



UNCAPPING THE VOICES OF COMMUNITIES: Looking closer at local alcohol policy and district licensing committees in Aotearoa New Zealand

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EXECUTIVE SUMMARY

When it comes to alcohol advocacy to reduce alcohol-related harm, members of the public and local community organisations face an uphill battle in guaranteeing their voices, stories and realities (which are all evidence) are properly heard by governing authorities.

The specific systems or processes we investigate in this paper are the Local Alcohol Policy (LAP) and District Licensing Committee (DLC) that frame various parts of alcohol licensing, advocacy and sale in local communities. Overall, we find that these LAP and DLC processes are not working for local communities. These processes presume that communities and licence applicants are on the same playing field—they are not. The huge complexity of these processes, as well as limited resources to fight and object to LAP and DLC delays and decisions, plus adding the constant delaying tactics used by industry against LAPs, all point to a structure that is not working effectively or meaningfully for local communities facing high density of liquor or bottle stores and regular alcohol-related harms. As we've dug further into these areas, we present some regulatory solutions, as well as local community solutions, to these problems:

- urgent review and reform of the Sale and Supply of Alcohol Act 2012 (SSAA 2012)
- passing of the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill
- supporting grass-roots groups like Communities Against Alcohol Harm and Community Law's Alcohol Harm Reduction Project so communities have their say.

In the end, our real focus was to *uncap the voices of communities* in these systems and push for a fairer system and better outcomes for our communities.

PARAMETERS OF PAPER

There are several major challenging aspects of alcohol consumption, abuse and regulation that we could have covered in this paper. However, we've narrowed this advocacy paper down to focus on two main areas: LAPs and community voices around local bottle stores in the District Licensing process. The Salvation Army contends that, overall, local communities, particularly in poorer areas, are not benefitting from the current system of alcohol regulation and community involvement. These processes are biased towards and hamstrung by bureaucracy, legal challenges and corporate influence that mean local communities are left to relentlessly fight 'David vs Goliath' battles to ensure their voices, needs and realities are actually heard and realised.

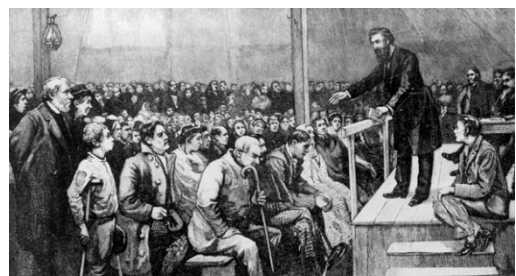
This advocacy paper will have the following sections:

- **The Salvation Army and Alcohol**—Brief overview of The Salvation Army's long history in serving people facing alcohol addiction and harm.
- **Big Picture Issues**—Snapshot of some critical issues around alcohol in Aotearoa New Zealand.
- **Case Studies in Whangārei (Northland), Mangere (South Auckland), Porirua (Wellington), Sydenham (Christchurch)**—Four local communities in Aotearoa New Zealand facing alcohol-related challenges. This paper explores issues of the high density of bottle or liquor stores in these communities, and the relevance of the LAPs and DLCs for these communities.
- **LAPs and DLCs**—Discussion on what's *not* working in these processes.
- **Communities Voices**—Recommendations for moving forward and increasing community input and influence in this system.

THE SALVATION ARMY AND ALCOHOL

The Salvation Army has an abstinence approach to alcohol, tobacco, addictive drugs, gambling, pornography and the occult.¹ In our international position statement on alcohol, there is a clear focus on encouraging *an alcohol-free lifestyle* and for soldiers (church members) to live an 'alcohol-free life'.² Additionally, this statement clarifies that The Salvation Army recognises the harm alcohol causes in individuals, families and communities. It advocates for reducing the consumption of alcohol, and it offers its services to support and restore people negatively impacted by alcohol use.³ Therefore, two main areas that shape The Salvation Army's approach regarding alcohol are advocacy and service delivery.

In both the international and local official statements on alcohol, one Bible verse helps outline a key element of The Salvation Army's work in this space. 'Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own; you were bought at a price. Therefore, honour God with your bodies' (1 Corinthians 6:19–20, NIV).⁴ This verse highlights the responsibility of Jesus' followers to do their best to honour God with their bodies and, therefore, their lives. The Salvation Army recognises that alcohol, as a carcinogenic (cancer-causing) drug, causes huge personal, physical, mental and wider social harm in our society. As a result, Salvationists seek to honour God by not exposing their bodies (a sacred gift to us all) to harmful influences such as alcohol. Also, the Army looks to advocate for policies that minimise the worst harms of alcohol inflicted on our communities.



