

Development of a Local Alcohol Policy - how we can help

Alcohol reform in New Zealand - what does it mean?

Legislation to reform New Zealand's alcohol laws was passed on 18 December 2012. The purpose of the reforms is to improve the drinking culture of New Zealand and to reduce harm associated with excessive drinking. The main features of the reforms include: increased community input and local level decision-making on licensing, strengthened rules and restrictions on stores selling and displaying alcohol, requirements around consent and responsibility for those supplying alcohol to under-18 year olds, and maximum default trading hours for licensed premises.

Three Acts have replaced the Sale of Liquor Act 1989 (and will be implemented in stages by 18 December 2013). These are the Sale and Supply of Alcohol Act, the Local Government (Alcohol Reform) Amendment Act, and the Summary Offences (Alcohol Reform) Amendment Act.

The **Sale and Supply of Alcohol Act** (the Act) creates changes for a range of stakeholders, including those who hold licences, those who hold manager's certificates, enforcement agencies, territorial authorities and the public. The main changes for territorial authorities under the Act include: the establishment of District Licensing Committees (DLCs) by territorial authorities (to replace District Licensing Agencies), development of local bylaws on alcohol control (liquor bans), and the option for development of a **Local Alcohol Policy (LAP)**.

We can help develop + manage the LAP process

Allen and Clarke Policy and Regulatory Specialists Ltd (Allen + Clarke), together with InToto Projects, can assist territorial authorities by leading and coordinating the LAP process, or by assisting on particular aspects. We can help ensure a robust process is undertaken during the development of a LAP, reducing the likelihood of successful appeals against the LAP itself and during the licensing process.

Allen + Clarke has proven expertise in policy development, evidence-based research, consultation and engagement processes, as well as project management. We have significant experience in the alcohol and drug policy sector in New Zealand and internationally, and experience working with territorial authorities. We build collaborative relationships with our clients, stakeholders and partners to deliver excellent policies, plans and operational procedures. See www.allenandclarke.co.nz

InToto Projects is a small Nelson-based company undertaking work in the area of social marketing, alcohol-related harm, community safety and crime prevention through environmental design (CPTED). The name InToto reflects our philosophy and approach – one of working together to solve problems faced by communities. InToto Projects has two Principals, with many years' experience in reducing alcohol-related harm and improving community safety.

Together we provide a team of experienced practitioners who understand local government and are focussed on reducing alcohol-related harm in the community. See over the page for further detail of the services that we offer specific to each phase of LAP development.

We are happy to discuss your needs - contact us:

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What can a LAP cover?

The content of what a LAP may cover is guided by section 77 of the Act and includes:

- Limitation of the location of licences in particular areas or near certain types of facilities, such as schools or churches
- Limitation of the density of licences
- Imposing one-way door restrictions (allowing patrons to leave premises but not (re-)enter after a certain time)
- Varying opening hours from the default trading hours for on-licences (8am–4am) and for off-licences (7am–11pm)

Note that a LAP **may not** include policies on matters unrelated to licensing.

What is a LAP?

"A LAP is a set of decisions made by a territorial authority in consultation with its community about the sale and supply of alcohol in its geographical area." (See Ministry of Justice fact sheet: Local Alcohol Policies)

Some facts about LAPs and the relevant sections in the Act:

- LAPs are optional (see section 75(4)). If a territorial authority does not have a LAP, the licensing authority cannot have regard to this for licensing decisions (potentially having less regard to community effect)
- A territorial authority can only have one LAP, but can develop a joint LAP with another territorial authority (see section 76)
- The content of what a LAP may cover is limited to several policies (see section 77)
- Appeals on a provisional LAP can only be made by those that submitted on the draft LAP (see section 81)
- The provisional LAP cannot come into effect until all appeals are resolved (see sections 81-87)
- LAPs may contain policy that is more strict than a district plan (see section 93)
- LAPs must be reviewed every six years and can be changed or replaced through the same process used to develop a LAP (see sections 95-97).

