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Committee Secretariat
Justice Select Committee
Parliament Buildings
Wellington

ATTENTION: Sale and Supply of Alcohol (Community Participation) Amendment Bill

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Western Bay of Plenty District Council submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

Justice Select Committee,

We appreciate the opportunity to provide feedback on the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

When the Sale and Supply of Alcohol Act was first introduced in 2012, it was to ensure the safe and responsible sale and consumption of alcohol. The objective of the Act was to minimise alcohol-related harm. The success of the Act in this regard is questionable, but it is clear effective community participation has not been as successful as intended. We welcome the proposed amendments.

We support the submission made by Taituarā. Our submission seeks to reiterate the key points and reflects our experience of working with the legislation and views we've heard from our community through our Local Alcohol Policy review processes.

The proposed changes in the Amendment Bill will provide the ability for our community to better participate in alcohol licensing decision-making processes.

Our Local Alcohol Policy was recently reviewed and adopted in 2022. The Policy introduced changes that reduced off-licence hours across the District and prevented any new bottle stores from opening in one of our wards. 135 submissions were received, with the majority of submitters supporting significant changes to the policy or requesting further restrictions. Several submitters raised concerns with the current legislation and prevalence of alcohol-related harm in our

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communities. The daunting process of submitting on applications and the limited public awareness of the process or how to be involved was also raised.

In response to this Council resolved to reflect these views and seek positive changes to the legislation through engagement with Central Government.

We are pleased to see the contents of the Amendment Bill and support the proposed changes.

Appeals on Local Alcohol Policies

We are supportive of the changes in the proposed Bill which modify the way local alcohol policies (LAPs) are adopted and applied. LAPs ensure that our communities can have a say on the rules for our District and can reduce alcohol related harm in our community.

The proposed changes will remove the ability for parties to appeal provisional LAPs to the Alcohol Regulatory and Licensing Authority, whilst retaining the avenues for judicial review if necessary. The proposed changes will enable our District Licensing Committee to decline a licence renewal application if it would be inconsistent with the policies set out in our LAP.

When the Act was passed in 2012, we were given the ability to develop our own LAPs, in consultation with the communities we represent, so that the alcohol regulation would reflect the unique character and circumstances of our District. These changes to how LAPs are adopted and applied will minimise the barriers to adopting LAPs and ensure that they are more effective once they are in force, better serving as a tool for our community to reduce alcohol harm.

We are also supportive of the widening of the discretion to the District Licensing Committee so that it can more easily decline applications for licenses. This will allow District Licensing Committees to decline applications if they're inconsistent with our LAP. This further strengthens the LAP as the lead community document.

Objectors

We support the proposal to amend the legislation so that any person will be able to object to a licence application. This will make the process more accessible. Currently, only a small number of those who want to object to an application actually get the chance to do so, due to a number of different factors.

We have found that organisations who have an interest in alcohol harm reduction and would like to object to a licence or renewal application are often unable to do so. This has a flow on effect, as these organisations are then required to object as individuals in a personal capacity, rather than representing their relevant organisation. The change of allowing anyone to object, whether as an individual or

representing an organisation, removes a barrier that stands in the way of community engagement and involvement, however we feel that hearings should focus on the local aspect of the process. This could require a limit to local or sub-regional voices (recognising the cross-boundary nature of iwi and some community groups), rather than allowing any group in the country to speak.

We further support the proposal that trade competitors can only object if they are directly affected by the licence application. This change is consistent with similar provisions in the Resource Management Act.

Hearing Process

Finally, we are supportive of the proposed changes to how District Licensing Committee hearings are conducted. We believe that the proposed changes will ensure the hearings are more accessible and fairer to those who are participating. From our experience, we are aware that some participants in the District Licensing Committee hearings process have found it to be quite formal, particularly when lawyers are involved, who may be representing the interests of other parties.

We are supportive of the proposed changes in the Bill that will require District Licensing Committees to set up procedures so that hearings are run more informally, along with the proposal to remove cross-examination of submitters. Both of these proposed changes are a pragmatic and reasonable approach and will encourage submitters to feel more comfortable taking part in the hearing process.

Further, we are supportive of the proposed change to enable District Licensing Committees to hold hearings remotely. This change will allow submitters and participants to join proceedings by video link and phone. and will not require them to travel to attend in person.

We are more than happy to discuss any matters for clarification or to expand further.

We do not wish to be heard in support of our submission.

Yours sincerely,



James Denyer
Mayor, Western Bay of Plenty District Council