so far as is reasonably practicable) to alcohol in the store. Supermarkets and grocery stores are entitled to utilise the entirety of their single alcohol area, but only that area, for the display, promotion, and advertisement of alcohol in the store, and would therefore, unlike bottle stores, be disproportionately impacted by this element.

In relation to the display of price specials, as noted above supermarket and grocery store off licences have specific single alcohol area restrictions. The promotion of alcohol (i.e. posters and other promotional material for alcohol products) can only be located within the single alcohol area. There cannot be any promotion of alcohol outside this area. For example, signage advertising a wine special in the foyer of a store or outside a store is prohibited. As such it is not necessary for a further discretionary condition on display of price specials to be applied to supermarket and grocery store off licences.

*Other comments*

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



Foodstuffs North Island.  
Physical. 35 Landing Drive,  
Mangere, Auckland 2022.

DX Box CX 15021.  
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Kind regards,

Julian Benefield  
**General Counsel**  
**Foodstuffs North Island Limited**

**foodstuffs**  
NORTH  
ISLAND

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
332	Kate	Mason	Strongly agree	See attached document	Strongly agree	See attached document	Strongly agree	See attached document	Strongly disagree	See attached document	Strongly disagree	See attached document	Strongly agree	See attached document



16<sup>th</sup> September 2022

**Revised Draft Local Alcohol Policy**

Tauranga City Council

Private Bag 12022

Tauranga 3143

**Submission to the Tauranga City Council on the Revised Draft  
Local Alcohol Policy**

**Organisation Name:** Cancer Society Waikato Bay of Plenty Division Inc.

**Postal address:** 111 Cameron Road, Tauranga 3110

**Email:** [REDACTED]

**Contact Person:** Kate Mason, Health Promotion Coordinator

**Ph:** [REDACTED]

**Signed:**

Helen Carter, Chief Executive, Waikato Bay of Plenty Cancer Society

**Date:** 16<sup>th</sup> September 2022

**Introduction:**

Waikato Bay of Plenty Cancer Society sincerely thank Tauranga City Council (TCC) and welcome the opportunity to provide feedback on the proposed changes to Tauranga's revised Draft Local Alcohol Policy (LAP).



Waikato Bay of Plenty Cancer Society is a division within the New Zealand Cancer Society federation that works across the cancer continuum including health promotion, supportive care, provision of information and resources, and funding of research. Cancer is New Zealand's single biggest cause of death.

We thank the council for hearing our concerns regarding alcohol related harm within the community raised at the initial draft LAP hearing. We support the bold new proposed changes to the revised draft LAP, which recognise that almost three-quarters (73%) of all heavy drinking occasions occurs in private homes, enabled by highly accessible, cheap off-licence alcohol, meaning greater restrictions for off-licence availability has even greater importance.

Not only can a strong LAP minimise alcohol-related harm in our region, but it can also significantly alleviate the burden placed on community members involved in individual licensing applications.

### **Alcohol and cancer risk:**

Waikato Bay of Plenty Cancer Society recognises that alcohol is a key cause of preventable cancers and is conscious few New Zealanders are aware of the harmful impact of alcohol use.

Alcohol is a Group 1 carcinogen like tobacco and asbestos, there is no safe level of alcohol consumption, in relation to cancer<sup>11</sup>.

Consistent international research has identified alcoholic products increase the risk of at least seven cancers including cancer of the mouth, pharynx, larynx, oesophagus, breast in women (pre- and post-menopausal), bowel, and liver<sup>12</sup>.

In New Zealand, breast cancer is the leading cause of death from alcohol among women<sup>3</sup> and makes up over 60% of alcohol-attributable deaths for both Māori and non-Māori women. Despite this, many New Zealanders are not aware of the risk associated with drinking alcohol and cancer<sup>11</sup>. Māori are disproportionately affected by alcohol-attributable cancer with Māori 2.5 times more likely to die than non-Māori and suffering a greater average loss of healthy life<sup>2</sup>. Reducing population alcohol consumption could prevent about 6% of all cancer cases<sup>7</sup>.



Alcohol is readily available, affordable, and widely promoted in digital and print media, in our neighbourhoods and more so in low-socioeconomic areas<sup>5</sup>. This significantly contributes to the inequitable distribution of poor health, and death, including from alcohol-attributable cancers<sup>6</sup>.

There is strong national and international evidence that suggests policies which address alcohol availability, affordability and marketing are the most cost-effective ways to reduce inequities through a reduction in consumption, and therefore a reduction in alcohol attributable harm, including cancer deaths<sup>10</sup>.

### **Proposed policy changes:**

#### **Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?**

- A) Of people surveyed in the Bay of Plenty District Health Board region in 2020, 71.6% believed that 10am or later was a suitable opening time for bottle stores and supermarkets to start selling alcohol<sup>14</sup>. We **support** the LAPs proposal to change the opening hour to 10am for all off-licences. This would allow children to travel to school, free from the influence of exposure to alcohol and some of its marketing. A later opening hour would also reduce potential harm from hazardous drinking and dependence.
- B) We **recommend** 9pm as the closing hour for off-licence premises. Earlier closing hours minimise the opportunity for people who drink to purchase more alcohol to keep drinking, thus reducing alcohol-related harm such as cancer.
- C) We **recommend** the opening and closing hours be listed as separate elements in the LAP. This approach to trading hours in LAPs reduces the potential for appeals to the entire element.

#### **Do you support the proposal to not allow any new bottle stores to be established in some areas across the city where alcohol harm is likely to be greater?**

- A) We **support** Tauranga City Council's proposal to not allow any new bottle stores to be established in suburbs with a deprivation index value of 7 or more. This would help prevent additional bottle



stores being located in areas of high socio-economic deprivation and/or areas with a high proportion of Māori residents.

