



NAPIER
CITY COUNCIL

Te Kaunihera o Ahuriri

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NAPIER PEOPLE AND PLACES COMMITTEE

Open Agenda

Meeting Date: Thursday 9 June 2022

Time: 9.30am

Venue: Small Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook site

Committee Members Councillor Boag (In the Chair), Mayor Wise, Deputy Mayor Brosnan, Councillors Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor and Wright

Officer Responsible Director Community Services

Administration Governance Team

**Next Napier People and Places Committee Meeting
Thursday 21 July 2022**

ORDER OF BUSINESS

Karakia

Apologies

Councillor Simpson

Conflicts of interest

Public forum

Nil

Announcements by the Mayor

Announcements by the Chairperson including notification of minor matters not on the agenda

Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Announcements by the management

Confirmation of minutes

That the Minutes of the Napier People and Places Committee meeting held on Thursday, 28 April 2022 be taken as a true and accurate record of the meeting.....181

Agenda items

- 1 Council support for the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill (Private Members' Bill).....3
- 2 Hawke's Bay Museums Trust Collection Management Agreement.....163

Minor matters not on the agenda – discussion (if any)

Public Excluded

Nil

AGENDA ITEMS

1. COUNCIL SUPPORT FOR THE SALE AND SUPPLY OF ALCOHOL (HARM MINIMISATION) AMENDMENT BILL (PRIVATE MEMBERS' BILL)

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1465021
Reporting Officer/s & Unit:	Rebecca Peterson, Senior Advisor Policy

1.1 Purpose of Report

To seek endorsement from Council to publicly support the proposed Private Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill.

Officer's Recommendation

The Napier People and Places Committee:

- a. Endorse the proposed Private 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.

1.2 Background Summary

The Member of Parliament for Auckland Central, Chloe Swarbrick, has a Private Member's Bill (**Attachment 1**) seeking to amend the Sale and Supply of Alcohol Act to provide more controls to alcohol advertising, and reforming the appeals process relating to Local Alcohol Policies (LAPs). In the past, private members bills were subject to a ballot system process, this has changed and now if 61 non-Executive MPs show support they can promote the Bill onto the Order Paper without it being drawn from the ballot.

Health Coalition Aotearoa co-chairs have written to Mayors and Chief Executives of Councils around the country encouraging them to demonstrate leadership on changing alcohol policy:

"We encourage you and your Councillors to also request a comprehensive review of the Act, show support for the Private Member's Bill, and raising the need for a broad review of alcohol law at the Local Government New Zealand conference later this year. Through your actions, you can continue to play a key role in enabling New Zealanders to live in healthy environments that support their physical and mental wellbeing. This, in turn, will significantly reduce the strain on your local health, police and justice services. We recognise and support previous local government leadership on this issue".

Alcohol is considered New Zealand's most harmful drug, it is a recognised carcinogen, known to increase the risk of several types of cancer. In 2020, alcohol misuse estimated to cost New Zealand \$7.85 billion including justice, health and welfare costs, and 11% of ACC claims are attributed to alcohol-related injuries with 18% of Police budget being spent on alcohol incidents.

Rates of hazardous drinking across Hawke's Bay are higher than the rest of New Zealand (New Zealand Health Survey, 2020/21), with 25% drinking harmfully compared to 22% nationally, particularly the 45-64 year age group, whose rates have increased from 18-28% from 2017 to 2020.

Napier City Council is well placed to support this Bill, with an active Local Alcohol Policy (**Attachment 2**) and Joint Alcohol Strategy (**Attachment 3**) across Hastings and Napier whose vision is to create "A safe and health community, free from alcohol related harm".

Through the strategy we have shown leadership removing alcohol advertising on the Go Bus network and bus shelters and the development of an Alcohol Free Events brand. Napier City Council has also implemented an alcohol assessment matrix as part of the licencing process for Council led, Council sponsored/funded events and events held at Council venues or reserves.

Council commissioned an alcohol and young people report in 2019 which resulted in three recommendations including "there should be more activities in the community that don't involve alcohol".

Council has submitted to the Local Government New Zealand conferences in 2018 (with 95% support) and 2019 (with 88% support) seeking Government review the Sale and Supply of Alcohol Act 2012, that enables significantly more community views and the adoption of evidence based alcohol harm policy.

1.3 Issues

The objective of the Act includes that "the harm caused by the excessive or inappropriate consumption of alcohol should be minimised". Unfortunately, a number of aspects of the Act do not meet the objective. This Bill, proposes two means to fix this:

Part 1 of the Bill abolishes appeals on local alcohol policies to provide proper local controls over alcohol regulation.

Napier City Council is one of 41 (61%) of councils who have adopted Local Alcohol Policies. The objective of a LAP is for Council in consultation with Police, Medical Officers of Health, Licencing inspectors and the community to decide on the hours alcohol can be sold and location, density of alcohol outlets and proximity to sensitive sites.

The introduction of the Sale and Supply of Alcohol (2012) was viewed as an opportunity for local communities to have a degree of control over the supply of alcohol in their communities, this has not been realised. Replaced instead by a legal challenge process that is both time consuming, costly and should community wish to be involved almost impossible to navigate.

Part 2 of the Bill implements a number of the recommendations of the 2014 Ministerial Forum on Alcohol Advertising and Sponsorship. Focusing on reducing young person's exposure to messages that encourage them to drink alcohol and removing the link between sport and alcohol.

Alcohol sponsorship is a major source of alcohol marketing exposure for children in Aotearoa in particular tamariki Māori children are exposed at a rate of 5.4 times higher than non-Māori children. There is good evidence that alcohol marketing in sporting environments contributes to a culture of alcohol of consumption and is linked with hazardous drinking. Hawke's Bay District Health Board produced a comprehensive report in 2018, detailing the evidence around exposure to parental drinking and exposure to alcohol marketing. Tobacco advertising and sponsorship has been prohibited in New Zealand for decades, in contrast, alcohol advertising controls involve a voluntary code of practice known as the Advertising Standards Authority (ASA) Code for Advertising and

Promotion of Alcohol. It is a self-regulating body comprising advertisers, agencies and the media.

There is evidence that the excise tax on alcohol could be used to “buy out” alcohol advertising and promote health initiatives. This could be as little as 2.5% of annual excise revenue. Government can use these policy levers removing gaps in funding for community groups and sporting codes, many who may depend on revenue collected by alcohol marketing in sports.

A recent presentation from Alcohol Healthwatch (**Attachment 4**) provided Council with an overview of alcohol use, harm and inequities in Hawke’s Bay. Highlighting the key drivers of alcohol harm including alcohol availability (density, location of licensed premises, trading hours), price and affordability (minimum unit pricing, excise tax), advertising, marketing and sponsorship.

1.4 Significance and Engagement

The matters in this report are consistent with the Joint Alcohol Strategy and the Safer Napier Action Plan.

1.5 Implications

Financial

N/A

Social & Policy

The recommendations comply with the Council’s policy requirements.

Risk

N/A.

1.6 Options

The options available to Council are as follows:

a. To support the recommendations (preferred)

This option enables the Council to support the Bill to be brought to the House bypassing the ballot process. Councils around the country are being asked to speak out in support of the amendments, which in Napier’s case also aligns with its own Joint Alcohol Policy.

b. To not support the recommendations.

This option means the Bill may not get enough support to bypass the ballot process.

1.7 Development of Preferred Option

N/A

1.8 Attachments

- 1 Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill (Member’s Bill) (Doc Id 1467568) [↓](#)
- 2 Hastings District and Napier City Councils’ Local Alcohol Policy 2019 (Doc ID 1467569) [↓](#)
- 3 Joint Alcohol Strategy, Napier City Council and Hastings District Council Revised 2017 (Doc ID 1467570) [↓](#)
- 4 Nicky Jackson - The Strong Case for Championing Alcohol Law Change.pdf [↓](#)

DRAFT FOR CONSULTATION

Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The objective of the Sale and Supply of Alcohol Act 2012 (**the Act**) includes that “the harm caused by the excessive or inappropriate consumption of alcohol should be minimised”. Unfortunately a number of aspects of the Act do not meet this harm minimisation or public health approach and this Bill does two things to fix this.

Part 1 of the Bill abolishes appeals on local alcohol policies in order to provide proper local control over alcohol regulation. Territorial authorities can try to develop local alcohol policies to enhance community wellbeing. However, this part of the Act has failed because large companies have used their appeal rights in the Act to largely block the development of local alcohol policies. And those that have been adopted have only rarely included regulations over the location and density of stores selling alcohol. This means that communities have not been able to develop public health approaches to the provision of alcohol in their areas.

The Health Promotion Agency, a Crown agent, recommends that the appeal process should be abolished because the appeals process is “expensive and time-consuming”, for community members it is “unfamiliar, stressful and intimidating”, and the Act already requires territorial authorities to go through a special consultative process before adopting a local alcohol policy.

Part 2 of the Bill implements a number of the recommendations of the 2014 Ministerial Forum on Alcohol Advertising and Sponsorship. The Forum's recommendations focus on reducing young people's exposure to messages that encourage them to drink alcohol and removing the link between sport and alcohol. The Bill implements their recommendations by banning alcohol sponsorship and advertising of all streamed and live sports and banning alcohol sponsorship at all sporting venues.

The cultural connection between sport and alcohol needs to be broken, particularly given the large number of young people who attend and watch sports games. Similar restrictions on tobacco advertising and sponsorship have contributed to reduced harm from tobacco use and falling rates of youth consumption.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for:

- *Part 1* of the Bill to come into force on the day after Royal assent; and
- *Part 2* of the Bill to come into force 6 months after Royal assent.

Clause 3 identifies the Sale and Supply of Alcohol Act 2012 as the Act being amended by the Bill (the **principal Act**).

Part 1

Amendments relating to local alcohol policies

Clause 4 amends section 79 of the principal Act to replace references to a provisional local alcohol policy with references to a final local alcohol policy.

Clause 5 replaces section 80 of the principal Act, to reflect both the removal of the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

Clause 6 repeals section 81 to 86 of the principal Act, to remove both the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

Clause 7 amends section 87 of the principal Act, to reflect both the removal of the procedure for producing a provisional local alcohol policy and the ability to appeal against such a policy.

Clauses 8 to 10 make consequential amendments to sections 88 to 90 of the principal Act.

Clause 11 amends section 105 of the principal Act to specify two further criteria that the licensing authority or the licensing committee must have regard to in deciding whether to issue a licence.

Clause 12 amends section 131 of the principal Act to require the licensing authority or the licensing committee to have regard to all the matters set out in section 105(1) in deciding whether to renew a licence.

Clause 13 replaces section 133 of the principal Act, which relates to the renewal of licences where a relevant local alcohol policy exists.

Clause 14 amends section 135 of the principal Act, which relates to decisions on renewal of licences.

Clause 15 makes a consequential amendment to section 170 of the principal Act.

Clause 16 makes a consequential amendment to section 205 of the principal Act.

Part 2

Amendments relating to alcohol advertising and sponsorship

Clause 17 inserts a *new Part 4* into the principal Act. *New Part 4* inserts *new sections 396A to 396K*, which impose prohibitions on alcohol advertising and sponsorship:

- *new section 396A* is the interpretation section for *new Part 4*;
- *new section 396B* prohibits alcohol advertising during a broadcast sports activity;
- *new section 396C* prohibits alcohol advertising in or on a sporting venue during a broadcast sports activity;
- *new section 396D* prohibits alcohol sponsorship of a broadcast sports activity;
- *new section 396E* prohibits alcohol sponsorship of the name of a sports team or a player in a broadcast sports activity;
- *new section 396F* prohibits alcohol sponsorship of sports merchandise, uniforms, and equipment in a broadcast sports activity;
- *new section 396G* prohibits alcohol sponsorship of a sporting venue;
- *new section 396H* exempts certain international events from *new sections 396B to 396G* and authorises the Minister to grant exemptions in respect of certain international events;
- *new section 396I* authorises the Minister to grant exemptions from *new sections 396B to 396G* for certain multinational sporting events;
- *new section 396J* provides for the treatment of notices made under *new sections 396H and 396I*;
- *new section 396K* creates an offence of contravening *new sections 396B to 396G*.

Clause 18 makes a consequential amendment to the heading in Part 3, subpart 3, of the principal Act.

Chl e Swarbrick

Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill

Member's Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Sale and Supply of Alcohol (Harm Minimisation) Amendment Act **2021**.

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 1 cl 7

2 Commencement

- (1) **Part 1** of this Act comes into force on the day after the date on which this Act receives the Royal assent.
- (2) **Part 2** of this Act comes into force on the day that is 6 months after the date on which this Act receives the Royal assent.

3 Principal Act

This Act amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).

Part 1**Amendments relating to local alcohol policies****4 Section 79 amended (Territorial authority must produce provisional policy by consulting on draft policy using special consultative procedure)**

- (1) In the heading to section 79, replace “**provisional**” with “**final**”.
- (2) In section 79(1) and (2), replace “provisional” with “final”.
- (3) After section 79(2), insert:
- (3) Once a territorial authority has produced a final policy, the authority must consider whether to adopt the policy.

5 Section 80 replaced (Territorial authority wishing to adopt provisional policy must give public notice)

Replace section 80 with:

80 Territorial authority wishing to adopt final policy must give public notice

- (1) If, after producing a final policy under section 79, a territorial authority continues to wish to have a local alcohol policy, it must then give public notice of the final policy.
- (2) The public notice must be given in accordance with regulations made under this Act.

6 Sections 81 to 86 repealed

Repeal sections 81 to 86.

7 Section 87 amended (When local alcohol policy adopted)

- (1) Replace section 87(1) with:
- (1) A final local alcohol policy is adopted 30 days after its public notification.
- (2) Delete section 87(2) to (5).

- Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill
- Part 1 cl 8
-
- 8 Section 88 amended (Territorial authority may discontinue development of local alcohol policy)**
Repeal section 88(2).
- 9 Section 89 amended (Disallowance of local alcohol policy)**
In section 89(1), replace “Once a provisional local alcohol policy has been adopted and ceased to be provisional” with “Once a final local alcohol policy has been adopted”.
- 10 Section 90 amended (When local alcohol policy is in force)**
In section 90(1), replace “Once a provisional local alcohol policy has been adopted and ceased to be provisional” with “Once a final local alcohol policy has been adopted”.
- 11 Section 105 amended (Criteria for issue of licences)**
After section 105(1)(g), insert:
- (ga) whether (in its opinion) the current availability of alcohol for sale and supply in the locality is inadequate or insufficient:
 - (gb) whether (in its opinion) the issue of the licence will benefit the community and not contribute to alcohol-related harm:
- 12 Section 131 amended (Criteria for renewal)**
In section 131(1)(a), delete “paragraphs (a) to (g), (j), and (k) of”.
- 13 Section 133 replaced (Renewal of licences where relevant local alcohol policy exists)**
Replace section 133 with:
- 133 Renewal of licences where relevant local alcohol policy exists**
- (1) A licensing authority or licensing committee may refuse to renew a licence if, in its opinion, the renewal of the licence or the consequences of its renewal would be inconsistent with policies, on any or all of the matters set out in paragraphs (a) to (d) of section 77(1), that are contained in any relevant local alcohol policy.
 - (2) A licensing authority or licensing committee may impose particular conditions on any licence it renews if, in its opinion, the renewal of the licence or the consequences of its renewal without those conditions would be inconsistent with policies, on any or all of the matters set out in paragraphs (e) to (g) of section 77(1), that are contained in any relevant local alcohol policy.
- 14 Section 135 amended (Decision on renewal)**
In section 135(1), delete “, subject to section 133,”.

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 17

15 Section 170 amended (Functions of licensing authority)

Repeal section 170(c).

16 Section 205 repealed (Right of persons to appear in relation to appeal under section 81)

Repeal section 205.

Part 2

Amendments relating to alcohol advertising and sponsorship

17 New Part 4 inserted

After section 396, insert:

Part 4

Prohibitions on alcohol advertising and sponsorship

396A Interpretation

(1) In this Part,—

alcohol product advertisement means any words, whether written, printed, or spoken, including on film, video recording, or other medium, broadcast or telecast, and any pictorial representation, design, or device, used to encourage the use or notify the availability or promote the sale of any alcohol product or to promote the consumption of alcohol; and includes—

- (a) any depiction, in a film, video recording, telecast, or other visual medium, of an alcohol product or an alcohol product trade mark, where in return for that depiction any money is paid, or any valuable thing is given, whether to the maker or producer of that film, video recording, telecast, or visual medium or to any other person; and
- (b) the use in any advertisement or promotion to the public of an alcohol product manufacturer's company name where that name or any part of that name is used as, or is included in, an alcohol product trade mark

broadcast means any transmission of programmes, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public by means of broadcasting receiving apparatus and includes—

- (a) any delayed transmission of programmes; and
- (b) any transmission of programmes streamed on the internet by a broadcaster; and
- (c) any transmission of programmes made on the demand of a particular person for reception only by that person

broadcaster means, subject to **subsection (2)**, a person who broadcasts programmes

Part 2 cl 17

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Amendment Bill**

craft means—

- (a) an aircraft;
- (b) a ship (as defined in section 2(1) of the Maritime Transport Act 1994)

large retailer, in relation to a person that is alleged to have committed an offence in a certain accounting period, means a retailer whose total turnover in the prior accounting period exceeded \$50 million (as accounting period and turnover are defined by section 2(1) of the Commerce Act 1986, except that in those definitions body corporate is to be read as any retailer)

organised sports activity means an organised sports activity that is—

- (a) to take place, is taking place, or has taken place, in whole or in part, in New Zealand; and
- (b) to be broadcast

programme—

- (a) means sounds or visual images, or a combination of sounds and visual images, intended—
 - (i) to inform, enlighten, or entertain; or
 - (ii) to promote the interests of any person; or
 - (iii) to promote any product or service; but
- (b) does not include visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text

publish means—

- (a) insert in any newspaper or other periodical publication printed, published, or distributed in New Zealand; or
- (b) send to any person, by post or otherwise; or
- (c) deliver to any person or leave upon premises in the occupation of any person; or
- (d) broadcast; or
- (e) include in any film or video recording; or
- (f) include in any disk for use with a computer; or
- (g) disseminate by means of any other electronic medium; or
- (h) distribute by any means; or
- (i) display by way of a sign, notice, poster, or other means; or
- (j) bring to the notice of the public in New Zealand in any other manner

sporting venue includes a multi-purpose venue used for sports and for other activities

streamed means transmitted over the Internet as a continuous flow of data

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 17

trade mark includes any trade mark whether or not it is registered or registrable as such under the Trade Marks Act 2002; and also includes—

- (a) any brand name:
 - (b) any company name, where that name is used for advertising or promotional purposes:
 - (c) any name, word, or mark that so resembles any trade mark that it is likely to be taken as, or confused with, that trade mark.
- (2) For the purposes of this Part, a person who supplies transmission services to a person who broadcasts programmes is not, by reason only of the provision of those services, a broadcaster within the meaning of this Act unless the person who provides the transmission services is, where the person who broadcasts programmes is a company, in a position to exercise control, either alone or in association with any other person, of—
- (a) the operations of that company; or
 - (b) the management of any broadcasting station operated by that company; or
 - (c) the management of programmes broadcast by that company; or
 - (d) the selection or provision of programmes to be broadcast by that company.

Prohibitions on alcohol advertising

396B Alcohol advertising during broadcast sports activity prohibited

No person may publish in New Zealand, or arrange for any other person to publish in New Zealand, an alcohol product advertisement intended to be broadcast during an organised sports activity.

396C Alcohol advertising at sporting venue during broadcast sports activity prohibited

No person may publish an alcohol product advertisement in, at, or upon a sporting venue during an organised sports activity.

Prohibitions on alcohol sponsorship

396D Alcohol sponsorship of broadcast sports activities prohibited

- (1) No person who is a manufacturer, importer, distributor, or retailer of alcohol may sponsor (within the meaning of **subsection (2)**) an organised sports activity that involves the use, in the name of that activity, or on or through any thing other than an alcohol product, of all or any of the following:
- (a) an alcohol trade mark:
 - (b) all or any part of a company name included in an alcohol trade mark:

Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill

Part 2 cl 17

- (c) 1 or more words, logos, colours, shapes, sounds, smells, or other elements of an alcohol product trade mark that, as those 1 or more elements are used in the name, or on or through the thing, are likely to cause a person exposed to the name or thing to believe that the 1 or more elements are used in, on, or through it only or mainly for the purpose of advertising the product.
- (2) A person sponsors an activity for the purposes of **subsection (1)** if, and only if, the person does all or any of the following:
- (a) organises or promotes, before the activity is to take place, or during the time that it takes place, some or all of the activity;
- (b) makes, before the activity is to take place, or during or after the time that it takes place, any financial or non-financial contribution towards some or all of the activity;
- (c) makes, before the activity is to take place, or during or after the time that it takes place, any financial or non-financial contribution to any other person in respect of the organisation or promotion, by that other person, of, or the participation, by that other person, in, some or all of the activity.

396E Alcohol sponsorship of team or player in broadcast sports activity prohibited

- (1) No person may use an alcohol trade mark for the purpose of advertising or identifying to the public—
- (a) any sports team participating in an organised sports activity; or
- (b) any person playing as a member of a sports team that is participating in an organised sports activity; or
- (c) any person participating in an organised sports activity.
- (2) **Subsection (1)** applies despite a person being licensed to use the alcohol trade mark in question for that purpose.

396F Alcohol sponsorship of sports merchandise, uniforms, and equipment in broadcast sports activity prohibited

- (1) No person may use an alcohol trade mark on a non-alcohol article that is—
- (a) offered for sale or otherwise supplied; and
- (b) associated with—
- (i) any sports team participating in an organised sports activity; or
- (ii) any person playing as a member of a sports team that is participating in an organised sports activity; or
- (iii) any person participating in an organised sports activity.
- (2) No person may use an alcohol trade mark on a non-alcohol article that is—

**Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill**

Part 2 cl 17

- (a) part of a uniform associated with—
 - (i) any sports team participating in an organised sports activity; or
 - (ii) any person playing as a member of a sports team that is participating in an organised sports activity; or
 - (iii) any person participating in an organised sports activity; or
 - (b) an item of sports equipment used by or associated with—
 - (i) any sports team participating in an organised sports activity; or
 - (ii) any person playing as a member of a sports team that is participating in an organised sports activity; or
 - (iii) any person participating in an organised sports activity.
- (3) For the purposes of this section, **non-alcohol article** means an article that is not—
- (a) an alcohol product; or
 - (b) a package or container in which an alcohol product is sold or shipped.

396G Alcohol sponsorship of sporting venue prohibited

No person may permit the official name of a sporting venue to include all or any of the following:

- (a) an alcohol trade mark;
- (b) all or any part of a company name included in an alcohol trade mark;
- (c) 1 or more words, logos, colours, shapes, sounds, smells, or other elements of an alcohol product trade mark that, as those 1 or more elements are used in the name, or on or through the thing, are likely to cause a person exposed to the name or thing to believe that the 1 or more elements are used in, on, or through it only or mainly for the purpose of advertising the product.

Exemptions

396H Exemptions for participants in certain events

- (1) **Sections 396B to 396G** do not apply to the display, on any craft, of any alcohol product trade mark or the company name of any alcohol product manufacturer, where—
- (a) that craft is participating in an international race; and
 - (b) the alcohol product manufacturer who manufactures that alcohol product, or whose company name is so displayed, is sponsoring, in whole or in part, the participation of that craft in that race; and
 - (c) New Zealand is a port of call for that race.

**Sale and Supply of Alcohol (Harm Minimisation)
Amendment Bill**

Part 2 cl 17

- (2) The Minister may, by notice in writing, grant an exemption from any or all of **sections 396B to 396G** in respect of the promotion of any international craft race where New Zealand is a port of call for that race.
- (3) The Minister may, by notice in writing, grant an exemption from any or all of **sections 396B to 396G** in respect of any participant in an organised sports activity (not being a participant who is a New Zealand resident) for the purpose of allowing that participant to fulfil any obligation imposed on that participant to acknowledge any sponsor (being an obligation incurred before that participant submitted that person's entry for that activity), provided that—
 - (a) the Minister is satisfied that the organised sports activity is of international significance; and
 - (b) any part of that activity is to take place in New Zealand.
- (4) The Minister may grant an exemption under **subsection (2) or subsection (3)** either unconditionally or subject to such conditions as the Minister thinks fit.
- (5) The Minister may from time to time, by notice in writing to the person to whom any exemption is granted under **subsection (2) or subsection (3)**, amend or revoke that exemption.

396I Exemption for multinational sporting events

- (1) In this section, **multinational sporting event** means any sporting event, or any series of sporting events,—
 - (a) in which 3 or more countries are, or will be, represented; and
 - (b) that is being held, or will be held, in 2 or more countries, including New Zealand.
- (2) The Minister may, by notice in writing, grant an exemption from any or all of **sections 396B to 396G** in respect of—
 - (a) the use, in the name of a multinational sporting event, of—
 - (i) an alcohol product trade mark; or
 - (ii) a company name, or any part of a company name, of any manufacturer, importer, or distributor of alcohol products; or
 - (b) the advertisement of—
 - (i) a multinational sporting event; or
 - (ii) the fact that a multinational sporting event is organised or promoted or sponsored, in whole or in part, by any manufacturer, importer, or distributor of alcohol products; or
 - (c) the use, on any article, of—
 - (i) an alcohol product trade mark; or

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- (ii) a company name, or any part of a company name, of any manufacturer, importer, or distributor of alcohol products—
for the purpose of advertising or promoting or identifying to the public—
 - (iii) a multinational sporting event; or
 - (iv) the fact that a multinational sporting event is organised or promoted or sponsored, in whole or in part, by any manufacturer, importer, or distributor of alcohol products.
- (3) The Minister may grant an exemption under **subsection (2)** either unconditionally or subject to such conditions as the Minister thinks fit.

396J Treatment of notices under sections 396H and 396I

A notice given under **section 396H or 396I** must, as soon as practicable after it is given, be—

- (a) published on an Internet site administered by or on behalf of the Ministry of Justice; and
- (b) notified in the *Gazette*.

Offences

396K Offence in respect of alcohol advertising and sponsorship

Every person who contravenes any or all of **sections 396B to 396G** commits an offence and is liable on conviction to,—

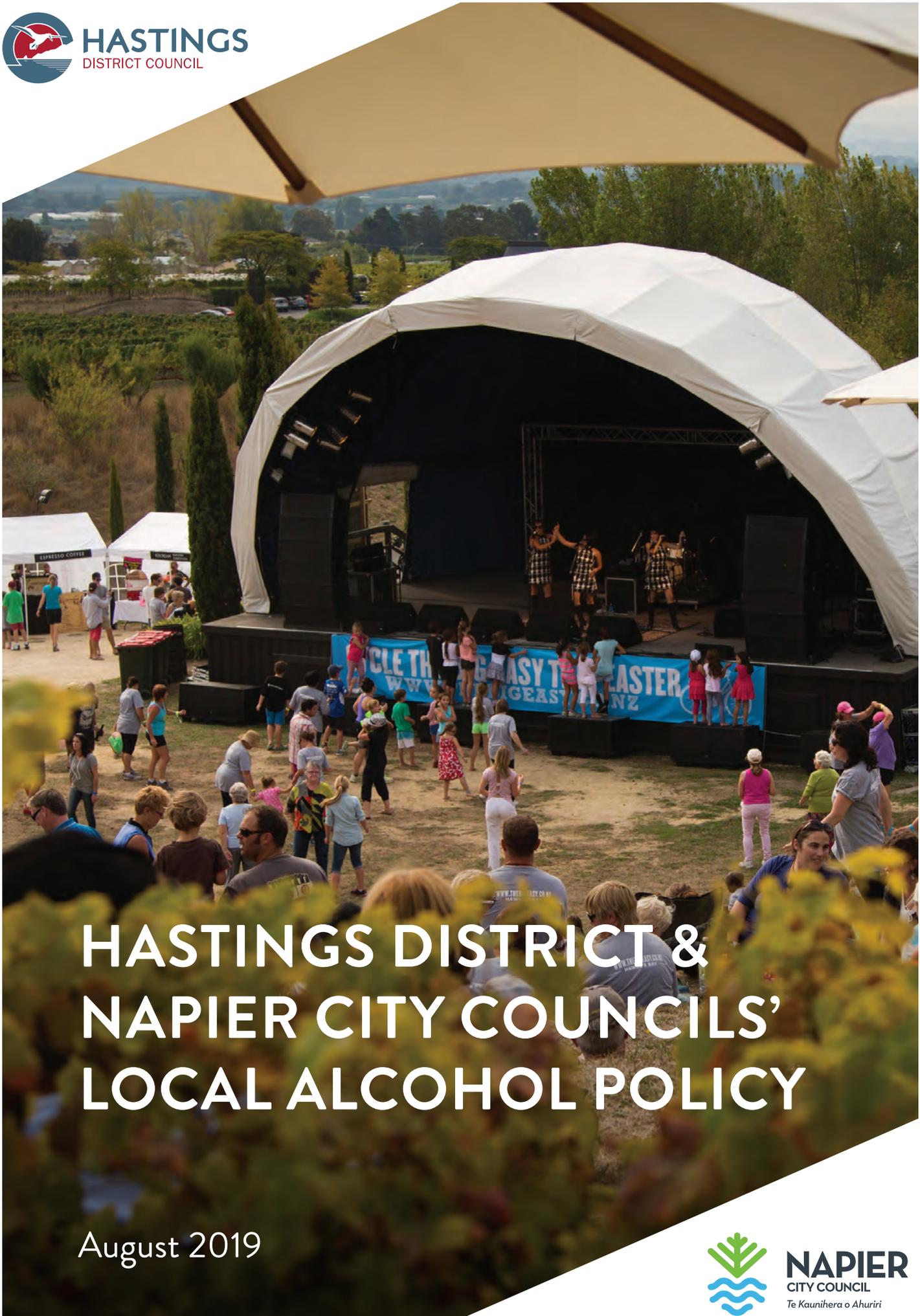
- (a) in the case of a manufacturer, an importer, or a distributor, to a fine not exceeding \$600,000; or
- (b) in the case of a large retailer, to a fine not exceeding \$200,000; or
- (c) in any other case, to a fine not exceeding \$50,000.

18 New part heading inserted

Replace the subpart heading and cross-heading above section 397 with:

Part 5
Other matters

Regulations



HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY

August 2019



LOCAL ALCOHOL POLICY

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LOCAL ALCOHOL POLICY

1. INTRODUCTION

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted on 18 December 2012. The Act allows territorial authorities to develop a local alcohol policy (LAP) and it allows two or more territorial authorities to develop a joint LAP. This is the joint Local Alcohol Policy for the Hastings District and Napier City territorial areas. This policy applies to any licensing application made to a District Licensing Committee within Hastings District or Napier City.

Under the Act a Local Alcohol Policy is to consist 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 and the Alcohol Regulatory and Licensing Authority will have to consider the policy when they make decisions on licence applications.

THE LOCAL ALCOHOL POLICY:

- **May restrict the default maximum trading hours set out in the Act.**
- **May impose conditions on groups of licences such as one-way door conditions whereby a patron is allowed to leave a premise after a certain time but not enter or re-enter after a certain time.**
- **May specify restrictions on the location of licensed premises in particular areas or near facilities of particular kinds.**
- **May specify whether further licences (or licences of a particular kind or kinds) should be issued for premises in a particular area.**
- **May recommend discretionary conditions.**

2. LAP OUTCOMES

This Local Alcohol Policy will guide decisions on alcohol licence applications by the District Licensing Committee in the aim of:

- Creating a safe and healthy community free from alcohol related harm
- Fostering safe and responsible drinking environments
- Reflecting community views on the sale and supply of alcohol within the district.

