

**Napier City Council**  
**Local Alcohol Policy**

**Issues and Options Report**  
**February 2025**

To support the review of Napier City Council's Local Alcohol Policy

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## **Section 1: Introduction**

### ***Purpose***

This report provides information and background to support the Napier City Council's (Council) decision-making process regarding the review of its Local Alcohol Policy (LAP). It also provides information to inform individuals and organisations who wish to make a submission to Council during the consultation period in March/April 2025.

The report outlines the policy provisions in the LAP (2019) and provides discussion on policy provisions following review of the LAP in 24/25.

For comprehensive details on research, please refer to the accompanying research paper available on the Council's website at

<https://www.sayitnapier.nz/ncc/>

### ***Sale and Supply of Alcohol Act 2012 (the Act)***

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.

In the Act, 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).

### ***Local Alcohol Policy (LAP)***

The Act allows a Council to develop a Local Alcohol Policy (LAP). A LAP consists of a set of decisions made by Council in consultation with the Police, Medical Officers of Health and licensing inspectors as well as the community about the sale and supply of alcohol.

Once the LAP is in place, the Council's District Licensing Committee (DLC) and the Alcohol Regulatory and Licensing Authority (ARLA) will have to consider the policy when they make decisions regarding licence applications. This includes the four licence types permitted under the Act, namely:

- On-licences, that allows the sale or supply of alcohol for consumption on the premises such as bars, pubs, taverns, hotels, restaurants, (including BYO), cafes, entertainment venues, planes and caterers.
- Off-licences, that allows the sale or supply of alcohol for consumption off the premises or for sale for delivery or sales at a distance or direct delivery

and samples on site. Holders of an off-licence include bottle stores (including within taverns), supermarkets, grocery stores, wine growers and auctioneers.

- Club licences, that allows the sale of alcohol to authorised customers of the club who are on the premises (section 60 of the Act), such as sports and other recreational clubs. Clubs with a “permanent charter”<sup>46</sup> are not subject to licensing under the Sale and Supply of Alcohol Act 2012 and are not covered by the provisions in a LAP, including trading hours.
- Special licences, that allows the sale or supply of alcohol at an event or series of events or consumed at another place (also free samples). Only some LAP policies apply to special licences, i.e. sections 77(1)(e)-(g) relating to trading hours, discretionary conditions, and one-way door restrictions (section 77(2) of the Act).

### **Contents of a Local Alcohol Policy (LAP)**

A Local Alcohol Policy (LAP) allows Council to have a policy relating to the sale, supply or consumption of alcohol within its District. Section 77(1) of the Act states that a LAP 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.

Note that Paragraphs (a) to (d) above do not apply to special licences, or premises for which a special licence is held or has been applied for.

The Act provides that there will be one LAP for Napier City Council. However, the policy may include different rules for different areas (e.g. policies based on ward boundaries, land use zones, or targeted policies for high-risk areas, etc.)

### **LAP (2019) provisions**

The LAP (2019) includes the following provisions:

- Maximum trading hours
  - On-licence:
    - Taverns / bars / pubs / night-clubs – 8.00am to 3.00am the following day Monday to Sunday. One way door restriction: Mandatory from 2.00am).
    - Cafes / restaurants / wineries / winery restaurants – 8.00am to 2.00am the following day Monday to Sunday.

- Entertainment venues – Licensing hours are to be consistent with the nature and activities of the premises and in general shall range from: 8.00am to 2.00am the following day Monday to Sunday.
  - Off-licence:
    - Grocery stores and supermarkets - 7.00am to 10.00pm Monday to Sunday.
    - All other off-licenses – 9.00am to 10.00pm Monday to Sunday.
  - Club licence:
    - Hours for Club Licence is 8.00am to 1.00am the following day Monday to Sunday.
- Location of licensed premises:
  - No further off-licenses are to be issued for any premises being a bottle store on land located within:
    - Flaxmere Commercial Service or Suburban Commercial zone or Flaxmere Village Centre Zone.
    - Camberley.
    - Maraenui.
- Discretionary conditions:
  - Various provisions which are guided by the principles of:
    - CONNECTION – whether there is a connection between the problem to be addressed and the proposed activity.
    - IMPACT – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm.
    - REASONABLENESS – whether it is within the capabilities of the applicant or licensee to satisfy this condition.
  - Examples of discretionary conditions include – CCTV, lighting, no glass serves, number of door staff, limit on drink sizes and type at events.

### **LAP Review 2024/25**

On 24 October 2024, Napier City Council's Future Napier Committee approved transition to an individual LAP for Napier, as part of the review process, to simplify administration and improve efficiencies and effectiveness. Officers recommended this approach as it captures efficiency gains whilst enabling the two Councils to administer consistent policies and collaboratively contribute to reductions in alcohol related harm in Hawke's Bay.