- B) Similar provisions occur in the LAPs of other Councils in New Zealand and will assist Tauranga City Council to honour their obligations to Te Tiriti o Waitangi and actively protect Māori health.
- C) Restricting off-licence alcohol availability is a key strategy to minimising alcohol-related harm. As mentioned above, most heavy drinking occasions occur in private homes, enabled by highly accessible, cheap off-licence alcohol. COVID-19 may have further embedded home drinking (and drinking as a coping mechanism), meaning off-licence availability has even greater importance, especially during lockdowns. Minimising the harm from alcohol is also key to reducing the burden on our health system during a pandemic.
- D) In New Zealand, areas of high deprivation have been found to have more liquor outlets than those of low deprivation<sup>9</sup>. Research also shows young Māori and Pacific males (i.e. 15-24 years) and young European females are more vulnerable to the effects of living in close proximity to alcohol outlets and communities with a high number of outlets, respectively<sup>1</sup>.
- E) Environmental Health Intelligence New Zealand identified in their 2016 alcohol-related harm report, that there is on average 1.48 off-licences per 1,000 adults aged 15 years and over in the suburbs of higher deprivation within the TCC community<sup>4</sup>.
- F) A high concentration of alcohol outlets is also associated with heavy drinking among adolescents<sup>1</sup>. A cap on alcohol stores would better protect Rangatahi and Tamariki, reduce alcohol harm within the community including less alcohol-attributable cancers, and de-normalising alcohol use. This applies to both off- and on-licences.
- G) High numbers of outlets may increase harm through:
  - 1) increasing the accessibility of alcohol (reducing time/distance to access alcohol),
  - 2) increasing price competition which lowers the price of alcohol,
  - 3) decreasing the amenity and good order in a community,
  - 4) outlets also present problems in terms of harmful exposure to alcohol advertising<sup>8</sup>.



- H) Alternatively, the total number of bottle stores permitted across Tauranga, for the duration of the LAP, could be stated. This would set the maximum limit for bottle store numbers (as occurs in the Whanganui and Wairoa LAPs), whilst freezing the growth of bottle stores in areas of high deprivation. The whole of Tauranga appears overserved by off-licence premises with 81 off-licences at present, which is a 19% increase from 2015.
- I) For suburbs not included in the bottle store cap, we **recommend** there is an increase of protections, provided in law, for sensitive sites in the LAP.
- J) We recommend the LAP should require that off-licences should not be located within 100m of the boundary of sensitive sites. This includes early childhood centres, primary and secondary schools, playgrounds, parks and reserves, Marae, health facilities, alcohol treatment centres, and places of worship.
- K) Other Local Alcohol Policies in New Zealand offer these protections. The Rotorua Lakes Council<sup>13</sup> prohibits the issue of a new bottle store within 200m of the boundary of a sensitive site.

**Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?**

- A) We **support** Tauranga City Council's proposal to not allow any new on-licensed premises in areas zoned as 'industrial.' This approach would help protect those most vulnerable to alcohol-related harm.
- B) As mentioned in the LAP background report, industrial areas historically have a lack of community oversight, are often away from any form of public transport, and tend to have a heavy drinking culture. All of these factors increase the likelihood of alcohol-related harm to occur.
- C) Research demonstrates that a high concentration of alcohol outlets in an area have been found to increase alcohol-related harm such as violence, assaults, drink driving, child maltreatment and heavy drinking among adolescents.



**Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?**

- A) The Waikato Bay of Plenty Cancer Society **supports** the **reduction** in on-licence trading hours, previously suggested in the draft LAP, from 9am-3am to 9am-2am. We also recommend that the opening and closing hours for on-licences be listed as separate elements in the LAP. This approach to trading hours in LAPs reduces the potential for appeals to the entire element.
- B) Reducing the on-licence trading hours would likely see a reduction in alcohol-related harm. The New Zealand Health Survey identified 25.6% of the total population of the Bay of Plenty as hazardous drinkers in the year 2019/2020. This is higher than the New Zealand average of 21.3%<sup>15</sup>.
- C) We support the discretionary conditions for on-licences.

**Do you support the proposal to remove the one-way door provision for on-licensed premises (bars, restaurants and pubs) in the city centre?**

- A) The Waikato Bay of Plenty Cancer Society **supports** the inclusion of a one-way door provision. This would slow the migration of patrons during risky late-night periods and would reduce alcohol-related problems associated with late night premises. This would also support our recommendation of making alcohol less available, thus reducing alcohol-related harm.

**Do you support the proposal to add a range of discretionary conditions for off-licensed premises (bottle stores, supermarkets, and grocery stores)?**

- A) We **support** Tauranga City Council's proposal to add a range of discretionary conditions for off-licences in the LAP.
- B) It is recognised that New Zealand's liquor laws already provide for licensing committees to include conditions on a licence on a case-by-case basis.
- C) However, we believe the inclusion of discretionary conditions in a LAP can provide transparency to both the licence applicant and the community as to expectations around the sale of alcohol.





Conditions are especially important when outlets are located in vulnerable areas and/or near sensitive sites such as schools.

D) Additional to what is recommended in the Revised Draft LAP, we **recommend** the following discretionary conditions for off-licences are included in the LAP:

- Signage to be limited to displaying the store name and logo on the existing roof display.
- No bright colours to be used in the external decoration of the premises.

Implementing these discretionary conditions would help reduce the appeal of bottle stores and alcohol products.

While we are grateful for the opportunity to submit on the Revised Draft Local Alcohol Policy, we urge TCC to support The Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill. With this Bill our alcohol laws will be stronger, provide communities with more say about where and when alcohol is sold, and protect tamariki from alcohol sponsorship when watching broadcast sport. Many Councils have endorsed the Bill including, Auckland City Council, Christchurch City Council, Hamilton City Council, Whanganui City Council, Gisborne City Council, Palmerston North City Council, Napier City Council (first part of the bill), Hauraki District Council, Waipa District Council, New Plymouth District Council, & Dunedin City Council. For more information see: <https://passthebill.org.nz/>

### **Conclusion:**

Thank you for the opportunity to comment on the Tauranga City Council revised draft Local Alcohol Policy. To summarise, we **support** all proposed changes to off-licensed premises, and we support TCC to include actions aimed at reducing alcohol-related harm for on-licensed premises, including not allowing any new on-licensed premises to be established in areas zoned as 'industrial'; implementing a one-way door policy; and reducing the final alcohol sales time.

We would welcome the opportunity to speak to this further in person. Lastly, we would like to remind you that by making the above recommended changes, we can have a future with less cancer in our community.



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			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
333	Mel	Bennett	Strongly agree		Strongly agree		Strongly agree		Strongly disagree	Recommend 2am to reduce alcohol harm	Strongly disagree	This encourages binge drinking	Strongly agree	



**6 September 2022**

**Submission on the draft Local Alcohol Policy Review  
Tauranga City Council**

**Submitter: Te Rūnanga o Ngāi Te Rangi Iwi Trust (TRONIT)**

**From the recent LAP Review open for community consultation:**

**1. TRONIT supports the following:**

- Off-licenses can sell alcohol from 10am
- No new on-licensed premises to be established in areas zoned industrial
- No new bottle stores to be established in areas with a deprivation index of 7 or more

**2. TRONIT recommends the following:**

- One way door entry from 1am – in agreeance with Toi Te Ora Public Health.
- 2am final alcohol sales time for on-licence in the city centre – in agreeance with the Western Bay Police
- A range of discretionary conditions included for off-licensed premises
  - o TRONIT requests a list of discretionary conditions from TCC

**3. TRONIT requests further feedback on the following recommendations from the last review:**

- TRONIT recommends that Council creates a permanent seat or seats for Iwi/Māori on the DLC through the proper channels and in accordance with the governing legislation. This would enable Iwi/Māori to have direct input into decision-making across all aspects of licensing undertaken by the DLC.
- TRONIT recommends that the DLC take steps to make the hearings process more amenable to community and cultural sensitivities in terms of (for example) cultural protocols, meetings processes, locations, and times of hearings.
- TRONIT recommends that Council implements a comprehensive notification process that actively informs and engages with local communities on licensing matters.