3. OBJECTIVES OF THE LAP

The objectives of the Sale and Supply of Alcohol Act (2012) are that:

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

Beyond the objectives stated in the Act, the objectives of Hastings District and Napier City Council's Local Alcohol Policy are:

- To support the purpose and intent of the Sale and Supply of Alcohol Act 2012.
- To identify what types of harm caused by the excessive or inappropriate consumption of alcohol the community is concerned about and address those harms to the extent appropriate.
- To provide a framework for the District Licensing Committee and Alcohol Regulatory and Licensing Authority to guide their decisions on alcohol licence applications.
- To promote transparency and provide clarity for the public and applicants about whether an application will meet the provisions of the LAP.
- To demonstrate leadership to achieve a safe drinking culture.
- Work collaboratively with community and agencies on initiatives to reduce alcohol related harm.

4. POLICY PRINCIPLES

- The use of the discretionary conditions will seek insofar as is possible to meet the principles of Crime Prevention through Environmental Design (CPTED) and the preservation of good order and amenity.
- A preliminary review of the policy shall be initiated three years after the policy becomes operative to determine whether a full review is required earlier than the six year review required under s 97 of the Sale and Supply of Alcohol Act 2012.



LOCAL ALCOHOL POLICY

5. HOURS

The following maximum trading hours apply to all licensed premises within the Hastings District and Napier City territorial areas.

5.1 ON-LICENCE HOUR

ON LICENSE TYPE	MAXIMUM TRADING HOURS
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 premise and in general shall range from: 8.00am to 2.00am the following day Monday to Sunday

NOTE: The owner/operator of an on-licensed premise will be constrained by the hours defined by any resource consent or District Plan requirements. The above-stated hours do not imply any right to operate outside any requirements set under the Resource Management Act 1991.

5.2 OFF-LICENCE HOURS

OFF LICENSE 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

LOCAL ALCOHOL POLICY

5.3 CLUB LICENCE HOURS

CLUB LICENCE TYPE	MAXIMUM TRADING HOURS
	<p>Licensing hours are to be consistent with the nature and activities of the club and in general shall range from:</p> <p>8.00am to 1.00am the following day Monday to Sunday</p>

6. SPECIAL LICENCES

Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Sale and Supply of Alcohol Act 2012 allows special licences to be issued for up to 12 months. Unlike other kinds of licences, special licences are not subject to the Act's default maximum trading hours so can apply up to 24 hours a day. Special licenses are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an "on", "off" or "club" licence.

Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for reporting by the Police, Medical Officer of Health and Licensing Inspector. Applications submitted with less than 20 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant's risk.

All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Committee for a decision.

7. LOCATION OF LICENSED PREMISES

From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:

- Flaxmere - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1.
- Camberley - the suburban commercial zone in Camberley identified in Map 2.
- Maraenui – the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3.

NOTE: 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.



BOTTLE STORE RESTRICTION AREA MAP FLAXMERE



BOTTLE STORE RESTRICTION AREA MAP CAMBERLEY



BOTTLE STORE RESTRICTION AREA MAP MARAENUI



8. 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. In order to provide some 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.

LOCAL ALCOHOL POLICY

The following are examples of conditions which may be applied to alcohol licences by the District Licensing Committee:

ON-LICENCES

- 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 premise
- 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

- 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

- Display of safe drinking messages/material

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

DEFINITIONS

Alcohol	<p>means a substance—</p> <p>(a) that—</p> <ul style="list-style-type: none"> (i) is or contains a fermented, distilled, or spirituous alcohol; and (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or <p>(b) that—</p> <ul style="list-style-type: none"> (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or <p>(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people (refer section 5(1) of the Act)</p>
Alcohol related harm	<p>(a) means the harm caused by the excessive or inappropriate consumption of alcohol; and</p> <p>(b) includes-</p> <ul style="list-style-type: none"> (i) 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 (ii) 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 subparagraph (i) (refer section 5(1) of the Act)
Bottle store	<p>means retail premises where at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 31(1) of the Act)</p>
Bar	<p>in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1) of the Act)</p>
Café	<p>has the same meaning as restaurant in terms of the licence</p>

LOCAL ALCOHOL POLICY

Club	<p>means a body that-</p> <ul style="list-style-type: none"> (a) Is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or (b) Is a body corporate whose object is not (or none of whose objects is) gain; or (c) Holds a permanent club charter (refer section 5(1) of the Act)
Club licences	where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (see section 21 of the Act);
Entertainment Venue	means premises used or intended to be used in the course of business principally for providing any performance or activity such as but not limited to theatre, cinema, bowling, pool/snooker/billiard hall, brothel, function centre, wedding venue, live entertainment venue, strip club.
Grocery Store	means a shop that has the characteristics normally associated with shops of the kind commonly thought of as grocery shops such as but not limited to annual sales revenue, product range; and comprises premises where a range of food products and other household items are sold; but the principal business carried on is or will be the sale of food products (refer section 33(1) of the Act). In most cases grocery stores will be less than 1,000 m ² in size
Hotel	<p>means premises used or intended to be used in the course of business principally for providing to the public-</p> <ul style="list-style-type: none"> (a) Lodging; and (b) Alcohol, meals, and refreshments for consumption on the premises (refer section 5(1) of the Act)
Night-club	has the same meaning as tavern in terms of the licence
On-licences	where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);

Off-licences	where the licensee sells alcohol from a premise for consumption somewhere else (see section 17 of the Act);
Pub	has the same meaning as tavern in terms of the licence
Restaurant	means premises that- <ul style="list-style-type: none"> (a) Are not a conveyance; and (b) Are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1) of the Act)
Special licences	can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).
Supermarket	means premises commonly thought of as a supermarket with a floor area of at least 1000m ² , including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.
Tavern	<ul style="list-style-type: none"> (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but (b) does not include an airport bar (refer section 5(1)). (ie, an airport bar is not treated as a tavern for alcohol licensing purposes).
Winery	means an activity carried out on the same site as a vineyard involving wine making and cellar door sales (the retail sale of the wine produced on the site), and any related entertainment facilities including the serving of food and beverages (refer Hastings District Plan definitions section).

APPENDIX 1 – REASONS

Reasons for the key elements of the Local Alcohol Policy are provided as follows. The reasons outline the key considerations of the Local Alcohol Policy Joint Committee as a result of hearing and considering all of the submissions and the reporting officer's report, as well as the appeals to the Provisional Local Alcohol Policy.

CLAUSE	REASONS
<p>ON-LICENCE HOURS</p> <p>The maximum trading hours for:</p> <p>Taverns/bars/pubs/night-clubs are 8.00am to 3.00am the following day Monday to Sunday with a mandatory one way door restriction at 2.00am</p>	<p>The opening hours of 8am for all on-licence venues are consistent with the default opening hours set out under the Act.</p> <p>The closing hours are consistent with historical closing hours outlined under previous Hastings and Napier Sale of Alcohol Policies as being 7am-3am.</p> <p>The Committee does not have evidence that the on-licence hours for taverns/ bars/pubs/ night-clubs should be further restricted in the territorial authority areas of Napier and Hastings.</p> <p>The Committee considered that because of the range of controls that apply to on-licences and the number of conditions and measures that on-licences are bound by to ensure they are operated responsibly that a 3.00am closure is appropriate. The Police and Medical Officer of Health while supporting a 2.00am close also recognised that licenced premises are a good place to consume alcohol in a safe way.</p> <p>The Committee considered that a one-way door should be mandatory at 2.00am as it provides an extra tool in the management of potential alcohol harm by reducing the likelihood of the movement of patrons between venues.</p> <p>From the submissions made by the Police and some licence holders, the evidence supports the implementation of a mandatory one-way door policy. Evidence indicated previous voluntary local trials of a one-way door policy were successful.</p>

CLAUSE	REASONS
<p>Cafes/restaurants/wineries/winery restaurants are 8.00am to 2.00am the following day Monday to Sunday.</p>	<p>The Committee determined that there should not be a differentiation between trading hours for taverns/bars/pubs/night-clubs and cafes/restaurants/wineries and that by having the same licence hours provides for more effective monitoring and enforcement.</p> <p>The Committee recognises that these businesses are commercial enterprises and market demand dictates closing time, and that these venues generally close at 11pm and only on occasion would go through to 2.00am.</p>
<p>Entertainment venues licensing hours are to be consistent with the nature and activities of the premise and in general shall range from 8.00am to 2.00am the following day Monday to Sunday.</p>	<p>The Committee recognises that the District Licensing Committee should have the ability to determine licence hours which are consistent with the nature and activity of the premises.</p>

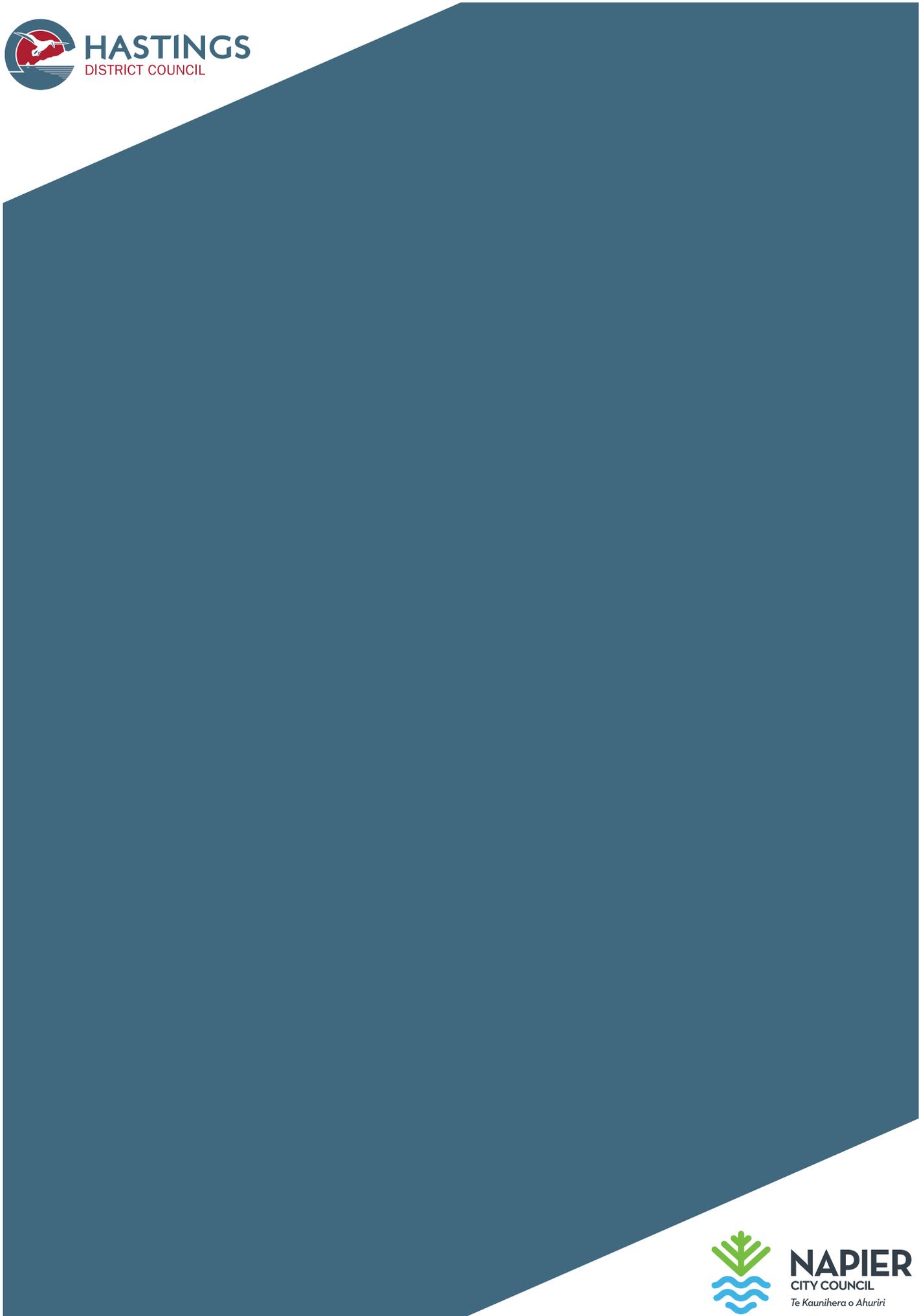
APPENDIX 1 – REASONS

CLAUSE	REASONS
<p>OFF-LICENCE HOURS</p> <p>The maximum trading hours for:</p> <p>Wineries, hotels, bars, taverns and bottle stores are 9.00am to 10.00pm Monday to Sunday</p>	<p>The Committee determined the opening hours of 9.00am will assist in reducing alcohol related harm given that many of these premises are located in suburban or local communities and are more easily accessible to residential areas.</p> <p>Stopping the sale of alcohol at 10.00pm will also assist in reducing the incidences of pre-loading, side-loading and the further purchases of alcohol by people who have already been drinking throughout the evening and will therefore contribute to reducing the potential for alcohol related harm.</p>
<p>Grocery stores and supermarkets 7.00am to 10.00pm Monday to Sunday</p>	<p>The main purpose of supermarkets and grocery stores is to sell food, with alcohol sales being secondary to that. Having a 7.00am opening hour provides for the convenience of supermarket and grocery shoppers carrying out their normal grocery purchases at that time.</p> <p>Stopping the sale of alcohol at 10.00pm will assist in reducing incidences of pre-loading, side loading and the further purchases of alcohol by people who had already been drinking throughout the evening, and will therefore contribute to reducing the potential for alcohol related harm.</p> <p>There is no differentiation between closing hours for off-licences, as all alcohol can result in alcohol related harm. At this point in time, there is not sufficient local evidence to support a difference in the closing hours of different off-licences.</p>

CLAUSE	REASONS
<p>CLUB LICENCE HOURS</p> <p>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.</p>	<p>The start time for Club Licences at 8am is consistent with the default starting time set out in the Act.</p> <p>The finishing hours are consistent with historical operating hours of clubs in the territorial authority areas of Napier and Hastings with no evidence of alcohol related harm associated with these hours to justify imposing more restrictive hours. Further, the District Licensing Committee will be able to set licence hours which are consistent with the nature and activities of the club.</p>
<p>SPECIAL LICENCES</p> <p>Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Sale and Supply of Alcohol Act 2012 allows special licences to be issued for up to 12 months. Unlike other kinds of licences, special licences are not subject to the Act's default maximum trading hours so can apply up to 24 hours a day. Special licences are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an "on", "off" or "club" licence.</p> <p>Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for reporting by the Police, Medical Officer of Health and licensing inspector. Applications submitted with less than 20 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant's risk.</p> <p>All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Agency for a decision.</p>	<p>No maximum trading hours for special licences are specified in this policy due to the uncertainty of types of events and when these may occur. Maximum trading hours for special licences are also not prescribed in the Act.</p> <p>The Committee considers that it is appropriate for the District Licensing Committee to consider each application on its own individual merits taking into account the statutory criteria that must be considered and that conditions may be imposed on a Special Licence to mitigate adverse effects.</p>

APPENDIX 1 – REASONS

CLAUSE	REASONS
<p>LOCATION OF LICENSED PREMISES</p> <p>From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:</p> <ul style="list-style-type: none"> • FLAXMERE - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1. • CAMBERLEY - the suburban commercial zone in Camberley identified in Map 2. • MARAENUI – the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3. <p>NOTE: 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.</p>	<p>The Committee determined that there was sufficient local evidence to justify the implementation of location restrictions.</p> <p>A number of submissions were in support of location restrictions for Flaxmere and Camberley and submissions from the Police and Medical Officer of Health also requested that there also be bottle store restrictions put in place in Maraenui.</p> <p>That Maraenui has similar demographic and social problems as Flaxmere and Camberley and the Committee considered that it was therefore appropriate for a 'no further bottle store restriction' to be applied to Maraenui.</p> <p>Evidence from the Medical Officer of Health also showed that the Hastings Regional Hospital Emergency Department alcohol-related injury presentations are more likely to occur in private residences than licensed premises and that young people particularly those from high deprivation areas are more at risk of presenting with alcohol-related injuries than those from less deprived areas.</p> <p>The Committee did not consider further restrictions in relation to proximity to premises or facilities of a particular kind or kinds were warranted as it considers the District Licensing Committee to be in the best position to consider this on a case by case basis with the criteria relating to amenity and good order contained in the Act.</p>
<p>DISCRETIONARY CONDITIONS</p>	<p>The Committee notes that by their nature, discretionary conditions may or may not be applied by the District Licensing Committee and that the intention of this element of the policy is to draw attention to the types of conditions that the District Licensing Committee could consider. Outlining such conditions in the policy also provides some guidance to applicants regarding the nature and scope of potential discretionary conditions.</p>



JOINT ALCOHOL STRATEGY

REDUCING ALCOHOL RELATED HARM

NAPIER CITY COUNCIL

HASTINGS DISTRICT COUNCIL

REVISED 2017



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STRATEGY SUMMARY

Vision: A safe and healthy community, free from alcohol related harm

Objective 1:
Demonstrate leadership to reduce alcohol harm

Objective 2:
Foster safe and responsible events and environments

Objective 3:
Change attitudes towards alcohol to reduce tolerance for alcohol harms

At risk group 1: Young people (including under-age drinkers)

At risk group 2: Men

At risk group 3: Māori

At risk group 4: Women who are or may become pregnant

Council areas of influence

- Leadership
- Event and facility management
- Advocacy
- Promotion
- Regulation
- Collaboration

BACKGROUND

Hawke's Bay is renowned as 'wine country'. We have the ideal climate and environment for growing grapes, yet set amongst this we also have one of the highest hazardous drinking rates in New Zealand. Our chances of getting alcohol related cancers or injuries are much greater in Hawke's Bay where one in every four adults is a 'hazardous drinker' – meaning they are likely to be harming their own health or causing harm to others through their behaviour.¹ Our hazardous drinking levels are not explained by our younger population or our higher proportion of Māori.

Alcohol leads to a range of problems, including health issues, death and injury, violence, suicide, assault, and anti-social behaviours. The issues manifested by alcohol consumption are a problem across the whole community including for young newly-born babies, infants and children, young people, adults and seniors, and across the generations.

Our hazardous drinking levels have remained relatively steady since 2002 and unless we do more than what we are currently, this is unlikely to change. Harmful alcohol consumption is a contributor to health inequities in Hawke's Bay. As stated in the 2014 *Health Inequity* report, "for a difference to be made we must tackle this collectively, and take responsibility as a community."²

The original joint alcohol strategy was adopted by Napier City Council (NCC) and Hastings District Council (HDC) in 2011. A literature review was prepared to inform the Strategy's vision and objectives, and stakeholders were consulted during its development. The 2011 Strategy recognised that while many enjoy alcohol in a responsible way, the region experiences issues relating to alcohol misuse such as crime, hospital visits, injuries, abuse and violence. Not every instance of alcohol use is harmful. However, the immediate and longer-term effects of alcohol use can be significant and wide-ranging.

This Strategy acknowledges the many groups and organisations working towards reducing alcohol harm and that collaboration is crucial. A key partner in this work is Hawke's Bay District Health Board (HBDHB), who have as a priority in their alcohol position statement to "input into the delivery of the ... Joint Alcohol Strategy to limit availability and promote safe, responsible drinking".³

The Strategy also closely aligns with the goals of our two local safe communities, Safer Napier and Safer Hastings, who have each identified reducing alcohol harm as a priority area.

This revised Strategy covers the period 2017-2022.

¹ McElnay C. 2014. *Health Inequity in Hawke's Bay*. Hastings, Hawke's Bay District Health Board.

² Ibid. p5.

³ Hawke's Bay District Health Board. 2016. *Position Statement on Reducing Alcohol-Related Harm*. Adopted by HBDHB 30 November 2016. See Appendix C.

VISION

The Strategy's vision is: "A safe and healthy community, free from alcohol related harm".

This is the same as the 2011 Strategy vision. It has been retained unchanged as it is aspirational and reflects feedback from the Napier and Hastings communities who identify alcohol harm as an issue in both areas.⁴

OBJECTIVES

Three key objectives are identified for the Strategy. These reflect areas in which the two Councils have either a leadership role or where they may have some influence.

The 2017-2022 Strategy objectives are:

1. Demonstrate leadership to reduce alcohol harm
2. Foster safe and responsible events and environments
3. Change attitudes towards alcohol to reduce tolerance for alcohol harms

The objectives also aim to support the following high-level priorities outlined in a range of national and local documents.⁵

- Reduce hazardous drinking of alcohol
- Delay uptake of alcohol by young people
- Reduce illness and injury from alcohol.

The Strategy supports a combination of regulatory approaches and preventative and educational interventions, acknowledging that all of these contribute to reducing alcohol harm. The Strategy also encourages collaboration between partner organisations – including councils, government agencies, community and business groups.

GROUPS AT RISK

To achieve the greatest impact, initiatives need to focus on a mix of both population-wide activities, and those targeting 'at-risk' groups. The information review available highlights the following priority groups for reducing alcohol harm in Hawke's Bay:

- Young people (including under-age drinkers)
- Men
- Māori.

An additional group is women who are or may become pregnant (and their family/whanau), recognising the potential risk of giving birth to a baby with fetal alcohol spectrum disorder if the mother drinks alcohol during pregnancy.

⁴ Community feedback on safe community priorities is sought annually via stakeholder workshops in Napier.

⁵ National Drug Policy (Inter-Agency Committee on Drugs. 2015. *National Drug Policy 2015 to 2020*. Wellington: Ministry of Health)

Health Promotion Agency's Statement of Intent (Health Promotion Agency. 2014. *Statement of Intent 2014 -2018*. Wellington: Health Promotion Agency)

Hawke's Bay District Health Board's Alcohol Harm Position Statement (Hawke's Bay District Health Board. 2016. *Position Statement on Reducing Alcohol-Related Harm*. Adopted by HBDHB 30 November 2016).

These four priority groups align with those identified by the HBDHB in their alcohol position statement, and with the national Fetal Alcohol Spectrum Disorder Action Plan.⁶

MONITORING AND REVIEW

The Strategy will be reviewed in five years. Annual assessments of progress will be undertaken through analysis of the following set of high-level alcohol harm indicators, for which reasonably reliable data is available.⁷ These assessments will determine if implementation activities are making an impact on the Strategy's objectives. They will also enable response to any emerging issues.

- Number of alcohol related fatal and serious injury road crashes
- Number of excess breath and blood alcohol traffic proceedings
- Number of 15 years and older hospitalisations wholly attributed to alcohol
- Hazardous drinking prevalence
 - Young people aged 15-24
 - Men
 - Maori
 - Maori men
 - Young Maori aged 15-24
- Alcohol attributable Emergency Department presentations
- Late night assaults

The indicator set will be reviewed and revised if new data becomes available.

Review of any collaborative activities will be undertaken following completion of each activity using the Results Based Accountability framework.

STRATEGIC LINKS

This Strategy links to a number of national and local policies and plans, as well as to the Sale and Supply of Alcohol Act 2012.⁸ See details in Appendix D.

⁶ FASD Working Group. 2016. *Taking Action on Fetal Alcohol Spectrum Disorder: 2016-2019: An action plan*. Wellington: Ministry of Health.

⁷ These indicators were developed locally as part of the Safe Communities monitoring framework.

⁸ Sale and Supply of Alcohol Act 2012. <http://www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html> Accessed 6 January 2017.

APPENDIX A: DATA AND INFORMATION SUMMARY, 2016⁹

DRINKING LEVELS

Alcohol continues to be an issue in Hawke's Bay and it is one that contributes to our rates of health inequities.¹⁰ Of particular concern is the continued high rate of hazardous drinking. We drink at almost twice the national hazardous drinking level and this is showing no sign of change (2002/03 to 2011/14¹¹). Levels of drinking in Hawke's Bay are higher than nationally among men and women, Māori and non-Māori, and across almost all age groups.

*The Hawke's Bay population as a whole is drinking more hazardously than New Zealand and this is not explained by our younger population or our higher proportion of Māori.*¹²

Rates of hazardous drinking have increased over the last decade for many groups, but particularly for Māori. Māori in Hawke's Bay have higher hazardous drinking rates compared to their non-Māori counterparts. In 2011/14 Māori men were 1.7 times more likely to have a hazardous drinking level than non-Māori men. Levels for Māori women were twice as high than non-Māori women.

In terms of age groups, hazardous drinking levels are highest in 15-24 year olds. Over half of young men in Hawke's Bay (54%) drank at hazardous levels in 2011/14, and 31% of young women. Our young men drink at significantly higher rates than the national average.

HOSPITAL VISITS

Another measure indicates ongoing high rates of Hawke's Bay hospital admissions attributable to alcohol. In recent years (since 2013), these rates have increased. Māori admission rates are now almost twice those of non-Māori.

Between 500 and 600 people are admitted to Hawke's Bay hospital each year for alcohol related issues, with an average hospital stay of 4.2 days. In 2014/15 the total direct hospital costs for these stays was over \$3 million (\$3,107,049).¹³ This cost excludes any outpatient and rehabilitation costs.

A recent study of all hospital emergency departments in New Zealand (including Hawke's Bay) found that one in four patients were there because of the harmful use of alcohol.¹⁴

⁹ Note that a number of other harms are linked to alcohol use but data is either unavailable or poor quality (eg, Police, Addiction services).

¹⁰ Hawke's Bay District Health Board. 2014. *Health Inequity in Hawke's Bay: Key findings 2014*. Hawke's Bay: HBDHB.

¹¹ Note New Zealand Health Survey data is pooled across multiple survey years to provide regional information.

¹² Hawke's Bay District Health Board. 2014. *Health Inequity in Hawke's Bay: Key findings 2014*. Hawke's Bay: HBDHB. p64.

¹³ HBDHB Data Warehouse.

¹⁴ *1 in 4 in NZ Emergency Departments Affected by Alcohol*. Australasian College for Emergency Medicine. Press Release 20 December 2016. <http://www.scoop.co.nz/stories/GE1612/S00101/1-in-4-in-nz-emergency-departments-affected-by-alcohol.htm> Accessed 5 January 2017.

MOTOR VEHICLE CRASHES

Our rate of motor vehicle crashes where alcohol was involved declined over the six years to 2014. Hawke's Bay rates are now similar to national rates, following a period of being significantly higher between 2009 and 2011.

While the rate of alcohol related crashes has declined in recent years, the proportion of crashes resulting in injuries (severe or non-fatal) has increased.¹⁵ These rates are slightly higher than the New Zealand averages.

The number of unique offenders exceeding the alcohol or other substance limit in Hawke's Bay continues to fall, declining 21% in the 12 months to March 2016.¹⁶ This is likely to be attributable to the lowered alcohol limit for drivers, introduced in December 2014. The majority of offenders are aged 15-29 (46%) and the number of Maori offenders is 30% higher than the number of European offenders.

¹⁵ Massey University – Wellington. Environment Health Indicators NZ Programme.

¹⁶ Statistics New Zealand 2106. www.nzdotstat.stats.govt.nz

APPENDIX B: STRATEGY STAKEHOLDERS

As with the 2011 Strategy, this revised document also recognises the importance of collaborating with stakeholders in working towards the Strategy's vision.

DEVELOPMENT OF THE STRATEGY

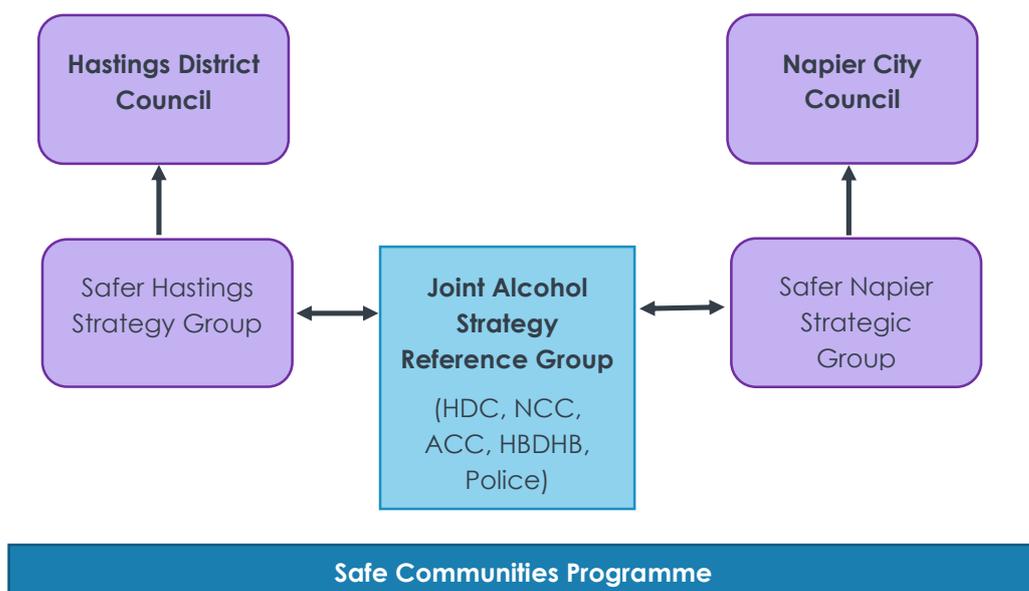
NCC and HDC staff conducting the review worked with the Joint Alcohol Strategy Reference Group in revising the document. The Reference Group supports the safe community objectives of both Safer Napier and Safer Hastings. Reference Group members are:

- ACC (Injury Prevention Coordinator)
- Eastern Police (Alcohol Harm Reduction Officers)
- Hawke's Bay District Health Board (Medical Officer of Health, Population Health)
- Napier City Council (Community Strategies, Safer Napier, Liquor Licensing)
- Hastings District Council (Social and Youth Development, Safer Hastings, Liquor Licensing).

The following key stakeholders were also invited to provide comment on the revised Strategy:

- Directions Youth Health
- Health Hawke's Bay
- Ministry of Social Development
- RoadSafe Hawke's Bay
- Sport Hawke's Bay
- Te Kupenga Hauora - Ahuriri
- Te Puni Kōkiri
- Te Taiwhenua o Heretaunga.

GOVERNANCE STRUCTURE



IMPLEMENTATION PLAN

NCC and HDC staff will work with the Joint Alcohol Strategy Reference Group to develop the Strategy's Implementation Plan. Other stakeholders will also be involved to ensure alignment with other alcohol strategies, inclusion of other actions, and identification of collaboration opportunities.

APPENDIX C: HAWKE'S BAY DISTRICT HEALTH BOARD'S POSITION STATEMENT ON REDUCING ALCOHOL-RELATED HARM, 2016

HAWKE'S BAY DISTRICT HEALTH BOARD POSITION

Harmful alcohol consumption is a major risk factor which contributes to the physical, mental and social ill-health in our community and to Māori: non-Māori health inequities in Hawke's Bay. This health and social burden is borne not just by drinkers but often by others.

The Hawke's Bay District Health Board recognises that the widespread promotion of and accessibility to alcohol has a significant role to play in people's drinking behaviour. Similarly, the DHB understands that the strongest measures to reduce alcohol-related harm operate at a policy level and include increasing price, reducing availability and reducing advertising.

Hawke's Bay District Health Board commits to taking a leadership role in reducing alcohol-related harm in our community. The first steps involve the DHB developing a high-level Strategy and a more detailed Implementation (and Communication) Plan to take action in collaboration with our stakeholders and community.

OUR VISION

"Healthy communities, family and whānau living free from alcohol-related harm and inequity"

The Core DHB Values that underpin the *process* for developing the DHB's Strategy and plans to address alcohol-related harm are:

Rāranga te tira - Working in partnership across the community

The improvement of Māori outcomes will require Iwi defined and led strategies

Community engagement & ownership will be critical to change attitudes to alcohol –related harm

Tauwhiro - High quality care

Effective strategies need to be evidence informed

Population-based prevention strategies are the most effective and efficient, where possible to deliver at the local level

Improving early intervention support & treatment has an important role

He kauanuanu - Showing respect to staff, patients and community

A harm minimisation approach is realistic for many people, accepting that target groups need tailored advice and strategies

Systems thinking is critical to develop strategies which work synergistically

Akina - Continuous improvement

DHB leadership entails being a role model, e.g. holding alcohol-free events within our health system and thus leading the way towards moderation in the community

Relies on strengthened intelligence through improving health system data collection

The Hawke's Bay District Health Board is committed to supporting our government's [National Drug Policy 2015-2020](#)¹⁷ to:

- reduce excessive drinking by adults and young people
- protect the most vulnerable members of our community when it comes to alcohol-related harm e.g. children and young people, pregnant women and babies (Fetal Alcohol Spectrum Disorder)
- reduce the harm caused by alcohol use including crime, disorder, public nuisance and negative public health outcomes
- support the safe and responsible sale, supply and consumption of alcohol
- improve community input into local alcohol licensing decisions
- improve the operation of the alcohol licensing system.