Napier City Council wishes to have a LAP, therefore Council must produce a draft policy in consultation with Police, the Medical Officer of Health and Inspectors.

On 30 January 2025, Napier City Council held a workshop that informed an initial draft LAP.

On 20 February 2025, Napier City Council adopted a draft LAP for consultation with amendments from the initial draft LAP being discussed in the meeting.

Consultation is planned for between 14 March 2025 to 14 April 2025 with public hearings currently scheduled for 29 April 2025 and 30 April 2025.

## **Section 2: Issues Analysis**

Pursuant to s78(2) of the Sale and Supply of Alcohol Act 2012 (the Act), when producing a draft policy, Council have regard to—

- (a) the objectives and policies of its district plan.
- (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.
- (c) any areas in which bylaws prohibiting alcohol in public places are in force.
- (d) the demography of the district's residents.
- (e) the demography of people who visit the district as tourists or holidaymakers.
- (f) the overall health indicators of the district's residents.
- (g) the nature and severity of the alcohol-related problems arising in the district.

A Local Alcohol Policy research report sets out information regarding the considerations above, to inform Council decision making regarding the review of the LAP. The research report is available online at <https://www.sayitnapier.nz/ncc/>

### ***Research Summary***

Evidence indicates that alcohol-related harm is present within Napier City, with Māori, youth, and individuals residing in areas of socio-economic deprivation experiencing disproportionate impacts.

In response, Napier City Council may wish to consider exploring a variety of policy measures aimed at further reducing alcohol-related harm.

Overall, there is continued harm from alcohol in the Napier community.

A summary of the key points in the Research Report are:

- Alcohol causes significant harms to individuals, whānau and communities, costing NZ an estimated \$9.1 billion each year (NZIER, 2024).
- Alcohol related harms are not fairly distributed and health burden from alcohol is disproportionately borne by Māori and male. Māori are twice as likely to die from alcohol-related causes compared to non-Māori (Chambers, et al., 2024).
- A study by Crossin, et al., 2023 indicated that alcohol remained the most harmful drug for the total population when separately considering harm to those who use it, and harm to others. Māori tend to be overrepresented in drug harm incidents and have disproportionate alcohol-related harm (as cited in Crossin, et al., 2023).
- The relationship between alcohol availability, trading hours, and alcohol-related harm is well-established. International and national studies document that longer trading hours and consequent greater availability

increases alcohol related harm at a community level (Alcohol Healthwatch, 2024, Hahn, et al., 2010). Specifically,

- A systematic review of studies examining on-licence trading hours provided evidence that extended trading hours at on-licence premises was typically followed by increases in the incidence of assault, unintentional injury or drink driving offences and that conversely, restricting trading hours was typically followed by decreases in the incidence of assault and hospitalisation (Nepal, et al., 2020, Casswell, et al., 2020).
- A study by Rossow and Norstrom (2012) highlights the significant impact that even small extensions in trading hours can have on violent crime, underscoring the importance of carefully considering the optimal trading hours for reducing harm.
- Graham (2012) suggests that research should focus not only on when to close, but also on the potential displacement effects of early closures, where drinking may shift to unsupervised locations.
- Off-licences, including supermarkets and grocery stores, sell over 80% of all alcohol in New Zealand. These outlets are easily accessible and often operate with long trading hours, which increases the potential for alcohol-related harm, as alcohol is consumed in unregulated environments where supervision is minimal.
- Lastly, the absence of regulation concerning remote sales from off-licenses is a significant issue, particularly in a market where an increasing proportion of the population is turning to online platforms to purchase alcohol. This is an area that warrants attention in order to mitigate alcohol-related harm.

### ***Alcohol related harm data***

Analysis of NZ Police incident data and the Health Emergency Department data is provided as a part of the research requirements.

See the research report for further detail on alcohol-related harm data.

In summary, Saturday and Sunday have the highest rates of alcohol related presentations into Hawkes Bay Hospital Emergency Department, followed closely by Friday. Rates of alcohol related ED presentations peak Saturday 9pm and again at midnight Saturday / Sunday morning.

Rates start to rise from Friday night 10pm through to 4am Sunday morning. A total of 46% of the alcohol related presentations occur over the weekend (298 of the 641 total alcohol related presentations).

The NZ Police data provided shows that a significant proportion of alcohol-related harm is concentrated during late evening hours (9:00 PM - 9:59 PM) and early morning hours (12:00 AM - 2:59 AM), while the late afternoon (3:00 PM - 5:59 PM) also showing a noticeable spike.

Additionally, the consistent patterns observed further reinforce the need for ongoing targeted interventions to mitigate harm during these critical times.