Secondly, The Salvation Army has a long history of working with and serving those facing alcohol problems. The Salvation Army is said to have been launched in June 1865 when William Booth, co-founder along with his wife Catherine, preached the saving gospel of Jesus Christ outside the Blind Beggar pub in

London.⁵ Shaped and influenced by the Bible, William and Catherine Booth, along with others who joined them, began forming various corps (churches) and social services to meet the growing spiritual and social needs they saw. In 1890, William Booth wrote the pivotal *In Darkest England and the Way Out*, where he discussed the salvation and regeneration of mankind and also detailed how to tackle poverty, addiction, slavery, unemployment and homelessness in Victorian England. Booth's innovative ideas included: rehabilitation centres for alcoholics and ex-prisoners; food distribution centres; hostels for the homeless; waste recycling centres; skills workshops; job centres for the unemployed; access to banks and lawyers for the urban poor; and places of refuge for women.⁶

Today, The Salvation Army globally is heavily involved in supplying support services and addiction treatment services for those experiencing alcohol and other drug addiction and harm. In Aotearoa New Zealand The Salvation Army's commitment to addressing alcohol harm, addiction and policy change includes:

- providing almost 20,000 addiction services such as counselling sessions, group sessions and other treatment programmes through the Bridge addictions services per year⁷
- a national network of Bridge treatment centres from Kaitaia to Invercargill, providing up to date, integrated, high-quality treatment services
- a national network of Recovery Church services operating weekly for people in recovery from addictions or those facing other complex issues—prayer, Bible readings and fellowship amongst attendees are encouraged in these services
- policy analysis and advocacy in relation to alcohol from the Social Policy and Parliamentary Unit of The Salvation Army.

BIG PICTURE ISSUES

Before drilling down into the LAP and DLC areas focussed on in this paper, it is worth noting some of the critical big picture issues in the current public debate around alcohol. There is a direct connection between LAPs and DLCs and these wider issues.

SALE AND SUPPLY OF ALCOHOL ACT 2012 (SSAA 2012)⁸

In our view, at the core of many of the problems around alcohol consumption and regulation are the failings of the SSAA 2012. The Salvation Army has joined many other organisations, lobbying consistently for a comprehensive review and reform of this Act. In 2021, following public comments from the then-Minister of Justice Hon Kris Faafoi, we wrote a letter calling for an urgent review of the Act, highlighting hazardous drinking statistics, particularly for young New Zealanders.⁹ Many other alcohol advocacy and community organisations wrote similar letters and have regularly advocated for this much-needed review. We strongly urge the current Minister of Justice Hon Kiri Allan to act on these intentions with a comprehensive review of the SSAA 2012.

In 2011, The Salvation Army submitted to the Alcohol Reform Bill which later came to be the SSAA 2012. In our submission we highlighted:

- vagueness of amenity of good order and its inability to capture social impacts of alcohol harm
- a ban on supermarket sales of alcohol—alcohol is presented and sold as just another ordinary commodity
- DLC must give effect to LAPs when issuing licences—not just have regard
- clarification regarding community's eligibility to participate in the DLC process.

These are a few of the issues we raised over a decade ago that continue to be an issue in community participation in the process.

SALE AND SUPPLY OF ALCOHOL (HARM MINIMISATION) AMENDMENT BILL¹⁰

In principle, The Salvation Army is supportive of this Bill. The focus on community voice is particularly important in this Bill. At the time of writing this advocacy paper, this Bill had not yet come to the Select Committee stage. The Salvation Army was part of the joint advocacy to the Auckland Council in June 2022 to secure the Council's support of the Bill.¹¹ Furthermore, we are also supporting the 'Pass the Bill' campaign developed to push for the passing of this Bill into law.¹²

CRITICAL ALCOHOL ISSUES (NON-REGULATORY)

While much of the focus of recent alcohol harm and consumption advocacy has focussed on regulatory tools like those above, there are still related major issues that we believe should not be forgotten in these current public debates.