Further to the above, the Hawke's Bay District Health Board is committed to:

- reduce and eliminate alcohol and other drug-related harm inequities – particularly for Māori, young people, pregnant women and others who experience disproportionate alcohol-related harm in our community.

NEXT STEPS

The Hawke's Bay District Health Board will undertake the following next steps as a priority.

1. Identify the appropriate capacity and resource to lead the development of an Alcohol Harm Reduction Strategy and Implementation Plan.
2. Identify a governance and management structure to guide and provide an accountability mechanism for the Coordination and Strategy/Plan delivery.
3. Support high-level Champions within our health system and in the community to act as spokespersons and be credible role models to help shift staff, community, whanau, family and individual attitudes to reduce harmful alcohol consumption.
4. Identify the best way to input into the review and delivery of the Napier City and Hastings District Councils' Joint Alcohol Strategy to limit availability and promote safe, responsible drinking.
5. Establish the best method to engage the relevant departments across our DHB and PHO, and to engage with Iwi, Pasifika, young people and community (building on existing groups -Safer Communities, Māori NGOs etc), to develop appropriate strategies and to provide support.
6. Consider the development of a local Alcohol Coalition of NGOs and other agencies, akin to the Hawke's Bay Smokefree Coalition to build support at a community level.
7. Identify service gaps and priority objectives for local DHB action to include:
 - improved systems for health data collection/screening and brief intervention (e.g. in the Emergency Department, Maternity and Primary Care)
 - appropriate clinical referral pathways and treatment services
 - support for strong, consistent health messaging (such as no drinking in pregnancy).

KEY OUTCOMES

Consistent with the National Drug Policy the key outcomes our District Health Board is striving for, include:

- Reduced hazardous drinking of alcohol
- Delayed uptake of alcohol by young people
- Reduced illness and injury from alcohol

¹⁷ <http://www.health.govt.nz/system/files/documents/publications/national-drug-policy-2015-2020-aug15.pdf>

- Changed attitudes towards alcohol and reduced tolerance for alcohol-related harms

November 2016

Position Statement Review date: July 2017 (6 months) and on a 3 year cycle thereafter.

LINKAGES

National Drug Policy Framework (2015-2020) (Inter-Agency Committee on Drugs, 2015)

Rising to the Challenge - The Mental Health and Addiction Service Development Plan (2012-2017)

Hawke's Bay District Health Board:

Health Equity in Hawke's Bay (McElroy C 2014)

Health Equity in Hawke's Bay Update (McElroy C 2016)

Youth Health Strategy (2016-2019)

FASD Discussion Document (December 2015)

Intimate Partner Violence Intervention (Reviewed September 2016)

Mai, Māori Health Strategy (2014-2019)

Māori Health Annual Plan (2016 – 2017).

APPENDIX D: STRATEGIC LINKS

NATIONAL

Sale and Supply of Alcohol Act 2012

The Sale and Supply of Alcohol Act 2012¹⁸ replaces the Sale of Liquor Act 1989. It covers the safe and responsible sale, supply, and consumption of alcohol and the minimisation of harm caused by its excessive or inappropriate use. The Act introduces the following new provisions (among others):

- Default national maximum trading hours
- The opportunity for territorial authorities to develop local alcohol policies
- Criteria for issuing licences
- Conditions on licences (eg, one-way door restrictions, drinking water, food, low alcohol and non-alcoholic drinks, display of alcohol)
- Establishment of the Alcohol Regulatory Licensing Authority (ARLA) and District Licensing Committees (DLCs)
- Conditions for promotion of alcohol
- Restrictions on supplying alcohol to minors
- A clear definition of 'intoxication'.

National Drug Policy 2015-2020

The National Drug Policy¹⁹ is the guiding document for policies and practices responding to alcohol and other drug (AOD) issues. Its goal is to minimise alcohol and other drug-related harm and promote and protect health and wellbeing for all New Zealanders. Its objectives are:

- Delaying the uptake of AOD by young people
- Reducing illness and injury from AOD
- Reducing hazardous drinking of alcohol
- Shifting our attitudes towards AOD.

Activities identified in the Policy are categorised under three strategies: problem limitation, demand reduction, and supply control. The Policy aims to guide decision-making by local services, communities, and NGOs, to improve collaboration and maximize the effectiveness of the system as a whole.

Fetal Alcohol Spectrum Disorder Action Plan 2016-2019

The Fetal Alcohol Spectrum Disorder (FASD) Action Plan²⁰ aims to create a more effective, equitable and collaborative approach to FASD. It is a cross-agency commitment to support the current system to be more responsive to the needs of individuals, families, whānau, and communities. The goals of the plan are that FASD is prevented and that people with FASD and their family/whānau live the best possible lives. The four priority areas are prevention, early identification, support, and evidence.

¹⁸ <http://www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html> Accessed 6 January 2017.

¹⁹ Inter-Agency Committee on Drugs. 2015. *National Drug Policy 2015 to 2020*. Wellington: Ministry of Health.

²⁰ FASD Working Group. 2016. *Taking Action on Fetal Alcohol Spectrum Disorder: 2016–2019: An action plan*. Wellington: Ministry of Health.

LOCAL

Local Alcohol Policy (LAP)

The Sale and Supply of Alcohol Act 2012 allows local authorities to develop local alcohol policies (LAPs), which may cover the following:

- Location of licensed premises and proximity to certain facilities or premises
- Number of licensed premises in district or parts of district
- Maximum trading hours
- Discretionary conditions
- One-way door restrictions.

LAPs are optional. NCC and HDC have prepared a joint LAP to cover both districts. The provisional LAP was notified in June 2016 and was subsequently appealed. At the time of this Strategy's review the appeal was waiting to be heard by the Alcohol Regulatory and Licensing Authority.

Hawke's Bay District Health Board Position Statement on Alcohol Related Harm

The Hawke's Bay District Health Board (HBDHB) finalised their position statement on reducing alcohol-related harm in late 2016. In it, HBDHB states that it commits to taking a leadership role in reducing alcohol-related harm in the community. The first steps involve the DHB developing a high-level Strategy and a more detailed Implementation (and Communication) Plan to take action in collaboration with stakeholders and community.

HBDHB is committed to:

- reduce excessive drinking by adults and young people
- protect the most vulnerable members of the community when it comes to alcohol-related harm (eg, children and young people, pregnant women and babies (Fetal Alcohol Spectrum Disorder))
- reduce the harm caused by alcohol use including crime, disorder, public nuisance and negative public health outcomes
- support the safe and responsible sale, supply and consumption of alcohol
- improve community input into local alcohol licensing decisions
- improve the operation of the alcohol licensing system
- reduce and eliminate alcohol and other drug-related harm inequities – particularly for Māori, young people, pregnant women and others who experience disproportionate alcohol-related harm in the community.

District Plan

The Resource Management Act 1991 requires each local authority to develop a district plan that sets out the objectives and policies for suitable management of natural and physical resources. Both Hastings and Napier have provision in their district plans to control the sale of alcohol in various zones. Liquor ban areas are also determined by each Council through liquor control bylaws.

Long Term Plan

Under the Local Government Act 2001, Councils must develop Long Term Plans that promote community wellbeing. Reducing alcohol related harm contributes to the following community outcomes:

- Achieving and maintaining good health and wellbeing
- An environment that is appreciated, protected and sustained for future generations
- Safe and accessible recreational facilities
- Accessible, safe and affordable transport system
- A strong, prosperous and thriving economy
- Communities that value and promote their unique culture and heritage
- Safe and secure communities
- Strong leadership that is connected to its community.



The strong case for championing alcohol law change

Dr Nicki Jackson,
Executive Director, Alcohol Healthwatch

Overview

Current context of drinking and harm

Key drivers of alcohol use and harm

- Price and affordability of alcohol
- Availability
- Advertising and sponsorship

Public support for alcohol law change

Current policy windows to effect change

History leading to law change in 2012

Manurewa liquor store owner Navtej Singh.



9.00pm 7 June 2008, Riverton Drive, Manurewa, South Auckland

Over 100 community members march to the Porirua District Court to hear the 'Creek Liquor Store' application, chanting "No more bottle stores".



Courtesy of Alcohol Advisory Council New Zealand.

Women's alcohol consumption has been increasing over time across all ages but particularly among young women.



Schoolboy dies after party drinks

10 May, 2010 04:00 AM

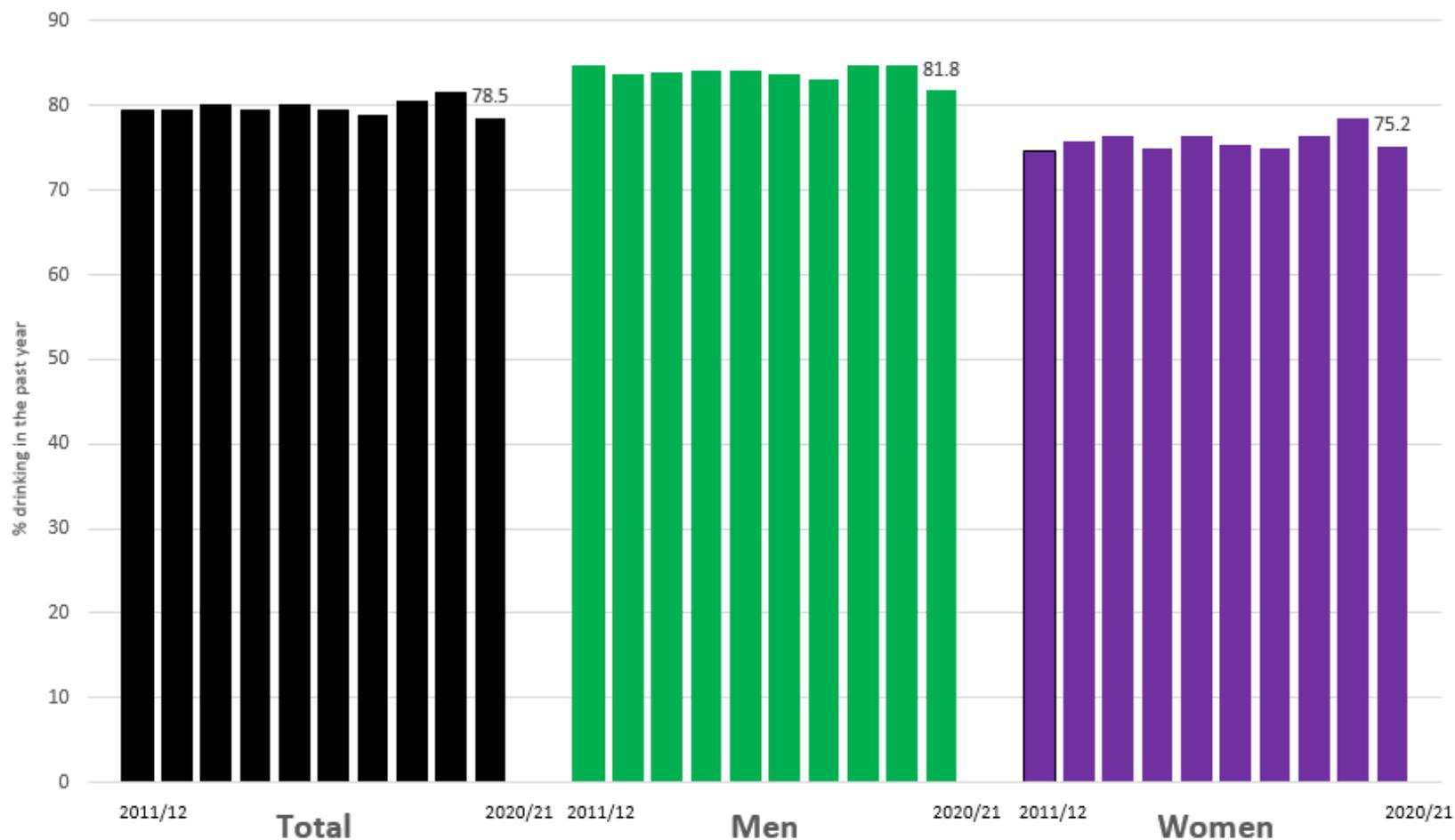
© 1 minute to wait



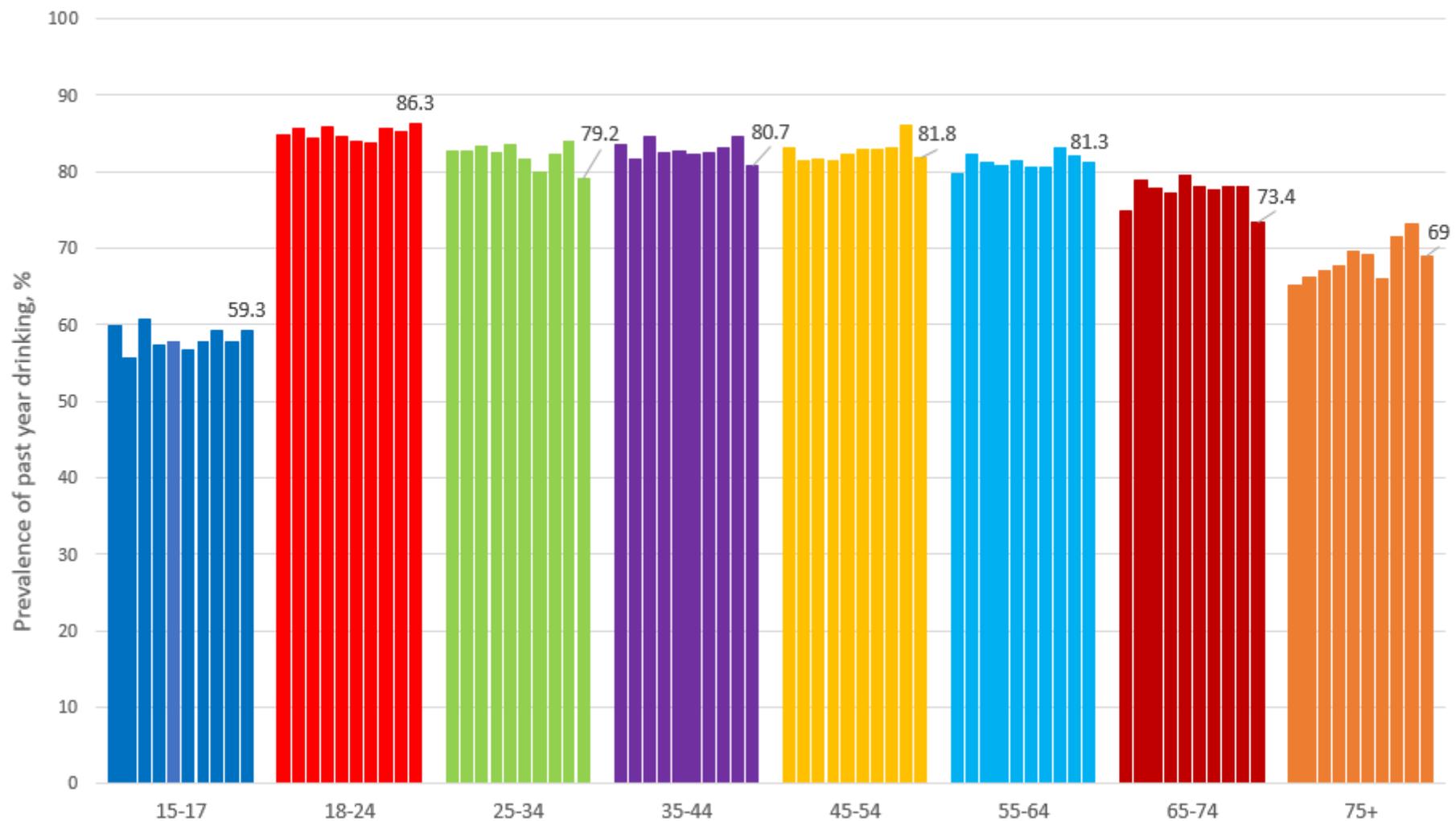
James Webster was a wonderful boy and a great all rounder, his headmaster says. Today, King's students will wear their formal white uniform to honour him. Photos / Starfiled

Current drinking patterns - NZ

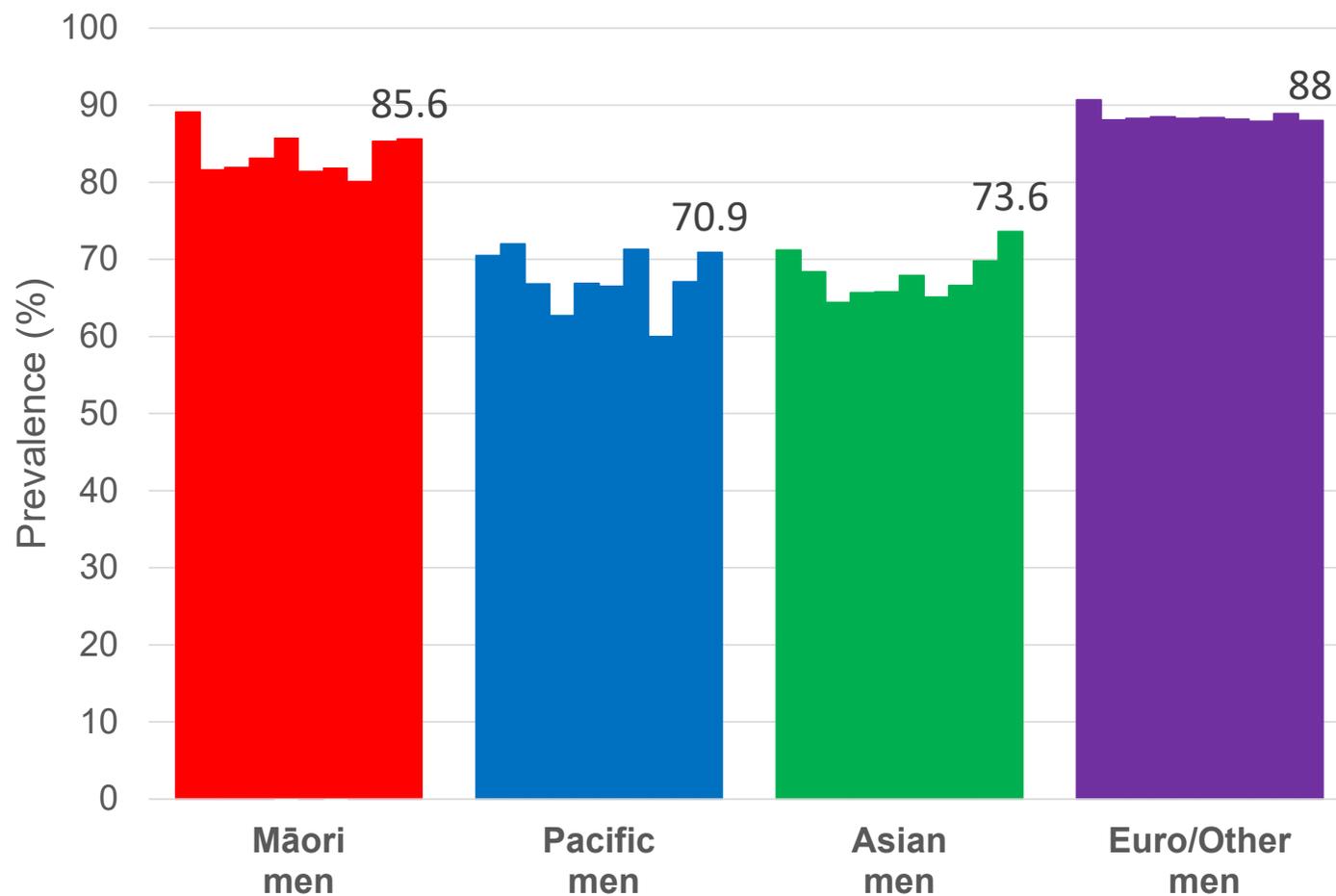
Past-year drinking (2011/12- 2020/21)



Past-year drinking, by age (2011/12- 2020/21)



Past-year drinking, men (2011-2021)

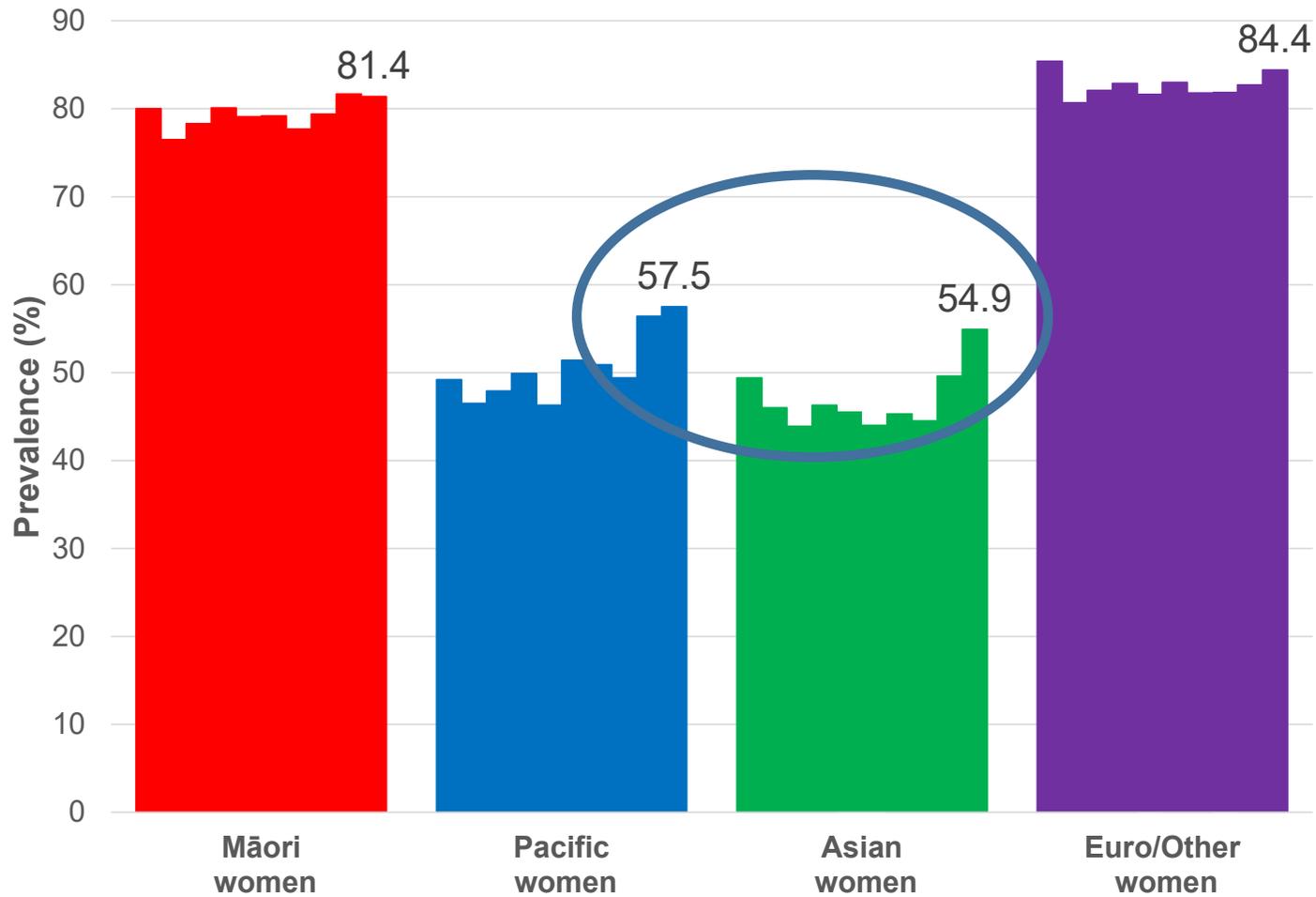


**TOTAL: 84.6% of
males aged 15+yrs**



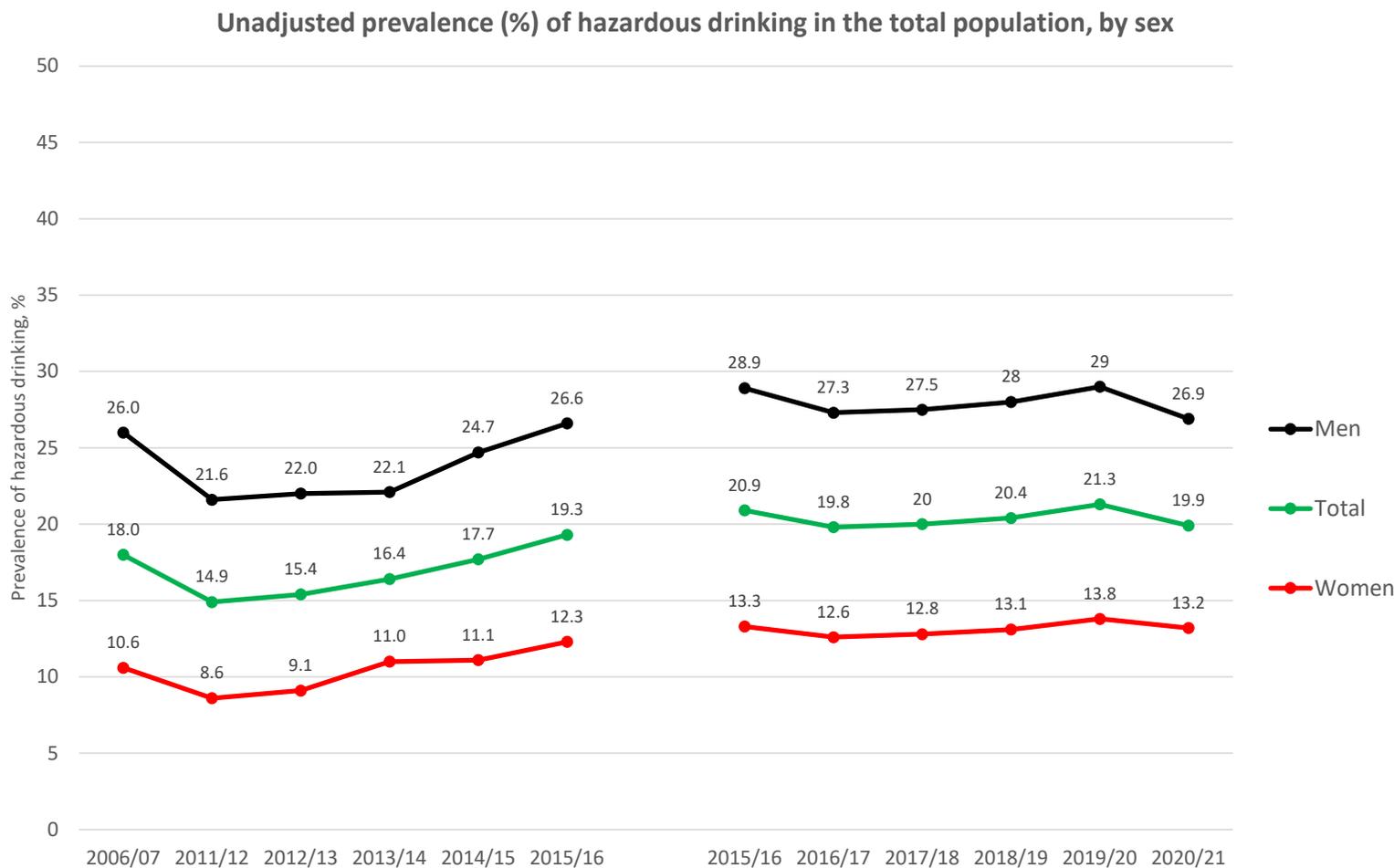
<https://min.health.govt.nz/apps/our-health-surveys/2018-20-annual-data-explorer/>

Past-year drinking, women (2011-2021)



TOTAL:
78.5% of females aged
15+ yrs

Hazardous drinking, by sex

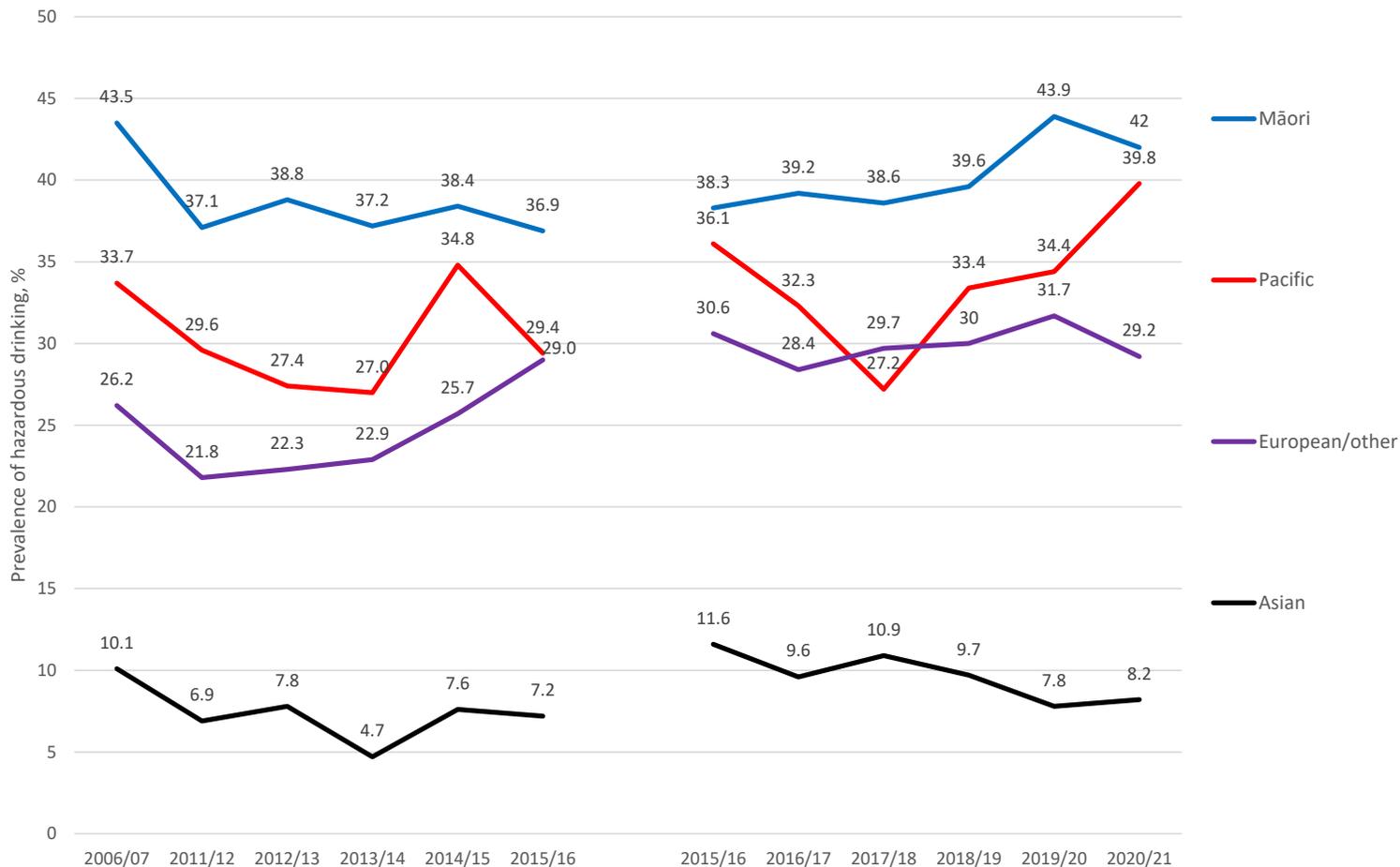


824,000 adults



Hazardous drinking, men

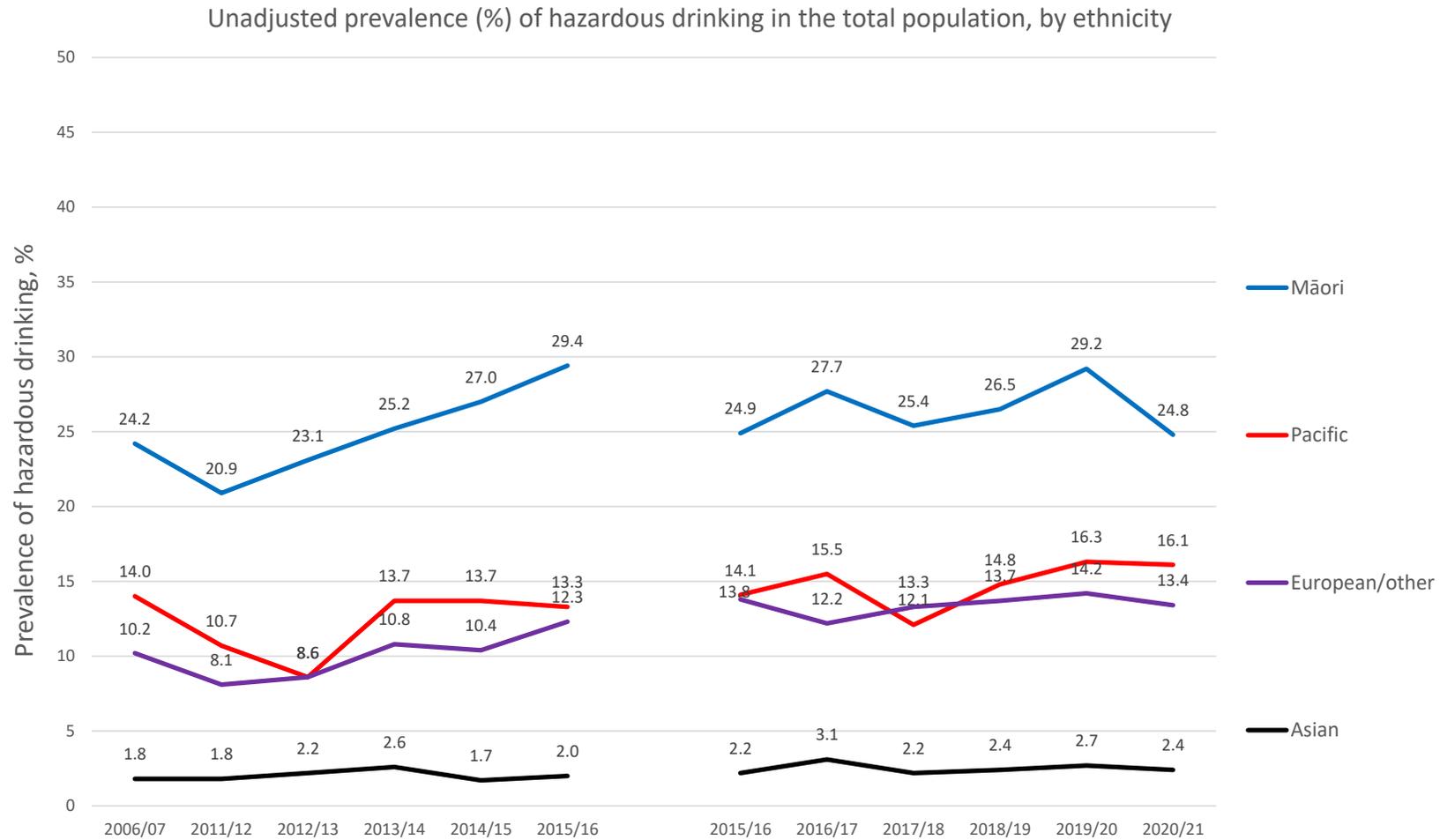
Unadjusted prevalence (%) of hazardous drinking in the total population, by sex