## Section 3: Considerations

Council can develop a Local Alcohol Policy (LAP) to influence the location, number and trading hours of businesses licensed to sell alcohol. Specifically, section 77(1) of the Sale and Supply of Alcohol Act 2012 states:

(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.

Paragraphs (a) to (d) above do not apply to special licences, or premises for which a special licence is held or has been applied for.

A LAP must not include policies on any matter not relating to licensing.

During development of its draft LAP, Council consulted with the Police, and Medical Officer of Health to gauge their opinions to assist Council in its decision-making.

Council's Licensing inspectors have been directly involved with the LAP process.

The sections below detail the current LAP provisions, proposed changes to the LAP provisions and brief commentary for those changes. (for a more in-depth commentary and detailed research please see the Research Report at <https://www.sayitnapier.nz/ncc/>)

The options that have been considered as part of the LAP (2025) review have been detailed by licence type (e.g. on, off, club and special licence) below.

### ***Location and density provisions***

#### **Location of licensed premises by reference to broad areas - section 77(1)(a)**

Section 77(1)(a) enables a LAP to include policies on the location of licensed premises (on, off and club licences) by reference to a "broad area." The Act does not define the term "broad areas." However, it can be taken as meaning a large general area such as a ward, or a class of area such as a town centre or by planning zone, e.g. residential areas.

The LAP (2019) includes location policies as:

- No further off-licences are to be issued for any premises being a bottle store on land located within Maraenui – the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3.
- In all areas not listed above the District Licensing Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless resource consent has been granted.

The current LAP has no broad area restriction (other than the area in Maraenui).

Research found that zoning policies would have greatest impact on the most deprived neighbourhoods that were estimated to experience reductions in violent crime (Trangenstein, et al., 2020). However, there is a lack of published outcome evaluations relevant to New Zealand to inform an understanding of the effectiveness of zoning changes on indicators of alcohol-related harm (Alcohol Healthwatch, 2024).

Additionally, the district plan prohibits the establishment of licensed premises in certain zones, such as residential areas. This limitation could remove the need for location restrictions in relation to broad areas.

**Options considered:**

<b>Options</b>	<b>Advantages</b>	<b>Disadvantages</b>
<b>Option 1: Status Quo</b> is no broad area restriction.	No additional implementation costs	May not be supported by stakeholders.

**Location of licensed premises by reference to proximity to premises or facilities of particular kinds - section 77(1)(b) and section 77(1)(c)**

Section 77(1)(b) and section 77(1)(c) of the Act refers to polices on the location of licensed premises and allows limits to be placed in relation to the location of other licensed premises or facilities in the relevant area.

There are no such proximity provisions in the current LAP (2019).

Generally, this provision poses many practical issues. By way of example, if an exclusion or buffer zone is considered around schools, there is almost no area left for new development.

**Options for consultation:**

<b>Options</b>	<b>Advantages</b>	<b>Disadvantages</b>
<b>Option 1: Status Quo</b> is no proximity restriction.	No additional implementation costs.	No control outside of district plan processes and resource consenting limiting proximity of

		licenced premises to other types of premises.
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**Density provisions - section 77(1)(d)**

Section 77(1)(d) of the Act provides for polices regarding 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.

The LAP (2019) restricts the approval of further bottle store licences for particular areas of Maraenui in order to try to minimise alcohol related harm.

There is strong support for the current provisions. Specifically:

- Medical Officer of Health states there is strong rationale for retaining these provisions, including high levels of alcohol related harm and socioeconomic deprivation in these and neighbouring communities.
- ActionPoint state that the more places to buy alcohol in an area, the more hazardous drinking is likely to occur, therefore leading to more alcohol-related harm (including violence, assaults, drink driving and child maltreatment). High concentration of alcohol outlets is also associated with heavy drinking amongst young people.
- The Law Commission’s report recognises that high outlet density of off licences especially, is associated with cheap alcohol products which then in turn facilitates heavy drinking and that the higher the density of outlets, the greater the likelihood of crime and anti-social behaviour.
- Consultation conducted by the Law Commission found strong support for halting the expansion of licences, particularly off-licences. The primary reasons cited for reducing the number of licences included the significant negative impact of bottle stores on low socio-economic and vulnerable communities, the role of small suburban outlets in facilitating alcohol access for young people, and the detrimental effects on neighbourhood amenity, such as increased rates of offending, vandalism, and disorderly or offensive behaviour.

