

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

17 JULY 2014

Meeting Status: **Public**

Purpose of Report: For Decision

LOCAL ALCOHOL POLICY AND LOCAL APPROVED PRODUCTS POLICY

PURPOSE OF REPORT

- 1 This report provides an update on the work to develop the Local Alcohol Policy and seeks formal approval to develop a Local Approved Product Policy.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy

BACKGROUND

- 3 Alcohol and drug-related crime and harm remain a significant concern for the community. The Council has a continuing programme of work to reduce this harm and crime, including: supporting community initiatives, taking an active role in promoting agency collaboration and by implementing the changes brought about by the Sale and Supply of Alcohol Act 2012 (the Act).
- 4 Supported by good interagency and community collaboration, Alcohol-Free Zones were adopted in 2012. Since the creation of these zones, there has been a substantial reduction in alcohol-related public place crime. These zones were made permanent when the Council adopted the Kapiti Coast District Council Control of Alcohol in Public Places Bylaw 2013. The key statutory partners (the Medical Officer of Health, Police and the Licensing Inspector) have continued to work together to ensure that there remains a strong focus on harm and crime reduction.
- 5 Recent legislation has created two further regulatory opportunities to create policies to reduce alcohol and drug-related harm and crime on the Kāpiti Coast. These local policies would inform:
 - decision making on the sale and supply of alcohol - a Local Alcohol Policy, and
 - decisions on where premises can be located that sell psychoactive drugs – a Local Approved Products Policy.

CONSIDERATIONS

- 6 A joined up approach is required when working to reduce harm and crime related to drug and alcohol use. Often, the same families, communities and agencies (with the resulting workload), are affected by the damaging misuse of alcohol and other drugs. Therefore, as far as possible, it is recommended that the work on the policies on alcohol and psychoactive drugs policies is linked.

- 7 However, there are limits to how closely the work can be aligned. There are key differences in what can be regulated by the Council in the two policies; differences in the ability to appeal and in the impact of the national political and social context on the policy development. It is suggested that some of the pre-consultation prior to the statutory consultation could be done jointly for the two policies. It would be unwise to slow the progress of the Local Approved Products Policy to fit it with the expected slower development of a Local Alcohol Policy.

Differences between Local Alcohol Policies and Local Approved Product Policies

- 8 At first glance, there are strong similarities between the policies. However, a Local Alcohol Policy has wider parameters and may:
- limit the location of licences in broad areas, or near certain types of facilities;
 - limit the density of licences by specifying whether new licences or types of licences should be issued in a particular area;
 - impose conditions on groups of licences (such as one way door requirements); and
 - restrict or extend the default national maximum trading hours set in the Act.
- 9 In contrast, a Local Approved Products Policy can only:
- designate where premises that sell psychoactive drugs can be situated, and set buffer zones around sensitive sites.
- 10 Another key difference is the inclusion of an appeal process, a Local Alcohol Policy can be appealed, but a Local Approved Products Policy cannot. The appeal process is having significant impact on the progress of Local Alcohol Policies around the country.

Local Alcohol Policy

- 11 Most Councils, including this Council (CS/13/907), have decided to develop a Local Alcohol Policy to support local decision making about the sale and supply of alcohol.
- 12 Many Councils are now choosing to take a slower approach to Local Alcohol Policy development, allowing their actions to be informed by the progress of the first few appeals. Those Council's who chose to publicly notify their provisional Local Alcohol Policy are facing multiple appeals. All except one Local Alcohol Policy have been appealed. The exception is Ruapehu District Council whose policy did not differ greatly from the national default provisions within the Sale and Supply Act 2012.
- 13 The industry (predominantly the large supermarket chains), the Police and the Medical Officer of Health have appealed the provisional Local Alcohol Policies. The outcomes of the first couple of Local Alcohol Policy appeals are expected in August/September 2014.
- 14 On the Kāpiti Coast, the Statutory Partners continue to support a slower and considered approach to the development of the Local Alcohol Policy which provides for public input at all stages of its development. Background work is continuing on the development of the Local Alcohol Policy, including:
- Regular meetings between the statutory partners (Health, Police, and the Licensing Inspector).

- A community survey has been compiled which asks for the public's views on matters which could be addressed by a Local Alcohol Policy, such as hours, location of premises etc. The responses are currently being analysed and it is expected that the results will be available later this year. This material will form part of the information used to support development of the Local Alcohol Policy.
 - The Council and Regional Public Health (which hosts the Medical Officer of Health) are compiling a community profile including relevant demographics and information on community harm from the misuse of alcohol and other drugs. This information will assist both the development of a Local Alcohol Policy and a Local Approved Products Policy.
- 15 The outcomes of the first appeals will inform the timing of the subsequent steps to develop the Local Alcohol Policy.

Local Approved Products Policy

- 16 The availability of psychoactive drugs in the community has caused considerable concern. This concern has been temporarily assuaged by the Psychoactive Substances Amendment Act 2014. The immediate impact of the Amendment Act has been to remove interim licenses and essentially prevent the issuing of new licences, due to adoption of new standards that must be met before product testing regimes can be approved. This requirement has meant that it may be some time before new products are available.
- 17 Local Government New Zealand (LGNZ) expects that regulations for retail licenses will be adopted by the Ministry of Health Regulatory Authority early in 2015. This means that new psychoactive retail outlets could be looking to open in communities throughout New Zealand early in the New Year, depending upon when an approved testing regime is likely to be in place.
- 18 LGNZ strongly advises Councils to proceed with the development of a Local Approved Products Policy. While councils no longer have the pressure of managing the impact of retail outlets operating under interim licenses, the window of opportunity for adopting Local Approved Products Policies before the Regulatory Authority gazettes regulations for permanent retail licenses is limited.
- 19 In light of this, it is recommended that priority be given to the development of a Local Approved Product Policy. In order to complete the Local Approved Products Policy prior to the gazetting of the regulations, it is expected that a draft policy will need to be ready for consultation in October/November. Once a policy is in place it must be reviewed every five years.

Financial Considerations

- 20 There are no financial considerations.

Legal Considerations

- 21 The processes being followed have been guided by advice from LGNZ and the Ministry of Justice.

Delegation

- 22 Under Section B.2 (7) of the Governance Structure 2013-2016 the Regulatory Management Committee has:

‘Without limiting the generality of this delegation, and except where otherwise delegated to officers, the Committee has the following functions, duties and powers:

Policy

7.10 Develop (within any wider existing strategic framework) regulatory policies.’

Consultation

- 23 An Engagement Plan will be developed to ensure that the community has the opportunity to provide input and the Statutory Consultation Procedure will be followed for the formal consultation required.

Policy Implications

- 24 This proposal complements other Council community initiatives, such as being a White Ribbon Council, and the work on the Kāpiti Coast Alcohol Action Plan.

Tāngata Whenua Considerations

- 25 During the development of the Kāpiti Coast Alcohol Action Plan, concerns were expressed about alcohol-related crime and harm within the District by members of all three iwi. Recognising that there are many contributing factors to alcohol and other drug-related harm and crime, these policies can contribute to the reduction of this crime and harm in the community.

Publicity Considerations

- 26 A media release will be prepared to introduce this piece of work to the community and a Communication Plan will be developed.

RECOMMENDATIONS

- 27 That the Committee note the continuing work to develop the Local Alcohol Policy.
- 28 That the Committee formally approve the development of a Local Approved Product Policy.

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