Ministry of Health 2021



Hazardous drinking, women

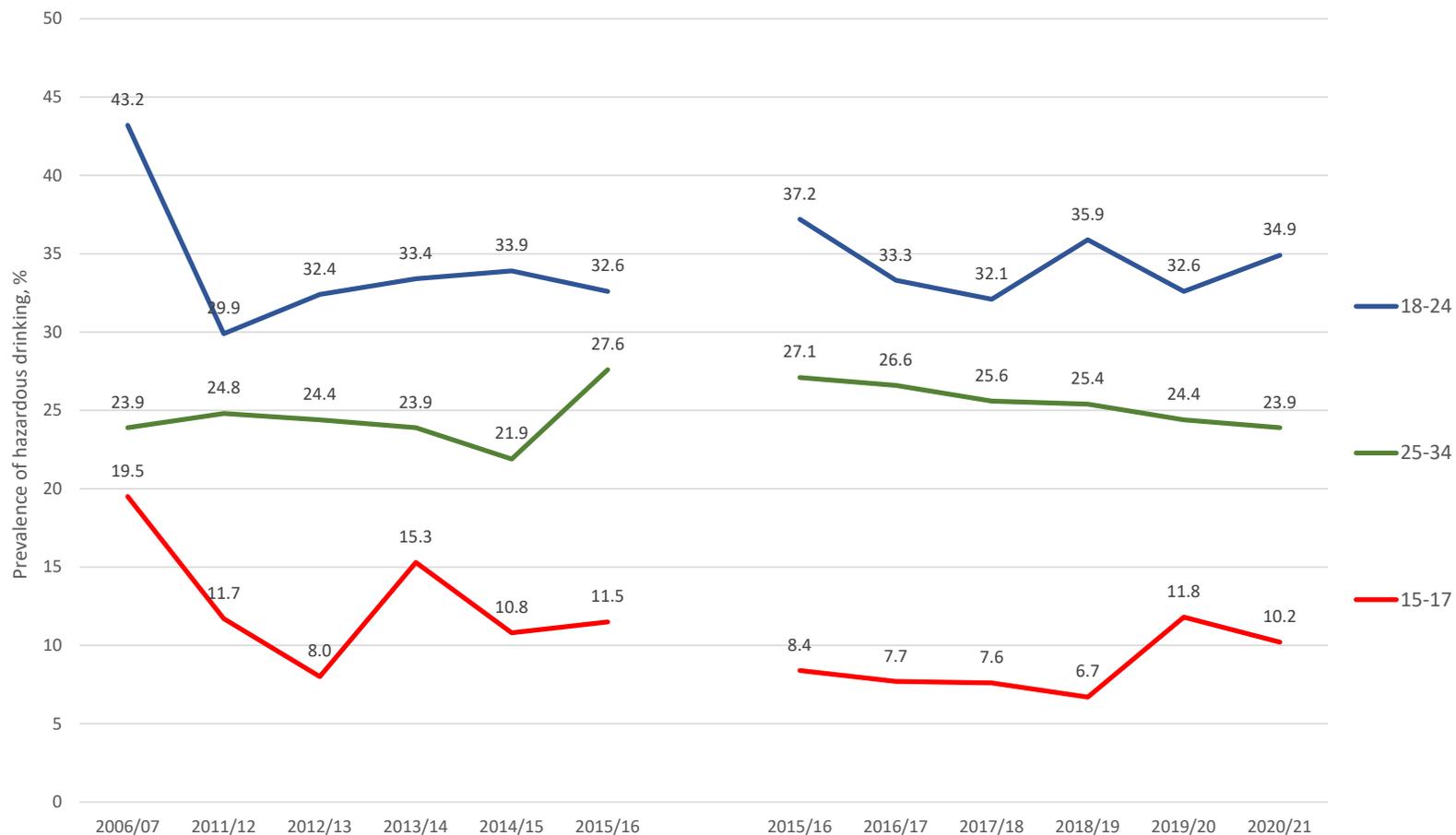


Ministry of Health 2021



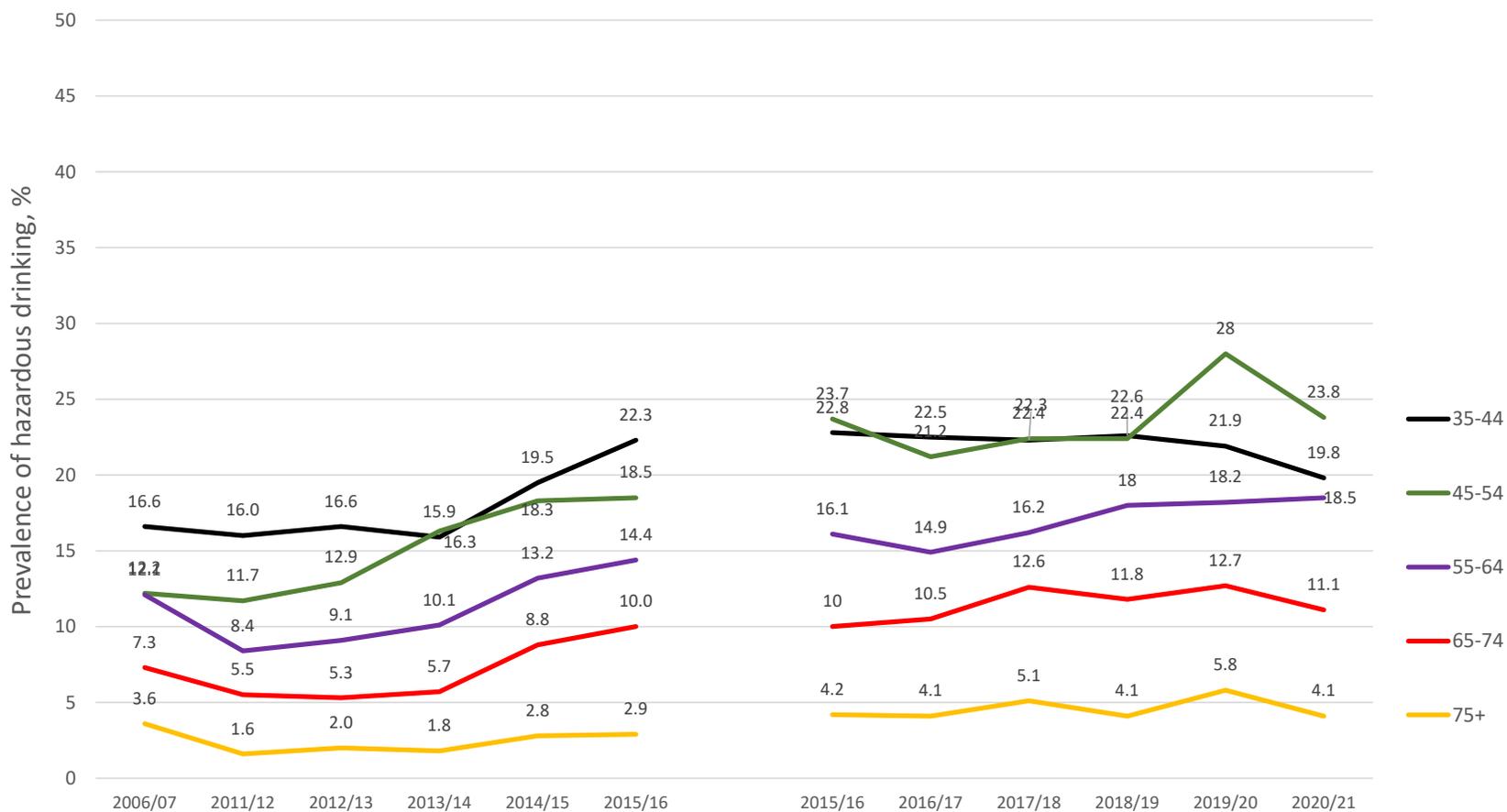
Hazardous drinking, 15-34 yrs

Unadjusted prevalence (%) of hazardous drinking in the total population, by age group



Hazardous drinking, 35yrs +

Unadjusted prevalence (%) of hazardous drinking in the total population, by age group



Inequities by neighbourhood deprivation

In 2020/21, persons living in the most deprived neighbourhoods were:



Significantly **less likely to drink** (70% vs 85%)



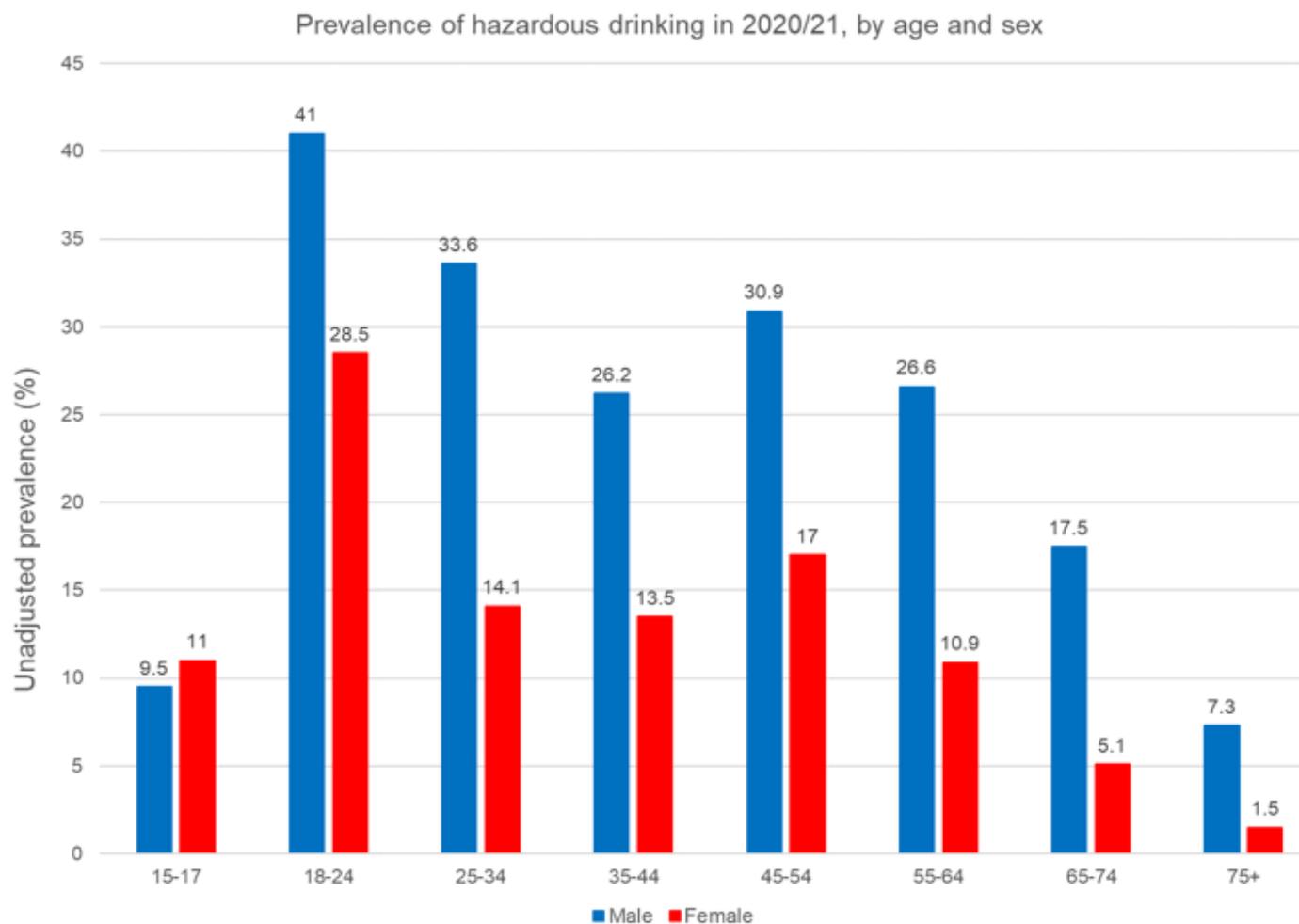
Significantly **more likely to drink hazardously** (25% vs 17%)

compared to those living in the least deprived areas

Ministry of Health, 2021



Hazardous drinking: A concern across all age groups



Ministry of Health, 2021



Binge drinking among secondary school students

In 2019:

- **22%** of all secondary school students reported binge drinking (5+ drinks at least once per month)
 - Males 23%, females 21%
 - **16 yrs old 29%, 17yrs+ old 42%**
 - Higher in rural areas and small towns
 - 29% Māori students (similar males/females)
 - 13% Pasifika students (similar males/females)
 - 8% Asian students
 - 24% Pākehā & other European youth

Fleming, et al (2020). Youth19 Rangatahi Smart Survey, Initial Findings: Substance Use.

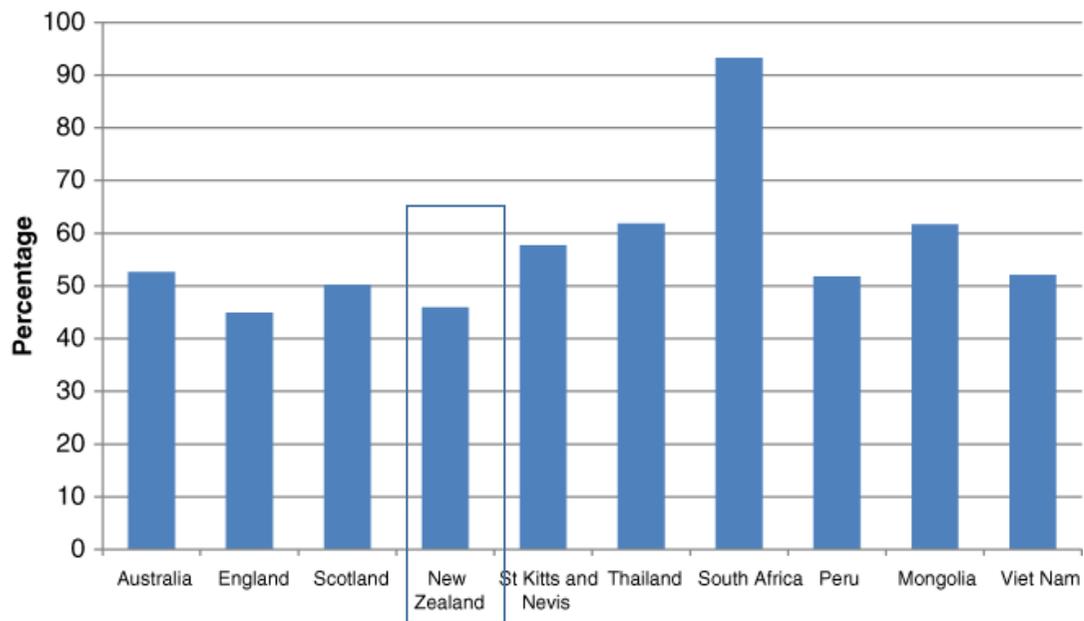
Males = 8+ drinks, Females = 6+ drinks

Viet Cuong, Casswell, Parker, et al. Drug and Alcohol Review



Our style/pattern of drinking

46% of **all** alcohol sold in NZ is consumed in heavy drinking occasions



Males = 8+ drinks, Females = 6+ drinks

Viet Cuong, Casswell, Parker, et al. Drug and Alcohol Review



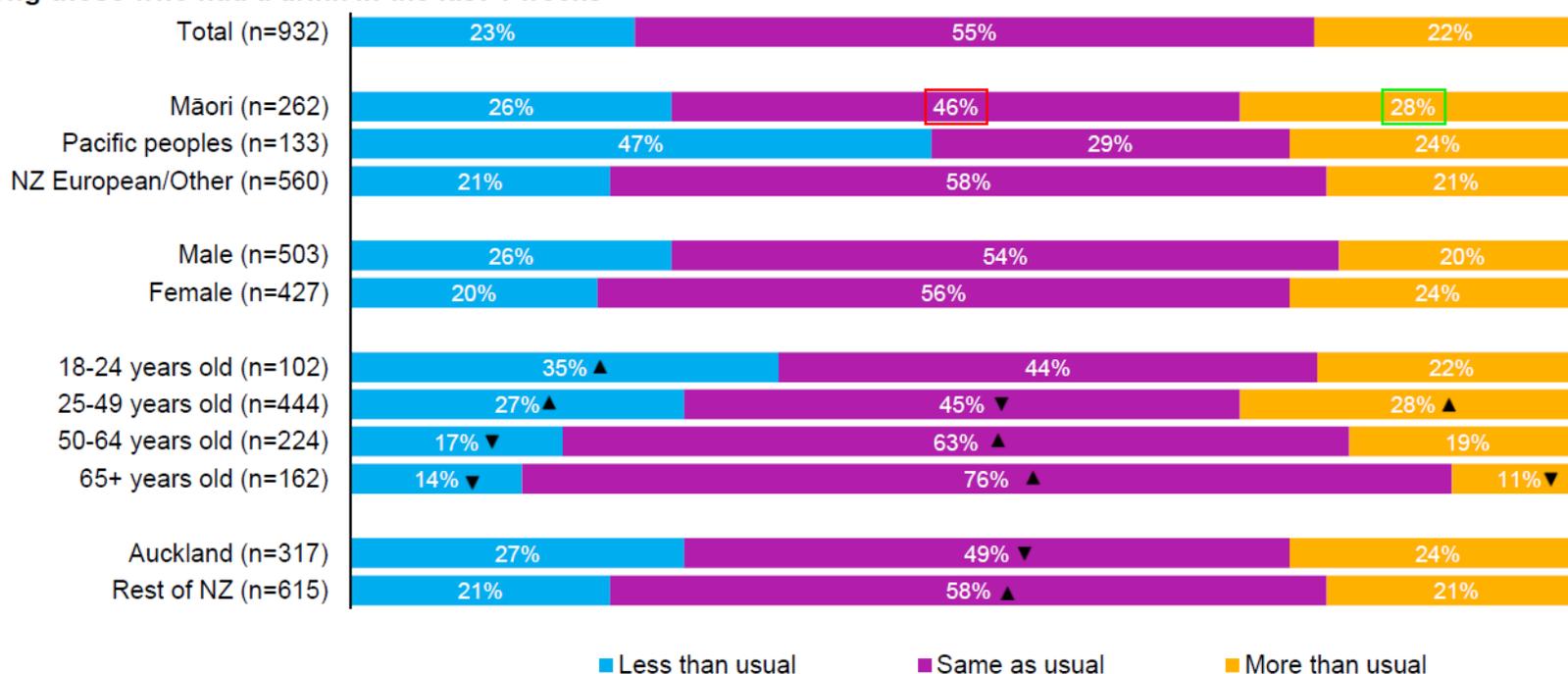
Impact of COVID-19

NielsenIQ, 2022



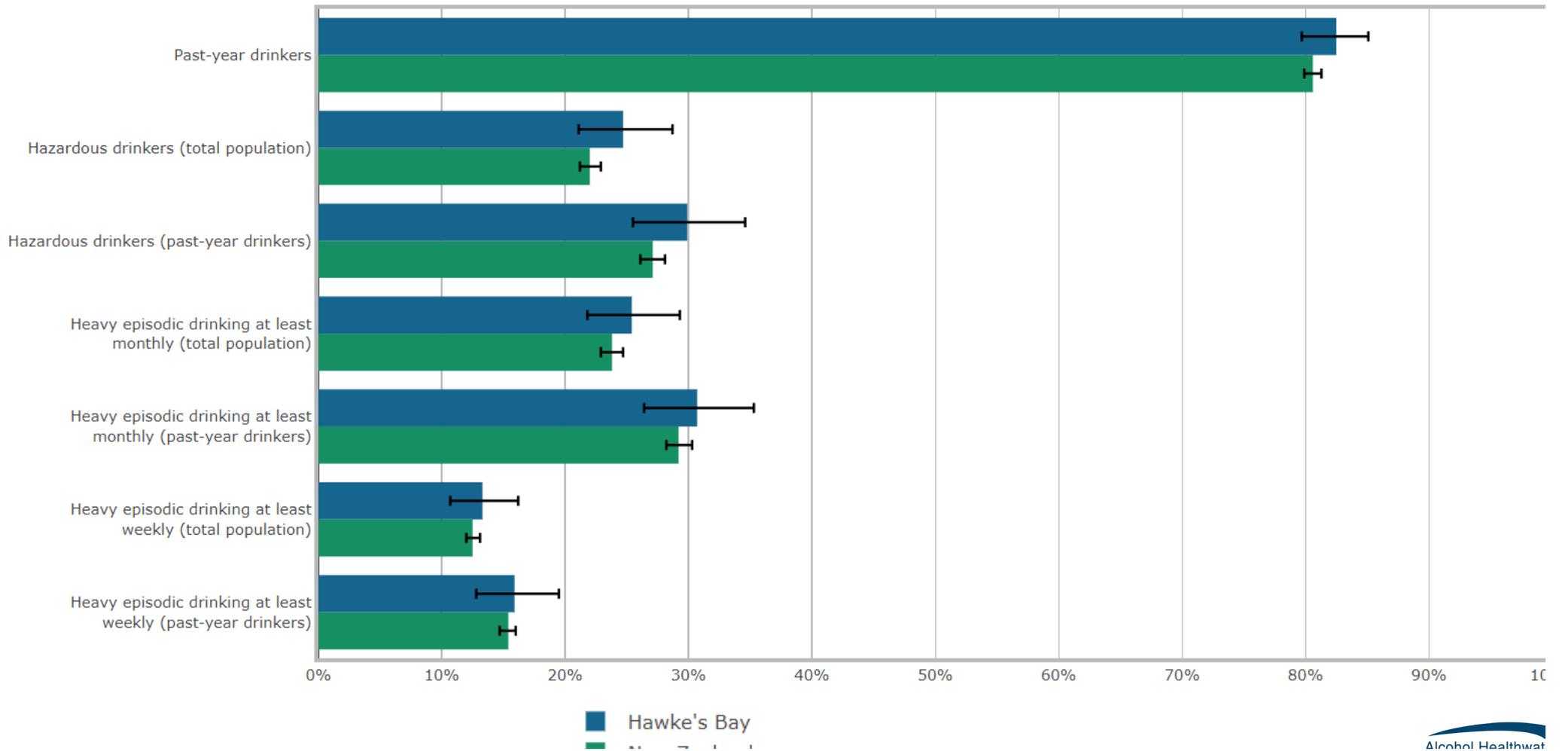
1 in 5 drank more than usual during August 2021 lockdown, with a similar proportion drinking less than usual

Among those who had a drink in the last 4 weeks



Current drinking patterns – Hawke's Bay

Hazardous drinking: Hawke's Bay DHB



Hazardous drinking by age, Hawke's Bay DHB

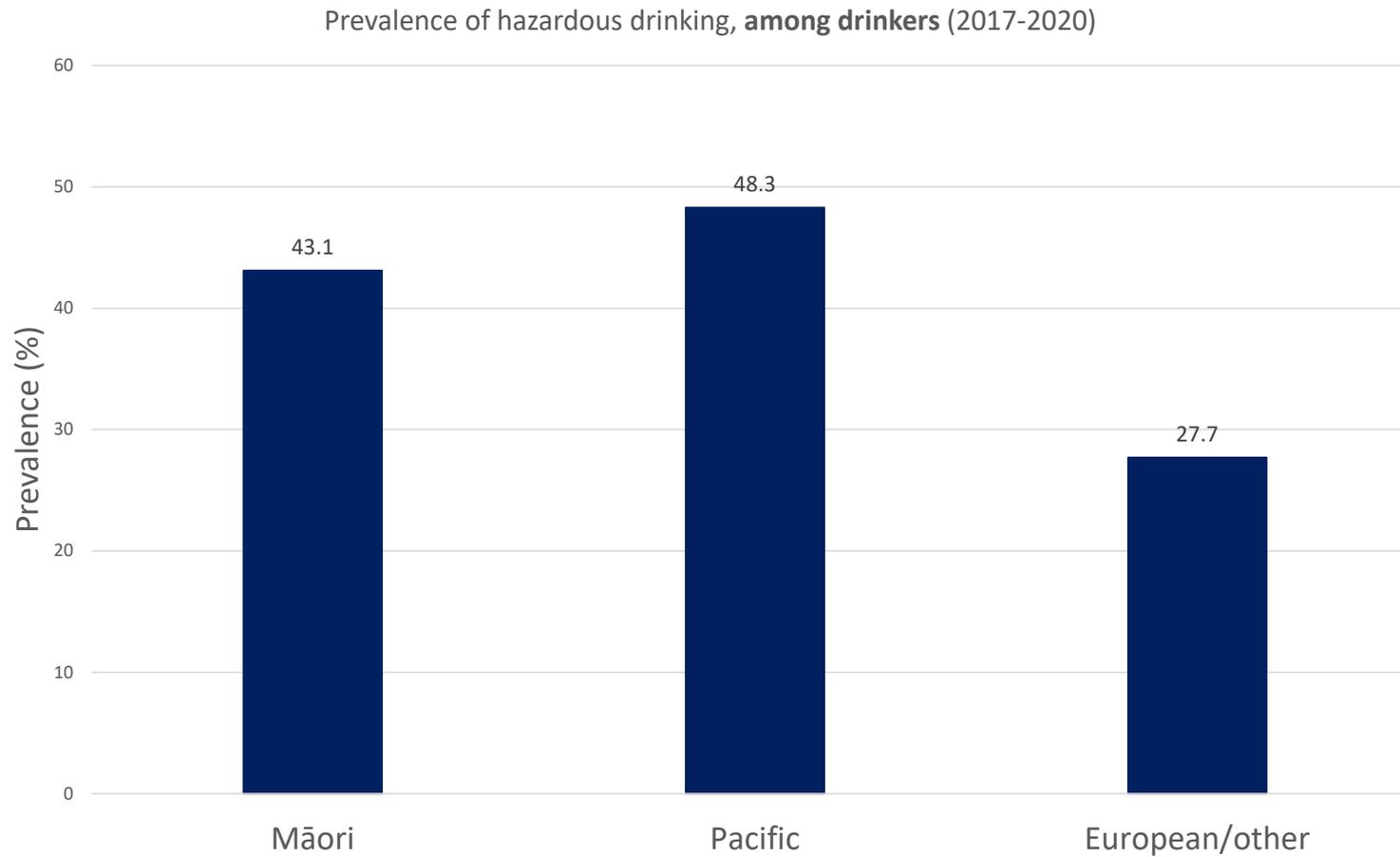
45 to 64 year age group

Indicator	Age-standardised data prevalence (%)				Test of significance (between Hawke's Bay and New Zealand)	
	Hawke's Bay		New Zealand		p-value	
	%	(95% CI)	%	(95% CI)		
Past-year drinkers	88.0	(84-91.3)	83.2	(82.2-84.2)	0.01	▲
Hazardous drinkers (total population)	29.7	(23.4-36.5)	21.5	(20.5-22.5)	0.01	▲
Hazardous drinkers (past-year drinkers)	33.7	(26.9-41)	25.8	(24.6-27)	0.02	▲
Heavy episodic drinking at least monthly (total population)	30.0	(23.9-36.6)	23.4	(22.4-24.5)	0.03	▲
Heavy episodic drinking at least monthly (past-year drinkers)	34.0	(27.5-41.1)	28.1	(26.9-29.3)	0.07	
Heavy episodic drinking at least weekly (total population)	16.5	(11.7-22.4)	14.5	(13.7-15.3)	0.42	
Heavy episodic drinking at least weekly (past-year drinkers)	18.8	(13.3-25.3)	17.4	(16.5-18.4)	0.62	