Density provision Options	Advantages	Disadvantages
<b>Option 1:</b> Retain status quo (option selected for consultation at a Council meeting on 20 February 2025).	Easier to implement. Bottle store restriction area remains in place for Maraenui only which allows some provisions aiming to control alcohol related harm in that community.	Restriction not applied to other suburban areas where alcohol related harm is present.  Provision not targeted to other communities living in high levels of socioeconomic deprivation.
<b>Option 2:</b> No further off licences are to be issued for any premises being a	Allows Council to consider strengthening, the provisions to restrict further off-licences being	Could be too restrictive.

bottle store on land located within: <ul style="list-style-type: none"> <li>All suburban areas</li> </ul>	granted in communities with high levels of alcohol-related harm.  This may have stakeholder support from the Medical Officer of Health.	May limit economic growth in suburban areas.  Discretion needed to define suburban areas accurately and requires evidence.
<b>Option 3:</b> No further off licences are to be issued for any premises being a bottle store on land located within specified suburban areas: <ul style="list-style-type: none"> <li>Marewa</li> <li>Greenmeadows</li> <li>Maraenui</li> <li>Onekawa and</li> <li>Nelson Park</li> </ul>	Allows Council to consider strengthening, the provisions to restrict further off-licences being granted in communities with high levels of alcohol-related harm.  This may have stakeholder support from the Medical Officer of Health.	May be too restrictive and limit growth.  Potential impact on businesses in selected suburban areas selected.  Limitations in how suburban areas are defined as related to areas causing harm and sales of alcohol.

### **Maximum trading hours**

Section 77(1)(e) of the Act provides for polices regarding maximum trading hours of licensed premises.

This provision enables Council to extend or restrict the default national maximum trading hours contained in the Act, which are:

- On-licence and club licences: between 8am to 4am on the next day
- Off-licences: between 7am to 11pm

The LAP (2019) provides the following maximum trading hours, as follows:

<b>On-licence type</b>	<b>Maximum trading hours</b>
Taverns/bars/pubs/night-clubs	8.00am to 3.00am the following day Monday to Sunday  One way door restriction: Mandatory at 2.00am
Cafes/restaurants/wineries/winery restaurants	8.00am to 2.00am the following day Monday to Sunday

Entertainment Venues	Licensing hours are to be consistent with the nature and activities of the premises and in general shall range from:  8.00am to 2.00am the following day Monday to Sunday
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Off-licence type	Maximum trading hours
Grocery stores and supermarkets	7.00am to 10.00pm Monday to Sunday
All other off licenses	9.00am to 10.00pm Monday to Sunday

Club type	Maximum trading hours
	Licensing hours are to be consistent with the nature and activities of the club and in general shall range from:  8.00am to 1.00am the following day Monday to Sunday

As provided in the research paper, there is a strong correlation between the availability of alcohol, both geographically and temporally, and the incidence of alcohol-related harm. The research recommends restricting the overall hours that alcohol is available in order to decrease alcohol-related harm. This is applicable to both retailers selling alcohol to take away and to alcohol sold for consumption on-site.

While there are several studies which recommend reduced trading hours as a means of reducing alcohol related harm, it is also important to note that there is also strong support from a range of stakeholders including Napier City Council Inspector, NZ Police and the Medical Officer of Health for a reduction in off-licence trading hours.

There is also support for having maximum trading hour restrictions on the remote sales delivery aspect to try to alleviate purchases and deliveries of alcohol late at

night when intoxication levels and harm levels are at their highest (as cited in Public Health Communication Centre, 2024).

<b>Policy Provisions</b>	<b>Proposed LAP</b>	<b>Advantages</b>	<b>Disadvantages</b>
On licence maximum trading hours: Taverns / Bars Pubs/ Night-clubs	<p>For Taverns / bars / pubs / night-clubs – breweries / cideries / distilleries / Endorsed Caterer</p> <p>Maximum trading hours are 8.00am to 2.00am the following day Monday to Sunday.</p> <p>One way door restriction: Mandatory at 1.00 am.</p>	<p>Aligns with recommendations from Police and the Medical Officer of Health. All statutory stakeholders support a general reduction in hours. (NZ Police, Medical Officer of Health &amp; Inspectors).</p> <p>Consistent with provisions in Hastings District.</p> <p>Aligns with research and evidence that studies the relationship between trading hours and alcohol related harm which is well-established. That is, research consistently shows that extended trading hours are linked to higher levels of alcohol consumption and an increased risk of harm, including violence, injury and impaired driving.</p>	<p>Six businesses will need to be contacted regarding their maximum trading hours and licence conditions reduced by one hour.</p>
On licence: café/ Restaurant /	Retain status quo (8.00 am to 2.00 am the following	As above.	As above.