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			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
334	Jason	Morrissey												

13 September 2022

Tauranga City Council

**By email**

**Submission on the revised draft Local Alcohol Policy**

***Summary of Submission***

I believe that the Maximum Trading Hours for the Tauranga area for grocery wholesalers, together with supermarkets and grocery stores off-licences, should remain at 7am-10pm.

***Who I am***

My name is Jason Morrissey and I am the owner-operator of Gilmours Tauranga and have been so for seven years.

My store employs over 110 full and part-time staff. I am an active member of the community and support community projects like Lions, Good Neighbour and many many other community based programmes.

I take many steps to ensure all alcohol sold in my store is done so in accordance with the Sale and Supply of Alcohol Act. In particular, in the alcohol department we employ 12 staff, generally working shifts from 8.00am – 6.00pm. While all our employees have a role to play in the safe and responsible sale of alcohol from my store, those in the alcohol department ensure that the shelves are stocked and presentable and our range accommodates our customers' differing needs, as well as monitoring the store for any anti-social behaviour and co-ordinating with check-out as required. My store has always passed controlled-purchase operations, 'stings', conducted by the Police and we have never been charged with selling to minors or intoxicated customers.

My store is a franchisee of the Foodstuffs Co-operative and I also support the submissions made by Foodstuffs and do not repeat them here.

***Maximum Trading Hours***

We set out below, for your reference, the current licence and store trading hours for my store and the proposed Maximum Trading Hours as set out in the revised draft LAP:

Store	Opening Hours (weekdays)	Current Licence Hours	Proposed Maximum Trading Hours
Gilmours Tauranga	8am – 6pm	0800 - 2000	10am-10pm

***Submission on hours***

My store opens at 8am, Monday to Friday and 9pm Saturday, Sunday. The proposed hours in the revised draft LAP would prevent me from selling beer and wine until 10am, Monday to Sunday. I believe that grocery wholesalers (together with grocery stores and supermarkets) should have Maximum Alcohol Trading Hours of 7am to 10pm for the following reasons:

- Maximum Trading Hours are not the default licence hours that licensees can obtain as of right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. That assessment takes into account the particular needs and circumstances of the applicant, including the location of the premises, the strength of the applicant's systems, staff and training, and the other conditions or restrictions imposed on the licence. I do not believe that there would be many other licence

holders in the Tauranga district who would have legitimate reasons for needing a liquor licence commencing at 7.00am. That is why many bottle stores do not open until much later in the morning. So, keeping 7.00am for the maximum trading hours will not lead to more early morning alcohol outlets.

- I do not believe that purchases of alcohol from my store between the hours of 7am and 10am result in undue harm to the community as, unlike purchases from bottle stores, most purchases during this time are part of a main business order and not just alcohol and not for personal consumption. In our experience, customers purchase groceries and alcohol from our stores between 7am and 10am because they are business owners and need to prepare for lunch and dinner operations. In the vast majority of instances our customer is not even the consumer. The variation on hours would cause unnecessary inconvenience for those customers. In addition, those customers who cannot do their full business shop in the early morning may be forced to return later in the day to complete their shopping or they will move their whole shopping trip to later in the day. That will put pressure on staff and stock and may well ultimately detract from the customer experience that we strive to deliver at the store.
- The proposed Maximum Trading Hours are much more restrictive than my store's current licensed hours. The proposed Maximum Trading Hours are also significantly shorter than the default national Maximum Trading Hours for off-licences in the Act. Those default hours are 7am to 11pm which were what Parliament considered would be reasonable at a national level. I don't believe that a change in morning opening hours for off-licensed premises such as grocery wholesalers would result in a meaningful reduction in alcohol harm.
- To avoid operational difficulties with closing off a part of the store for a substantial period of the morning, my store may need to open later in the morning. That would reduce convenience for the community and would also decrease the hours of work available to my current employees. And, I note that even if the store opened at the same time in the morning, the staff employed in the alcohol department would have their hours decrease as a result of the proposed restriction on trading in the mornings.
- If there is a conflict between my store's opening hours and the hours my store can sell alcohol, significant expenditure would need to be spent putting in place new systems and training staff, to avoid any inadvertent sale outside of permitted trading hours and to manage customer expectations. This would be a strain on my employees and my business in terms of both time and money. Those costs will need to be recovered somehow and that might lead to cutbacks in other areas or an increase in grocery prices, which I seek to avoid.

#### **Presenting submission in person**

I am grateful for your consideration of the matters I have set out and therefore do not wish to present my submission in person.

Yours sincerely

Jason Morrissey  
Owner operator of Tauranga Cash'n Carry Limited  
trading as Gilmours Tauranga



			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
335	Christopher	Hart	Strongly disagree	See my additional submission and also the submission of Foodstuffs North Island Limited	Neutral		Neutral		Neutral		Neutral		Somewhat disagree	See my additional submission and also the submission of Foodstuffs North Island Limited

12 September 2022

Tauranga City Council

By email [chris.hart@nw.co.nz](mailto:chris.hart@nw.co.nz)

### Submission on the revised draft Local Alcohol Policy

#### Summary of Submission

I believe that the Maximum Trading Hours for the Tauranga area for supermarkets and grocery stores off-licences should remain at 7am-10pm.

#### Who I am

My name is Chris Hart, and I am the owner-operator of New World Gate Pa. I have owned the store since August 22, 2022. Prior to that I was the owner of New World Flaxmere for 4 years.

My store employs over 60 full and 45 part-time staff. We are an active member of the community and support numerous schools and organisations, namely; Tauranga Boys and Girls schools, Gate Pa Primary school, Greerton Village School, Gate Pa Tennis Club and Tauranga Golf Club.

I take many steps to ensure all alcohol sold in my store is done so in accordance with the Sale and Supply of Alcohol Act. In the alcohol department we employ 5 staff, generally working shifts from 7am until 8pm. While all our employees have a role to play in the safe and responsible sale of alcohol from my store, those in the alcohol department ensure that the single area condition is complied with, the shelves are stocked and presentable and our range accommodates our customers' differing needs, as well as monitoring the single alcohol area for any anti-social behaviour and co-ordinating with check-out as required. This store has always passed controlled-purchase operations, 'stings', conducted by the Police and we have never been charged with selling to minors or intoxicated customers.

My store is a franchisee of the Foodstuffs Co-operative and I also support the submissions made by Foodstuffs and do not repeat them here.

#### Maximum Trading Hours

We set out below, for your reference, the current licence and store trading hours for my store and the proposed Maximum Trading Hours as set out in the revised draft LAP:

Store	Opening Hours (weekdays)	Current Licence Hours	Proposed Maximum Trading Hours
New World Gate Pa	Monday – Sunday 0700 - 2100	Monday – Sunday 0700 - 2100	10am-10pm

#### Submission on hours

My store opens at 0700, Monday to Sunday. The proposed hours in the revised draft LAP would prevent me from selling beer and wine until 10am, Monday to Sunday. I believe that grocery stores and supermarkets should have Maximum Alcohol Trading Hours of 7am to 10pm for the following reasons:

- Maximum Trading Hours are not the default licence hours that licensees can obtain as of right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. That assessment takes into account the particular needs and circumstances of the applicant, including the location of the premises, the strength of the applicant's systems, staff and training, and the other conditions

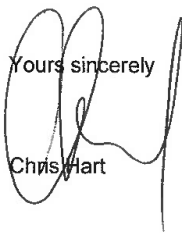
or restrictions imposed on the licence. I do not believe that there would be many other licence holders in the Tauranga district who would have legitimate reasons for needing a liquor licence commencing at 7.00am. That is why many bottle stores do not open until much later in the morning. So, keeping 7.00am for the maximum trading hours will not lead to more early morning alcohol outlets.

- I do not believe that purchases of alcohol from my store between the hours of 7am and 10am result in undue harm to the community as, unlike purchases from bottle stores, most purchases during this time are part of a main order household shop and not just alcohol. In our experience, customers purchase groceries and alcohol from our stores between 7am and 10am for a range of reasons including because they are shift workers or they are holiday makers or others purchasing supplies for summer day excursions or picnics, as well as mother's doing their weekly shop in the morning after dropping their kids off to school or Saturday morning sport. Some customers, particularly our older customers, also simply prefer to do their full shop in the early morning when the store is less crowded. This is particularly the case in the summer months, when the store gets much busier due to the influx of holiday makers. The variation on hours would cause unnecessary inconvenience for those customers. In addition, those customers who cannot do their full shop in the early morning may be forced to return later in the day to complete their shopping or they will move their whole shopping trip to later in the day. That will put pressure on staff and stock and may well ultimately detract from the customer experience that we strive to deliver at the store. Alternatively, those customers may choose to purchase their alcohol later in the day from a bottle store, which stocks liquor and higher percentage alcohol products than can be sold at my store.
- The proposed Maximum Trading Hours are much more restrictive than my store's current licensed hours. The proposed Maximum Trading Hours are also significantly shorter than the default national Maximum Trading Hours for off-licences in the Act. Those default hours are 7am to 11pm which were what Parliament considered would be reasonable at a national level. I don't believe that a change in morning opening hours for off-licensed premises such as supermarkets and grocery stores, would result in a meaningful reduction in alcohol harm.
- To avoid operational difficulties with closing off a part of the store for a substantial period of the morning, my store may need to open later in the morning. That would reduce convenience for the community and would also decrease the hours of work available to my current employees. And, I note that even if the store opened at the same time in the morning, the staff employed in the alcohol department would have their hours decrease as a result of the proposed restriction on trading in the mornings.
- If there is a conflict between my store's opening hours and the hours my store can sell alcohol, significant expenditure would need to be spent putting in place new systems and training staff, to avoid any inadvertent sale outside of permitted trading hours and to manage customer expectations. This would be a strain on my employees and my business in terms of both time and money. Those costs will need to be recovered somehow and that might lead to cutbacks in other areas or an increase in grocery prices, which I seek to avoid.
- Supermarkets and grocery stores are also different to specialist liquor stores in that they are subject to the alcohol single area restriction. This is a compulsory condition imposed on all supermarket and grocery store licences to restrict the display and promotion of alcohol to one designated area of the store. Having a single alcohol area means:
  - All alcohol products in a supermarket or grocery store must be displayed within the single alcohol area. Alcohol products cannot be displayed anywhere else in the store.
  - No other products can be displayed for sale in the single alcohol area.

- The promotion or advertisement of alcohol (i.e. posters and other promotional material for alcohol products) must be located within the single alcohol area. There cannot be any promotion or advertisement of alcohol located outside this area in the store. For example, signage advertising a wine special in the foyer of a store or on the outside of a store is prohibited.
- When a single alcohol area is described for a supermarket or grocery store, the District Licensing Committee must consider whether the area described limits (so far as reasonably practicable) the exposure of customers to alcohol. In my store, the single alcohol area is hidden away

**Presenting submission in person**

I am grateful for your consideration of the matters I have set out and therefore do not wish to present my submission in person.

Yours sincerely  
  
Chris Hart

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
336	Jon	Morrison	Strongly disagree		Neutral	See my additional submission and also the submission of Foodstuffs North Island Limited	Neutral		Neutral		Neutral		Somewhat disagree	See submission from Foodstuffs North Island Limited which I support



Owner/Operator:  
Jon & Anita Morrison  
2 Taurikura Drive,  
Tauriko,  
PO Box 9344,  
Greerton, Tauranga, 3110  
**Phone:** 07 571 0381  
**Fax:** 07 543 2031

09 September 2022  
Tauranga City Council

**By email**

**Submission on the revised draft Local Alcohol Policy**

#### **Summary of Submission**

I believe that the Maximum Trading Hours for the Tauranga area for supermarkets and grocery stores off-licences should remain at 7am-10pm.

#### **Who I am**

My name is Jon Morrison and I am the owner-operator of Pak n Save Tauriko and have been since the business opened in September 2016.

My store employs over 200 full and part-time staff. I am an active member of the community and support several local community organisations from local schools to sports clubs and more.

I take many steps to ensure all alcohol sold in my store is done so in accordance with the Sale and Supply of Alcohol Act. In particular, the liquor department we employ 8 staff, generally working shifts from 7am to 9pm. While all our employees have a role to play in the safe and responsible sale of alcohol from my store, those in the liquor department ensure that the single area condition is complied with, the shelves are stocked and presentable and our range accommodates our customers' differing needs, as well as monitoring the single alcohol area for any anti-social behaviour and co-ordinating with check-out as required. In addition, we have several robust processes at checkout to ensure no alcohol is served to minors or intoxicated persons. My store has always passed controlled-purchase operations, 'stings', conducted by the Police and we have never been charged with selling to minors or intoxicated customers.