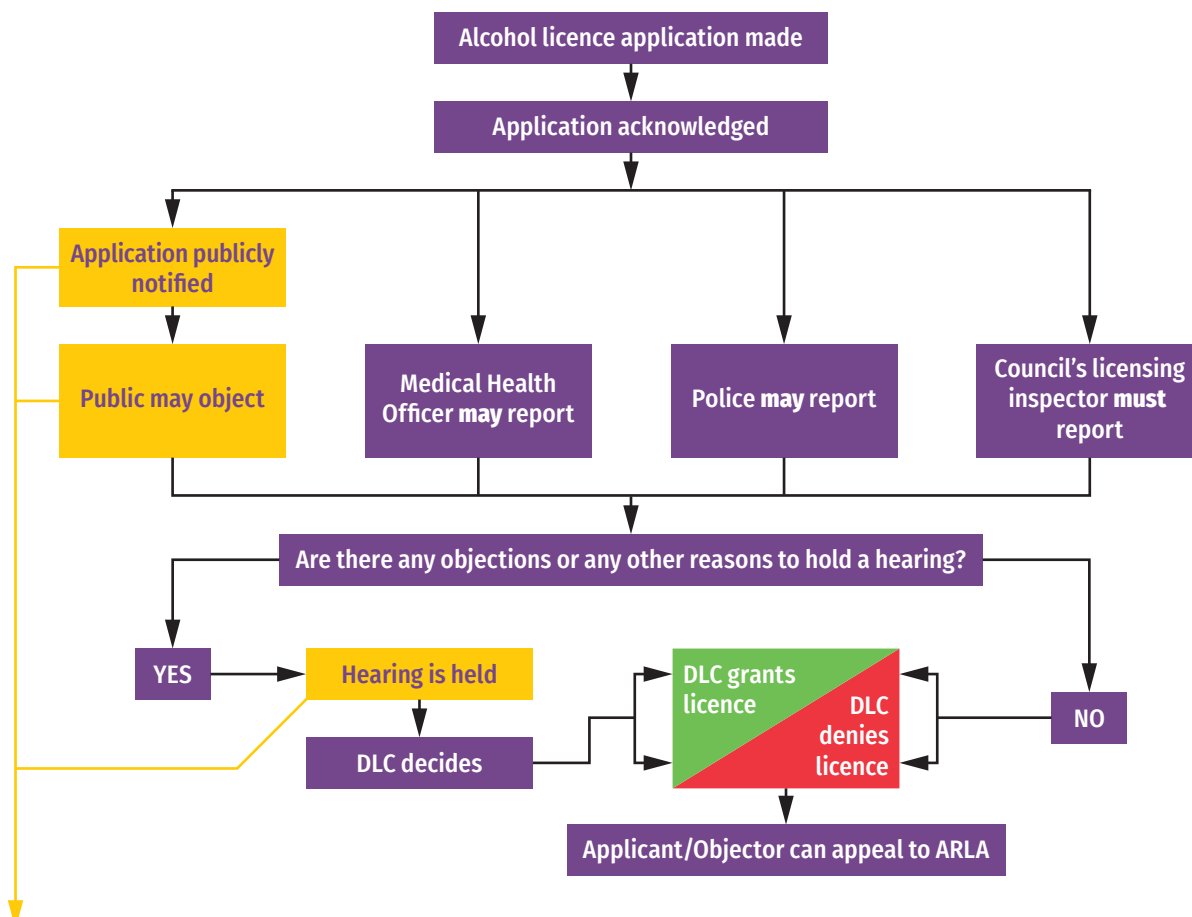
Alcohol marketing and sponsorship This has been a hotly debated area recently. The Salvation Army joins the calls of Sir Graham Lowe and other groups to end alcohol sponsorship in sport, because children and young people are being targeted by this sponsorship.¹³ In their comprehensive 2013 report, 'The culture of alcohol promotion and consumption at major sports events in New Zealand', the Health Promotion Agency (HPA) made several significant findings on alcohol promotion, broadcasting and consumption.¹⁴ The HPA concluded there was an entrenched, 'naturalised culture of alcohol promotion and consumption at some sports events in New Zealand'. Alcohol Healthwatch (AHW) has undertaken some great work in this space, highlighting that 'alcohol marketing is well-funded and pervasive, appearing across multiple media in our everyday lives. Increasingly, digital media is utilised as a key advertising channel offering very high reach, unique targeting of audience, low cost, and ability to interact and engage with consumers all the way to point of sale. The cumulative effect of repeated positive associations with drinking fosters and maintains Aotearoa New Zealand's drinking culture,' and detailing that in 2018, over \$80 million was spent on alcohol advertising and alcohol-related sports sponsorship.¹⁵ AHW has also done well in investigating the connection between community wellbeing, perceptions and the environment with alcohol signage often plastering local bottle stores.¹⁶

Alcohol pricing and tax excise The Salvation Army has consistently called for significant increases in the tax excise rates of between 25 to 50 percent on alcohol in New Zealand.¹⁷ Any increase in excise tax will logically result in an increase in the price of alcohol. Consumers are price sensitive and there is a clear link between price and alcohol consumption and also alcohol-related harm. The Law Commission stated that 'putting up the price of alcohol will reduce alcohol-related harm. It will also help to pay for the costs to society of those harms'.¹⁸ The widespread availability of cheap alcohol products has encouraged excessive and harmful consumption of alcohol and it is the cheap products that are most favoured by heavy, harmful and young drinkers. Again, AHW's excellent work, 'A Road Map for Alcohol Pricing Policies: Creating a fairer and healthier Aotearoa New Zealand March 2020'¹⁹ should be used for further debate around increasing tax excise in Aotearoa New Zealand.

LOOKING CLOSER AT DLCs AND LAPs IN AOTEAROA

Below is a simplified outline of how both LAPs and DLCs are meant to work in relation to local communities. We contend that there are specific parts of these processes that are not working effectively, therefore reducing or even ignoring the real voices and needs of local communities that we work alongside. Even looking at the simplified versions of these processes, it should be evident how complicated and hugely complex these processes are for local communities to share, articulate and advocate for their voices to be heard within them. Still, local community members and groups often do an admirable job navigating these complex systems to fight to reduce alcohol harm in their neighbourhoods. This simplified outline also does not take into account process variation from DLC to DLC, which adds to confusion for people in communities and for organisations trying to assist them.