<b>Policy Provisions</b>	<b>Proposed LAP</b>	<b>Advantages</b>	<b>Disadvantages</b>
winery / winery restaurant	day Monday to Sunday)		
On licence – Entertainment facilities	Retain status quo (Licensing hours are to be consistent with the nature and activities of the premises and in general shall range from: 8.00 am to 2.00 am the following day Monday to Sunday)	As above.	As above.
Off licence – Grocery Stores and Supermarkets	Alternative to status quo  Grocery Stores and Supermarkets 9.00 am to 9.00 pm – Monday to Sunday	As above.	Potential impact on people inconvenience for factor / shift workers.  May impact business through less sales in early morning and late night.
Off licence – All other off licences	All other off licences: 9.00 am to 9.00 pm – Monday to Sunday	As above, and provides consistent provisions for all off-licences.	As above.
Club Licence	Licensing hours are to be consistent with the nature and activities of the club and in general shall range from: 8.00 am to 1.00 am the following day Monday to Sunday.  Note: Officers did not seek direction for club licences at the workshop.	Easier to implement as clubs able to retain a 1.00 am maximum closing time, if applicable.  Allows Council to provide guidance to licensing bodies on hours with case-by-case situations accounted for.	Potential for policy divergence.

<b>Policy Provisions</b>	<b>Proposed LAP</b>	<b>Advantages</b>	<b>Disadvantages</b>
Special Licence	Maximum trading hours are 8.00am to 2.00am the following day, unless the event is deemed suitable to extend beyond these hours, and the applicant can provide justification for the need for the extended hours.	Consistent with other Councils (e.g. Hastings District Council).  Allows Council to provide guidance to licensing bodies on hours with case-by-case situations accounted for.	Hours may be extended on a case-by-case basis but could provide uncertainty for licensing bodies as to Council intent.

### ***Discretionary conditions***

Section 77(f) provides that the LAP may include policies on the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions.

The Act also allows a District Licensing Committee (DLC) or the Alcohol Regulatory & Licensing Authority (ARLA) to issue any licence subject to any reasonable conditions not inconsistent with this Act. Discretionary conditions that may be imposed include:

- one-way door restrictions on on-licences and club licences (section 110(1)(d) of the Act).
- designated areas to which minors must not be admitted (section 119(2) of the Act).
- the people to whom alcohol may be sold or supplied and the kind of alcohol that may be sold from off-licences (section 116 of the Act).

Section 117 of the Act also gives a DLC and ARLA the general mandate to issue a licence subject to any reasonable condition that is not inconsistent with the Act. This might include conditions that reflect the principles of Crime Prevention Through Environmental Design (CPTED), and host responsibility, or impose more restrictive conditions where a licence is granted for the first time.

The sections below detail the discretionary conditions in LAP (2019), proposed changes to the discretionary conditions in LAP (2025) provisions and brief commentary on the evidence for those changes. For more in-depth commentary and detailed research please see the Research Paper at:

<https://www.sayitnapier.nz/ncc>.

### **Discretionary conditions in LAP (2019)**

The LAP (2019) has the following guidance for discretionary conditions. In using its discretion to apply conditions, the DLC will be guided by the following:

- CONNECTION – whether there is a connection between the problem to be addressed and the proposed activity.
- IMPACT – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm.
- REASONABLENESS – whether it is within the capabilities of the applicant or licensee to satisfy this condition.

The LAP (2019) provides following examples of conditions which may be applied to alcohol licences by the DLC:

#### **On-Licences – Discretionary conditions**

- CCTV cameras (location and number).
- Provision of effective exterior lighting.
- No serving in glass containers at specified times.
- Number of door-staff and provision of additional security staff after specified times.
- Management of patrons queuing to enter the licensed premises.
- Limit on the number of drinks per customer at specified times.
- No shots or types of drinks to be served after specified times.
- Limit on drink sizes after specified times.
- Conditions relating to management: such as certificated staff required if the maximum occupancy exceeds a prescribed number or if recommended by Police or the Inspector, requirement for multiple managers etc
- One way door restrictions.
- Provision of transport for patrons.
- Restriction on the use of outdoor areas after a specified time.

#### **Club Licences - Discretionary conditions**

- Conditions relating to management: such as certificated staff required at all clubs unless the bar is staffed voluntarily and membership is below a prescribed number.

#### **Off Licences - Discretionary conditions**

- Display of safe drinking messages/material.

#### **Special Licences - Discretionary conditions**

- Restriction on the type of drinks sold, the alcohol percentage of the drinks and the type of containers the drinks are served in.
- One way door restrictions.

## Proposed Discretionary Conditions

Section 117 of the Act permits a District Licensing Committee to issue any licence subject to any reasonable conditions not inconsistent with the Act.