Source: New Zealand Health Survey

Data extracted from New Zealand Health Survey, Annual Update 2020/21

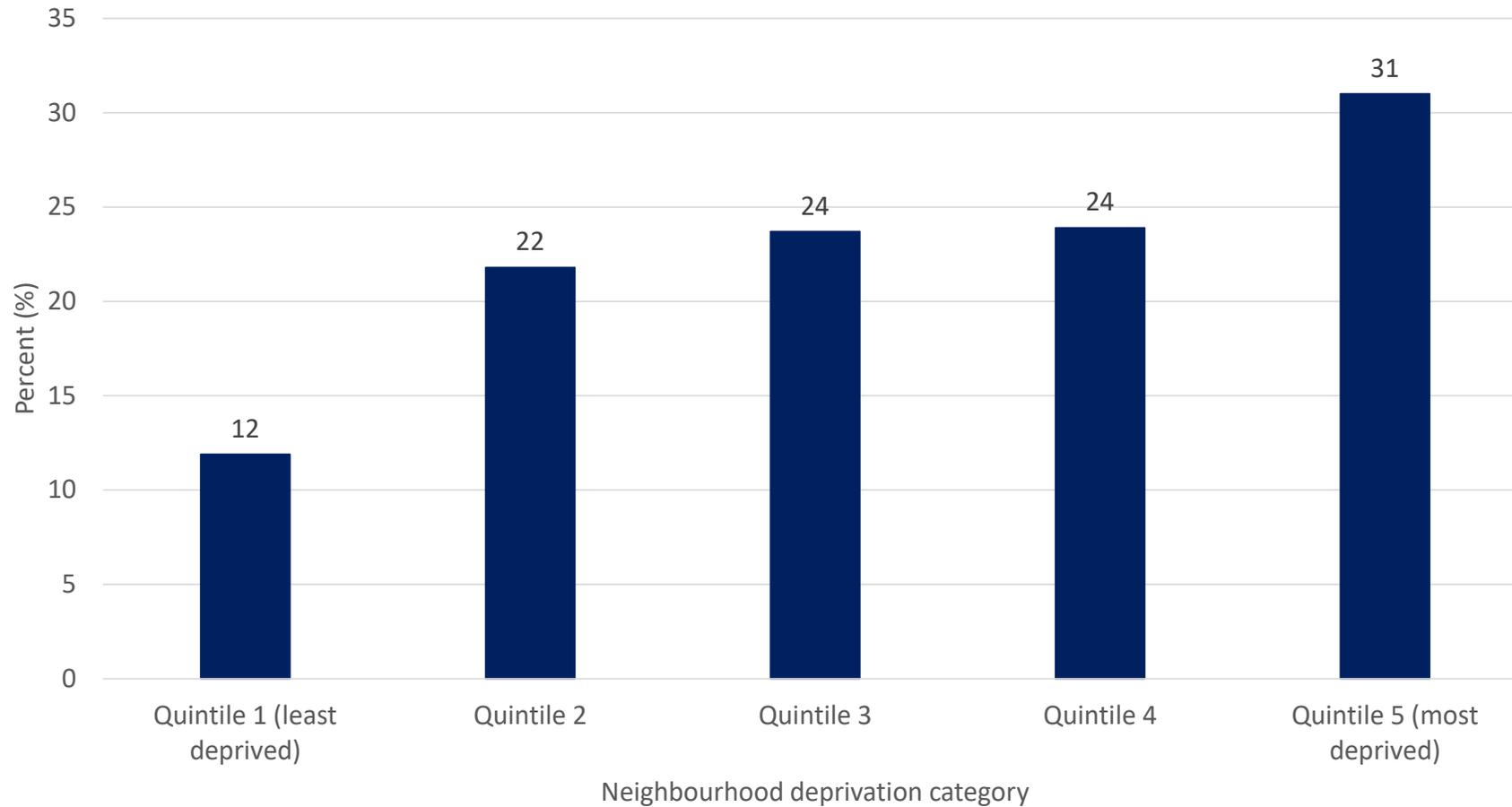
Inequities by ethnicity, Hawke's Bay DHB



Data extracted from New Zealand Health Survey, Annual Update 2020/21



Social gradient: Hazardous drinking in Hawke's Bay



Among those living in the most deprived (Q5) areas

Men

Indicator	Age-standardised data prevalence (%)				Test of significance (between Hawke's Bay and New Zealand)	
	Hawke's Bay		New Zealand		p-value	
	%	(95% CI)	%	(95% CI)		
past-year drinkers	77.6	(66.4-86.4)	75.9	(73.7-78)	0.72	
hazardous drinkers (total population)	43.2	(33.3-53.5)	31.4	(29-33.9)	0.02	▲
hazardous drinkers (past-year drinkers)	54.4	(42.5-66)	41.4	(38.6-44.3)	0.03	▲
heavy episodic drinking at least monthly (total population)	35.0	(22.5-49.3)	30.3	(28.1-32.5)	0.46	
heavy episodic drinking at least monthly (past-year drinkers)	44.4	(29.8-59.7)	39.7	(37.3-42.2)	0.52	
heavy episodic drinking at least weekly (total population)	23.5	(12.4-38.1)	19.1	(17.5-20.9)	0.47	
heavy episodic drinking at least weekly (past-year drinkers)	30.1	(17.6-45.3)	25.1	(23.1-27.2)	0.45	

Among those living in the most deprived (Q5) areas

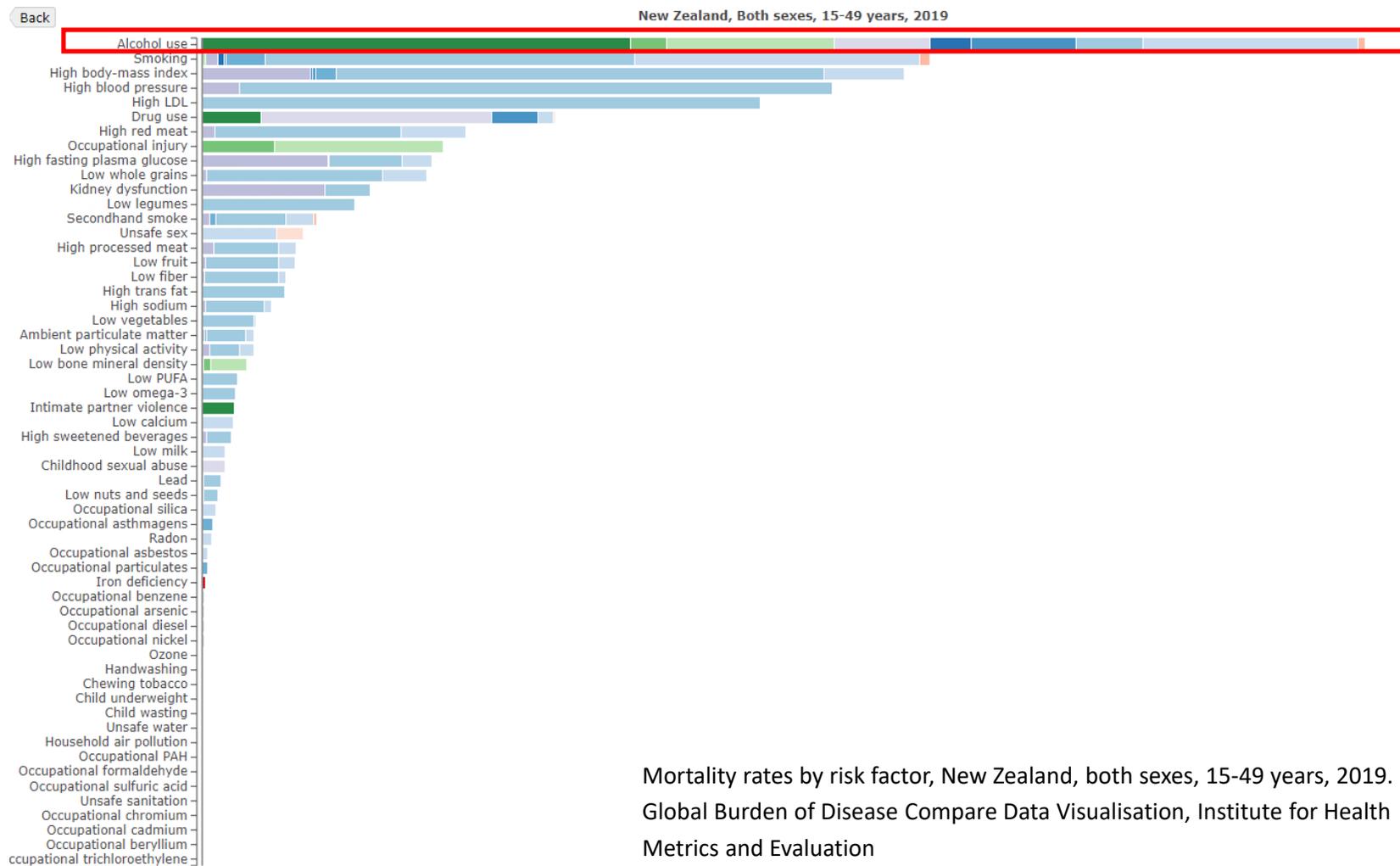
Women

Indicator	Age-standardised data prevalence (%)				Test of significance (between Hawke's Bay and New Zealand)	
	Hawke's Bay		New Zealand		p-value	
	%	(95% CI)	%	(95% CI)		
Past-year drinkers	73.2	(64.7-80.6)	67.1	(65-69.2)	0.12	
Hazardous drinkers (total population)	21.7	(16.1-28.2)	17.8	(16.1-19.7)	0.20	
Hazardous drinkers (past-year drinkers)	30.0	(23.3-37.4)	25.8	(23.4-28.2)	0.22	
Heavy episodic drinking at least monthly (total population)	21.5	(16-27.9)	18.1	(16.4-19.9)	0.26	
Heavy episodic drinking at least monthly (past-year drinkers)	29.6	(22.5-37.5)	26.1	(23.9-28.5)	0.35	
Heavy episodic drinking at least weekly (total population)	14.9	(10.3-20.6)	8.9	(7.8-10)	0.01	▲
Heavy episodic drinking at least weekly (past-year drinkers)	20.7	(15.1-27.3)	12.9	(11.4-14.5)	0.01	▲

Source: New Zealand Health Survey

Alcohol harm – New Zealand, Hawke's Bay DHB & Napier City Council

Leading cause of death: 15-49 yrs



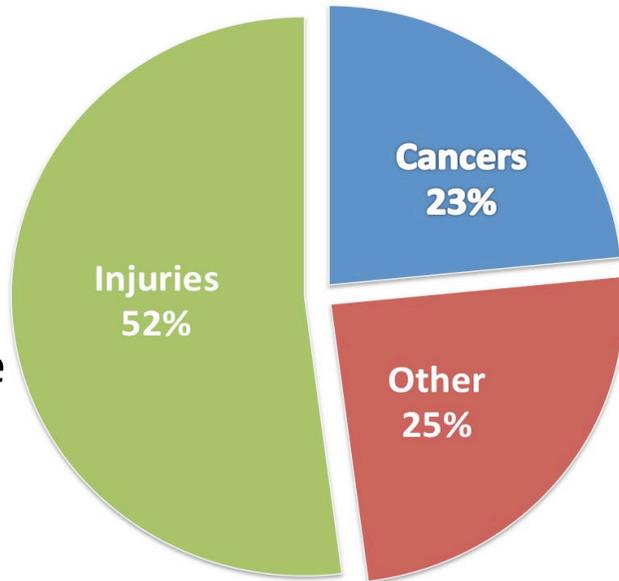
Alcohol-attributable deaths in NZ

under 80 years of age, 2007 (n = 802)

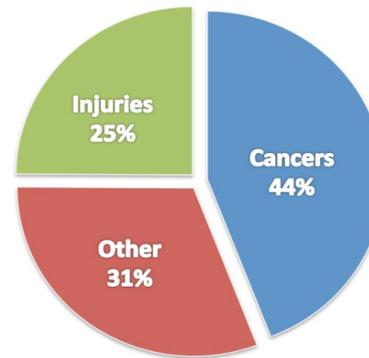
TOTAL

43% injuries
30% cancer
27% other
chronic disease

Men (n= 537)



Women (n= 265)



Other harms, to the drinker and others:

- 200+ health conditions
- Violence and crime
- Road deaths
- Family harm and child maltreatment
- Poor mental health, suicide, dement
- Financial harms from heavy drinking
 - Lost productivity
 - Unemployment and job loss
 - Lower economic growth

Cancer

No safe level of alcohol use for cancer

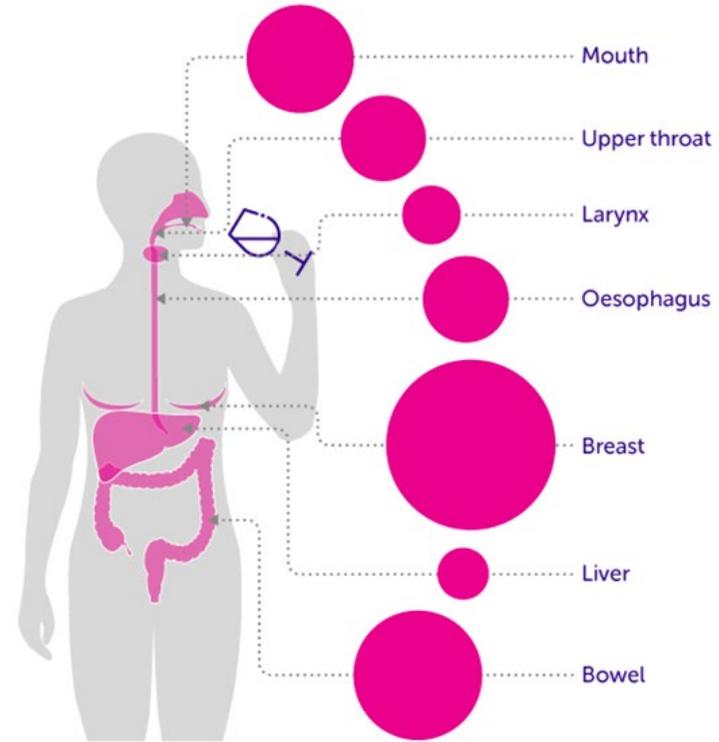
Among NZ women, breast cancer is the leading cause of death due to alcohol

Cancer Society of NZ @NZCancerSo · 1h
Like tobacco, alcohol causes cancer. Even small amounts of alcohol increases cancer risk. Share this post to spread awareness of the link between cancer and alcohol.

Find out more at cancer.org.nz/alcohol-and-ca...



Drinking less alcohol can prevent 7 types of cancer



●●● Larger circles indicate more UK cancer cases

Circle size here is not relative to other infographics based on Brown et al 2018.
Source: Brown et al, British Journal of Cancer, 2018

cruk.org/prevention
Together we will beat cancer



Poor mental health & suicide

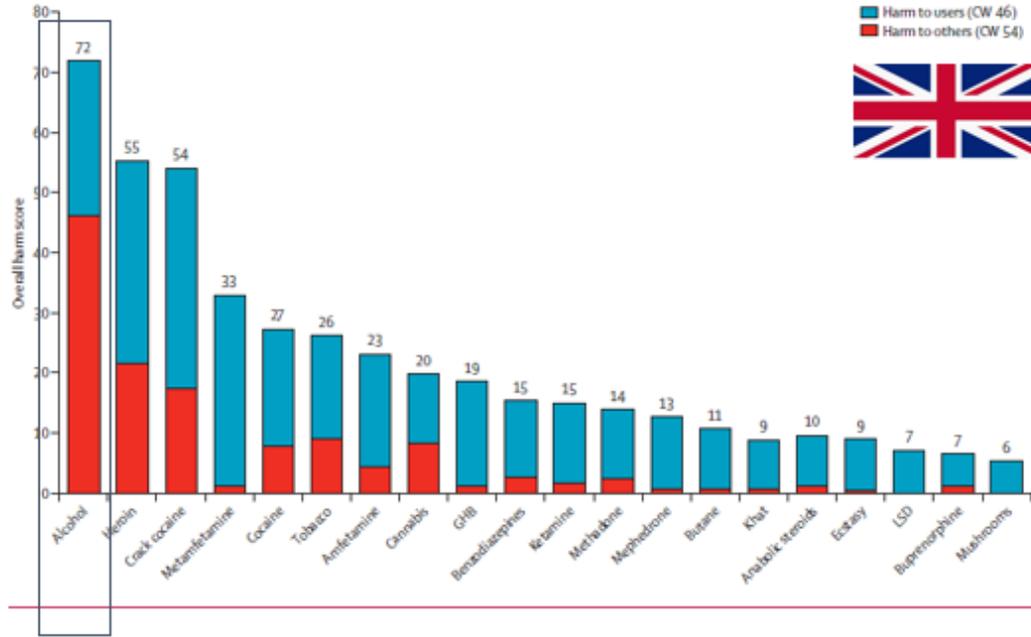
- Heavy drinking/alcohol use disorders can cause depressive disorders
- 'Self-medication' leads to increased alcohol consumption, and then progression to alcohol-use disorders
- Alcohol use increases the likelihood of more severe methods of suicide in young and middle adulthood
- NZers with alcohol dependence are 1.5 times more likely to report suicidal ideation
- Heavy alcohol use impacts the mental health of others
- 10% of NZers who drank in the past 4 weeks in the August 2021 lockdown reported that a mental health problem developed or got worse due to their drinking

Alcohol and pregnancy

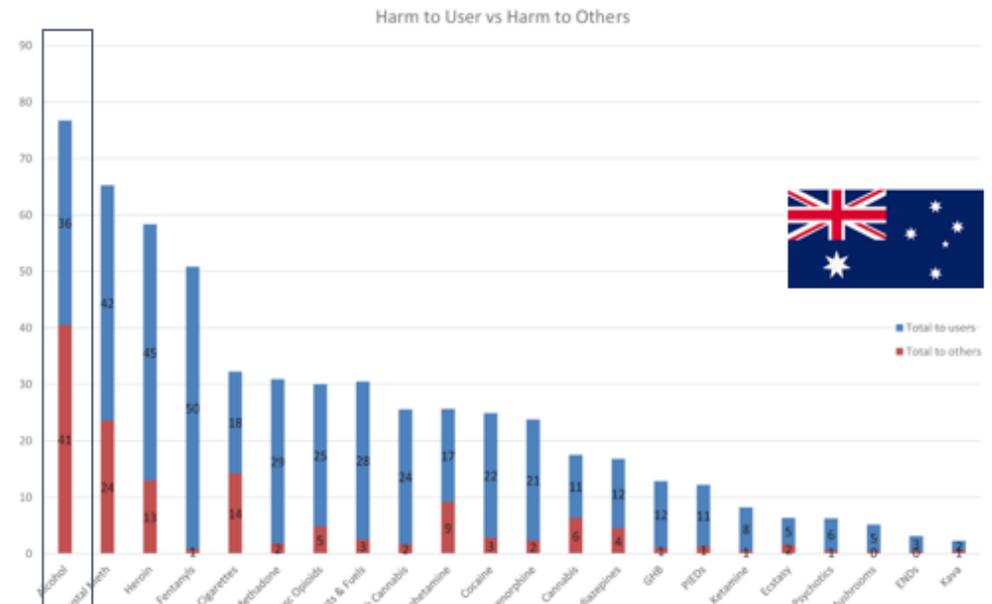
- Alcohol is the most harmful drug to the fetus
- ~50% of NZ pregnancies are alcohol exposed (30,000 babies)
- ~25% of NZ women report some alcohol use after pregnancy recognition & 10% report binge drinking.
- Fetal Alcohol Spectrum Disorder = 3-5% of our current birth rate (~1800+ cases per year)
- FASD is a **lifelong** hidden and significant neuro-disability – with enormous human and economic consequences.

See Alcohol Healthwatch Factsheet <https://www.ahw.org.nz/Portals/5/Resources/Fact%20Sheet/2021/Factsheet%20->

Alcohol is the most harmful drug

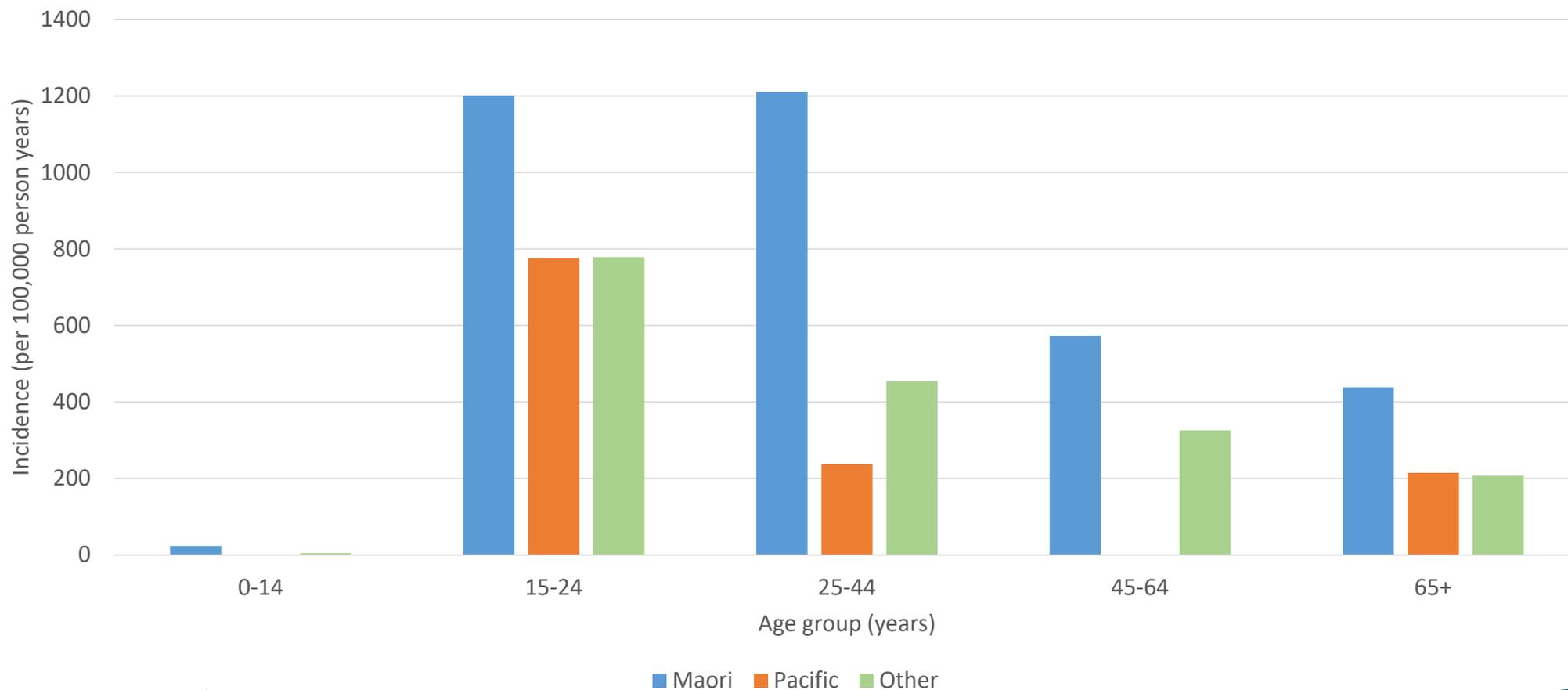


Jutt, King, Phillips. The Lancet 376, 1558–1565 (2010).⁵



Emergency Dept presentations, Hawke's Bay

Incidence of alcohol-related ED presentations in Hawke's Bay, by age group and ethnicity, Sept 2020-Oct 2021.



Courtesy of Dr Rachel Eyre



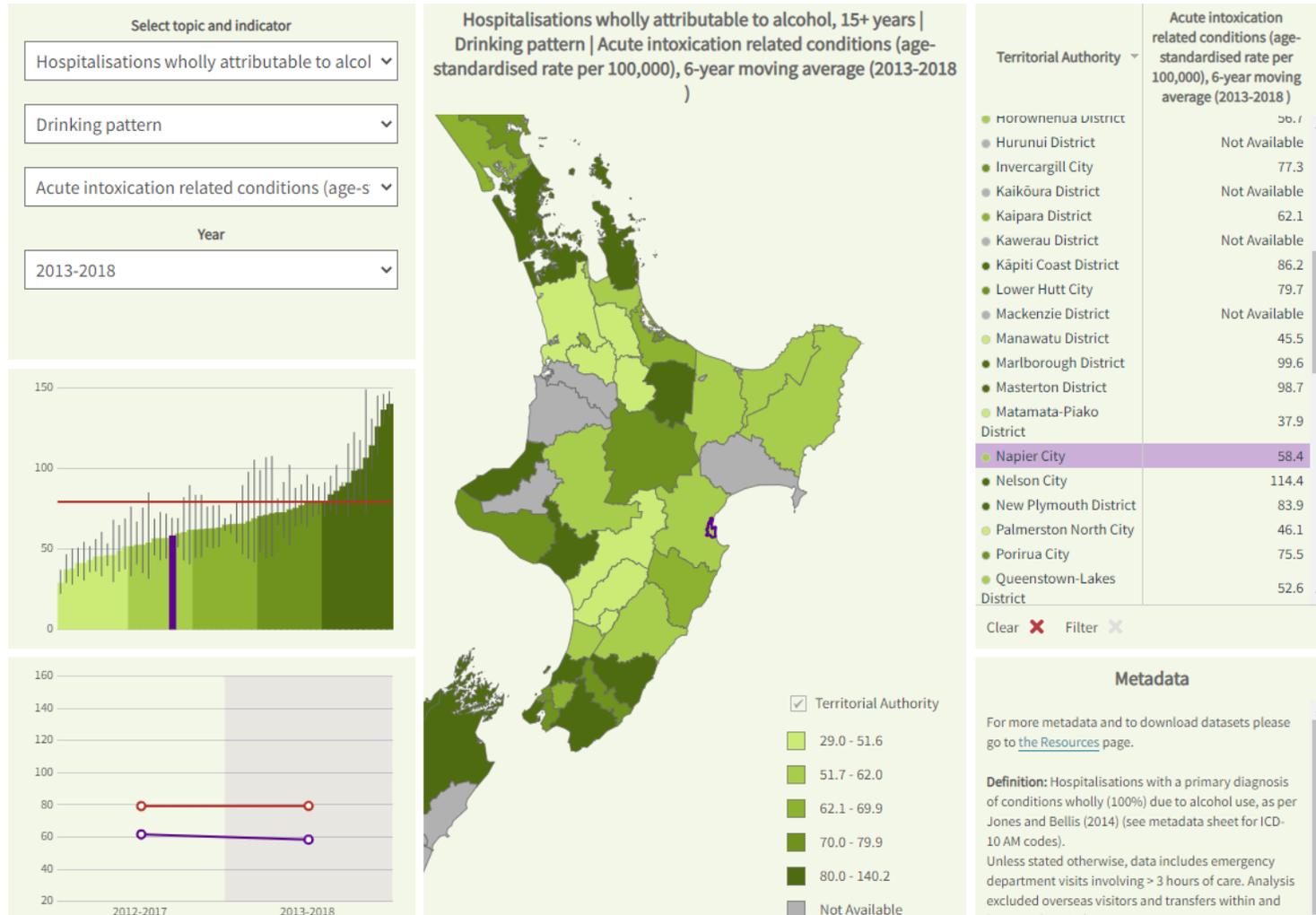
Top reasons for alcohol-related ED presentations

1. Head injury: 192
2. Medical other: 99
3. Arm injury: 86
4. Multiple injuries: 85
5. Overdose poisoning intoxication: 83
6. Collapse fall: 72
7. Leg injury: 56
8. Abdominal pain: 47

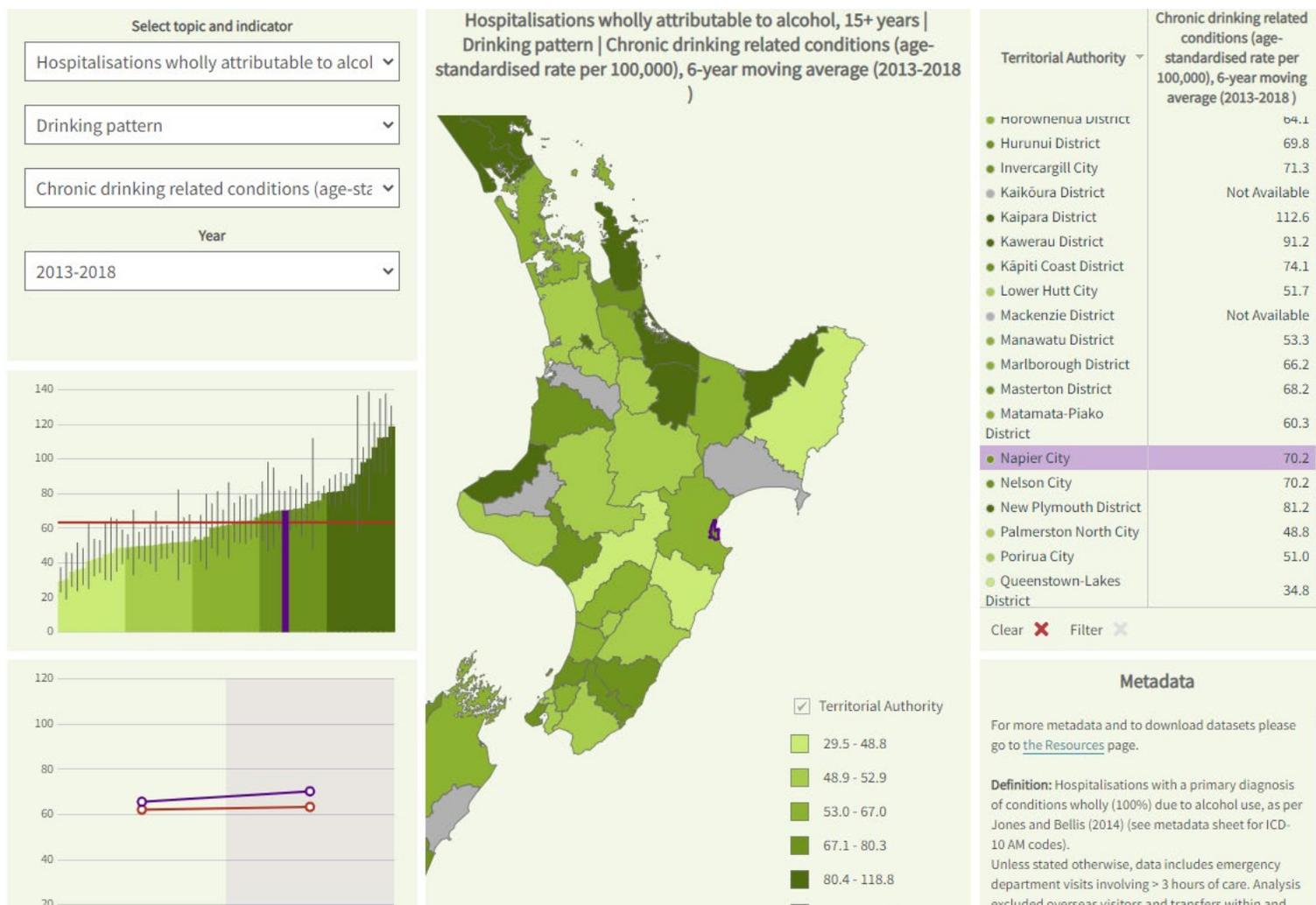
Courtesy of Dr Rachel Eyre



Hospital admissions due to alcohol: Napier City Council



Hospital admissions due to alcohol: Napier City Council



Impact of drinking on the community

Hawke's Bay DHB Survey 2015

- 62% of people felt that alcohol use had a very negative or negative impact in their community
 - Higher in Flaxmere (71%)
- Concerns related to family violence, road accidents, community safety, public disorder and noise/rubbish/broken glass
- Bottle stores (60%) and supermarkets selling alcohol (47%) were most commonly identified as having the greatest impact on alcohol harm in communities.



Key drivers of alcohol use & harm

1) Alcohol availability

Trends in physical availability

- From 6,295 licences in 1990 to 11,064 licences in 2022
 - 6468 on-licences
 - 1543 club licences
 - 2982 off-licences (1088 bottle stores, 416 grocery stores, 261 supermarkets, 271 taverns, mail order 286)
- **More than 80% of all alcohol now sold from off-licences**

Availability in NZ

In 2012/13:

- 85% of NZers in urban areas lived within 2-minutes' drive of any alcohol outlet
 - **66% live within 2-minutes' drive** of an on-licence (bars, clubs, restaurants and cafés)
 - **67% live within 2-minutes' drive** of an off-licence alcohol outlet

NZ adults living in the most deprived areas (cf. least deprived) are more likely to live closer to alcohol outlets and more likely to have a higher number of outlets in their communities

Inequities: Proximity to alcohol sales

In 2018, median distance to the nearest licensed premises was:

- 600m for Pacific people
 - 752m for Asian people
 - 1254m for Māori
 - 1276m for European/Other
-
- Young Māori and Pacific males (15-24yrs) who live closer to alcohol outlets are **more likely** to be hazardous drinkers.
 - The more outlets within 800m = the more likely young European females are hazardous drinkers.