Figure 1: Alcohol Licence Objection Process (DLCs)²⁰



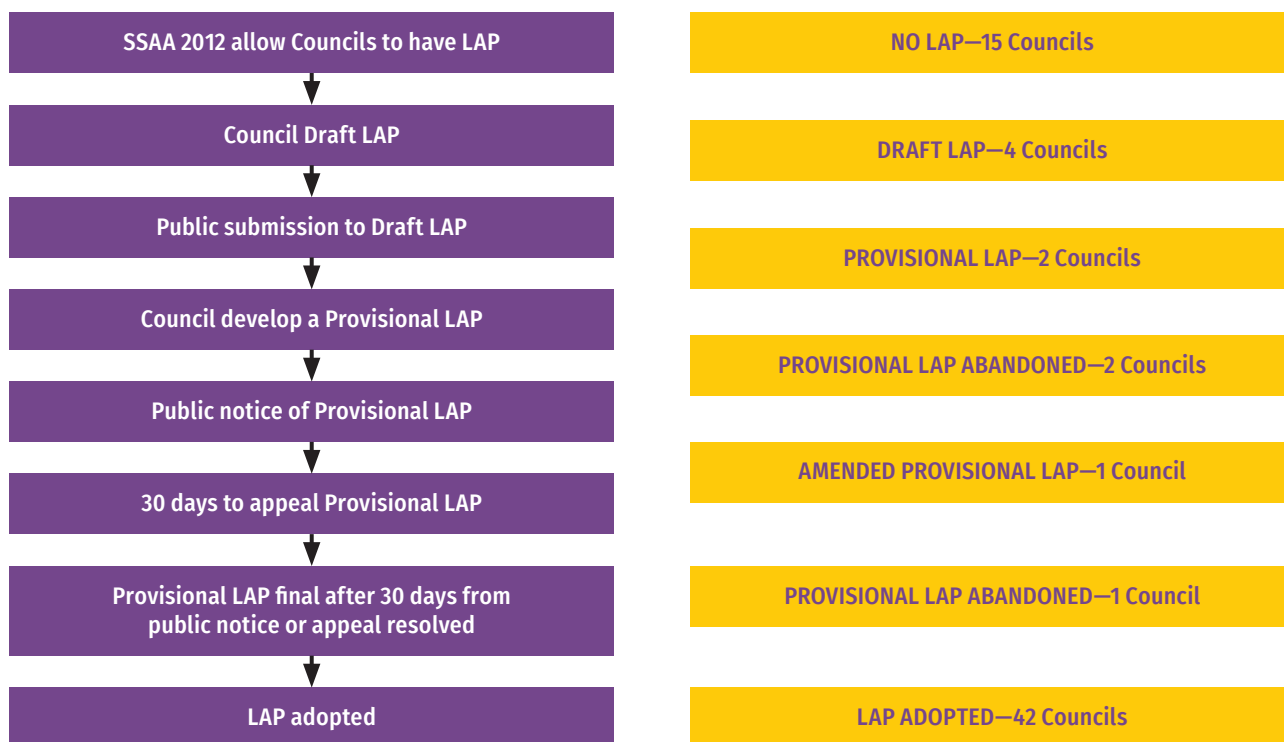
Public objections (Community engagement):

- The public are notified about alcohol licence applications either online or in local newspapers, which are posted on proposed locations
- The public have 15 working days to object, in writing, from the first notification of licence application
- The public can only object if they have 'greater interest than the public generally'
- Objectors can only object under statutory grounds (s105 of the Act for new licences and 131 for renewals)
- Objectors may present an evidence brief and call on witnesses for the hearing
- Objectors are not required to attend the hearing, however case law shows that greater weight is given to evidence brief when objectors are present
- During the hearing the objector can be cross-examined by the applicant and reporting agencies

There are 11 criteria that DLC must 'have regard to' when considering a licence application:

- 1 The object of the act
- 2 Suitability of the applicant
- 3 Local alcohol policy
- 4 The days and hours of sale
- 5 The design and layout of premises
- 6 The sale of goods other than alcohol and refreshments
- 7 The provision of other services not related to the sale of alcohol and refreshments
- 8 Amenity and good order
- 9 Increasing amenity and good order have already been reduced
- 10 Applicant has appropriate systems
- 11 Matters from the reporting agencies

Figure 2: LAP Process and Regional/National Update²¹



HOW DO DLCs OPERATE?