Discretionary conditions are in addition to the mandatory conditions specified within the Act. This provision allows the District Licensing Committee a wide-ranging discretion as to conditions that may be applied to a licence. To provide guidance to the District Licensing Committee and some certainty to applicants, the following conditions are a list of those which may be imposed by the District Licensing Committee where they are considered appropriate. In using its discretion to apply conditions, the District Licensing Committee will be guided by the following:

- **Connection** – whether there is a connection between the problem to be addressed and the proposed activity.
- **Impact** – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm.
- **Reasonableness** – whether it is within the capabilities of the applicant or licensee to satisfy this condition.

**Note:** While the District Licensing Committee has the discretion to add any condition(s) that it deems to be appropriate, it is anticipated that an applicant would have the opportunity to submit comments to the District Licensing Committee prior to the imposition of any condition that may have a financial or management impact on their business.

The following are conditions which may be applied to alcohol licences by the District Licensing Committee based on their discretion.

### On-Licences and Club Licences

- CCTV cameras (location and number and keep recording for a minimum of 28 days).
- Provision of effective exterior lighting.
- No serving in glass containers at specified times.
- Number of door-staff and provision of additional security staff after specified times.
- Management of patrons queuing to enter the licensed premises.
- Limit on the number of drinks per customer at specified times.
- Three substantial food options must be provided.
- No shots or types of drinks to be served after specified times.
- Limit on drink sizes after specified times.
- Conditions relating to management: such as certificated staff required if the maximum occupancy exceeds a prescribed number or if recommended by Police or the Inspector, requirement for multiple managers etc.

- One way door restrictions.
- Provision of transport for patrons.
- Restriction on the use of outdoor areas after a specified time.
- Require impact assessments by an applicant if a premises is in a particularly low socio-economic area or an area known to have ARH issues. This impact assessment should detail how the applicant will mitigate any issues with amenity and good order and may result in conditions imposed on the licence to ensure the minimisation of alcohol related harm on the surrounding community.
- Maintain and provide as a part of the application process and upon request from an inspector or constable supply an incident register of alcohol related incidents.
- Maintain and provide upon request a duty manager roster.
- Mandatory reporting of violent incidents to NZ Police.
- Utilise the principles of Crime Prevention through Environmental Design. (CPTED).

#### **Club Licences**

- Conditions relating to management: such as certificated staff required at all clubs unless the bar is staffed voluntarily and membership is below a prescribed number.
- Three substantial food options must be provided.

#### **Off-Licences**

- Display of safe drinking messages/material.
- CCTV cameras (location and number and holding or recordings for at least 28 days).
- Provision of effective exterior lighting.
- Limit on alcohol related exterior signage or advertising to 30% of the building or glass exterior.
- No single sale of Ready to Drink (RTD) or mainstream beer under 500ml.
- Utilise the principles of Crime Prevention through Environmental Design. (CPTED).
- Require impact assessments by an applicant if a premises is in a particularly low socio-economic area or an area known to have issues.
- Maintain and provide as a part of the application process and upon request from an inspector or constable supply an incident register of alcohol related incidents.
- Maintain and provide upon request a duty manager roster.
- Low-alcohol drinks and non-alcoholic drinks to be available for sale.

#### **Special Licences**

- Restriction on the type of drinks sold, the alcohol percentage of the drinks and the type of containers the drinks are served in.
- One way door restrictions.
- Requirement of a separate line or service area for non-alcoholic beverages where the special licence is likely to have patrons that are under the legal drinking age.
- Three substantial food options must be provided.
- For class one events:
  - Security Staff, porta loos and rubbish bins provided in the surrounding areas to assist with issues with amenity and good order.
  - No full bottle wine sales for onsite consumption.
  - Serve reduction systems in place to manage intoxication levels – maximum serves of 4 per sale reducing to 2.
  - Prescribed ratio of security staff to patrons.
  - High visibility clothing to be worn by security staff and be visible to others.
  - Means of egress for emergency services.
  - Submission of Applications at least 25 working days prior to the event to allow for processing and potential stakeholder meetings.
  - A sufficiently detailed Alcohol Management Plan as per Section 143 of the SSAA 2012.

### **Further discussion on examples of other discretionary conditions from other Councils**

In addition to the examples of discretionary conditions above, Officers have noted other discretionary conditions in place within other Territorial Authorities, including:

- **Conditions restricting single sales of alcohol (off licence provision)**  
A restriction on single sales could improve compliance with alcohol control measures such as alcohol bans and help reduce pre-loading and side-loading near licensed venues.

Alcohol-related harm increases when alcohol is easily accessible, particularly when businesses encourage impulsive purchases or offer affordable pricing (New Zealand Law Commission, 2010). The sale of single cans or bottles of beer, cider, or Ready-To-Drink (RTD) beverages is often cheaper than purchasing packs, making it more appealing to those who are looking to consume alcohol immediately, and are heavy drinkers,

namely. adolescents, young adults, and those with alcohol dependence (Alcohol Healthwatch, 2024).