Huge growth in online alcohol sales before and since COVID

Trading hours

- Introduction of Default national maximum trading hours in 2012
(Section 43 of SSAA)
 - On-licences: 8am to 4am
 - Off-licences: 7am to 11pm
 - Club licences: 8am to 4am
- Research shows reduction in hours in 2012 reduced harm, especially to young adults



Impact of density and/or proximity of licensed premises

New Zealand research: off-licences

Year of data	Location	Distance	Result
2005 ¹⁴	6 University campuses	1km 3km	↑ self-reported harm, second-hand harm ↑ self-reported harm, second-hand harm
2005 - 2007 ¹⁵	NZ	<1.1km to 4.8km	↑ serious violence (Police data) (bottle store > supermarket > hotel/tavern)
2007 ¹⁶	NZ	1km	↑ binge drinking, self-reported harm
2008 - 2009 ¹⁷	Manukau City	Census Area Unit	↑ violence, sexual offences, drug/alcohol offences, property abuse, antisocial behaviour, dishonesty, traffic offences, motor vehicle accidents ↓ family violence
2006-2011 ¹⁸	North Island	Census Area Unit (and surrounding areas)	↑ violence
2006-2011 ¹⁹	North Island	Census Area Unit (and surrounding areas)	Supermarket: ↑ antisocial behaviour, dishonesty, property abuses, property damage, sexual offences, violence ↓ MVA Other: ↑ dishonesty, MVA ↓ antisocial behaviour, property abuses, property damage Regional variation
2007-2014 ²⁰	NZ	Census Area Unit (and surrounding areas) OUTLET COUNTS	Supermarket = bottle store in terms of harm ↑ violence, antisocial behaviour, drug/alcohol offences, property damage, sexual offences, motor vehicle accidents
2015-18 (Hobbs)	NZ	Proximity	The further distance the less common assault, Non-aggravated sexual assault, Aggravated sexual assault, and Liquor and tobacco offences

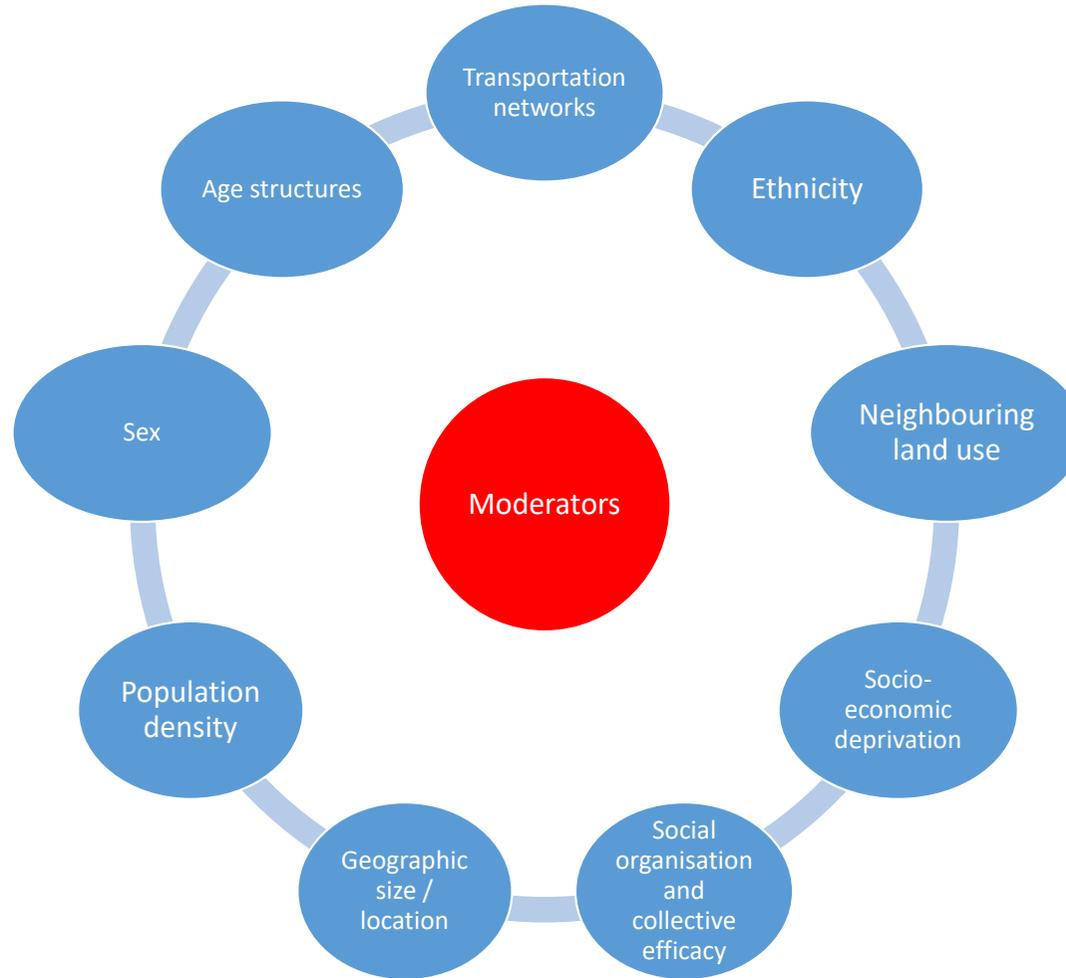
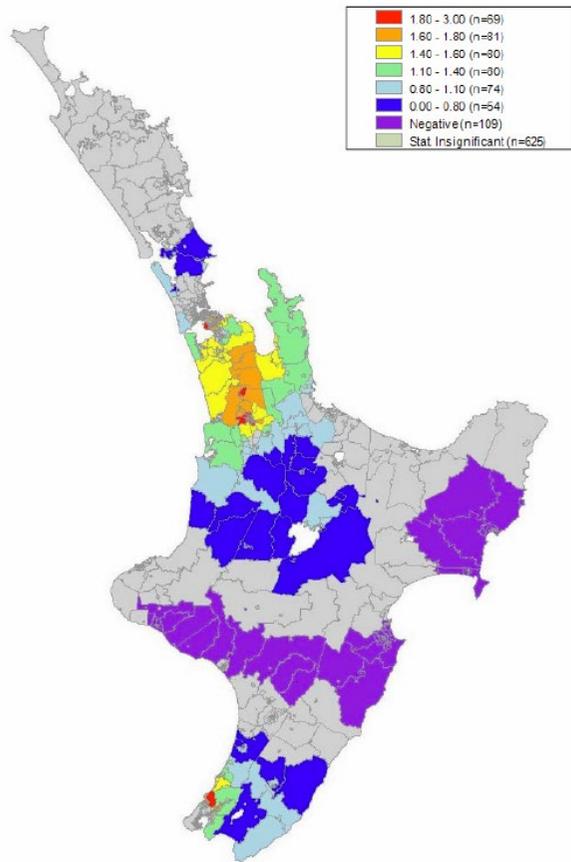
New Zealand research: on-licences

Year of data	Location	Distance	Result
2005 ¹⁴	6 University campuses	1km 3km	↑ self-reported harm, second-hand harm ↑ self-reported harm, second-hand harm
2005 - 2007 ¹⁵	NZ	<1.1km to 4.8km	<1.2km ↑ serious violence (Police data) (hotel/tavern = restaurant)
2007 ¹⁶	NZ	1km	↑ self-reported harm (hotel/tavern = restaurant)
2008 - 2009 ¹⁷	Manukau City	Census Area Unit	↑ violence, family violence, drug/alcohol offences, property damage, property abuse, antisocial behaviour Restaurant/cafe = no relationships
2006-2011 ¹⁸	North Island	Census Area Unit (and surrounding areas)	Bar/night club ↑ violence Restaurant/cafe ↑ violence
2006-2011 ¹⁹	North Island	Census Area Unit (and surrounding areas)	Bars: ↑ antisocial behaviour, dishonesty, drug & alcohol, property abuses, property damage, sexual offences, violence, MVA Other: ↑ antisocial behaviour, dishonesty, property abuses, property damage, violence, MVA
2007-2014 ²⁰	NZ	Census Area Unit (and surrounding areas) OUTLET COUNTS	Bars = no impact on violence ↑ antisocial behaviour, ↓ drug/alcohol offences, property abuse & damage, sexual offences Other: ↓ violence, dishonesty, property damage, MVA
2015-2018 (Hobbs)	NZ	Proximity	The further distance the less common assault, Non-aggravated sexual assault, Aggravated sexual assault, and Liquor and tobacco offences

New Zealand research: club licences

Year of data	Location	Distance	Result
2007 ¹⁶	NZ	1km	↑ self-reported harm
2006-2011 ¹⁸	North Island	Census Area Unit (and surrounding areas)	↑ violence
2006-2011 ¹⁹	North Island	Census Area Unit (and surrounding areas)	↑ antisocial behaviour, dishonesty, property abuses, property damage, violence
2007-2014 ²⁰	NZ	Census Area Unit (and surrounding areas) COUNTS OF OUTLETS	↑ violence, dishonesty, sexual offences Effects stronger in less populated areas and less deprived

Localism matters



The impact of trading hours

New Zealand research

- Consuming high quantities and frequency of drinking were associated with purchasing at later times¹³
- On-licence (2am vs <2am)
 - High quantities OR 2.9 (95% CI 1.9-4.4)
 - Drinking frequency OR 2.2 (95% CI 1.5-3.4)
- Off-licence (10pm vs. <10pm)
 - High quantities OR 2.1 (95% CI 1.1-3.3)
 - Drinking frequency OR 1.8 (95% CI 1.1-3.0)
- Clustering of outlets is associated with longer trading hours⁹

The impact of trading hours

On-licence hours

High quality research shows negative impact of long trading hours (particularly after midnight) at on-licences

Off-licence hours

Fewer studies – restricting off-licence hours reduce hospital admissions, particularly among young people



Priority objective of new 2012 liquor laws

“To improve community input into local alcohol licensing decisions”

Through

- District Licensing Committees
- Local Alcohol Policies

<https://www.legislation.govt.nz/bill/government/2010/0236/22.0/096be8ed8063ff35.pdf>

'Harder to get, easier to lose'?

Auckland District Licensing Committee	2019/20	2020/21
New on-licences refused vs issued	2 / 836	0 / 410
New off-licences refused vs issued	0 / 317	2 / 153
Licence renewals refused vs issued	4 / 1169	1 / 1242

Christchurch District Licensing Committee	2018/19	2019/20	2020/21
New on-licences refused vs issued	0 / 146	0 / 105	0 / 97
New off-licences refused vs issued	0 / 33	0 / 32	2 / 43
Licence renewals refused vs issued	1 / 379	0 / 314	1 / 335

Hamilton District Licensing Committee	2018/19
New on-licences refused vs issued	0 / 19
New off-licences refused vs issued	0 / 15
Licence renewals refused vs issued	2 / 88

Hamilton District Licensing Committee	2019/20	2020/21
On-licences refused vs issued	0 / 89	0 / 103
Off-licences refused vs issued	0 / 46	0 / 32
Licence renewals refused vs issued	0 / 98	0 / 350

Napier City Council DLC	2019/20	2020/21
New on-licences refused vs issued	0/17	0/17
New off-licences refused vs issued	0/6	0/8
Licence renewals refused vs issued	0/74	0/62

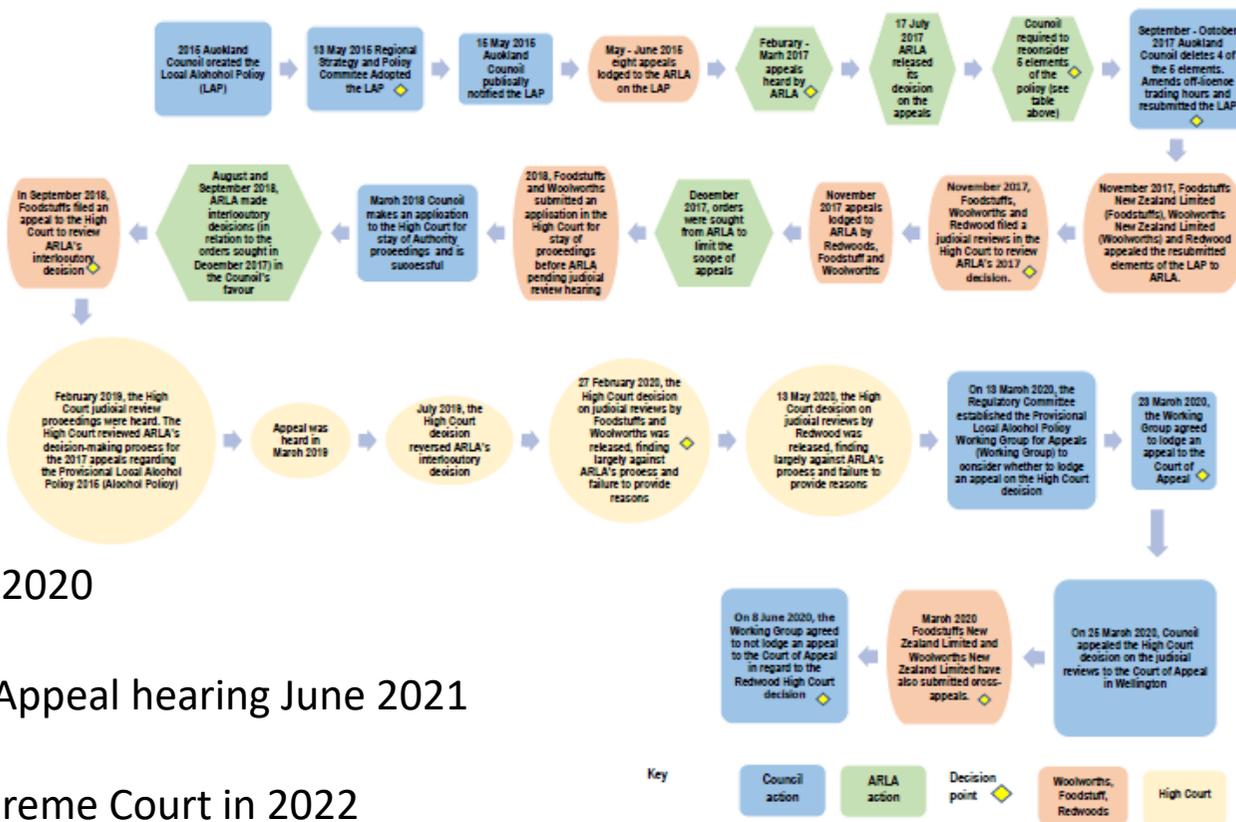
Local Alcohol Policies

- Sections 75-97 of SSAA
- Can control where **NEW LICENSED PREMISES** can be located (e.g. next to schools, Marae, other licensed premises, by zone)
- Control trading hours of **all** premises
- Regulations for LAPs commenced in Nov 2013

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.
- (2) Paragraphs (a) to (d) of subsection (1) do not apply to special licences, or premises for which a special licence is held or has been applied for.
- (3) A local alcohol policy must not include policies on any matter not relating to licensing.

Auckland Council's Provisional LAP

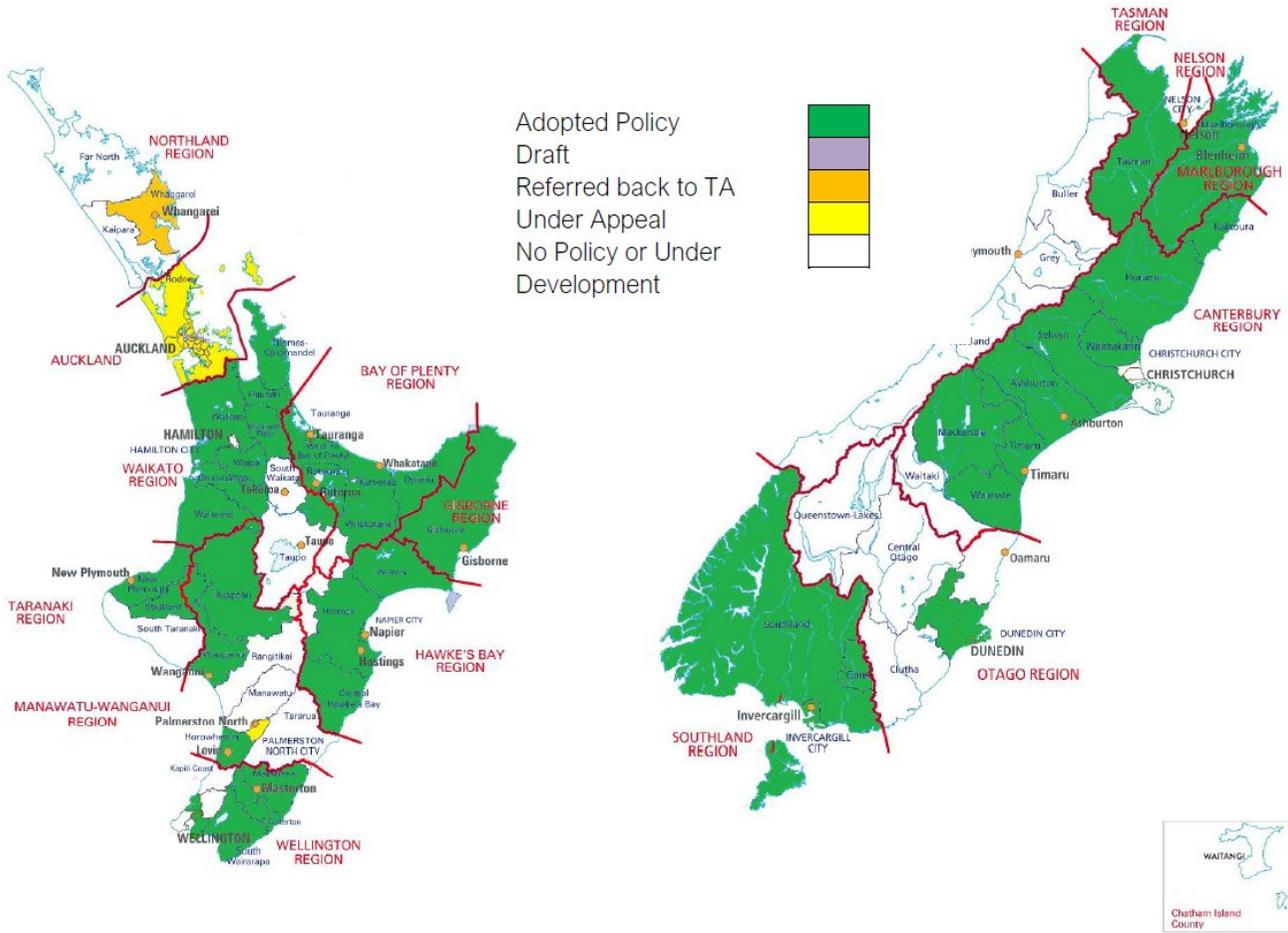


Process up to 8 June 2020

Since then, Court of Appeal hearing June 2021

Leave granted to Supreme Court in 2022

LAP status – 35% of NZ population



No Local Alcohol Policies in:

- Auckland
- Hamilton
- Wellington
- Christchurch

86% of first LAPs appealed by supermarkets

72% of first LAPs appealed by bottle stores

Results in watered-down policies that are less effective in protecting communities from harm

Appeals most commonly to off-litence discretionary conditions, trading hours and density restrictions

Alcohol Regulatory and Licensing Authority, 2021: Alcohol

Napier/Hastings LAP

- Draft LAP = Oct 2013
- Provisional LAP = April 2016
- Adopted LAP = March 2019

5.2 Off-Licence Hours

Off Licence Type	Maximum Trading Hours
Grocery stores, wineries, hotels, bars, taverns and bottle stores	9.00am to 9.00pm Monday to Sunday
Supermarkets	7.00am to 9.00pm Monday to Sunday

7. LOCATION OF LICENSED PREMISES

From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:

- Flaxmere - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1.
- Camberley - the suburban commercial zone in Camberley identified in Map 2.
- Maraenui - the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3.

5.2 OFF-LICENCE HOURS

OFF LICENSE 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

Local Government NZ Remit 2018: 95% support

Local alcohol policies which reflect community preferences

- Proposed by Christchurch City Council and Napier City Council
- Asked that LGNZ seeks the Government's agreement to **amend the Sale and Supply of Alcohol Act 2012 so that Local Alcohol Policies can more accurately reflect local community views and preferences.**
- It also asks that councils be given more policy levers to reduce alcohol-related harm to complement Local Alcohol Policies (LAPs).
- There is strong community concern about the effects of the increasing number of alcohol sale outlets in many communities. While the ability to establish a local alcohol licensing framework has been devolved to councils, it has not been accompanied by the required authority and resources. As a result, the majority of LAPs so far developed have been appealed by alcohol industry groups and, in most cases, have resulted in adopted LAPs which closely align with national legislation. The lack of provisions within many of the adopted LAPs creates a significant burden on communities to be involved in individual licensing decisions; and the current ability for appellants to endlessly challenge a community's preferences regarding the sale of alcohol is untenable.
- **The remit was passed overwhelmingly with 95% of the sector in favour.**



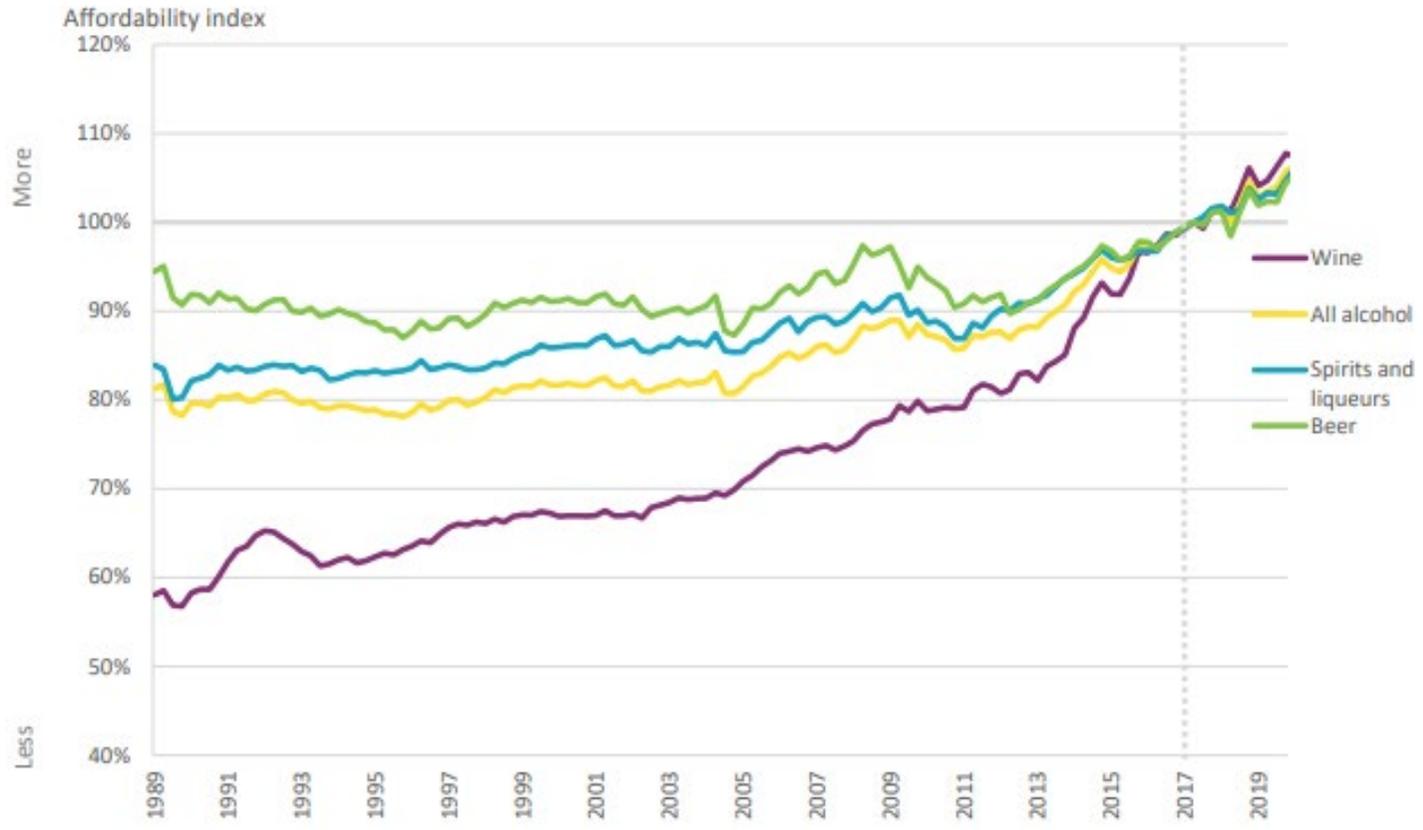
2) Price & affordability of alcohol

Price matters

- New Zealanders spend ~\$5-7 billion per year on alcohol
- Price and affordability are related to consumption
- In NZ, cheap alcohol more likely to be purchased by:
 - Heavier drinking young people
 - Heavy drinkers
 - Frequent drinkers
 - Pasifika drinkers, followed by Māori drinkers



Increasing affordability



Data sources: Alcohol CPI from CPI level 3 classes for NZ (Quarterly-Mar/Jun/Sep/Dec); average weekly income from Quarterly

Off-licence alcohol – the cheapest in 2021



Cask wine	Bottled red wine	Bottled white wine	Beer	Cider	
					
77c	85c	88c	98c	\$1.08	
2L (14%), \$17	750ml (13.5%), \$6.79	750ml (13%), \$6.79	18-pack (5%), \$22.99	1.25L (8%), \$8.49	
Price range of five cheapest	Price range of five cheapest	Price range of five cheapest	Price range of five cheapest	Price range of five cheapest	
77c - 91c	85c - \$1.04	88c - \$1.14	98c - \$1.17	\$1.08 - \$1.41	
RTDs	Light spirits	Gin	Vodka	Dark rum	Bourbon
					
\$1.14	91c	\$1.08	\$1.11	\$1.18	\$1.20
12-pack (7%), \$24.99	1L (13.9%), \$9.99	1L (37.5%), \$34.00	1L (40%), \$34.99	750mL (42.8%), \$30.00	1L (37%), \$34.99
Price range of five cheapest	Price range of five cheapest	Price range of five cheapest	Price range of five cheapest	Price range of five cheapest	Price range of five cheapest
\$1.14 - \$1.45	91c - \$1.18	\$1.08 - \$1.36	\$1.11 - \$1.36	\$1.18 - \$1.44	\$1.20 - \$1.69

Multi-buys even cheaper

 <p>\$24.79</p>	<p>18-pk 440ml, 4% ABV 25 standard drinks 99 cents per standard drink</p>	 <p>\$22.99</p>	<p>18-pk 330ml, 5%ABV 23.4 standard drinks 98 cents per standard drink</p>	
 <p>\$24.99</p>	<p>Barrel Bourbon & Dry Cola 12-pk 330ml, 7% ABV 21.9 standard drinks \$1.14 per standard drink</p>	 <p>\$20.00</p>	<p>Bily Maverick Bourbon & Cola 12-pk 250ml, 7%ABV 16.6 standard drinks \$1.21 per standard drink</p>	
 <p>\$29.99</p>	<p>Yankee Brandy 1L, 40%ABV 31.6 standard drinks 95 cents per standard drink</p>	 <p>\$9.99</p>	<p>Yankee Light Vodka 1L, 13.9%ABV 11 standard drinks 91 cents per standard drink</p>	
 <p>\$17.00</p>	<p>Longridge Merlot Cabernet Sauvignon 2L, 14%ABV 22.1 standard drinks 77 cents per standard drink</p>	 <p>\$6.79</p>	<p>Cleanskin Merlot 750ml, 13.5%ABV 7.99 standard drinks 85 cents per standard drink</p>	

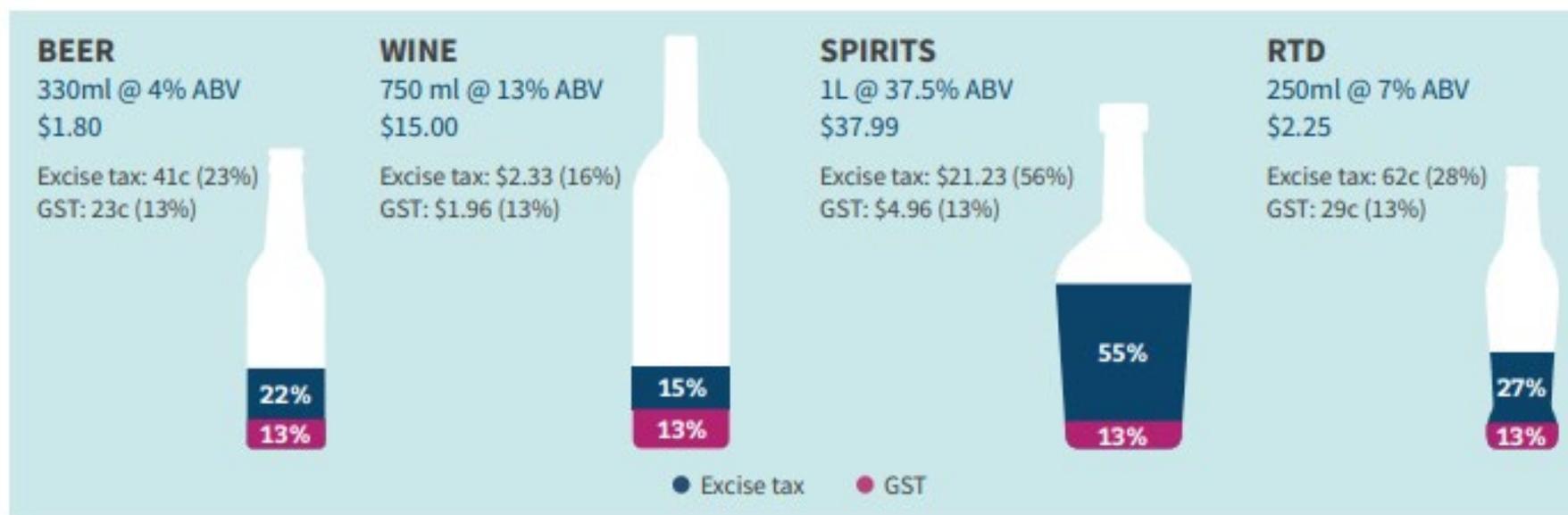
Off-licences alcohol – lowest price of most popular products



For the products where the top five brands could be identified, the lowest prices of the other four popular brands were as follows:

- Bottled red wine: \$1.40, \$1.60, \$1.92, \$2.05 per standard drink;
- Bottled white wine: \$1.40, \$1.66, \$1.66, \$2.00 per standard drink;
- Beer: \$1.27, \$1.28, \$1.32, \$1.42 per standard drink;
- Cider: \$1.55, \$1.56, \$1.66, \$3.16 per standard drink; and
- RTDs: \$1.21, \$1.51, \$1.60, \$2.06 per standard drink.

Tax on alcohol



Excise tax revenue : \$1.2 billion in 2021

- comprising ~1.5% of all tax paid to Govt

Law Commission (2010) recommendation

- Increase excise tax rates by 50% across all beverages
- Will raise overall alcohol prices by 10%
 - increasing spirits prices the most
- Reduce overall population consumption by 5%



How much is a 5% reduction?