For **more information** about LAPs, the process and the resources available to assist in LAP development, visit the following websites:

- The Ministry of Justice website is the official source of information on the alcohol law reforms. Details on what is changing, who will be affected and the phases of LAP development can be found at www.justice.govt.nz/policy/sale-and-supply-of-alcohol/alcohol-in-the-community/local-alcohol-policies-laps
- The LGNZ website includes some information on alcohol reform and what the changes mean for local government. LGNZ is working with the Ministry of Justice to implement the alcohol reforms. See www.lgnz.co.nz

Steps required to develop a LAP:

Pre-18 December 2013

Phase 1: Information gathering. This phase involves gathering information from key stakeholders and data sources to develop an accurate picture of alcohol-related harm in your community. This information will feed into the development of the draft LAP.

Output: Draft LAP

Phase 2: Consultation on the draft LAP. The territorial authority must consult with the community on the draft LAP.

Output: Summary of feedback received from consultation

Phase 3: Prepare a provisional LAP. This phase requires updating the draft LAP with consideration of the feedback received during consultation.

Output: Provisional LAP

Post-18 December 2013

From 18 December 2013, the provisional LAP can be publicly notified (see section 80 of the Act) and adopted 30 days after (or appeals resolved). Adoption of the final LAP is also publicly notified.

Phase 1: Information gathering – The first step towards developing an effective LAP requires accurate information to be gathered on alcohol-related harm in the community. This information will help territorial authorities decide what they want the LAP to achieve and how to achieve it.

Information should be gathered through targeted consultation with key stakeholders including licensing inspectors, Medical Officers of Health and Police, and from key information sources including ACC (community profiles on alcohol-related accidents) and relevant surveys (New Zealand Health Survey and Quality of Life survey). In addition, the wider community can be engaged (through surveys and interviews) to seek their feedback on alcohol-related harm in the community, to help inform the broader alcohol strategy of a territorial authority.

We can help source all relevant information by providing the following services:

- *management of key stakeholder interviews, including drafting a targeted interview guide, arranging and conducting interviews*
- *facilitating and conducting wider community research to seek the views of residents on alcohol-related harm*
- *securing information from relevant sources on the community*
- *compiling all information into a useful report, describing the 'picture' of alcohol-related harm in the community.*

All of the above will be undertaken in consultation with the territorial authority, to ensure that the report becomes a useful resource on alcohol-related harm in the community and can effectively feed into the draft LAP.

Draft LAP – The LAP can be drafted using the information gathered. The content of what a draft LAP may include is set out in section 77 of the Act, with the requirements for preparing a draft LAP included in section 78 of the Act.

We can help develop all aspects of the LAP, including: criteria for issuing licences, identifying and managing risk (including advice on fees in relation to risk), ensuring the draft LAP meets the criteria under the Act, and peer reviewing the LAP before consultation.

Phase 2: Consultation – A provisional policy must be produced through consultation with the community on the draft LAP (see section 79 of the Act), according to the special consultative procedure set out in section 83 of the Local Government Act 2002. This essentially requires that the draft LAP (and a summary) is made readily available to all ratepayers and residents, and that the community is notified about the LAP, the consultation process (including closing dates) and where they can make a submission. Territorial authorities must also inform the public that appeals can only be made on the provisional LAP, by those who submitted on the draft.

We can help manage the consultation process, including: developing a consultation plan (in accordance with the Local Government Act), drafting the LAP summary, drafting the consultation questions, disseminating the consultation papers, facilitating consultation meetings, summarising feedback received and providing analysis of the feedback and how this may affect the draft LAP.

Phase 3: Provisional LAP – During this phase, the draft LAP takes into account the feedback received during the consultation as well as any further decisions made by the territorial authority since the draft was produced. Once feedback is included, the draft LAP becomes a provisional LAP. The provisional LAP can only include the content outlined in section 77 of the Act.

We can help update the draft LAP by arranging and facilitating meetings with the territorial authority and other stakeholders on issues arising from the consultation and ensuring the provisional LAP fits within the requirements of the Act.

We can also help with implementing the post-18 December 2013 phases of public notification, appeals process and work toward finalising the LAP.

References:

See the Ministry of Justice website for information on all aspects of the LAP process: www.justice.govt.nz