International studies have linked the sale of single units to increased alcohol-related violence and crime. For example, an intervention to restrict single sales reduced alcohol-related ambulance attendances among 15 to 24-year-olds (Masho, et al., 2014).

Inspectors have observed that many off-licenses in Napier do not sell single-serve products, with the exception of high-end, high-strength, large cans of beer. Inspectors note that many off-licenses have voluntarily accepted conditions on their licenses to restrict the sale of single-serve products.

The inclusion of a discretionary condition in a LAP on single sales would provide guidance to the DLC, and aligns and reinforces decisions made by the DLC and ARLA that address availability and accessibility and the associated risk of alcohol-related harm.

- **Conditions restricting alcohol related signage and advertising**  
There are few protections in the Act to protect communities from the known effects of exposure to alcohol advertising at licensed premises. Section 237 (irresponsible promotion) of the Act does not address the volume of advertising found on the exterior of licensed premises, and the self-regulatory system for alcohol advertising administered by the Advertising Standards Authority does little to address exposure.

Alcohol marketing has a proven causal relationship with youth alcohol initiation and heavy drinking (Sargent and Babor, 2020). Young people are frequently exposed to alcohol advertisements through various platforms, including store promotions and displays, especially in areas with high levels of deprivation with studies suggesting that restrictions in alcohol advertising near schools may be warranted (Chambers, et al., 2018, Pasch, et al., 2007).

Individuals with alcohol dependence or problematic drinking patterns are especially susceptible to alcohol-related marketing, which can act as a trigger for relapse or reinforce ongoing alcohol misuse (Babor et al., 2017; Witteman, et al., 2015).

DLCs and ARLA have applied conditions on a case-by-case basis to manage alcohol-related marketing. These conditions have included limiting signage to only the store name and logo, restricting alcohol advertisements to no more than 25% of the exterior of the premises, and prohibiting the use of bright colours, flags, sandwich boards, or promotional displays for specific products or prices outside the store.

- **Utilising the principles of Crime Prevention Through Environmental design**

Crime Prevention Through Environmental Design (CPTED) is a strategy focused on modifying the physical and social environments to reduce opportunities for crime and enhance public safety. In the context of alcohol licenses, CPTED principles can be applied to design, manage, and regulate the physical layout of licensed premises to reduce alcohol-related harm and criminal activity.

Key CPTED strategies for alcohol licenses include:

- **Natural Surveillance:** This involves designing licensed premises and surrounding areas to maximise visibility, ensuring that staff and the public can observe behaviours and activities. This may include the strategic placement of windows, lighting, and layout that allow for better monitoring and discourage undesirable behaviours.
- **Access Control:** Limiting access to certain areas of a licensed premises can help manage crowd control and minimise opportunities for illegal activities. This could involve controlling entry points, monitoring exits, and using barriers or physical layouts to guide movement within the venue.
- **Territorial Reinforcement:** Creating a sense of ownership and responsibility over public spaces can deter crime. Clear boundaries between licensed premises and other public or private spaces can be established through physical markers, signage, and consistent maintenance. Well-defined areas help establish authority and discourage undesirable activity.
- **Maintenance and Environmental Quality:** Maintaining the physical environment of licensed premises and their surroundings is crucial. Well-kept areas are associated with fewer instances of crime and antisocial behaviour. A well-maintained environment signals that the area is monitored and cared for, which can deter criminal activity.
- **Activity Support:** Ensuring that alcohol-serving environments foster positive activities, such as promoting safe and responsible drinking, entertainment, and socialization, helps reduce the likelihood of alcohol-related incidents. Activities should encourage safe behaviour and provide patrons with alternatives to risky or antisocial activities.

By integrating CPTED principles into the design and regulation of licensed premises, communities can reduce alcohol-related harm, prevent criminal activity, and improve the safety and well-being of both patrons and the wider public.

- **Requirement to complete an impact assessment**

An impact assessment in the context of alcohol licensing is a systematic evaluation used to understand the potential effects of alcohol sales and supply on a community or area. It helps identify the social, economic, environmental and public health impacts that could result from granting or modifying alcohol licenses. Incorporating an impact assessment into the licensing process allows for informed decision-making and better regulation of alcohol-related harm.

Use of Impact Assessment in Alcohol Licensing includes:

- **Evaluate Local Context:** An impact assessment considers the specific characteristics of the community, including population demographics, crime rates, and health statistics, to determine the potential effects of alcohol availability.
- **Identify Risks and Benefits:** It helps assess both the positive and negative consequences of alcohol licensing, such as economic benefits (e.g., increased business activity) and social risks (e.g., increased alcohol-related harm or anti-social behaviour).
- **Informed Decision Making:** The assessment provides evidence-based recommendations for regulating alcohol licenses, considering factors such as proximity to schools, residential areas, and other vulnerable zones, which helps determine whether new licenses or license variations should be approved.
- **Stakeholder Engagement:** It often involves consultation with key stakeholders, including local communities, public health organizations, police, and local authorities, to gather diverse perspectives on potential impacts.

Advantages of Using an Impact Assessment include:

- **Evidence-Based Regulation:** Impact assessments provide objective data and evidence to support decisions, ensuring that licensing decisions are not based solely on subjective opinions or political pressures.
- **Prevention of Harm:** By identifying potential risks early on, impact assessments help prevent alcohol-related harm, such as crime, violence, and health issues, before they manifest in the community.
- **Tailored Solutions:** They allow for more tailored and targeted measures, such as setting specific conditions on licenses (e.g., restrictions on trading hours, the types of alcohol sold, percentage of alcohol advertising outside or on a premises) to mitigate identified risks.
- **Community Involvement:** The process encourages community input, fostering greater public trust and ensuring that local concerns about alcohol-related harm are addressed in licensing decisions.
- **Promote Responsible Drinking:** Impact assessments can help design environments that encourage responsible alcohol consumption by identifying factors that contribute to overconsumption or unsafe drinking patterns.
- **Long-Term Benefits:** By considering long-term social, economic, and health outcomes, impact assessments contribute to the sustainable development of communities, balancing economic growth with public health and safety.
- **Incorporating an impact assessment into the alcohol licensing process ensures a comprehensive approach to regulation, balancing the economic and social benefits of alcohol sales with the need to protect public health and reduce harm in the community.**

### ***One-way door restrictions***

Section 77(1)(g) provides for policies on one-way door restrictions. One-way door restrictions impose a condition on a licence that allows people to leave places such as bars, taverns, pubs and nightclubs but not enter or re-enter after a certain time.

<b>Policy provision</b>	<b>Advantages</b>	<b>Disadvantages</b>
One way door restriction: - a mandatory at 1.00am for taverns / bars /pubs /night-clubs.	Aligns with recommendations from Police and the Medical Officer of Health. All statutory stakeholders support a general reduction in hours. (NZ Police, Medical Officer of Health & Inspectors).  Consistent with provisions in Hastings District.  Aligns with research and evidence that studies the relationship between trading hours and alcohol related harm which is well-established.	

### **SECTION 4: Stakeholder feedback**

Section 78(4) of the Act states that 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.

On 11 November 2024, following a stakeholder meeting in September, both NZ Police and the Medical Officer of Health were requested to provide formal feedback on the current Local Alcohol Policy.

On 10 December 2024 and 12 December 2024 feedback was received from the Medical Officer of Health and NZ Police.

Inspectors from Napier City Council and Hastings District Council were directly involved with the LAP process and contributed to the research directly.

## **SECTION 5: Summary and conclusions**

The evidence and data discussed in this report and in the associated research report clearly confirms that there are still a wide range of alcohol-related issues in Napier. The issues identified include:

- Alcohol related harm has a high community cost.
- Harm disproportionately impacts Māori, youth, and individuals residing in areas of socio-economic deprivation.
- Patterns of heavy consumption of alcohol, especially among the young.
- Acute and chronic health problems.
- Alcohol related traffic and crime offences.
- Alcohol related issues and harm is more prevalent during the weekends, particularly Saturday nights and early Sunday morning.
- Alcohol related harm generally increases in the summer months of the year.
- Alcohol related harm starts to increase from 9pm.

Data indicates that there has been some positive change in alcohol-related harm within Napier both before and after the implementation of the LAP (2019). There is evidence suggesting slight temporal shifts in harm following changes in operating hours for both on- and off-licenses.

While many of the issues identified in this report cannot be directly addressed through the LAP, literature suggests that regulating the sale and supply of alcohol can have an indirect impact. It is not a single policy provision, but rather a combination of provisions, national and local policies, and community initiatives that contribute to reducing harm.

The effects of any individual policy provision are likely to result in only minor changes to overall harm levels due to the complex nature of alcohol-related harm and the many external factors that influence it. The full extent of harm reduction may be diffused throughout the community, and the available evidence may not fully capture the true scope of these changes.

Stakeholders, including the Medical Officer of Health, NZ Police, and alcohol licensing inspectors, agree that the current policy provisions in the LAP are effective and should be maintained. At present, there are no significant practical or administrative issues with the policy.

The policy, as it currently stands, is fit for purpose and contains strong provisions aimed at minimising harm in Napier.

The proposed changes should seek to strengthen provisions and enhance efforts to reduce alcohol-related harm in the community.