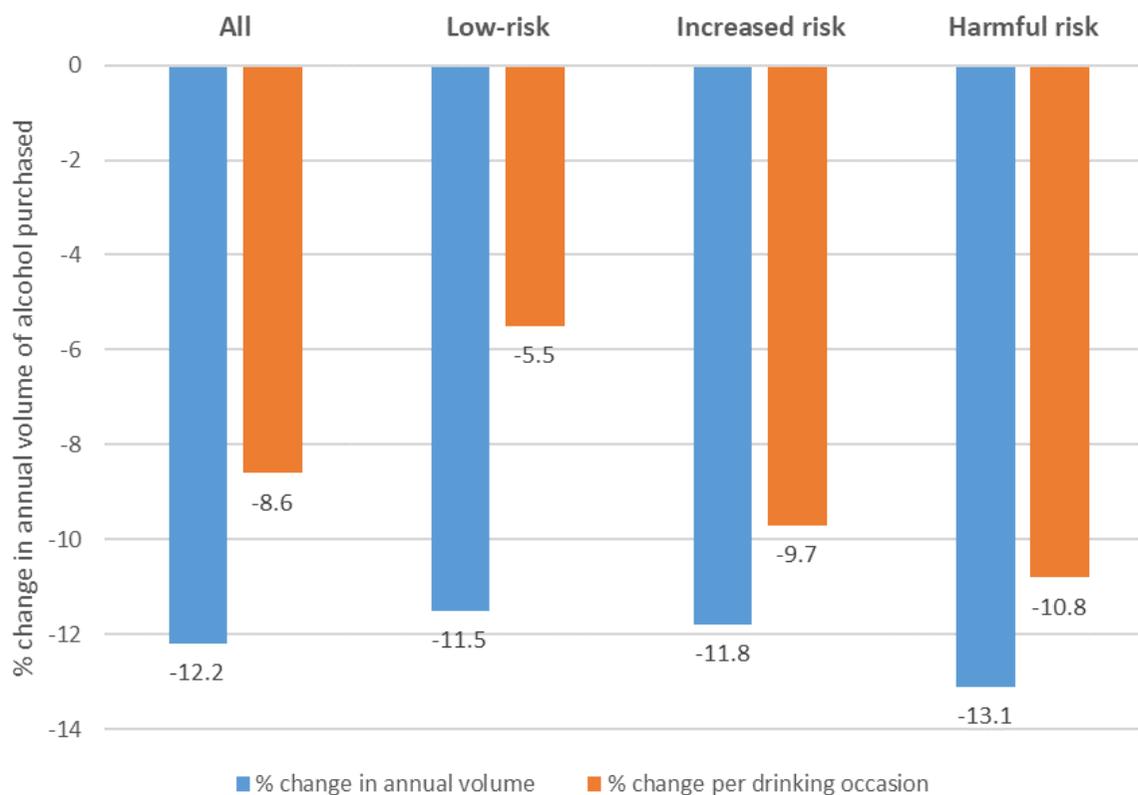
In 2021, there was 499 million litres of alcohol available for consumption

A 5% reduction on this would be 25 million litres less



Impact of price increases

- Estimated reductions in consumption from 82% tax increase in NZ:



Net savings to society

- \$339 million in first year
- \$2,452 million over 10 year

Costs to drinkers of 50% increase in tax



12-pack Speights
 \$22.49 to \$24.95
\$2.46 extra (11% increase)

750ml wine
 \$10.99 to \$12.16
\$1.17 extra (11% increase)

4 pack cider
 \$10.99 to \$11.91
\$0.92 extra (8% increase)

1 L vodka
 \$37.99 to \$48.61
\$10.62 extra (28% increase)

10 pack RTD
 \$29.99 to \$32.38
\$2.39 extra (8% increase)

The impact on prices (of some alcoholic beverages) following 50% increase in excise tax.

Pro-equity

- Alcohol tax increases are considered mildly regressive, yet very progressive in terms of health and other gains
- In 2014, an 82% excise tax increase was estimated to result in an annual increased spend among low-risk drinkers of \$92, increased risk drinkers of \$305 and harmful drinkers of \$710
- 20% NZers do not drink, so won't pay a cent more
- Low income, heavy drinkers stand to benefit the most from reductions in harm
- May reduce the differential in price between off-licences and on-licences
- Research shows excise tax increases would reduce injuries from road crashes, especially among males and Māori

Minimum Unit Pricing

- Strong evidence for significant effects on reducing inequities in alcohol harm



50p per unit (8g)

NZ\$1.22 per std drink



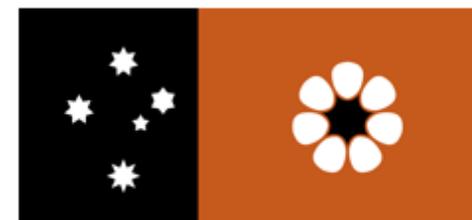
50p per unit (8g)

NZ\$1.22 per std drink



10 cent/gram of alcohol

NZ\$1.65 per std drink



AUS\$1.30 per std drink

NZ\$1.44 per std drink

3) Advertising / marketing / sponsorship

Key evidence

Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies ^{FREE}

Peter Anderson , Avalon de Bruijn, Kathryn Angus, Ross Gordon, Gerard Hastings

Alcohol and Alcoholism, Volume 44, Issue 3, 1 May 2009, Pages 229–243,

<https://doi.org/10.1093/alcalc/agn115>

Published: 14 January 2009 [Article history](#) ▾

with implications for the regulation of alcohol marketing

Thomas F. Babor, Katherine Robaina, Jonathan K. Noel & E. Bruce Ritson

Department of Community Medicine and Health Care, University of Connecticut School of Medicine, Farmington, CT 06030, USA

The Relationship Between Exposure to Alcohol Marketing and Underage Drinking Is Causal

JAMES D. SARGENT, M.D.,^{a,*} & THOMAS F. BABOR, PH.D., M.P.H.^b

impact on alcohol use, but found an impact on intentions to use. **Conclusions:** Longitudinal studies consistently suggest that exposure to media and commercial communications on alcohol is associated with the likelihood that adolescents will start to drink alcohol, and with increased drinking amongst baseline drinkers. Based on the strength of this association, the consistency of findings across numerous observational studies, temporality of exposure and drinking behaviours observed, dose-response relationships, as well as the theoretical plausibility regarding the impact of media exposure and commercial communications, we conclude that alcohol advertising and promotion increases the likelihood that adolescents will start to use alcohol, and to drink more if they are already using alcohol.

Conclusions

Young people who have greater exposure to alcohol marketing appear to be more likely subsequently to initiate alcohol use and engage in binge and hazardous drinking.

ADDICTION

SSA SOCIETY FOR THE STUDY OF ADDICTION

Review |  Free Access |

Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008

David Jernigan , Jonathan Noel, Jane Landon, Nicole Thornton, Tim Lobstein

First published: 26 August 2016 | <https://doi.org/10.1111/add.13591> | Cited by: 26

Alcohol Marketing in the Era of Digital Media Platforms

NICHOLAS CARAH, PH.D.,^{a,*} & SVEN BRODMERKEL, PH.D.^b

^aSchool of Communication and Arts, University of Queensland, Brisbane, Queensland, Australia

^bFaculty of Society & Design, Bond University, Robina, Queensland, Australia

Alcohol Healthwa

New Zealand evidence

Research Article

Engagement with alcohol marketing and early brand allegiance in relation to early years of drinking

En-Yi Lin , Sally Caswell, Ru Quan You & Taisia Huckle

Pages 329-338 | Received 17 May 2011, Accepted 12 Oct 2011, Published online: 01 Dec 2011

 Download citation  <https://doi.org/10.3109/16066359.2011.632699>

The results showed that awareness of each alcohol marketing channel increased the odds of being a drinker by 8%. Engagement with web-based marketing increased the odds of being a drinker by 98% while engagement with traditional marketing increased the odds by 51%. Brand allegiance increased the odds of being a drinker by 356% and increased the likelihood of non-drinkers reporting future drinking intentions (by 73%). Brand allegiance was also associated with more frequent alcohol consumption (1.65 times more drinking occasions per year) and 86% more alcohol consumed on a typical occasion.



Health & Place
Volume 46, July 2017, Pages 274-280



Children's exposure to alcohol marketing within supermarkets: An objective analysis using GPS technology and wearable cameras

T. Chambers ^{a,*,} , A.L. Pearson ^{a,*,} , J. Stanley ^{a,} , M. Smith ^{a,} , M. Barr ^{a,} , C. Ni Mhurchu ^{c,} , L. Signal ^a

 Show more

<https://doi.org/10.1016/j.healthplace.2017.06.003>

Get rights and c

Results

In alcohol retailing supermarkets (n = 30), children encountered alcohol marketing on 85% of their visits (n = 78). Alcohol marketing was frequently near everyday goods (bread and milk) or entrance/exit.

Conclusion

Alcohol sales in supermarkets should be banned in order to protect children from alcohol marketing.

New Zealand evidence



Alcohol sponsorship of a summer of sport: a frequency analysis of alcohol marketing during major sports events on New Zealand television

Tim Chambers, Louise Signal, Mary-Ann Carter, Samuel McConville, Rebecca Wong, Wendy Zhu

ABSTRACT

AIMS: This research aims to assess the nature and extent of alcohol marketing through sport sponsorship over a summer of televised sport in New Zealand.
METHODS: Frequency analysis of New Zealand television broadcasts of five international sporting events during the summer of 2014–2015. Broadcasts were analysed to identify the percentage of time when alcohol brands were visible during game play. The number of independent alcohol brand exposures was recorded.
RESULTS: Alcohol brands were observed during every televised event. Audiences were exposed to between 1.8 and 3.8 alcohol brand exposures per minute. Alcohol brands were visible between 42 and 777 times

Children's home and school neighbourhood exposure to alcohol marketing: Using wearable camera and GPS data to directly examine the link between retailer availability and visual exposure to marketing

T. Chambers^{a,c}, A.L. Pearson^{a,b}, I. Kawachi^c, J. Stanley^d, M. Smith^e, M. Barr^e, C. Ni Mhurchu^d, L. Signal^b

ABSTRACT

Background and aim: Neighbourhood alcohol availability has been associated with alcohol consumption by children, despite children rarely acquiring alcohol from retailers. This study explores one potential reason for this finding, by evaluating the relationships between neighbourhood alcohol availability and children's actual exposure to alcohol marketing.

Method: Wearable cameras and GPS devices were worn by 167 children (aged 11–13 y) over a four-day period. Image and GPS data were linked and compared to known alcohol availability data.

Results: Off-licence retailer availability and ethnicity were positively associated with children's exposure to marketing in both residential and school neighbourhoods.

Conclusion: Neighbourhood off-licence alcohol retailers are associated with increased childhood exposure to alcohol marketing.

Quantifying the Nature and Extent of Children's Real-time Exposure to Alcohol Marketing in Their Everyday Lives Using Wearable Cameras: Children's Exposure via a Range of Media in a Range of Key Places

Tim Chambers , James Stanley, Louise Signal, Amber L Pearson, Moira Smith, Michelle Barr, Cliona Ni Mhurchu

Alcohol and Alcoholism, Volume 53, Issue 5, 1 September 2018, Pages 626–633,

<https://doi.org/10.1093/alcalc/agy053>

Published: 20 July 2018 Article history ▼

Results

On average, children were exposed to alcohol marketing 4.5 (95% CI: 3.3, 6.0) times per day, excluding within off-licence retailers, on screens and product packaging. Children were exposed at home (47%), on-licence alcohol retailers (19%), off-licence shop fronts (16%) and sporting venues (12%), and via sports sponsorship (31%) and shop front signage (31%) and merchandise (25%). The highest exposure rates were found among Māori (5.4 times higher than New Zealand European) and Pacific (3.0 times higher than New Zealand European), and boys (2.0 times higher than girls).

Conclusions

These findings highlight the urgent need to implement strict legislative restrictions on all forms of alcohol marketing to fulfil the World Health Organization Global Alcohol Strategy.



Inequities: alcohol advertising exposure

Tamariki Māori are 5x more likely
Pasifika children 3x more likely

to be exposed to alcohol marketing than European
children

(exposure excludes screen advertising)

rambers et al, 2018



Saturation





Sponsorship



Sponsorship spend

\$21.3 million on alcohol sport sponsorship (2014)

Level	\$ CASH (%)	\$ NON-CASH (%)	TOTAL \$	% of all sponsorship
National	3,190,000 (23%)	1,499,000 (20%)	\$4,689,000 (22%)	7% (5% of all cash, 15% of all non-cash)
Regional	5,204,000 (38%)	679,000 (9%)	\$5,883,000 (28%)	11% (13% of all cash, 5% of all non-cash)
Community	5,366,000 (39%)	5,405,000 (71%)	\$10,771,000 (50%)	25% (16% of all cash, 61% of all non-cash)
			\$21.3 million	

- 76% of regional funding by alcohol companies and 29% of community funding goes to Rugby Union

Alcohol industry self-regulatory Code of practice

- Advertising Standards Authority Alcohol Advertising and Promotion Code

Boycott of ASA Review of Alcohol Advertising—need for regulation

Sally Casswell, on behalf of the interim Board of Health Coalition
Aotearoa

Ineffective, meaningless, inequitable: analysis of complaints to a voluntary alcohol advertising code

Nicki Jackson, Nathan Cowie, Amy Robinson



Sports sponsorship: evidence

- Exposure to alcohol sports sponsorship is associated with heavier alcohol consumption by children and adult sporting participants
- Only takes seconds for a brand to be recognised and recalled – perception of advertising is not required, effect is subliminal
- Exposure not only increases positive attitudes towards the brand
 - increases positive attitudes to alcohol in general



Public support for policy change

Nationally representative research finds:

- **79%** support increased restrictions to alcohol advertising / promotion seen by young people <18 yrs
- **67.2%** support ending alcohol sponsorship of events that minors may attend

<https://kume.hqa.org.nz/>



Recommendations for law change

- 2010 Law Commission 3-stage process (only stage 1 implemented)
 - Stage 1 = s237 of SSAA
 - Stage 2: legislation to reduce exposure to young people – watershed 10pm, no advertising at public transport, movies, sport and music events, moderation time, restrictions to internet advertising
 - Stage 3: advertising only of objective product information – name, qualities, no drinking occasions, no advertising in media with readership <20 yrs, no alcohol sponsorship
- 2014 Ministerial Forum for alcohol advertising and sponsorship
- 2018 Mental Health & Addiction Inquiry
- 2021 20 collective DHB statement on SSAA review
- 2022 Cancer Control Agency
- 2022 Te Hiringa Hauora / Health Promotion Agency Position Statement
- World Health Organization SAFER Framework



An easy solution to replacing sponsorship

- 1995 tobacco sponsorship was replaced by the Health Sponsorship Council
- Alcohol: Health Promotion Agency Levy to be increased substantially
 - Currently ~\$11 million/yr
 - Add \$30 million to replace sports sponsorship
- To replace alcohol sports sponsorship we would need to add (via the levy):
 - 6c to a bottle of wine
 - 2c to a can of beer
 - 2c to an RTD
 - 9c to a litre of spirits



Other evidence-based policies

- Increasing the purchase age
- Increasing the number of Random Breath Tests
- Screening and brief intervention in health and community settings



Ineffective / less effective approaches

- School-based education or information sessions
- TV or mass media campaigns
- Alcohol accords



Policy windows to effect change

1) Upcoming review of the Act

- Minister of Justice has announced a review of the Sale and Supply of Alcohol Act to occur this Parliamentary term
- Awaiting decision on scope of the review
- Need a broad review to effectively reduce alcohol use & inequities (addressing price, availability and advertising)



Local Government NZ Remit 2019

Review the Act, and involve Local Govt

LGNZ, on behalf of its member councils ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm (eg price, advertising, purchase age and availability) and fully involve local government in that review.

The remit was passed with 88% of the sector in favour.

A separate remit was submitted in 2021, requesting “that amendment be made to the Sale and Supply of Alcohol Act 2012 to enhance opportunities for the community to participate in the alcohol licensing process.”

This remit was supported by Zone Three and then referred to the National Council for action.

2) Chlöe Swarbrick's Private Members' Bill

Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill

- Removes appeals process in LAP development
 - Still allows for Judicial Review
- Ends alcohol sponsorship of broadcast sport
- Includes additional criteria for DLCs to consider in licensing decisions
- Seeks to apply LAPs to renewals
- **To be read: Selected at random from ballot OR 61 non-Executive MPs support the Bill**

3) Waitangi Tribunal claim (#WAI2624)

- Claimant = Raawiri (David) Ratu (Ngaati te Ata Waiohua, Waikato-Tainui, Ngaati Maniapoto)
- Waitangi Tribunal Health Services and Outcomes Kaupapa Inquiry
- Treaty breaches in relation to Sale and Supply of Alcohol Act 2012
 - No regard for Te Tiriti in SSAA
 - LAP development processes
 - Licensing – committees, objections and standing, reporting



Council leadership on alcohol harm

Focused on review of the Act and advocacy for Chlöe Swarbrick's Bill

March 24: Unanimous support for Notice of Motion, Auckland Council

April 7: Support for Mayoral Recommendation, Christchurch City Council

May 11: Support for Council recommendation, Whanganui District Council

May 12: Unanimous support for Council recommendation, Hamilton City Council

- Numerous emails from other Councils wanting to know more



Council leadership on alcohol harm

That the Council:

- a) endorses the proposed Private 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.
- b) requests the proposed Private Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill, be supported by the Government and/or non-Executive Members of Parliament;
- c) requests the New Zealand Government review the Sale and Supply of Alcohol Act 2012; and
- d) delegates (an Elected Member) to advocate to central government and to the Non-Executive Members of Parliament in support of the proposed Bill.

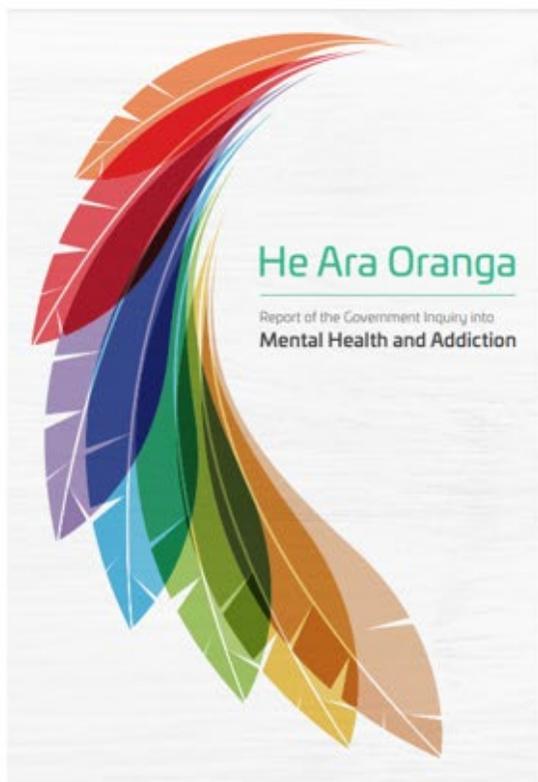
After the vote

Options:

- Council media release
- Letter to Minister of Justice on the outcome of the vote
- Nominate an Elected Member to advocate to central government and to the non-Executive Members of Parliament to support the Bill
- Prepare a submission on the upcoming review of the Sale and Supply of Alcohol Act 2012 (likely 2022/2023)
- Continue to advocate for evidence-based measures to reduce alcohol harm



2018 Mental Health and Addiction Inquiry



<https://mentalhealth.inquiry.govt.nz/assets/Summary-reports/He-Ara-Oranga.pdf>

We heard extensively across New Zealand that alcohol and other drugs are viewed as serious public health concerns and a blight on our communities. Alcohol, in particular its promotion, socialisation and ease of access, was a specific concern, and we heard from submitters concerned about the number of liquor outlets in their communities and their lack of power to influence this. Alcohol is the most common substance of addiction, and in any given year nearly 10% of New Zealanders' drinking could be classified as hazardous.²⁹¹

Despite alcohol's harm, New Zealand has a normalised heavy drinking culture. That, by and large, does not recognise current alcohol use as a crisis. Strong vested interests in the industry have incentives to resist change. We see parallels with tobacco control and smoking cessation. We believe a similar approach will be needed to tackle the harmful use of alcohol.

In 2008, in an attempt to respond to the harms associated with alcohol, the Law Commission was tasked with examining and evaluating the laws and policies relating to the sale, supply and consumption of alcohol in New Zealand and forming a policy framework covering the principles that should regulate the sale, supply and consumption of alcohol. While the Government adopted most of the Law Commission's recommendations, the most substantial and potentially reformative recommendations were not implemented. The recommendations were to:

- increase the price of alcohol through excise tax increases
- regulate promotions that lead to increased consumption or purchase of alcohol
- move, over time, to ban alcohol advertising and sponsorship
- increase the legal age of alcohol to 20 years
- reduce the number of hours that licenced premises are open.

Further work on alcohol pricing that considered the potential impact and effectiveness of a minimum price regime²⁹² and on advertising and sponsorship has been undertaken. The Ministerial Forum on Alcohol Advertising and Sponsorship, for example, reported in 2014 and made several recommendations with a focus on reducing harm to young people arising from alcohol advertising and sponsorship.²⁹³ However, there has not yet been a comprehensive government response to recommendations about combating harmful alcohol consumption and to the work on pricing or on advertising and sponsorship.

In our view, the main impediment to stronger alcohol reform is a lack of political will.

Safe and Effective Justice review



Recommendation 10: Alcohol and other drugs

We recommend that the Government strengthen regulation of alcohol.

“Alcohol is regulated but is widely available and used in our society. It isn’t seen as a drug and our regulation approaches to it are inconsistent and fail to deal with the harm it produces.”

We recommend stronger regulation of alcohol. Over recent decades governments have ignored many recommendations aimed at reducing the harm and impact of alcohol misuse. He Ara Oranga, the 2010 Law Commission review Alcohol in our Lives,⁶⁹ the 2014 Ministerial Forum on Alcohol Advertising and Sponsorship,⁷⁰ and the 2014 Ministry of Justice report The Effectiveness of Alcohol Pricing Policies all recommended or provided evidence for a stricter regulatory approach to the sale and supply of alcohol. Much bolder political leadership is required here to take action now.

20 DHBs collective statement

All District Health Boards

27 September 2021

Media release
Embargoed 5am 27 September

Heads of District Health Boards join forces to call for action to reduce alcohol harm

The Sale and Supply of Alcohol Act 2012 has failed in its objective to minimise alcohol related harm and urgently needs to be reviewed, the heads of New Zealand's District Health Boards (DHB's) have agreed in new documents released today.

"The Sale and Supply of Alcohol Act has failed in its objective to minimise alcohol related harm - it urgently needs to be amended and strengthened to reduce the harm alcohol causes in our whānau, our community services and our health system," Northland DHB Chief Executive Dr Nick Chamberlain said.

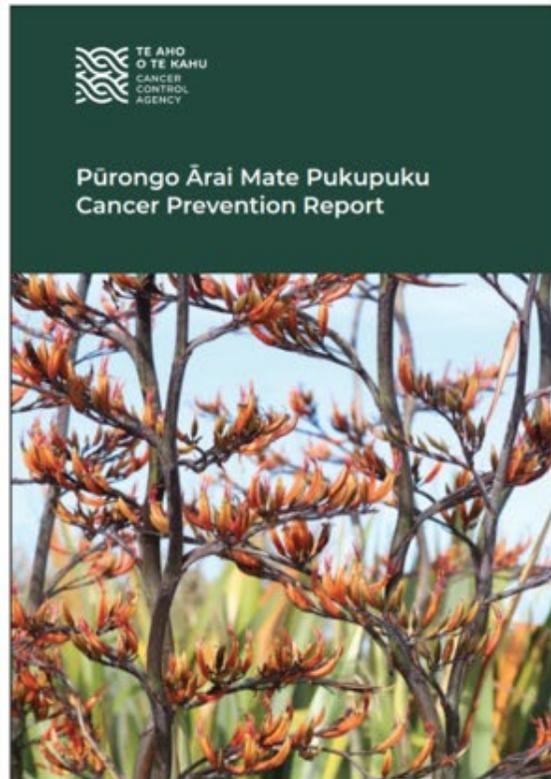
This is the first time the collective heads of DHBs have joined forces to agree on a singular position statement calling for legislative change. They want to:

- give effect to Te Tiriti O Waitangi and reduce inequities in alcohol related harm,
- remove easy access to alcohol, and
- reduce the visibility of alcohol advertising and sponsorship.

"Alcohol is New Zealand's most harmful drug, and it causes untold strain on our families, our community services, and our health system," Nick Chamberlain said.


Alcohol Healthwa

Te Aho o Te Kahu - the Cancer Control Agency



Summary of options to prevent cancers related to alcohol use

- ⇒ Reduce the affordability of alcohol.
 - Increase alcohol excise tax.
 - Introduce a minimum unit price (a mandatory lowest retail price per standard drink of alcohol).
- ⇒ Reduce the availability and accessibility of alcohol.
 - Decrease the number and density of licensed premises.
 - Decrease trading hours – particularly for off-licence outlets.
 - Increase the legal purchase age for alcohol from 18 years to 20 years.
- ⇒ Reduce alcohol advertising, marketing and sponsorship.
 - Enact and enforce comprehensive restrictions on volume and content of alcohol advertising and sponsorship across all environments.
- ⇒ Support health services to reduce harm from alcohol.
 - Strengthen screening and brief interventions to reduce alcohol consumption.

<https://teaho.govt.nz/reports/prevention-report>

Napier / Hastings Joint Alcohol Strategy

JOINT ALCOHOL STRATEGY

REDUCING ALCOHOL RELATED HARM

NAPIER CITY COUNCIL

HASTINGS DISTRICT COUNCIL

REVISED 2017



OBJECTIVES

Three key objectives are identified for the Strategy. These reflect areas in which the two Councils have either a leadership role or where they may have some influence.

The 2017-2022 Strategy objectives are:

1. Demonstrate leadership to reduce alcohol harm
2. Foster safe and responsible events and environments
3. Change attitudes towards alcohol to reduce tolerance for alcohol harms

The objectives also aim to support the following high-level priorities outlined in a range of national and local documents.⁵

- Reduce hazardous drinking of alcohol
- Delay uptake of alcohol by young people
- Reduce illness and injury from alcohol.

The Strategy supports a combination of regulatory approaches and preventative and educational interventions, acknowledging that all of these contribute to reducing alcohol harm. The Strategy also encourages collaboration between partner organisations – including councils, government agencies, community and business groups.

APPENDIX C: HAWKE'S BAY DISTRICT HEALTH BOARD'S POSITION STATEMENT ON REDUCING ALCOHOL-RELATED HARM, 2016

HAWKE'S BAY DISTRICT HEALTH BOARD POSITION

Napier / Hastings further achievements

Alcohol-free events brand

No alcohol advertising in public transport

DHB mahi on alcohol sports sponsorship

The sky won't fall in without alcohol company sponsorship



Georgia May Gilbertson · 16:37, Oct 10 2019



Te Hiringa Hauora / Health Promotion Agency

National Alcohol Harm Minimisation Framework



Alcohol access and availability

Position statement

Stronger regulatory measures to restrict the availability of alcohol will effectively prevent alcohol-related harm in Aotearoa New Zealand. Te Hiringa Hauora supports legislative enhancements that:

- limit the location and density of licensed premises
- reduce the default maximum trading hours for licensed premises
- strengthen provisions for off-licenses selling remotely that prevent sale to underage or intoxicated people
- improve the involvement of local communities and mana whenua in influencing

the need for a licensed premises and community (DULC) more accessible and responsive. LAFI process by narrowing or removing sections are not over-ridden by DULC, to as well as new applications, and



Alcohol advertising, promotion and sponsorship

Position statement

To minimise alcohol-related harm in Aotearoa New Zealand, Te Hiringa Hauora supports using a staged approach to phase out alcohol advertising and promotion; replacing alcohol sponsorship of events with a government programme funded by an increased alcohol levy or alternative funding sources; and replacing self-regulation by the alcohol industry with an independent or government-led process to monitor alcohol advertising, promotion and sponsorship.



Price of alcohol

Position statement

Increasing the price of alcohol is one of the most effective strategies for reducing alcohol-related harm. Higher prices that make alcohol less affordable lead to lower demand, lower consumption, and lower harm. Te Hiringa Hauora supports increasing excise tax on alcohol by 50% and introducing a legislative requirement for a minimum price per standard drink² of \$1.50 or more to reduce the harm caused by cheap alcohol.

<https://www.hpa.org.nz/national-alcohol-harm-minimisation-framework>

Conclusion

- Policies to change the alcohol environment are effective, pro-equity, cost-effective and positively impact future generations
- Communities have tried to have a say and take action, with little success
- The public want to see change, key organisations are demanding it
- Enabling political will for change will require many voices
- Local government has an important voice in this debate – the current laws are unworkable for councils



Questions



References

- Ayuka, F., Barnett, R., & Pearce, J. (2014). Neighbourhood availability of alcohol outlets and hazardous alcohol consumption in New Zealand. *Health & place*, 29, 186-199.
- Bonomo Y, Norman A, Biondo S, et al. The Australian drug harms ranking study. *J Psychopharmacol* 2019; 33: 759–68.
- Cameron et al. (2012). The Impacts of Liquor Outlets in Manukau City Report No. 3 The spatial and other characteristics of liquor outlets in Manukau City. ALAC.
- Cameron, M. P., Cochrane, W., McNeill, K., Melbourne, P., Morrison, S. L., & Robertson, N. (2012). Alcohol outlet density is related to police events and motor vehicle accidents in Manukau City, New Zealand. *Australian and New Zealand journal of public health*, 36(6), 537-542.
- Cameron, M.P., Cochrane, W., & Livingston, M. (2016). The relationship between alcohol outlets and harms: A spatial panel analysis for New Zealand, 2007-2014. Wellington: Health Promotion Agency.
- Cameron, M.P., Cochrane, W., Gordon, C., & Livingston, M. (2013). The locally-specific impacts of alcohol outlet density in the North Island of New Zealand, 2006-2011. Research report commissioned by the Health Promotion Agency. Wellington: Health Promotion Agency.
- Casswell S, Huckle T, Wall M, Yeh LC. International alcohol control study: pricing data and hours of purchase predict heavier drinking. *Alcoholism: Clinical & Experimental Research* 2014; 38: 1425–31.
- Chambers T, Stanley J, Signal L, et al. Quantifying the nature and extent of children’s real-time exposure to alcohol marketing in their everyday lives using wearable cameras: Children’s exposure via a range of media in a range of key places. *Alcohol and alcoholism* 2018; 53: 626–33.
- Connor J, Kydd R, Shield K, Rehm J. The burden of disease and injury attributable to alcohol in New Zealanders under 80 years of age: Marked disparities by ethnicity and sex. *New Zealand Medical Journal* 2015; 128: 15–28.
- Connor, J. L., Kypri, K., Bell, M. L., & Cousins, K. (2010). Alcohol outlet density, levels of drinking and alcohol-related harm in New Zealand: a national study. *Journal of Epidemiology & Community Health*, jech-2009.
- Day, P., Breetzke, G., Kingham, S., & Campbell, M. (2012). Close proximity to alcohol outlets is associated with increased serious violent crime in New Zealand. *Australian and New Zealand journal of public health*, 36(1), 48-54.
- Fleming T, Ball J, Peiris-John R, et al. Youth19 Rangatahi Smart Survey, Initial Findings: Substance Use. New Zealand: Youth19 Research Group, The University of Auckland and Victoria University of Wellington, 2020 <https://www.youth19.ac.nz/publications> (accessed Feb 19, 2021).
- Hay, G. C., Whigham, P. A., Kypri, K., & Langley, J. D. (2009). Neighbourhood deprivation and access to alcohol outlets: a national study. *Health & place*, 15(4), 1086-1093.
- Huckle, T., Huakau, J., Sweetsur, P., Huisman, O., & Casswell, S. (2008). Density of alcohol outlets and teenage drinking: living in an alcogenic environment is associated with higher consumption in a metropolitan setting. *Addiction*, 103(10), 1614-1621.
- Institute for Health Metrics and Evaluation (IHME). GBD Compare Data Visualization 2019, New Zealand. Seattle: WA: University of Washington, 2022 <https://www.healthdata.org/data-visualization/gbd-compare> (accessed March 31, 2022).
- Kypri K, Bell ML, Hay GC, Baxter J. Alcohol outlet density and university student drinking: a national study. *Addiction* 2008; 103: 1131–8.

