

Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2)

Member's Bill

Explanatory note

General policy statement

This Bill provides that where a local alcohol policy is in place under the provisions of the Sale and Supply of Alcohol Act 2012 any renewal of a licence under the Act must not be inconsistent with the provisions of that local alcohol policy. This Bill replaces a previous Bill that contained a drafting error, referring to section 71 instead of section 77, in the replaced section 133 of the Act.

The process of adopting a local alcohol policy is a consultative process that provides for community input in respect of numbers of licences issued in a community, the location of premises and their proximity to other facilities identified by the Council. Examples have been schools, early childhood education centres, places of worship, and public services.

The object of the Sale and Supply of Alcohol Act 2012 is contained in section 4 and is that both 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. That harm includes—

- any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by excessive or inappropriate consumption of alcohol, and
- 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.

The aim of this Bill is to allow the Act to meet its stated object.

That alcohol causes harm to society or the community is a given and the only effective tool offered to communities to control that harm is the local alcohol policy process. Section 78 of the Act requires Councils, in drafting a local alcohol policy, to

have regard to the demography of the district's residents, the health indicators of the residents and the nature and severity of alcohol related problems in the district. The main concerns expressed by communities are the proliferation of liquor outlets and their proximity to sensitive facilities such as schools and early childhood education centres.

There is no rational base on which existing off-licence renewals should not be assessed against a local alcohol policy that has been through a rigorous process that takes specific account of the harm caused directly or indirectly to the community by alcohol. To not assess existing off-licence renewals against local alcohol policies concerning density and location is to render the basis of a local alcohol policy nugatory and to ignore that existing outlets may have contributed to the identification of areas in a local alcohol policy where there is excessive harm caused by alcohol consumption to the community. For those matters not concerning location and density, conditions can be imposed to bring the operation of a licence into conformity with a local alcohol policy, that is trading hours, particular licences, and one-way door restrictions.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 states that the Bill amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).

Clause 4 states that the purpose of the Bill is to amend the Act to ensure that a decision on the renewal of an existing licence considers matters in a local alcohol policy, that has been adopted or is in force, that relates to location and density.

Clause 5 replaces section 133, which relates to the renewal of licences where a relevant local alcohol policy exists.

Clause 6 amends section 135, which relates to decisions on renewal of licences.

Louisa Wall

**Sale and Supply of Alcohol (Renewal of Licences)
Amendment Bill (No 2)**

Member's Bill

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act	1
4 Purpose	2
5 Section 133 replaced (Renewal of licences where relevant local alcohol policy exists)	2
133 Renewal of licences where relevant local alcohol policy exists	2
6 Section 135 amended (Decision on renewal)	2

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Sale and Supply of Alcohol (Renewal of Licences) Amendment Act **2018**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**
This Act amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).

4 Purpose

The purpose of this Act is to amend the principal Act to provide that, in considering a renewal of licence where a relevant local alcohol policy exists, a licensing authority or licensing committee must take into account any inconsistency between any location and density matters contained in a relevant local alcohol policy and the renewal of a licence or the consequences of that renewal. 5

5 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 10

(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. 15

(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. 20

6 Section 135 amended (Decision on renewal)

In section 135(1), delete “, subject to **section 133**,”.

House of Representatives

Supplementary Order Paper

Wednesday, 21 February 2018

**Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill
(No 2)**

Proposed amendments

Louisa Wall, in Committee, to move the following amendments:

Clause 4

In *clause 4*, replace “renewal of licence” (page 2, line 3) with “renewal of an off-licence”.

In *clause 4*, replace “a licence” (page 2, line 6) with “an off-licence”.

Clause 5

In *clause 5, new section 133(1)* replace “a licence” (page 2, line 11) with “an off-licence”.

In *clause 5, new section 133(1)* replace “the licence” (page 2, line 12) with “the off-licence”.

In *clause 5, new section 133(2)* replace “licence” (page 2, line 17) with “off-licence” in both places it occurs.

After *clause 5, new section 133(2)* (page 2, after line 20), insert:

- (3) In considering whether to renew a licence other than an off-licence, the licensing authority or licensing committee concerned must not take into account any inconsistency between a relevant local alcohol policy and—
 - (a) the renewal of the licence; or
 - (b) the consequences of its renewal.
- (4) The licensing authority or licensing committee concerned may impose particular conditions on any licence it renews, other than an off-licence, if—

- (a) there is any relevant local alcohol policy; and
- (b) it considers that the renewal of the licence, or the consequences of the renewal of the licence, without those conditions imposed on it would be inconsistent with the policy.

Explanatory note

This Supplementary Order Paper clarifies that the discretion to refuse the renewal of a licence for sale and supply of alcohol that is inconsistent with a relevant local alcohol policy applies only to existing off-licences. This Supplementary Order Paper reinstates existing section 133(1) and (2) of the principal Act in respect of renewal of licences other than off-licences.