

Toolkit for making submissions on alcohol license applications



*This toolkit has been developed by the Taranaki Alcohol Harm Reduction Group.
The agencies involved with the group are:*

**Taranaki District Health Board Public Health Unit, ACC, New Plymouth Injury Safe,
Health Promotion Agency, YMCA Taranaki, Concerned Citizens in Taranaki**

The content of this toolkit does not necessarily reflect the agencies' policy positions.

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Glossary

ARLA: Alcohol Regulatory Licensing Authority

DLC: District Licensing Agency

This toolkit is for people who are concerned about an application for a new or a renewed alcohol license in their community.

How will this toolkit help you?

This toolkit will help you to decide whether to make an official objection to an application for a new or renewed alcohol licence in your community- and if you decide to go ahead, how to go about it. It explains the intent of the Sale and Supply of Alcohol Act 2012 (the Act) and outlines who can make an objection, the grounds on which you can object, and how to get others in the community to support you. It includes a timeline to help you make your objection on time - you need to do so within 15 working days of a public notice appearing in your local newspaper.

You can make your objection in four ways:

- 1. As an individual with a written objection.*
- 2. As a group, with a written objection.*
- 3. As a group through a petition.*
- 4. As an oral submission at a District Licensing Committee (DLC) and / or Alcohol Regulatory Licensing Authority (ARLA) public hearing. You'll be given the opportunity to speak when you lodge a written objection, as long as you do so within the required 15-working-day timeframe.*

Where does the Sale and Supply of Alcohol Act fit?

The Sale and Supply of Alcohol Act 2012 gives communities a voice when it comes to issuing licences to sell or supply alcohol- including the ability to object to applications for new and renewed licences

The aims and powers of the Act.

The Act has four key objectives

- To ensure that the sale, supply and consumption of alcohol are undertaken safely and responsibly.
- To minimise the harm caused by the excessive or inappropriate consumption of alcohol.
- To improve community input into alcohol licensing decisions.
- To improve the operation of the alcohol licensing system.

The Act also empowers local councils to implement new licensing laws and, if they wish, develop local alcohol policies (LAPs) for their regions. For example, a council's LAP may have policies on:

- restricting or extending the hours when alcohol is available.
- imposing conditions on licences, such as a one-way door policy that stops patrons entering licensed bars or clubs after a certain time.
- limiting the location and/ or number of licensed premises according to factors such as their proximity to schools, churches, marae, recreational facilities and high crime areas (there's more about these "sensitive sites" on page 12).

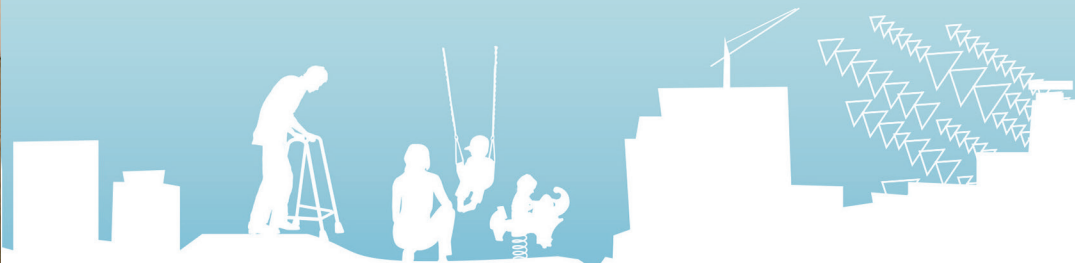
You can read the full Act at www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html



The types of alcohol licences

The Act enables you to object to an application for a new or renewed on-,off- or club licence or special licence. Here's a brief summary of the different licences:

- An **on-licence** authorises the sale and supply of alcohol for consumption in or on specified licensed premises, such as cafes, taverns and hotels.
- An **off-licence** authorises the sale, supply and delivery of alcohol for consumption off the premises and the supply of complimentary samples of alcohol on the premises, such as bottle stores and supermarkets. Some hotels and taverns may hold both off- and on- licences.
- A **club licence** authorises a club to sell and supply alcohol for consumption on the club premises.
- A **special licence** enables the sale or consumption of alcohol at special occasions. It's normally used to extend temporarily the hours or the area of a premises that's currently licensed, or to license one-off events where no licence is currently held.



How will you hear about a licence application?

The applicant must notify the public of every application of an on-, off- or club licence by placing a public notice in the daily local newspaper at least twice.

Different rules apply to a special licence application. If the DLC decides whether it's in the public interest to notify the application. If the DLC decides to notify, the applicant must ensure a A4- size copy of the public notice is also placed on or next to the site of the proposed licence.

This is what a newspaper public notice looks like.



Who can make an objection?

Anyone over the age of 18 years can object to an application for a new or renewed alcohol licence, as long as they can show that they have a 'greater interest' in the application that the public generally. This usually means that they live near the proposed or existing premises to which the licence will apply, or have a direct link with the alcohol related harm in their community.

For example, a person with a greater interest could be:

- Someone who lives 'within close proximity' to the proposed or existing premises. To learn more about what the meaning of 'within close proximity', visit www.nzlii.org and look up Decision No. PH826/2013 Janhurst Holdings Limited and Decision No. PH 1189/2009 Liquor World Limited.
- A member of the board of trustees of a marae or youth or education facility that's located nearby.
- A person or group that works in the area of the alcohol related harm in your community, such as the Salvation Army or a nurse working in the local hospital emergency department.

Someone who's concerned about the effects of alcohol on the community in general but lives in a different area is unlikely to meet the criteria for 'greater interest'.

What if you don't have a 'greater interest'?

If you don't have a greater interest but are still concerned about an application for a new or renewed alcohol licence, you can try to encourage others to take up the cause.

For example, you could:

- Contact community organisations that are actively involved with alcohol related harm, family violence, youth groups etc. Your local council will have a directory of the key contact people.
- Talk to people in the neighbourhood who could be directly affected by the proposed alcohol licence eg those living in neighbouring properties. They may need to be nudged into action or may need you to help them.
- Arrange a meeting with a school's board of trustees if the proposed alcohol licence is near their school, or talk to parents at the school gate.

Note that under the Act the DLC or ARLA cant consider trade - related objections from other licensed businesses.

Considering a petition?

If you decide to make a group objection via a petition, you must make sure that:

- You appoint a lead co-ordinator to manage the petition process.
- The petition clearly states the issue(s), so that people know exactly what they're agreeing to.
- Everyone who signs the petition has a greater interest.
- Everyone who signs the petition provides their name and address details on the petition- and is aware that these details will be shared with the applicant.

How much does it cost?

There is no fee for making an objection.

On what grounds can you object?

Under the Act, you can object to an application for a new or renewed alcohol licence using the following criteria:

- It fits with the objects of the Act, which are that:
 - the sale, supply and consumption of alcohol should be undertaken safely and responsibly.
 - the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- The applicant's suitability.
- Whether the application meets the requirements of a relevant LAP.
- The days and hours when alcohol will be sold.
- The design and layout of any proposed premises.
- Whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low alcohol refreshments, non alcoholic refreshments and food (and if so, which goods).
- Whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low alcohol refreshments, non alcoholic refreshments (and if so, which services).
- Whether the 'amenity and good order of the locality' would be reduced, to more than a minor extent, by the effects of the issue of the licence (see below for more on this).
- Whether the amenity and good order of the locality are already so badly affected by existing licences that it's not desirable to issue any further licences.
- Whether the applicant has appropriate systems, staff and training to comply with the law.
- Matters dealt with in any report made under the Act by the Police, licensing inspector or Medical Officer of Health.

How can a proposed licence affect the 'amenity and good order of a locality'?

You can object to an alcohol licence application on the basis that the amenity and good order of the locality could be affected if it's granted. For example, it could lead to changes in:

- Noise levels.
- The levels of nuisance and vandalism.
- The number and type of premises that already have that kind of licence (with the potential for price wars and increases in the availability of alcohol).
- The use of land near the premises.
- The type of people attracted to the area.

You could strengthen your objection by:

- Recording how many times you've had to ring the council to complain about noise.
- Calculating the number of alcohol outlets per head of population in your area compared with other areas.
- Providing photographs of the issue(s) you wish to highlight, such as rubbish, broken bottles in play areas and vomit in doorways.
- Identifying whether children need to walk past the proposed licensed premises to get to school.

When is a proposed new licensed premise close to a 'sensitive site'?

You can object to an application for a new licence on the grounds that the proposed premises is close to a sensitive site, but check with your council first. It may have (or be developing) a LAP that defines sensitive sites and specifies the minimum distances between them and the new licensed premises.

For example, the New Plymouth and Stratford LAP (which was provisional at the time of writing) defines sensitive sites as:

- "An early childhood centre, a childcare facility, a primary school or a secondary school
- A recreational facility or open space that have been designed to attract young people under the legal purchase age (these facilities could include things like play equipment and a skateboard park)
- A community centre or hall for the use of a local community or neighbourhood
- A hospital, addiction treatment facility or Well Child/Tamariki ora programme provider's centre".

The LAP states that no new on- or off -licence premises (excluding supermarkets and grocery stores) outside the New Plymouth central business district zone and the Stratford central business/ retail area will be allowed within 100 meters of a sensitive site. Note this provisions is subject to policy statement 6.1 in the LAP (see the New Plymouth and Stratford LAP at www.newplymouthnz.com).

If your council doesn't have a LAP and you want to mention sensitive sites in your objection, its a good idea to include (in your objection or at your oral submission) a map of where they are. Websites such as Google Maps can help with this.

Ready to make an objection?

To object to an application for a new or renewed alcohol licence, you need to:

- Write to the DLC stating that you wish to object to the application, and why.
- Include your full name, address and contact telephone number.
- Ensure that your objection is delivered within 15 working days after the first public notice in your local newspaper.

Your objection must include references to the objection criteria on page 10. For example, you could:

- Say that you're concerned that a new licensed premises in your street would add to existing noise, vandalism and disturbance.
- Describe the current situation (eg the night-time noise levels) and how it would be affected by a new or renewed licence.
- Describe how an existing licence has been poorly managed recently, causing community issues, or how it's location is no longer appropriate due to the way in which the community is developing.

If you have concerns about the applicant's suitability, consider discussing this with the local Police Alcohol Harm Reduction Officer.

Remember, you only have 15 working days to make an objection, so it's important to act quickly. You don't need to have all your arguments well thought through at this stage, as you'll have the opportunity to talk to your objection at the hearing.

Some statistics to support your argument

Between 600 and 800 people in New Zealand have been estimated to die each year from alcohol-related causes. (Berl 2009; Connor et al, 2013).

More than 1/2 alcohol-related deaths are due to injuries and more than 1/4 due to cancer brought on by alcohol consumption. (Connor et al 2013).

60-70% injury-based ED visits caused by alcohol during weekend. (Jones et al., 2009; Humphrey et al., 2003).

The New Zealand Police (New Zealand Police, 2010) estimate that approximately one-third of all police apprehensions involve alcohol.

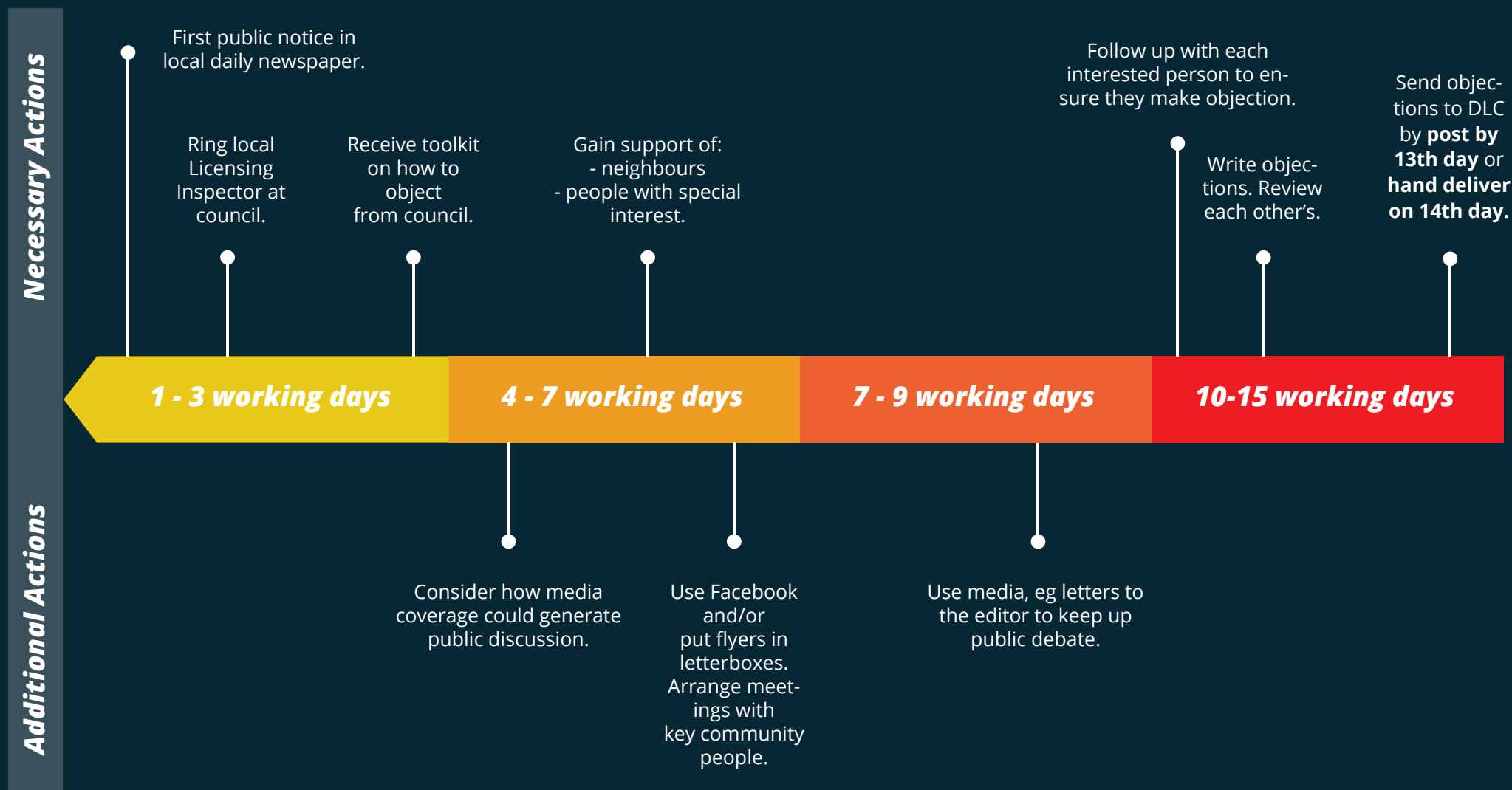
What are the costs of alcohol related harm to the country?

In the financial year of 2008/09 alcohol related harm cost these different organisations:

ACC	\$42-\$62 million
Hospital resources	\$103 million
Court costs, penal institutions, sentencing	\$131-\$426 million
Police	\$222-\$426 million

Overall social costs estimated = \$5.3 billion per year or \$14.5 million every day. (Berl 2009).

Timeline to making an objection to an alcohol licence



Your objection needs to be with the DLC by the 15th working day after the public notice has been first published. Use this timeline as a guideline to making your submission.

What happens next?

When the DLC receives your objection, they will:

- Send an acknowledgement letter.
- Send a copy of your objection to the licence applicant.

The DLC will consider your objection and any others that have been submitted. If they believe that your objection meets the Act's criteria, they will:

- Offer you the opportunity to speak about your objection at a public hearing at a public hearing on the application.
- Advise you and everyone else of the hearing date and time.

You don't have to speak at the hearing, but your objection will have greater weight if you do. If you can't attend, or are uncomfortable with public speaking, you may know of someone who'd be happy to do this for you.

Attending the hearing? Have a Plan B

At the hearing the DLC members may ask for your ideas on how your objection could be addressed. So it's a good idea to go prepared with some reasonable conditions that could be applied if they decide to grant the licence.

If you'd like some advice, contact the Licensing Inspector at the council or the Police Alcohol Reduction Harm Officer to discuss your options.

For example you could suggest that:

- The premises operates with restricted trading hours- so if you're concerned about its proximity to a school, it could open after 9am and close for an hour between 3pm and 4pm.
- There be no promotional advertising on the premises' exterior.
- Security cameras be installed.
- Door staff be employed.
- A noise management plan be required.
- The building's exterior be cleaned every day at, for example - 3am.

TOP TIPS FOR MAKING AN OBJECTION

Demonstrate clearly that you have a **greater interest** in the application than the general public (see page 8).

Be precise and clear about why you're objecting, and provide all the information required.

Stick to the facts and don't be over emotional. This applies to your written objection and when you speak at the hearing. This can be difficult when you feel strongly about an issue but remaining calm and professional, can only be a positive.

Ask someone to read through what you have written and give you feedback. This will often highlight points that are unclear or missing.

Meet the Act's criteria in your objection. You'll have time to prepare your full arguments for the hearing later.

Attend the hearing. If a hearing is called this will be at a time to suit all parties. If you do not attend the hearing your objection will not be heard.

Arrive **on time, prepared** and **smartly dressed**.

Take a slow, deep breath before you begin your presentation - it will help to **relax** you. Try not to speak too quickly. Remember, your audience is interested in what you are saying and wants you to make a successful presentation.

Paint a clear picture of how alcohol related harm currently affects your community and link it clearly to your concerns about the impacts of the application.

Real life experiences are persuasive but make sure they are recent and relevant. You don't want to confuse your audience or give the impression you have misunderstood the reason for being there.

Be prepared to **answer questions** at the hearing. The DLC members may want to clarify something in your presentation.

Be courteous to other speakers. Do not disrupt or interject when other people are making their presentation.

This is your opportunity and the DLC are genuinely interested in what you say.

Be well prepared.

Agencies you can contact for local information

- The **Licensing Inspector** at your local council.
- The **Alcohol Harm Reduction Officer** at your local Police station.
- The **New Zealand Police website** - search under General Reports, keywords *drugs and alcohol*.
- The **Medical Officer of Health** at your local district health board.
- The local **Regional Economic Development Agency**, for example Venture Taranaki.

Objecting in action: A real local case study

Hi, my name is Michelle, I am a mum, wife and nurse.

In November 2013, I was sitting in my car, outside school waiting for our 7 year old to come out, while I was waiting I read the South Taranaki Star and came across an application for an Off Licence.

My initial thought, was we already have three Off Licenses and three supermarkets selling alcohol in a community of 8,000 people. What we don't need is another one, particularly as it was just down the road from the Hawera High School, and opposite another Off Licence and supermarket.

So.... What to do? My immediate reaction was to write a letter to the editor of the local paper to urge the Hawera community to oppose another Off Licence. Prior to writing the letter, I contacted the local council and spoke to the licensing inspector, to discuss how to oppose, as there is a criteria to be met.

I then wrote a letter to the editor (which then became an article in the paper). I contacted the Principal at the High school, I emailed our local Member of Parliament, and I went and saw the Captain of the Salvation Army. I then went door knocking, and did a mail drop in the immediate residential area to inform the residents of the Off License application (many had not seen the application in the paper). During my door knocking I also had printed out the phone number and the contact person that people would need to talk to at the council to find out how they could oppose the application. In that handout I also provided some basic information on the harm too many off licenses in a small town can do to a community and the time frame people needed to object by.

I was also in touch with Jill, who is a Health Promotion Officer, in the Public Health Unit at Taranaki Base Hospital, who provided me with some excellent information to support my objection. I also discussed my concerns with Sergeant Smith at the Hawera Police Station.

On a positive, fabulous note we had six community objections and the application was withdrawn.

Communities can make a difference.

Michelle Bird



Notes

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Useful Websites

Facts about Alcohol

www.alcohol.org.nz

Alcohol Healthwatch

www.ahw.org.nz

Health Promotion Agency

www.hpa.org.nz

Ministry Of Social Development

www.msd.govt.nz

Ministry Of Justice

www.justice.govt.nz

NZ Police

www.police.govt.nz

Law Commission

www.lawcom.govt.nz