My store is a franchisee of the Foodstuffs Co-operative and I also support the submissions made by Foodstuffs and do not repeat them here.

#### **Maximum Trading Hours**

We set out below, for your reference, the current licence and store trading hours for my store and the proposed Maximum Trading Hours as set out in the revised draft LAP:

Store	Opening Hours (weekdays)	Current Licence Hours	Proposed Maximum Trading Hours
PaknSave Tauriko	7.45am – 9pm	7am – 10pm	10am-10pm

#### **Submission on hours**

My store opens at 7.45am, Monday to Sunday. The proposed hours in the revised draft LAP would prevent me from selling beer and wine until 10am, Monday to Sunday. I believe that grocery stores and supermarkets should have Maximum Alcohol Trading Hours of 7am to 10pm for the following reasons:

- Maximum Trading Hours are not the default licence hours that licensees can obtain as of right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. That assessment takes into account the particular needs and circumstances of the applicant, including the location of the premises, the strength of the applicant's systems, staff and training, and the other conditions or restrictions imposed on the licence. I do not believe that there would be many other licence holders in the Tauranga district who would have legitimate reasons for needing a liquor licence commencing at 7.00am. That is why many bottle stores do not open until much later in the

morning. So, keeping 7.00am for the maximum trading hours will not lead to more early morning alcohol outlets.

- I do not believe that purchases of alcohol from my store between the hours of 7am and 10am result in undue harm to the community as, unlike purchases from bottle stores, most purchases during this time are part of a main order household shop and not just alcohol. In our experience, customers purchase groceries and alcohol from our stores between 7am and 10am for a range of reasons including because they are shift workers or they are holiday makers or others purchasing supplies for summer day excursions or picnics or simply their weekly household shop. Some customers, particularly our older customers or mothers with young children, also simply prefer to do their full shop in the early morning when the store is less crowded. This is particularly the case in the summer months, when the store gets much busier due to the influx of holiday makers. The variation on hours would cause unnecessary inconvenience for those customers. In addition, those customers who cannot do their full shop in the early morning may be forced to return later in the day to complete their shopping or they will move their whole shopping trip to later in the day. That will put pressure on staff and stock and may well ultimately detract from the customer experience that we strive to deliver at the store. This is particularly likely to be the case on the weekends, when overall the store is much busier. Alternatively, those customers may choose to purchase their alcohol later in the day from a bottle store, which stocks liquor and higher percentage alcohol products than can be sold at my store.
- The proposed Maximum Trading Hours are much more restrictive than my store's current licensed hours. The proposed Maximum Trading Hours are also significantly shorter than the default national Maximum Trading Hours for off-licences in the Act. Those default hours are 7am to 11pm which were what Parliament considered would be reasonable at a national level. I don't believe that a change in morning opening hours for off-licensed premises such as supermarkets and grocery stores, would result in a meaningful reduction in alcohol harm.
- To avoid operational difficulties with closing off a part of the store for a substantial period of the morning, my store may need to open later in the morning. That would reduce convenience for the community and would also decrease the hours of work available to my current employees. And, I note that even if the store opened at the same time in the morning, the staff employed in the alcohol department would have their hours decrease as a result of the proposed restriction on trading in the mornings.
- If there is a conflict between my store's opening hours and the hours my store can sell alcohol, significant expenditure would need to be spent putting in place new systems and training staff, to avoid any inadvertent sale outside of permitted trading hours and to manage customer expectations. This would be a strain on my employees and my business in terms of both time and money. Those costs will need to be recovered somehow and that might lead to cutbacks in other areas or an increase in grocery prices, which I seek to avoid.
- Supermarkets and grocery stores are also different to specialist liquor stores in that they are subject to the alcohol single area restriction. This is a compulsory condition imposed on all supermarket and grocery store licences to restrict the display and promotion of alcohol to one designated area of the store. Having a single alcohol area means:
  - All alcohol products in a supermarket or grocery store must be displayed within the single alcohol area. Alcohol products cannot be displayed anywhere else in the store.
  - No other products can be displayed for sale in the single alcohol area.
  - The promotion or advertisement of alcohol (i.e. posters and other promotional material for alcohol products) must be located within the single alcohol area. There cannot be any

promotion or advertisement of alcohol located outside this area in the store. For example, signage advertising a wine special in the foyer of a store or on the outside of a store is prohibited.

- When a single alcohol area is described for a supermarket or grocery store, the District Licensing Committee must consider whether the area described limits (so far as reasonably practicable) the exposure of customers to alcohol. In my store, the single alcohol area is last in flow and only able to be seen from a limited area of the store.

**Presenting submission in person**

Thank you for the opportunity to make this written submission. I am grateful for your consideration of the matters I have set out and therefore do not wish to present my submission in person.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jon Morrison', with a stylized flourish at the end.

Jon Morrison  
Owner/Operator



			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
337	Dean	Waddell	Strongly disagree	Please see my attached additional submission, along with the submission from Foodstuffs North Island Limited.	Neutral		Neutral		Neutral		Neutral		Somewhat disagree	Please see submission from Foodstuffs North Island Limited, which I support.



**Pak'nSave, Cameron Rd  
476 Cameron Road**

9<sup>th</sup> September 2022

Tauranga City Council

By email [REDACTED]

**Submission on the revised draft Local Alcohol Policy**

### ***Summary of Submission***

I believe that the Maximum Trading Hours for the Tauranga area for supermarkets and grocery stores off-licences should remain at 7am-10pm.

### ***Who I am***

My name is Dean Waddell, and I am the owner-operator of Pak'nSave, Cameron Road and have been so since 2013, and prior to that the Owner of Brookfield New world which I had in my ownership for 25 year.

My store employs over 300 full and part-time staff. I am an active member of the community and have for many years supported many organisations and Schools throughout our beautiful City.

I take many steps to ensure all alcohol sold in my store is done so in accordance with the Sale and Supply of Alcohol Act While all our employees have a role to play in the safe and responsible sale of alcohol from my store, those in the alcohol department and our Duty Management, ensure that the single area condition is complied with at all times. The shelves are stocked and presentable and our range accommodates our customers' differing needs, as well as monitoring the single alcohol area for any anti-social behaviour and co-ordinating with Duty Managers and check-out as required. My store has always passed controlled-purchase operations, 'stings', conducted by the Police and we have never been charged with selling to minors or intoxicated customers.

My store is a franchisee of the Foodstuffs Co-operative and I also support the submissions made by Foodstuffs and do not repeat them here.

### ***Maximum Trading Hours***

We set out below, for your reference, the current licence and store trading hours for my store and the proposed Maximum Trading Hours as set out in the revised draft LAP:

Store	Opening Hours (weekdays)	Current Licence Hours	Proposed Maximum Trading Hours
Pak'nSave, Cameron Road	8am-9pm 7 days p/w	7am-10pm	7am-10pm

*Submission on hours*

My store opens at 8am-9pm, Monday to Sunday. The proposed hours in the revised draft LAP would prevent me from selling beer and wine until 10am, Monday to Sunday. I believe that grocery stores and supermarkets should have Maximum Alcohol Trading Hours from 7am for the following reasons:

- Maximum Trading Hours are not the default licence hours that licensees can obtain as of right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. That assessment considers the needs and circumstances of the applicant, including the location of the premises, the strength of the applicant's systems, staff and training, and the other conditions or restrictions imposed on the licence. I do not believe that there would be many other licence holders in the Tauranga district who would have legitimate reasons for needing a liquor licence commencing at 7.00am. That is why many bottle stores do not open until much later in the morning. So, keeping 7.00am for the maximum trading hours will not lead to more early morning alcohol outlets.
- I do not believe that purchases of alcohol from my store between the hours of 7am and 10am result in undue harm to the community as, unlike purchases from bottle stores, most purchases during this time are part of a main order household shop and not just alcohol. In our experience, customers purchase groceries and alcohol from our stores between 7am and 10am for a range of reasons including, they are shift workers or they are holiday makers or others purchasing supplies for summer day excursions or picnics, as well as some of our customers also simply prefer to do their full shop in the early morning when the store is less crowded. This is particularly the case in the summer months when the store gets much busier due to the influx of holiday makers. The variation on hours would cause unnecessary inconvenience for those customers. In addition, those customers who cannot do their full shop in the early morning may be forced to return later in the day to complete their shopping or they will move their whole shopping trip to later in the day. That will put pressure on staff and stock and may well ultimately detract from the customer experience that we strive to deliver at the store. This is particularly likely to be the case on the weekends, when overall the store is much busier. Alternatively, those customers may choose to purchase their alcohol later in the day from a bottle store, which stocks liquor and higher percentage alcohol products.
- The proposed Maximum Trading Hours are much more restrictive than my store's current licensed hours. The proposed Maximum Trading Hours are also significantly shorter than the default national Maximum Trading Hours for off-licences in the Act. Those default hours are 7am to 11pm which were what Parliament considered would be reasonable at a national level. I don't believe that a change in morning opening hours for off-licensed premises such as supermarkets and grocery stores, would result in a meaningful reduction in alcohol harm.
- To avoid operational difficulties with closing off a part of the store for a substantial period of the morning, my store may need to open later in the morning. That would reduce convenience for the community and would also decrease the hours of work available to my current employees.
- Supermarkets and grocery stores are also different to specialist liquor stores in that they are subject to the alcohol single area restriction. This is a compulsory condition imposed on all supermarket and grocery store licences to restrict the display and promotion of alcohol to one designated area of the store. Having a single alcohol area means:

- All alcohol products in a supermarket or grocery store must be displayed within the single alcohol area. Alcohol products cannot be displayed anywhere else in the store.
- No other products can be displayed for sale in the single alcohol area.
- The promotion or advertisement of alcohol (i.e., posters and other promotional material for alcohol products) must be located within the single alcohol area. There cannot be any promotion or advertisement of alcohol located outside this area in the store. For example, signage advertising a wine special in the foyer of a store or on the outside of a store is prohibited.
- When a single alcohol area is described for a supermarket or grocery store, the District Licensing Committee must consider whether the area described limits (so far as reasonably practicable) the exposure of customers to alcohol.

Thank you for the opportunity to make this written submission.

Yours sincerely



Dean Waddell

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
338	Colin	Close	Strongly disagree	See my additional submission and also the submission of Foodstuffs North Island Limited	Neutral		Neutral		Neutral		Neutral		Somewhat disagree	See submission on Foodstuffs North Island Limited which I support

13 September 2022

Tauranga City Council

### **Submission on the revised draft Local Alcohol Policy**

#### **Summary of Submission**

I believe that the Maximum Trading Hours for the Tauranga area for supermarkets and grocery stores off-licences should remain at 7am-10pm.

My name is Colin Close, and I am the owner-operator of Cherrywood Four Square. My store employs over sixteen full and part-time staff.

I take steps to ensure all alcohol sold in my store is done so in accordance with the Sale and Supply of Alcohol Act. Our staff are trained in the sales of prohibitive items and have a good understanding of the legal requirements. They are fully supported by the Duty Managers. We also supply a range of zero and low alcohol options.

My store is a franchisee of the Foodstuffs Co-operative and I also support the submissions made by Foodstuffs and do not repeat them here.

#### **Maximum Trading Hours**

We set out below, for your reference, the current licence and store trading hours for my store and the proposed Maximum Trading Hours as set out in the revised draft LAP:

Store	Opening Hours (weekdays)	Current Licence Hours	Proposed Maximum Trading Hours
Cherrywood Four Square	7.30am – 8pm	7.30am – 8pm	10am-10pm

#### **Submission on hours**

My store opens at 7.30am – 8pm, Monday to Friday and 8am – 8pm Saturday/Sunday. The proposed hours in the revised draft LAP would prevent me from selling beer and wine until 10am, Monday to Sunday. I believe that grocery stores and supermarkets should have Maximum Alcohol Trading Hours of 7am to 10pm for the following reasons:

- Maximum Trading Hours are not the default licence hours that licensees can obtain as of right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. That assessment takes into account the particular needs and circumstances of the applicant, including the location of the premises, the strength of the applicant's systems, staff and training, and the other conditions or restrictions imposed on the licence. I do not believe that there would be many other licence holders in the Tauranga district who would have legitimate reasons for needing a liquor licence commencing at 7.00am. That is why many bottle stores do not open until much later in the morning. So, keeping 7.00am for the maximum trading hours will not lead to more early morning alcohol outlets.
- I do not believe that purchases of alcohol from my store between the hours of 7am and 10am result in undue harm to the community as, unlike purchases from bottle stores, most purchases during this time are part of a main order household shop and not just alcohol. In our experience, customers purchase groceries and alcohol from our stores between 7am and 10am for a range of reasons including because they are shift workers or they are holiday

makers or others purchasing supplies for summer day excursions or picnics. The community we serve is mainly elderly who walk down to do their shopping and often prefer to do their one shop in the early morning when the store and shopping precinct is less crowded. The variation on hours would cause unnecessary inconvenience for those customers. In addition, those customers who cannot do their full shop in the early morning may be forced to return later in the day to complete their shopping or they will move their whole shopping trip to later in the day. That will put pressure on staff and stock and may well ultimately detract from the customer experience that we strive to deliver at the store. Alternatively, those customers may choose to purchase their alcohol later in the day from a bottle store, which stocks liquor and higher percentage alcohol products than can be sold at my store.

- The proposed Maximum Trading Hours are much more restrictive than my store's current licensed hours. The proposed Maximum Trading Hours are also significantly shorter than the default national Maximum Trading Hours for off-licences in the Act. Those default hours are 7am to 11pm which were what Parliament considered would be reasonable at a national level. I don't believe that a change in morning opening hours for off-licensed premises such as supermarkets and grocery stores, would result in a meaningful reduction in alcohol harm.
- If there is a conflict between my store's opening hours and the hours my store can sell alcohol, significant expenditure would need to be spent putting in place new systems and training staff, to avoid any inadvertent sale outside of permitted trading hours and to manage customer expectations. This would be a strain on my employees and my business in terms of both time and money. Those costs will need to be recovered somehow and that might lead to cutbacks in other areas or an increase in grocery prices, which I seek to avoid.
- Supermarkets and grocery stores are also different to specialist liquor stores in that they are subject to the alcohol single area restriction. This is a compulsory condition imposed on all supermarket and grocery store licences to restrict the display and promotion of alcohol to one designated area of the store. Having a single alcohol area means:
  - All alcohol products in a supermarket or grocery store must be displayed within the single alcohol area. Alcohol products cannot be displayed anywhere else in the store.
  - No other products can be displayed for sale in the single alcohol area.
  - The promotion or advertisement of alcohol (i.e. posters and other promotional material for alcohol products) must be located within the single alcohol area. There cannot be any promotion or advertisement of alcohol located outside this area in the store. For example, signage advertising a wine special in the foyer of a store or on the outside of a store is prohibited.
  - When a single alcohol area is described for a supermarket or grocery store, the District Licensing Committee must consider whether the area described limits (so far as reasonably practicable) the exposure of customers to alcohol. In my store, the single alcohol area is last in flow.

Thank you for the opportunity to make this written submission. I am grateful for your consideration of the matters I have set out and therefore do not wish to present my submission in person.

Yours sincerely



Colin Close

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
339	Harpreet	Singh	Strongly disagree	Please see the submissions attached in lettet	Neutral		Neutral		Neutral		Neutral		Somewhat disagree	



09 September 2022

Tauranga City Council

By email :- [REDACTED]

### Submission on the revised draft Local Alcohol Policy

#### Summary of Submission

I believe that the Maximum Trading Hours for the Tauranga area for supermarkets and grocery stores off-licences should remain at 7am-10pm.

#### Who I am

My name is Harpreet Singh and I am the owner-operator of Bethlehem four square and have been so for 10 years.

My store employs over 6 full and part-time staff. I am an active member of the community and Chairman of Moana sports and cultural trust .

I take many steps to ensure all alcohol sold in my store is done so in accordance with the Sale and Supply of Alcohol Act. In the alcohol department we employ 2 of staff, generally working shifts from 7.00 am to 1.30pm and 1.30pm to 8.30pm . While all our employees have a role to play in the safe and responsible sale of alcohol from my store, those in the alcohol department ensure that the single area condition is complied with, the shelves are stocked and presentable and our range accommodates our customers' differing needs, as well as monitoring the single alcohol area for any anti-social behaviour and co-ordinating with check-out as required. My store has always passed controlled-purchase operations, 'stings', conducted by the Police and we have never been charged with selling to minors or intoxicated customers.

My store is a franchisee of the Foodstuffs Co-operative and I also support the submissions made by Foodstuffs and do not repeat them here.

#### Maximum Trading Hours

We set out below, for your reference, the current licence and store trading hours for my store and the proposed Maximum Trading Hours as set out in the revised draft LAP:

Store	Opening Hours (weekdays)	Current Licence Hours	Proposed Maximum Trading Hours
Bethlehem four square and lotto	7.00 am to 8.30 pm	7.00 am to 9.00 pm	10am-10pm

#### Submission on hours

My store opens at 7.00 am to 8.30 pm, Monday to Sunday. The proposed hours in the revised draft LAP would prevent me from selling beer and wine until 10am, Monday to Sunday. I believe that grocery stores and supermarkets should have Maximum Alcohol Trading Hours of 7am to 10pm for the following reasons:

- Maximum Trading Hours are not the default licence hours that licensees can obtain as of right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. That assessment takes into account the particular needs and circumstances of the applicant, including the location of the

premises, the strength of the applicant's systems, staff and training, and the other conditions or restrictions imposed on the licence. I do not believe that there would be many other licence holders in the Tauranga district who would have legitimate reasons for needing a liquor licence commencing at 7.00am. That is why many bottle stores do not open until much later in the morning. So, keeping 7.00am for the maximum trading hours will not lead to more early morning alcohol outlets.

- I do not believe that purchases of alcohol from my store between the hours of 7am and 10am result in undue harm to the community as, unlike purchases from bottle stores, most purchases during this time are part of a main order household shop and not just alcohol. In our experience, customers purchase groceries and alcohol from our stores between 7am and 10am for a range of reasons including because they are shift workers or they are holiday makers or others purchasing supplies for summer day excursions or picnics and mums doing their daily shopping after dropping kids at school and lot of older customer who like to shop in early mornings. The variation on hours would cause unnecessary inconvenience for those customers. In addition, those customers who cannot do their full shop in the early morning may be forced to return later in the day to complete their shopping or they will move their whole shopping trip to later in the day. That will put pressure on staff and stock and may well ultimately detract from the customer experience that we strive to deliver at the store. Alternatively, those customers may choose to purchase their alcohol later in the day from a bottle store, which stocks liquor and higher percentage alcohol products than can be sold at my store.
- The proposed Maximum Trading Hours are much more restrictive than my store's current licensed hours. The proposed Maximum Trading Hours are also significantly shorter than the default national Maximum Trading Hours for off-licences in the Act. Those default hours are 7am to 11pm which were what Parliament considered would be reasonable at a national level. I don't believe that a change in morning opening hours for off-licensed premises such as supermarkets and grocery stores, would result in a meaningful reduction in alcohol harm.
- To avoid operational difficulties with closing off a part of the store for a substantial period of the morning, my store may need to open later in the morning. That would reduce convenience for the community and would also decrease the hours of work available to my current employees.
- If there is a conflict between my store's opening hours and the hours my store can sell alcohol, significant expenditure would need to be spent putting in place new systems and training staff, to avoid any inadvertent sale outside of permitted trading hours and to manage customer expectations. This would be a strain on my employees and my business in terms of both time and money. Those costs will need to be recovered somehow and that might lead to cutbacks in other areas or an increase in grocery prices, which I seek to avoid.
- Supermarkets and grocery stores are also different to specialist liquor stores in that they are subject to the alcohol single area restriction. This is a compulsory condition imposed on all supermarket and grocery store licences to restrict the display and promotion of alcohol to one designated area of the store. Having a single alcohol area means:
  - All alcohol products in a supermarket or grocery store must be displayed within the single alcohol area. Alcohol products cannot be displayed anywhere else in the store.
  - No other products can be displayed for sale in the single alcohol area.
  - The promotion or advertisement of alcohol (i.e. posters and other promotional material for alcohol products) must be located within the single alcohol area. There cannot be any promotion or advertisement of alcohol located outside this area in the store. For

example, signage advertising a wine special in the foyer of a store or on the outside of a store is prohibited.

- When a single alcohol area is described for a supermarket or grocery store, the District Licensing Committee must consider whether the area described limits (so far as reasonably practicable) the exposure of customers to alcohol. In my store, the single alcohol area is sperate and hardly seen by customer unless they wish to buy alcohol .

**Presenting submission in person**

Thank you for the opportunity to make this written submission. I am grateful for your consideration of the matters I have set out and therefore do not wish to present my submission in person .

Yours sincerely

Harpreet Singh

Owner operator

Bethlehem Four Square and lotto  
233 state highway 2  
Bethlehem  
Tauranga

			Q1 : Do you support the proposal to change the starting sales time for alcohol at off-licensed premises (bottle stores, supermarkets, and grocery stores) from 7am to 10am?		Q2: Do you support not allowing any new bottle stores to be established in areas with a deprivation index value of 7 or more?		Q3: Do you support the proposal to not allow any new on-licensed premises (bars, pubs and restaurants) to be established in areas zoned as 'industrial'?		Q4: Do you support the proposal to retain the current final alcohol sales time at 3am for on-licensed premises (bars, pubs and restaurants) in the city centre?		Q5: Do you support the proposal to remove of the one way door provision in the city centre?		Q6: Do you support adding a range of discretionary conditions for off-licensed premises?	
	First name:	Surname:	Q1	Comments	Q2:	Comments	Q3	Comments	Q4	Comments	Q5	Comments	Q6	Comments
340	Brendon	Good	Strongly disagree	See my additional submission and also the submission of Foodstuffs North Island Limited	Neutral		Neutral		Neutral		Neutral		Somewhat disagree	See submission on Foodstuffs North Island Limited which I support

**NEW WORLD**  
**Brookfield**

89 Bellevue Road  
Brookfield  
PO Box 6075  
Tauranga 3146  
New Zealand  
Phone (07) 576 2850

9<sup>th</sup> September 2022

Tauranga City Council

By email [REDACTED]

**Submission on the revised draft Local Alcohol Policy**

***Summary of Submission***

I believe that the Maximum Trading Hours for the Tauranga area for supermarkets and grocery stores off-licences should remain at 7am-10pm.

***Who I am***

My name is Brendon Good and I am the owner-operator of New World Brookfield and have been for the past 9 years.

My store employs over 170 permanent and 20 casual staff. I am an active member of the community and support all primary schools, intermediates, colleges, day-cares, kindergartens, sporting organisations and not for profit organisations in our area.

I take many steps to ensure all alcohol sold in my store is done so in accordance with the Sale and Supply of Alcohol Act. My store has always passed controlled-purchase operations, 'stings', conducted by the Police and we have never been charged with selling to minors or intoxicated customers.

My store is a franchisee of the Foodstuffs Co-operative and I also support the submissions made by Foodstuffs and do not repeat them here.

***Maximum Trading Hours***

We set out below, for your reference, the current licence and store trading hours for my store and the proposed Maximum Trading Hours as set out in the revised draft LAP:

Store	Opening Hours (weekdays)	Current Licence Hours	Proposed Maximum Trading Hours
New World Brookfield	7.00am	10.00pm	10am-10pm

***Submission on hours***

My store opens at 7.00am Monday to Sunday. The proposed hours in the revised draft LAP would prevent me from selling beer and wine until 10am, Monday to Sunday. I believe that grocery stores and supermarkets should have Maximum Alcohol Trading Hours of 7am to 10pm for the following reasons:

[newworld.co.nz](http://newworld.co.nz)

- Maximum Trading Hours are not the default licence hours that licensees can obtain as of right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. That assessment takes into account the particular needs and circumstances of the applicant, including the location of the premises, the strength of the applicant's systems, staff and training, and the other conditions or restrictions imposed on the licence. I do not believe that there would be many other licence holders in the Tauranga district who would have legitimate reasons for needing a liquor licence commencing at 7.00am. That is why many bottle stores do not open until much later in the morning. So, keeping 7.00am for the maximum trading hours will not lead to more early morning alcohol outlets.
- I do not believe that purchases of alcohol from my store between the hours of 7am and 10am result in undue harm to the community as, unlike purchases from bottle stores, most purchases during this time are part of a main order household shop and not just alcohol. In our experience, customers purchase groceries and alcohol from our stores between 7am and 10am for a range of reasons including because they are shift workers or they are holiday makers or others purchasing supplies for summer day excursions or picnics. Some customers, particularly our older customers, also simply prefer to do their full shop in the early morning when the store is less crowded. This is particularly the case in the summer months when the store gets much busier. The variation on hours would cause unnecessary inconvenience for those customers. In addition, those customers who cannot do their full shop in the early morning may be forced to return later in the day to complete their shopping or they will move their whole shopping trip to later in the day. That will put pressure on staff and stock and may well ultimately detract from the customer experience that we strive to deliver at the store. This is particularly likely to be the case on the weekends, when overall the store is much busier. Alternatively, those customers may choose to purchase their alcohol later in the day from a bottle store, which stocks liquor and higher percentage alcohol products than can be sold at my store.
- The proposed Maximum Trading Hours are much more restrictive than my store's current licensed hours. The proposed Maximum Trading Hours are also significantly shorter than the default national Maximum Trading Hours for off-licences in the Act. Those default hours are 7am to 11pm which were what Parliament considered would be reasonable at a national level. I don't believe that a change in morning opening hours for off-licensed premises such as supermarkets and grocery stores, would result in a meaningful reduction in alcohol harm.
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**Presenting submission in person**

Thank you for the opportunity to make this written submission. I am grateful for your consideration of the matters I have set out and therefore do not wish to present my submission in person.

Yours sincerely



Brendon Good

Owner/Operator

New World Brookfield