- DLCs are administered by local councils. It is the decision-making body that issues, renews or alters alcohol licences and manager certificates.²² The DLC also conducts hearings if licence applications are opposed by the public or reporting agencies. Reporting agencies are New Zealand Police, medical officers of health and inspectors. These agencies review the application and file a report if in opposition to an application (the inspector must file a report, even if not opposing the application). **Figure 1** (on the previous page) shows a brief overview of the processes involved in objecting to an alcohol licence.
- Applicants are required to give public notice of licence application, and the public has 15 working days to object. Essentially, community members can only object within the DLC process if their objection falls within s105 of the SSAA 2012 (including any relevant part of their local LAP). Communities often have the tools and the stories to advocate effectively to the DLC against alcohol licence applications, but the rigidity and complexity of the DLC process and the lack of LAPs limit their ability to do so. Furthermore, public objectors need to have ‘greater interest’ in the licence application than the general public. ‘Greater interest’ is often over-simplified by DLCs to mean someone who lives within a two kilometres distance from the proposed location or someone from a sensitive site such as a church or a school close to the location. Licence applicants can challenge an objector’s ‘greater interest’ as shown in the case study. All of these are critical factors in supporting and working alongside local communities trying to voice their concerns over liquor store licence applications.
- Prior to the hearing, public objectors can call on witnesses and submit evidence briefs for the hearing. Objectors from the community are only rarely accompanied by legal representation, usually community law lawyers or lawyers working pro bono. While the hearing is not compulsory for objectors to attend, case law shows that greater weight is placed on objections if the actual objectors are present. Hearings often do not have a set time frame for when objectors will be speaking which makes it hard for members of the public to attend. Hearings generally last one to two days depending on the number and depth of objections to licence applications. Despite the impact of Covid-19 and the ability of DLCs to use video conferencing online, only a handful of hearings have been given the online option. Objecting to an

alcohol licence does not require payment but will have a real cost for any member of the public. The process is heavily time-consuming for the community.

- An alternative model is the 'trust model' which currently still operates in areas such as West Auckland.²³ Licensing trusts are community owned initiatives that have the monopoly to operate alcohol licences in specific areas. As a result, these trusts, which are accountable to their communities, control the density of alcohol availability in the community but also distribute the surplus profits back to the community. In the last financial year, West Auckland Trust distributed \$2 million back to the West Auckland community.

WHAT'S NOT WORKING IN DLCs FOR LOCAL COMMUNITIES

- The SSAA 2012 currently only requires a public notice to be made, but does not specify the medium. Many DLCs around the country, including Auckland and Christchurch, have highlighted in the past that notification of alcohol licence applications often get overlooked when in other mediums such as newspapers. Auckland²⁴ and Christchurch²⁵ now have a centralised online database for licence applications, however, there are many other DLCs where public notices are advertised on their choice of local newspapers.
- The rigid nature of DLC processes limits communities' ability to share their lived experiences and confines communities to s105 of the Act. As previously mentioned, the proliferation and density of bottle stores can be included in LAPs. However, the biggest deterrent to moving forward is the lack of or a watered-down version of LAPs. Removing the appeal process or reducing these opportunities to appeal LAPs as the Sale and Supply (Harm Minimisation) Bill intends to do, will address some of the challenges faced during the DLC process.
- The impact of the Covid-19 and the advancement of technology have created opportunities for people to engage through online meetings a lot more seamlessly. Alcohol Regulatory Licensing Authority (ARLA) currently carry out hearings through video conferencing. Local communities, particularly on long days, would benefit from using alternative media to assist them in engaging in hearings.

CASE STUDY: STANDINGS OF OBJECTORS

- In the Christchurch DLC Woodham Road Liquor Store decision,²⁶ Mr P McMahon, in his capacity for Community Action on Youth and Drugs (CAYAD),²⁷ objected to the licence, and his standing was challenged. A decision made by ARLA, Gisborne Liquor Mart Limited v Ka Pai Kaiti Trust [2018] ARLA 316 (Black Bull Gisborne Decision),²⁸ held that the Ka Pai Kaiti Trust did not have standing simply because it was a responsible public interest group that represents a relevant aspect of the community. This decision for the Black Bull Gisborne set the precedent for Mr P McMahon, and the DLC deemed CAYAD not to have greater interest. However, because Mr McMahon worked 900m from the premises, the DLC proceeded with his objection in a personal capacity. In this case the DLC stated that Mr McMahon's interest as a senior project worker for CAYAD is probably at the outer reaches of establishing standing.
- This is an example of the hoops communities have to jump through in order to voice their issues and concerns.

HOW DO LAPS OPERATE?

- The SSAA 2012 allows councils to develop a LAP. The LAP is meant to give councils and communities the ability to develop specific policies to their area. These could include trading hours restrictions, the proximity of alcohol licences to specific areas or limiting the number of licences in a particular area. The policies are considered by the DLC when making decisions on issuing alcohol licences.
- It is not a statutory requirement for councils to have an LAP. But an LAP should allow councils and the communities they serve to have a say in the alcohol licencing process in their local communities. The process for the development of an LAP is shown in **Figure 2**.²⁹ Local councils together with reporting agencies (police, licensing inspectors and medical officer of health), develop a draft LAP. The public

(including industry) can give feedback on the draft. After this, a provisional LAP is developed. The public can then appeal the provisional LAP if they want. The LAP will be adopted 30 days after the notice of the provisional LAP or after the appeals are resolved. The average duration from notification of the draft LAP to notification of the provisional LAP was found to be 292 days. The average duration from notification of the provisional LAP to its adoption was 790 days.³⁰

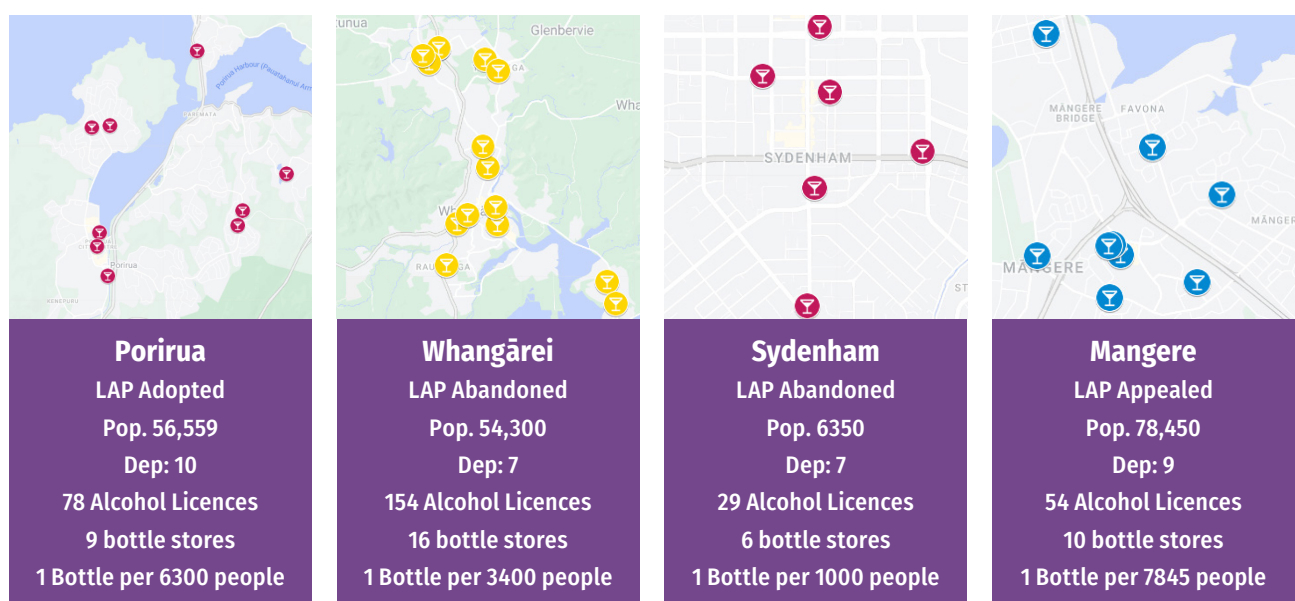
WHAT'S NOT WORKING IN LAPs FOR LOCAL COMMUNITIES?

- As of May 2022, there are 15 councils that do not have an LAP, 4 councils have a draft LAP, 2 councils have a provisional LAP, 3 councils abandoned their LAP, 1 council's LAP in under appeal and 42 councils have adopted an LAP.³¹ These 42 councils represent 34 percent of the total population.
- Research carried out by Alcohol Healthwatch (AHW) in 2017 showed that of the 33 provisional LAPs at the time, 32 were appealed. Supermarket chain Foodstuffs Ltd and Progressive Enterprises Ltd (Woolworths) appealed to 94 percent of LAPs and the liquor industry appealed 81 percent of these provisional LAPs.³²
- Furthermore, changes to policies made as a result of these appeals resulted in LAPs being less restrictive. Some of these policy changes included removing the cap from off-licence bottle stores in particular areas or increasing trading hours in other areas.
- The process from a draft LAP to a provisional LAP saw more restrictive changes being made, potentially as a result of the community engaging in this process.
- The costs to file an appeal to a provisional LAP is \$517.50 and this can often create a hindrance for local communities to continue to engage in this process.³³
- The appeal process also costs local councils. At the time of writing this report, the supermarket duopoly Foodstuffs Ltd and Progressive Enterprises Ltd (Woolworths) have appealed to the Supreme Court over Auckland Council's LAP; this has cost over a million dollars in court cost to Auckland's ratepayers.³⁴

DIGGING FURTHER: A CLOSER LOOK AT FOUR LOCAL COMMUNITIES AND THEIR LAPs AND DLCs

In this section, we begin to drill down further to see the impacts of the LAP and DLC failures on four different local communities. There are 948 active bottle stores around the country.³⁵ This equates to an average of one bottle store per 5800 people for New Zealand.

Figure 3: Indication of bottle store density in four local communities



These figures show that the four selected communities have a significant number of bottle stores relative to their populations, particularly Whangārei and Sydenham in Christchurch.³⁶ In addition, the proximity of these bottle stores to other bottles stores in these communities is, in our view, very worrying. In Kamo, Whangārei, which has a social deprivation level of nine, there were five bottle stores all within a two kilometre radius of each other. In Mangere in South Auckland, which also has a deprivation level of nine, there were three bottle stores within 300 metres of each other.³⁷

Three of the four selected local communities function within an environment where the LAP process has either been abandoned or is in delayed appeal. The only community amongst these four that has adopted an LAP is Porirua in 2017. Porirua's LAP was appealed to ARLA by the supermarket duopoly and, as a result, several policies and provisions became less restrictive, such as trading hours and the exclusion of supermarkets from policies that pertain to off-licences. Porirua's LAP does not include a cap on alcohol licences in a specific area. While Porirua does have an LAP in place, the appeal process has watered down key restrictions intended to improve amenity and good order in the community.³⁸

Foodstuffs Ltd and Progressive Enterprises Ltd (Woolworths), at time of writing, is appealing to the Supreme Court for Auckland Council's LAP. This appeal process started in 2017 with no real finishing line in sight. The Auckland DLC highlight every year in their annual report the need for the SSAA 2012 to improve engagement with communities. The Auckland DLC also highlighted that the SSAA 2012 does not include any criteria that addresses density and proliferation of licences, nor does it address the normalisation of alcohol. This is a common problem in communities The Salvation Army works in, including the four selected local communities. The inclusion of caps and proximity in LAPs can create space for communities to address the proliferation of bottle stores and density issues in their neighbourhoods. The Auckland DLC called the appeals process long and torturous and recommends that allowing elements of an LAP which have not been appealed against to be brought into force immediately; these include restrictions and safeguards in relation to special and club licences. The effect of an appeal against a LAP; delays the application of all of the policy until all appeals are finally dealt with. A better process could mirror that found in section 86F of the Resource Management Act 1991, which allows unopposed elements, or elements where appeals have been determined, to come into force immediately.³⁹

Whangārei District Council's Provisional LAP was appealed to ARLA by Woolworths (Progressive Enterprises Ltd), Foodstuffs and Super Liquor in 2019.⁴⁰ This Provisional LAP showed that the council and the community agreed that there was no need for new bottle stores, so an element of the Provisional Plan was developed to restrict the issuing of licences for new bottle stores for a period of six years from LAP adoption.⁴¹ ARLA ruled that this element was unreasonable under s83(2) of the principal Act. The result is Whangārei has yet to adopt an LAP because of this delay and the ARLA ruling. The LAP for Christchurch was discontinued in 2017, and had cost the Christchurch ratepayers over \$1 million in legal fees.

Just by looking at the experience of these four local communities with LAPs and DLCs, it is clear to us that major obstacles still exist for local communities in navigating and advocating for their voice, objections and realities in these systems. These systems are, in general, not working for local communities, particularly those neighbourhoods with high levels of social deprivation. The massive complexity of the actual LAP and DLC process outlined above, and the constant delaying tactics in the LAP appeals process from powerful and well-resourced corporates, all point to local communities fighting tooth and nail to reduce alcohol-related harm for their people and whānau (families). Urgent change is needed here to ensure the David vs Goliath picture here is more balanced out.

EMERGING ISSUES FOR LOCAL COMMUNITIES

Before concluding this advocacy paper, The Salvation Army wants to briefly highlight some emerging or pressing issues around alcohol-related harm that we believe must be considered in light of any future review and reform of the SSAA 2012.

MAIL ORDERS/OFF-LICENCE REMOTE SALES

We believe there has been little focus or recognition of this aspect of the alcohol industry. Since the Covid-19 pandemic, there has been a rapid increase in mail order licences and remote selling by off-licences.⁴² There are 352 mail order licences and 109 (32%) of these are new mail-order licences that have been granted since 2020. Anecdotal evidence is that delivery of remotely sold alcohol has been quite 'loose' at times.⁴³ There are no monitoring processes under the Act to ensure that mail-order licencing or remote selling are operating within the object of the Act. The rapid increase and loose regulations for mail order licences and off-licence remote selling within the Act poses detrimental risk to how these licenses are being operated. A review of the SSAA 2012 will hopefully address the shortfalls of the regulation and monitoring of mail order licences.

BUY NOW PAY LATER (BNPL) FOR ALCOHOL PURCHASES

In recent months, this issue has gained major public attention with the Bottle-O Panmure store making national headlines.⁴⁴ But The Salvation Army alongside other organisations have consistently raised this issue for the last 18 to 24 months. In our 2021 submission to the Ministry of Business Innovation Employment's (MBIE) review on BNPL, we raised concerns about BNPL used to purchase alcohol.⁴⁵ This was specifically concerning for us as poorer people and whānau were turning to this payment method in light of the country emerging from restrictive government lockdowns in 2020 and 2021. We noted in this MBIE submission that 'BNPL services provide an affordable and accessible method for vulnerable consumers to increase their accessibility to alcohol products. Across all BNPL services in New Zealand there is only one BNPL (laybuy) that has an alcohol policy. Whilst there are limited bottle stores that have BNPL we anticipate that as the BNPL sector evolves this may change.'

SUPERMARKETS

The focus of this paper has been on local bottle stores and the impact of LAPs and DLCs on local communities. We do not have the space here to dig further into the huge proportion of alcohol sales in supermarkets in local communities. We have acknowledged the power imbalance at the LAP level between corporates and local members of the public. However, the role of supermarkets in alcohol-related harm and incidences is a proverbial elephant in the room that warrants greater public attention.

UNCAPPING THE VOICES OF COMMUNITIES: RECOMMENDATIONS TO FIX LAP AND DLC ISSUES

Legislative and policy responses	Community responses
<p>Urgent review and reform of the SSAA 2012 It is now over 10 years since the SSAA 2012 was passed. The issues raised throughout this advocacy paper give some indication of some of the key problems of this Act, especially around the role and voices of local communities in key parts of the system. The Salvation Army along with other churches and advocacy groups have heard both government ministers and government officials allude to a review of the Act. But there has been little to no clear action, plan or timetable for this critical review. The government needs to finance and implement a plan for review and reform of the Act alongside a balanced co-design pathway with community organisations and the alcohol industry to work towards better outcomes and dramatically reducing alcohol-related harm nationally and locally.</p>	<p>While there is a huge role for information sharing and awareness raising in the alcohol area for communities, the focus in our paper has been on uncapping and unlocking voices in communities engaging with the LAP and DLC processes. Alongside the legislative and policy responses needed in local and central government, we offer these tools to support local communities in their advocacy within (and against) the cumbersome legislative process.</p>
<p>Passing of the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill As previously stated, The Salvation Army has made our support of the passing of this Bill into legislation very clear. Piecemeal reform of the Act is not ideal. But without a clear, comprehensive reform and review plan, these amendment Bills have a clear purpose to play in ideally securing better outcomes for local communities.</p> <p>Pass the Bill campaign⁴⁶ The Salvation Army among many other organisations has signed on to support the ‘Pass the Bill’ campaign. The campaign aims to educate, engage local communities and organisations with regard to the Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill. Also to lobby MPs support for this Bill.</p>	<p>Community advocacy supports We know there are many great advocacy support systems serving local communities. With greater support and political will, reducing alcohol harm in local neighbourhoods is definitely attainable. Some great examples include:</p> <p>Action Point website⁴⁷ Designed by AHW, this great tool offers a step-by-step evidence-based checklist to help communities stay informed and contest bottle store licences.</p> <p>Communities Against Alcohol Harm This hearty collaboration of people and organisations in Auckland and Christchurch works tirelessly to support local communities. Other similar groups operate around the country.⁴⁸</p> <p>Advocacy toolkit developments There is good development of fit-for-purpose toolkits to provide more advocacy support. The Salvation Army has developed its own internal toolkit to support our churches to advocate for their communities. This is in response to increased demand from our churches and social services to challenge the LAP and DLC processes. Other great resources have been created for local communities to help contest this complicated, often unfair, legislative beast.⁴⁹</p>

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Fixing the LAP process

The Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill proposes to remove the appeal process for an LAP so that a council can move from a draft LAP where they will consult with the public to adopt the LAP. This would give communities and interested corporations a balanced opportunity to have their say because there is only one opportunity for consultation. This is an evidence-based and logical solution that not only levels the playing field for communities but is also a cost-effective option for local councils.

The upcoming Bill addresses LAPs, however, LAPs are not binding⁵⁰ and only account for one of the eleven factors that DLC regard when they issue or decline a licence. The solution to addressing the rigidity of these factors lies within our first point, to review the SSAA 2012. The complexity of navigating the objection process is a hurdle in itself, but when communities can band together with their limited resources, they can navigate these processes together. For example, Community against Alcohol Harm is a grass-roots community group which runs free workshops to guide the community through these processes; or Community Law-Alcohol Harm Reduction Project which supports the community in boxing their lived experiences of alcohol harm in a way that is fitting to the DLC process. Without this knowledge of who can help or knowledge of these networks and support systems, the alcohol objection process can often be daunting and overwhelming.

Case Study: advocacy in action

In 2020, Captain Jocelyn Smith, on behalf The Salvation Army, objected to Merchant's Liquor, in Christchurch.⁵¹ The Christchurch DLC following the hearing declined the licence application stating: 'In the words of Gendall J in the Vaudrey case quoted, "if the object of the Act cannot be achieved by the application, then it cannot succeed." This application is declined.' As we celebrate the outcome, on reflection, Captain Smith highlighted that despite having the weight and support of The Salvation Army's wider services the process was gruelling and taxing, particularly when all three reporting agencies did not see reasons to oppose the licence application. Furthermore, as it is a primary kaupapa (principle) of The Salvation Army to care for and support those who are alcohol dependent, which is why we advocate and engage in this process, the inspector stated: 'If the alcohol dependent want to get alcohol, they will'. If we as a society continue to stand idle, we are complicit in the devastation that alcohol harm wreaks on our society; the devastation that The Salvation Army see every day.

ENDNOTES

- 1 Alcohol. Retrieved from salvationarmy.org.nz/research-policy/moral-and-social-issues-council-masic/alcohol (accessed 16 July 2022).
- 2 Position Statement: Alcohol in society. Retrieved from salvationarmy.org/ihq/ipsalcoholinsociety (accessed 16 July 2022).
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Te Ope Whakaora

Social Policy & Parliamentary Unit

Working for the eradication of poverty in New Zealand

Every effort is made to ensure the accuracy of facts and information in this report. Inaccuracies or errors in interpretation remain ours and we are happy to discuss any brought to our attention. The views are the authors', expressed in the name of The Salvation Army, Te Ope Whakaora.

We welcome your comments.

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