References

- Marcus, J., & Siedler, T. (2015). Reducing binge drinking? The effect of a ban on late-night off-premise alcohol sales on alcohol-related hospital stays in Germany. *Journal of Public Economics*, 123, 55-77.
- Ministry of Health. Annual Update of Key Results 2020/21: New Zealand Health Survey. Wellington, N.Z: Author, 2021 <https://www.health.govt.nz/publication/annual-update-key-results-2020-21-new-zealand-health-survey> (accessed March 31, 2022).
- NielsenIQ. Impact of COVID-19 August/September 2021: Topline results –Wave 3. Wellington, N.Z: Te Hiringa Hauora/Health Promotion Agency, 2022.
- Nutt DJ, King LA, Phillips LD. Drug harms in the UK: A multicriteria decision analysis. *The Lancet* 2010; 376: 1558–65.
- Sanchez-Ramirez, D. C., & Voaklander, D. (2018). The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review. *Injury prevention*, 24(1), 94-100.
- Sherk, A., Stockwell, T., Chikritzhs, T. et al. (10 more authors) (2018) Alcohol consumption and the physical availability of take-away alcohol: systematic reviews and meta-analyses of the days and hours of sale and outlet density. *Journal of Studies on Alcohol and Drugs*, 79 (1). pp. 58-67.
- Viet Cuong P, Casswell S, Parker K, et al. Cross-country comparison of proportion of alcohol consumed in harmful drinking occasions using the International Alcohol Control Study. *Drug and alcohol review* 2018; 37: S45–52.
- Wagenaar AC, Salois MJ, Komro KA (2009b), Effects of beverage alcohol price and tax levels on drinking: a meta-analysis of 1003 estimates from 112 studies. *Addiction*. 104:179-90. doi: 10.1111/j.1360-0443.2008.02438.x.
- Wall, M., & Casswell, S. (2013). Affordability of alcohol as a key driver of alcohol demand in New Zealand: a co-integration analysis. *Addiction*, 108(1), 72-79.
- Wall, M., Casswell, S., & Yeh, L. C. (2017). Purchases by heavier drinking young people concentrated in lower priced beverages: Implications for policy. *Drug and alcohol review*, 36(3), 352-358.
- White J, Lynn R, Ong SW, Whittington P, Condon C, Joy S. The Effectiveness of Alcohol Pricing Policies; Ministry of Justice. 2014. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/effectiveness-of-alcohol-pricing-policies.pdf> [Accessed 21 August 2017].
- Wicki, M., & Gmel, G. (2011). Hospital admission rates for alcoholic intoxication after policy changes in the canton of Geneva, Switzerland. *Drug & Alcohol Dependence*, 118(2), 209-215.
- Wilkinson, C., Livingston, M., & Room, R. (2016). Impacts of changes to trading hours of liquor licences on alcohol-related harm: a systematic review 2005–2015. *Public Health Res Pract*, 26(4).
- Zhao, J., & Stockwell, T. (2016). The impacts of minimum alcohol pricing on alcohol attributable morbidity in regions of British Columbia, Canada with low, medium and high mean family income. *Addiction*.

2. HAWKE'S BAY MUSEUMS TRUST COLLECTION MANAGEMENT AGREEMENT

<i>Type of Report:</i>	Contractual
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1455136
<i>Reporting Officer/s & Unit:</i>	Darran Gillies, Acting Director Community Services

2.1 Purpose of Report

To seek Council approval to enter into a new Management Agreement with the Hawke's Bay Museums Trust (HBMT) expiring 30 June 2023 while the Hawke's Bay Regional Collection Joint Working Group conducts its review of governance and operational arrangements of how the collection is to be maintained and governed.

Officer's Recommendation

The Napier People and Places Committee:

- a. Approve that Napier City Council enter into a Management Agreement with the Hawke's Bay Museums Trust expiring 30 June 2023.

2.2 Background Summary

The MTG, on behalf of Napier City Council, provides for care, protection, access, storage and development of the Hawke's Bay Museums Trust (HBMT) regional collection by way of a Management Agreement between the Council and the Trust. The term of the current agreement is for three years from 1 July 2016 to 30 June 2019.

A Joint Working Group comprised of Napier City Councillors and Council Officers, Hastings District Councillors and Council Officers, and HBMT Board Members, has been established with the purpose of facilitating a review of the governance and operational arrangements of how the collection is to be maintained and governed. Specific objectives of the working party are to make recommendations to the respective councils and the Trust on the most appropriate and fit for purpose ways of achieving;

1. Regional museum – explore the concept of a regional museum and the implications moving forward.
2. Funding transparency – review management and funding arrangements to ensure funding requirements are transparent.
3. Levels of service expectations – review and make recommendations to all stakeholders for increased transparency of levels of service expectations.
4. Appropriate storage – identify most cost effective and fit for purpose storage arrangements.
5. Access to collection – set KPIs that encourage access to, and display of, the regional collection.

6. Service performance standards – review and make recommendations to the Trust for increased transparency of service performance standards included in the Statement of Intent.
7. Governance options – explore and make recommendations on the most appropriate governance options for the care and protection of the regional collection and/or running of the regional museum.

2.3 Issues

The Hawke's Bay Museums Trust is not currently operating with a current Management Agreement. It is proposed that an agreement is signed for one year. This will allow time for the objectives of the review to be met and Council will have clear direction on how the regional collection will be governed and managed into the future.

2.4 Significance and Engagement

N/A

2.5 Implications

Financial

The Trust collection is currently funded by Napier City Council and Hastings District Council. There are no planned changes to the funding as a result of the extension to the contract, and budget has been provided in the Long Term Plan 2021-31.

Social & Policy

N/A

Risk

There is a risk that the recommendations relating to the Governance review are not completed within the year of the management agreement. At that point, a new agreement could be prepared and signed.

2.6 Options

The options available to Council are as follows:

- a. Approve that Napier City Council enters into a one-year Management Agreement with the Hawke's Bay Museums Trust while the Joint Working Group carry out its review of governance and operations including the new collections facility, or
- b. Not approve that Napier City Council enters into a one-year Management Agreement with the Hawke's Bay Museums Trust while the Joint Working Group carry out its review of governance and operations including the new collections facility.

2.7 Development of Preferred Option

If Council approves that Napier City Council enters into a one-year Management Agreement with the Hawke's Bay Museums Trust, the Joint Working Group will carry out its review of governance and operations from 1 July 2022.

2.8 Attachments

- 1 HBMT Management Agreement 2019/20 [↓](#)
- 2 HBMT Management Agreement 1 July 2022 [↓](#)

**DATE:
29 APRIL 2019**

HAWKE'S BAY MUSEUMS TRUST

AND

NAPIER CITY COUNCIL

**MUSEUMS COLLECTIONS
MANAGEMENT AGREEMENT**



Addresses for notices:

**HB Museums Trust
PO Box 123
NAPIER**

**Napier City Council
Private Bag 6010
Hastings Street
NAPIER**

**Phone: 06-835-7579
Fax: 06-835-7574**

1. **Parties**

This agreement is made by:

- 1.1 Hawke's Bay Museums Trust ("HBMT") and
- 1.2 Napier City Council ("NCC")

2. **Background**

- 2.1 HBMT are the owners and guardians of the collection for the people of Hawke's Bay.
- 2.2 NCC owns and operates the facility known as MTG Hawke's Bay (MTG) which houses the collection owned by HBMT. This includes the Faraday Centre.
- 2.3 This Management Agreement relates to the provision of services by NCC to HBMT to ensure the proper care and management of the collection.
- 2.4 NCC and Hastings District Council have agreed to jointly fund the costs of holding maintaining and administering the collection, including HBMT governance costs. This Council funding is provided by way of grants to the HBMT who in turn pay NCC under this Management Agreement. This agreement is subject to the continuation of Hastings District Council and Napier City Council funding.

3. **Term**

- 3.1 The term of this agreement shall be for one year from 1 July 2019 to 30 June 2020.
- 3.2 Notwithstanding clause 3.1 this agreement may be terminated or amended with the mutual agreement of both parties provided that any such termination or agreement shall be recorded in writing.

4. **Obligations of the HBMT**

The HBMT shall be responsible for:

- 4.1 Retention of funds from the funding Councils' grants to provide for:
 - Legal Fees
 - Accounting Services
 - Management and Secretarial Services
 - Audit Fees
 - Meeting Expenses
 - Sundry Trust expenses
- 4.2 Creating policy with respect to access to the collection;
- 4.3 Providing income funds (where available) and applying its bequest capital for accessions to the collection in keeping with any accession conditions specified with the bequests

- 4.4 Providing income funds (where available) and applying its bequest capital to conservation of the collection in keeping with any conservation conditions specified with the bequests;
- 4.5 Arrange Trustee Liability Insurance for the Trustees of the HBMT;
- 4.6 Care and Collection Policies;
- 4.7 Policy for accessioning requests;
- 4.8 Policy for de-accessioning approvals;
- 4.9 Monitoring the Management Agreement;
- 4.10 The setting of key reporting targets with respect to the collection;
- 4.11 The setting of reporting requirements in agreement with NCC;
- 4.12 HBMT shall provide six-monthly and annual reports to Napier City Council and Hastings District Council in the prescribed format.

5. **Obligations of NCC**

NCC shall, within the funding levels provided by HBMT:

- 5.1 Cause a full valuation of the collection to be undertaken every three years with such valuation to be reviewed annually;
- 5.2 Arrange insurance of the collection to the value determined in accordance with clause 5.1 with such insurance providing cover for the collection at MTG Hawke's Bay, the Faraday Centre or any such other place as the collection or any part of the collection is located from time to time.
- 5.3 Provide necessary staff to meet agreed levels of service to ensure proper care and maintenance of the collection as detailed below:

Protection

This will be achieved through:

- a. Storage – appropriate storage to accepted Museum Industry Standards (MIS)
 - i. Pest Control
 - ii. Storage Media
 - iii. Shelving
 - iv. Air quality
- b. Security – appropriate security to accepted MIS
 - i. Alarm Systems (Burglary, fire)
 - ii. Alarm Monitoring
 - iii. Access Systems
 - iv. Insurance (loan items, owed items)
- c. Records Management – appropriate records management to accepted MIS

- i. Vernon database
- ii. Other records

Quality

- a. Conservation – appropriate conservation to accepted MIS and consistent with HBMT collection policies
- b. Accessioning - appropriate accessioning to accepted MIS consistent with HBMT collection policies
- c. De-accessioning - appropriate de-accessioning to accepted MIS consistent with HBMT collection policies

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- a. Exhibitions – collection available to Hastings City Art Gallery and MTG Hawke’s Bay and other institutions as appropriate within accepted MIS
- b. Research – Collection made available through MTG Hawke’s Bay as appropriate within accepted MIS.
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- a. Bequests – To actively foster bequests
 - b. Fundraising - To work with the MTG Foundation to provide funding.
 - c. Reserves – To appropriately manage accession reserves.
 - d. Relationships - To appropriately manage relationships to allow the collection to develop appropriately, in particular but not restricted to
 - i. Funding Councils
 - ii. Ngati Kahungunu Iwi Incorporated
 - iii. Te Roopu Kaiawhina Taonga, and
 - iv. Friends of MTG Hawkes Bay
- 5.4 Provide the information and reports necessary to enable HBMT to fulfil its reporting obligations under Clause 8.1

6. Financial

- 6.1 The financial management of the trust is to be kept completely separate from all other aspects of Napier City Council. Napier City Council will provide financial and administration services, including monthly management reports, and HBMT will be charged for all direct costs and a share of related overhead costs. Napier City Council will invoice HBMT monthly for reimbursement.

7. **Joint obligations of HBMT and NCC**

- 7.1 HBMT and NCC shall comply with all statutes, regulations and by-laws applicable to the facilities under its control (MTG Hawke's Bay and Faraday Centre)
- 7.2 In all cases, issues arising will be resolved in the spirit of mutual co-operation.

8. **No Assignment Without Consent**

- 8.1 Neither party may assign, or otherwise dispose of the whole or any part of its interest under this contract without the prior written consent of the other party.

9. **Disputes**

- 9.1 Amicable Resolution: The parties hereby acknowledge their desire that all questions or differences whatsoever which may arise between the parties concerning this Contract or its subject matter or arising out of or in relation thereto and whether as to interpretation or otherwise be resolved amicably by bona fide discussion between them.
- 9.2 Mediation: However, if any question or difference referred to in Clause 9.1 (the dispute) is not resolved either party may at any time invoke a mediation process, as follows:
 - 9.2.1 Mediation Notice: either party may by written notice (the "Mediation Notice") to the other party, require that the dispute between the parties be referred to mediation. A Mediation Notice shall set out the nature of the dispute, but need not detail the background or the party's position in relation to the same; and
 - 9.2.2 Obligation to Resolve Remains: a Mediation Notice shall not derogate from the obligation of the parties to seek resolution of the dispute by consultation and negotiation; and
 - 9.2.3 Appointment of Mediator: the parties shall in good faith endeavour to agree upon and appoint a person as mediator to consult with the parties and assist the parties to reach agreement in respect of the dispute by no later than seven days from the date upon which the Mediation Notice was given; and
 - 9.2.4 Mediator to Settle Procedures: if a mediator is appointed, he or she shall, in consultation with the parties, settle a timetable and the procedures to be adopted during the mediation. The decision of the mediator on any such timetabling and procedural matters shall be binding on the parties and, in particular, the mediator shall be entitled to call any meeting between the parties at such times and places as the mediator considers appropriate; and

9.2.5 Parties to Endeavour to Reach Solution in Good Faith: the parties shall attend all meetings called by the mediator and at such meetings shall conduct their negotiations in good faith, and shall use their best endeavours to reach an agreed solution which is acceptable to both parties. While the parties may, if they wish, have the assistance of legal counsel in such negotiations, all proceedings of the mediation shall be conducted on a "without prejudice" basis – in that nothing that transpires during the course of the negotiations (other than any settlement or supplementary written agreement between the parties) is intended to or shall in any way affect the rights or prejudice the position of the parties to the dispute or in any subsequent adjudication, arbitration or litigation or other legal proceedings of any kind. Without derogating from the generality of the foregoing and merely by way of example:

- (a) any opinion given, report produced and terms of settlement proposed or recommended by the mediator or either party shall not be disclosed to the adjudicator, arbitrator or court; and
- (b) the fact that information of whatsoever nature was made available to the mediator does not mean that privilege or confidentiality is waived for any subsequent adjudication, arbitration or litigation or other legal proceedings of any kind; and
- (c) the fact that the accuracy of information or the validity or meaning of documents was not challenged during the mediation does not preclude challenge in subsequent adjudication, arbitration or litigation or other legal proceedings of any kind; and

9.2.6 Mediator Has No Power of Decision: the mediator shall have no power of decision on any matters other than timetabling and procedural matters; and

9.3 Resolution of Unresolved Disputes: Subject to the provisions of this Clause 10.3 if any question or difference between the parties:

9.3.1 As to Interpretation of Application: as to the interpretation of the provisions of this Contract or as to their application in any particular circumstances (including any liability thereunder or any damages thereby arising); and

9.3.2 Arising from Failure to Agree: arising from the parties' failure to agree;

is not resolved by written agreement between the parties upon the expiration of 20 Business Days from the date upon which the Mediation Notice was given (irrespective of whether or not the parties agreed upon the appointed mediator pursuant to Clause 10.2.3, the question of difference shall be resolved by the arbitration of a single arbitrator to be agreed upon by the parties or, failing agreement, of an arbitrator appointed by the President for the time being of the New Zealand Law Society and every arbitration shall be conducted under and in accordance with the provisions of the Arbitration Act 1996. However, it is acknowledged and agreed that the award of the arbitrator shall contain reasons for the same and that the costs of and incidental to the reference and the award respectively shall be at the discretion of the arbitrator, who may determine the amount thereof or the basis upon which the same shall be ascertained.

10. **Miscellaneous**

- 10.1 **Non-waiver:** Failure by either party to enforce any right or obligation with respect to any matter arising in connection with this Contract shall not constitute a waiver as to that matter or any other matter either then or in the future. Any waiver of any such right or obligation under this Contract shall only be of any force and effect if such waiver is in writing and is expressly stated to be a waiver of a specified right or obligation under this Contract.
- 10.2 **Governing Law:** This Contract shall be construed and take effect in accordance with the domestic laws of New Zealand.
- 10.3 **Regulation:** During the term of this Contract, each party shall comply with and observe all applicable regulations and statutory requirements for the time being in force.
- 10.4 **Amendment:** There shall be no amendment or modification of the provisions of this Contract except by a supplementary written agreement between the parties.
- 10.5 **Notices:**
- 10.5.1 **In Writing and by Facsimile, Mail or Other Delivery:** any notice, request, offer, advice, consent, approval, invoice or other communication required by this Contract to be given by any one party to the other, shall be given in writing and shall be deemed to have been sufficiently given if sent by facsimile delivery to that party at the number set out in the Address for Communications section at the front of this Contract (or such other number or for the attention of such alternative person as may subsequently be notified by that party for such purpose) or by letter delivered by mail or otherwise to that party at the address set out in the Address for Communications section at the front of this Contract (or such other address or for the attention of such alternative person as may subsequently be notified by that party for such purpose); and
- 10.5.2 **Receipt of Facsimile:** any such communication sent by facsimile shall be deemed to have been received by the addressee at the time of completion of the delivery of the facsimile and generation of a confirmation of receipt of the facsimile, provided that if the facsimile delivery occurs at a time other than between the hours of 8.30am and 5.30pm (inclusive) on a Business Day, the communication shall be deemed to have been received by the addressee at 8.30am on the next succeeding Business Day and provided further, if the facsimile delivery occurs prior to 8.30am on a Business Day, the communication shall be deemed to have been received by the addressee at 8.30am on that Business Day; and
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DATE:
27 May 2022

HAWKE'S BAY MUSEUMS TRUST

AND

NAPIER CITY COUNCIL

**MUSEUMS COLLECTIONS
MANAGEMENT AGREEMENT**



Addresses for notices:

**HB Museums Trust
PO Box 123
NAPIER**

**Napier City Council
Private Bag 6010
Hastings Street
NAPIER**

Phone: 06-835-7579

1. **Parties**

This agreement is made by:

- 1.1 Hawke's Bay Museums Trust ("HBMT") and
- 1.2 Napier City Council ("NCC")

2. **Background**

- 2.1 HBMT are the owners and guardians of the collection for the people of Hawke's Bay.
- 2.2 NCC owns and operates the facility known as MTG Hawke's Bay (MTG) which houses the collection owned by HBMT. This includes the Faraday Centre.
- 2.3 This Management Agreement relates to the provision of services by NCC to HBMT to ensure the proper care and management of the collection.
- 2.4 NCC and Hastings District Council have agreed to jointly fund the costs of holding maintaining and administering the collection, including HBMT governance costs. This Council funding is provided by way of grants to the HBMT who in turn pay NCC under this Management Agreement. This agreement is subject to the continuation of Hastings District Council and Napier City Council funding.

3. **Term**

- 3.1 The term of this agreement shall be for one year from **1 July 2022 to 30 June 2023**.
- 3.2 Notwithstanding clause 3.1 this agreement may be terminated or amended with the mutual agreement of both parties provided that any such termination or agreement shall be recorded in writing.

4. **Obligations of the HBMT**

The HBMT shall be responsible for:

- 4.1 Retention of funds from the funding Councils' grants to provide for:
 - Legal Fees
 - Accounting Services
 - Management and Secretarial Services
 - Audit Fees
 - Meeting Expenses
 - Sundry Trust expenses
- 4.2 Creating policy with respect to access to the collection;
- 4.3 Providing income funds (where available) and applying its bequest capital for accessions to the collection in keeping with any accession conditions specified with the bequests

- 4.4 Providing income funds (where available) and applying its bequest capital to conservation of the collection in keeping with any conservation conditions specified with the bequests;
- 4.5 Arrange Trustee Liability Insurance for the Trustees of the HBMT;
- 4.6 Care and Collection Policies;
- 4.7 Policy for accessioning requests;
- 4.8 Policy for de-accessioning approvals;
- 4.9 Monitoring the Management Agreement;
- 4.10 The setting of key reporting targets with respect to the collection;
- 4.11 The setting of reporting requirements in agreement with NCC;
- 4.12 HBMT shall provide six-monthly and annual reports to Napier City Council and Hastings District Council in the prescribed format.

5. **Obligations of NCC**

NCC shall, within the funding levels provided by HBMT:

- 5.1 Cause a full valuation of the collection to be undertaken every three years with such valuation to be reviewed annually;
- 5.2 Arrange insurance of the collection to the value determined in accordance with clause 5.1 with such insurance providing cover for the collection at MTG Hawke's Bay, the Faraday Centre or any such other place as the collection or any part of the collection is located from time to time.
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- a. Conservation – appropriate conservation to accepted MIS and consistent with HBMT collection policies
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- a. Exhibitions – collection available to Hastings City Art Gallery and MTG Hawke’s Bay and other institutions as appropriate within accepted MIS
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6. Financial

- 6.1 The financial management of the trust is to be kept completely separate from all other aspects of Napier City Council. Napier City Council will provide financial and administration services, including monthly management reports, and HBMT will be charged for all direct costs and a share of related overhead costs. Napier City Council will invoice HBMT monthly for reimbursement.

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NAPIER PEOPLE AND PLACES COMMITTEE

Open Minutes

Meeting Date: Thursday 28 April 2022

Time: 9.00am – 11.21am

Venue The Ocean Suite
East Pier Hotel
50 Nelson Quay, Napier

Livestreamed via Council's Facebook site

Present Councillor Boag (In the Chair), Mayor Wise, Deputy Mayor Brosnan, Councillors Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine and Taylor

In Attendance Chief Executive (Steph Rotarangi)
Acting Director Community Services (Darran Gillies)
Director Corporate Services (Adele Henderson)
Director Programme Delivery (Jon Kingsford)
Director City Services (Lance Titter)
Director City Strategy (Richard Munneke)
Director Infrastructure Services (Debra Stewart)
Manager Communications and Marketing (Julia Atkinson)
Acting Pou Whakarae (Hilary Prentice)
Manager Business & Tourism (Steve Gregory)
Senior Project Manager (Drew Brown)
Manager Community Strategies (Natasha Mackie)
i-Site/Par2 Manager (Jane Libby)

In Attendance via Zoom Chief Financial Officer (Caroline Thomson)
Libraries Manager (Nicola Saunders)
Community Funding Advisor (Belinda McLeod)
Childrens Librarian (Kate Powis)
Health, Safety and Wellbeing Manager (Michelle Warren)
Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Beverly Kemp-Harmer)

Administration Governance Advisors (Anna Eady and Carolyn Hunt)

Karakia

The meeting was opened with a karakia.

Apologies

Councillors Taylor / Price

That the apology from Councillor Wright be accepted.

Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Congratulations were extended to Bayden Barber, the new Chair of Ngāti Kahungunu Iwi Incorporated. Also acknowledgement given to the departing Chair, Ngahiwi Tomoana, who has served the organisation as Chair for many years.

Announcements by the Chairperson

Nominations for the Napier Civic Awards are open until 20 May 2022 and very much encouraged. Information in regards to what the Napier Civic Awards are, nomination criteria, and nomination forms are on the Napier City Council (NCC) website www.napier.govt.nz, at the Napier and Taradale libraries, and at the NCC Customer Service centre.

Announcements by the management

Nil

Confirmation of minutes

Councillors Chrystal / Browne

That the Minutes of the meeting held on 17 March 2022 were taken as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. VISITOR INFORMATION CENTRE S17A REVIEW

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1423323
<i>Reporting Officer/s & Unit:</i>	Steve Gregory, Manager Business & Tourism

1.1 Purpose of Report

The purpose of this report is to receive the recommendations of the S17A service delivery review of the Napier Visitor Information Centre and Par2 Mini Golf, and to approve to proceed with the development of a business case investigating development options for a Tier 1 Visitor Information Centre and Tourism Hub for consideration in the 2024/25 Long Term Plan.

At the meeting

The Officer spoke to the report, noting that Liz Munroe from Mana Ahuriri is aware that Conservation House, the Department Conservation building owned by Mana Ahuriri, was included in the review.

In response to questions from the Committee it was clarified:

- Up to nine locations around Napier CBD were assessed for suitability in the review, and projected tourism numbers were taken into account.
 - The Marine Parade is an ideal location for a Visitor Information Centre as it is the main route for tour operators and cruise operations. It also lends itself to picking up pedestrian traffic. This location may also encourage people to visit the Marine Parade and in so doing support other businesses along there.
 - All stakeholders, Mana Ahuriri included, will be part of the discussion moving forward in this project. A tier 1 facility will enable local stories to be told in more detail.
 - NCC has indicated it would like to operate as a Tier 1 facility but is waiting for a central Government decision on funding before that can be confirmed. This decision should come in the near future.
 - The budget for the remedial work on the current facility is included in the Long Term Plan's renewal budget.
 - Tourism Hawke's Bay has been kept up to date with the details of this review. Their board is supportive of the Visitor Information Centre upgrade as they realise how important it is for the region.
 - Iwi have not been included in the preliminary discussions, but will be if the business case development is approved.
 - The business case will include business location, design and model. The aim will be to come up with the most affordable model achievable
-

for the desired service delivery. The aim is for Par2 Mini Golf and the i-SITE to be profitable businesses.

- The budget for a business case has not been finalised as yet, but will be funded through the Chief Executive’s Strategic Fund.
- Cruise operations are increasing around the world and the demand for future cruises is the highest it has ever been. At this stage the New Zealand Maritime border has not reopened yet, but it is understood this will be opening soon. There are placeholder bookings at Napier Port for 93 cruise ships for next year.
- The building assessment of the current facility was very thorough, however until work is begun the full extent of damage to the existing wood will not be known. Council is aware that the cost may be higher than the current estimated cost.
- If the current location needs to be evacuated for remedial work to proceed there is a backup site identified for an eight week period.
- If a new site was constructed it may be possible to utilise space for tenants to lease. This concept has not been discussed with potential tenants as it is not appropriate until approval to move forward with this project is given.

ACTION: Officers to speak to Liz Munroe, Chief Executive of Mana Ahuriri Trust, prior to the 2 June 2022 Council meeting.

COMMITTEE Mayor Wise / Councillor Simpson

RESOLUTION

The Napier People and Places Committee:

- a. Approve the S17A i-SITE service delivery review and recommendations
- b. Approve the development of a business case for a Tier 1 Visitor Information Centre for consideration in the 2024/25 Long Term Plan
- c. Approve investigation of building options to accommodate a Tier 1 Visitor Information Centre (remediate, redevelop or new build) for consideration in the 2024/25 Long Term Plan.

Carried

2. WELCOMING COMMUNITIES ACCREDITATION APPLICATION

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1448861
<i>Reporting Officer/s & Unit:</i>	Rebecca Peterson, Senior Advisor Policy

2.1 Purpose of Report

To seek Council agreement to proceed with the Welcoming Communities - Te Waharoa ki ngā Hapori accreditation application.

At the meeting

The Manager Community Strategies spoke to the report and displayed a video, aimed at those seeking accreditation, about Welcoming Communities (<https://www.youtube.com/watch?v=ABKh060COdg>)

In response to questions from the Committee it was noted:

- There has been a gap in immigrant settlement support after the disestablishment of the Hawke's Bay Settlement Forum; participating in the Welcoming Communities programme will acknowledge that Napier is a multicultural city.
- Although NCC has been involved in the Advisory Committee for Welcoming Communities since 2017 this is the first time NCC has applied for membership due to priorities on the work programme.
- Being accredited as a region may come later, Hastings District has just gained their accreditation.
- The part-time resource for this programme would be employed on a fixed term basis initially and the wider team would support it. This will allow for strategy development and the progression of projects. As the strategy develops there may be an opportunity to gain further external funding and make the role permanent.
- The Social Monitor survey has been running for a decade, and the questions pertaining to diversity and inclusion will be repeated in the next survey to see how Napier is tracking compared to this year's results.
- The programme encourages a local response and NCC will have the ability to work with relevant local stakeholders and mana whenua in the application of the strategy.

COMMITTEE Councillors Brosnan / Tapine

RESOLUTION

The Napier People and Places Committee:

- a. Make a **DECISION OF COUNCIL** under delegated authority to meet the Welcoming Communities application deadline.
- b. Approve that an application is made to the Welcoming Communities - Te Waharoa ki ngā Hapori accreditation programme.

Carried

3. NAPIER WAR MEMORIAL RESTORATION PROJECT UPDATE

Type of Report: Information

Legal Reference: N/A

Document ID: 1453973

Reporting Officer/s & Unit: Drew Brown, Senior Project Manager

3.1 Purpose of Report

This report is to provide an update on progress made, and next steps for the Napier War Memorial restoration project.

At the meeting

The Officer spoke to the report and showed a Powerpoint presentation (*Doc ID: 1461412*). In response to questions from the Committee it was noted:

- The most desired contractors to carry out the restoration works have very full workloads and are experiencing staff impacts due to the effects of Covid-19.
- Officers will be reviewing a detailed cost estimate for the restoration work, which will indicate the final budget required for the project.
- The tenders for the Roll of Honour work are being evaluated currently, and the successful tenderer will be implementing the recommendations of Council in this work.
- The team have been approached by people on an ad hoc basis about missing names for the Roll of Honour, and the team has then researched the name to confirm it should be added and in what section. Work has started on making this process less ad hoc, which is being supported by Te Waka Rangapū team. There is space for new plaques and new names to be added in the design.
- The Council team have looked at how they can condense the work programme to make it more likely to meet the timeline for the project.
- The detailed final design looks the same as the concept design.
- Council has been working with the Returned Services Association (RSA) around the artworks which will be included in the final build. These include a mauri stone, a Waharoa, where the different service plaques will be hung, where the flag poles will stand, and the delineation of a footpath created with brick-work and etchings. These additions will move straight to tender.
- The main entrance to the War Memorial Centre will remain where it is.

ACTION: At the June Council meeting the financials will be available as part of the agenda.

COMMITTEE Mayor Wise / Councillor Crown

RESOLUTION

The Napier People and Places Committee:

- a. Receive the update provided on the Napier War Memorial restoration project

Carried

Attachments

- 1 War Memorial Presentation
-

4. UPDATE ON CIVIC BUILDING DEMOLITION

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1442072
<i>Reporting Officer/s & Unit:</i>	Darran Gillies, Community Services Programme Manager

4.1 Purpose of Report

To inform the Council of the progress on the Civic building demolition ahead of the development of the new library and community spaces in accordance with the Library and Civic Area Plan.

At the meeting

The Officer spoke to the report and in response to questions from the Committee it was noted:

- Work had been carried out to find an alternative location for the Civic Building's large artwork. A suitable building was not found as it would need to have a large suitable wall facing east. The art work will be put in storage.
- Hoardings around the site will display a story of the project, and will be made as attractive as possible. Hoardings need to be put in place during the build to keep the location secure, however officers are looking at opportunities the site may be utilised for prior to construction starting.

COMMITTEE RESOLUTION

Councillors Chrystal / Brosnan

The Napier People and Places Committee:

- Receive the report titled "Update on Civic Building Demolition".

Carried

5. NAPIER LIBRARIES WINTER AND SUMMER READING PROGRAMMES 2022-23

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1444047
<i>Reporting Officer/s & Unit:</i>	Belinda McLeod, Community Funding Advisor

5.1 Purpose of Report

To seek approval to apply for external funding from Eastern & Central Community Trust (ECCT), to support the Napier Libraries 2022/23 Winter and Summer Reading Programme.

At the meeting

Council Officers spoke to the report, noting the update that the winter reading programme will have a Matariki theme.

It was also noted that provision for this service to continue has been made in Council's Long Term Plan for when the Eastern & Central Community Trust funding is no longer available.

COMMITTEE Councillors Crown / McGrath RESOLUTION

The Napier People and Places Committee:

- a. Make a **DECISION OF COUNCIL** under delegated authority to enable the funding application to Eastern & Central Community Trust be submitted and processed this financial year.
- b. Approve the external funding application of \$19,000 to Eastern & Central Community Trust for the Napier Libraries 2022/23 Winter and Summer Reading Programmes

Carried

The meeting adjourned at 10.30am

The meeting resumed at 11.13am

PUBLIC EXCLUDED ITEMS

Councillors Brosnan / Mawson

That the public be excluded from the following parts of the proceedings of this meeting, namely:

1. Creative Communitis Funding March 2022

Carried

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution were as follows:

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
1. Creative Communitis Funding March 2022	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

The meeting moved into Committee at 11.13am

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval