

Have your say about alcohol in your community

**A guide to making a submission
to your local council**

June 2015

Have your say about alcohol in your community

Are you interested in the sale and supply of alcohol in your community? Do you want to have a say, but are not sure where to start?

As a local resident, member of a community group, Māori organisation or iwi you can make important contributions to local decisions about the sale, supply and consumption of alcohol.

There are many ways that you can influence local decisions about alcohol. In this brochure, we explain how to have your say about:

- reducing alcohol-related harm in your community
- where, when and how alcohol can be sold
- specific licensed premises (such as pubs or bottle stores)
- drinking in public places.

The *Sale and Supply of Alcohol Act 2012* aims to reduce the negative effects of alcohol by managing the way alcohol is sold, supplied and consumed.

A lot of important decisions about alcohol are made locally in your city or district. Councils must consult with their community when making decisions, so you have lots of chances to have your say.

We explain how these decisions are made and how to have your say.

There are also tips for writing submissions and speaking at hearings so that you can make your voice heard.

This brochure suggests several websites for further information. However, if you do not have access to the internet, you can view all council plans, policies, strategies and bylaws at your local council offices. Many are also available at your library.

Are you interested in reducing alcohol-related harm in your community?

Are you interested in where, when and how alcohol can be sold?

Then have your say about local alcohol policies

A local alcohol policy is a set of decisions made by a council in consultation with its community about the sale and supply of alcohol in its area. Local alcohol policies have legal standing under the *Sale and Supply of Alcohol Act 2012*. This means that local alcohol policies **must** be considered in all decisions about alcohol licences. So if you want to influence the basis for decisions about alcohol in your community, have your say on your local alcohol policy.

Local alcohol policies are optional. Councils are not required to have one, although most have chosen to. If your council does not have a local alcohol policy, you can ask them to develop one. Local alcohol policies are made by “territorial authorities”; city or district councils, including the Auckland Council.

Through local alcohol policies, communities are able to:

- limit the location of licences in particular areas, such as near schools, community centres, playgrounds or churches
- control the density of licences by stating whether new licences should be issued in an area
- impose conditions on groups of licences, such as a “one-way door” condition that would allow patrons to leave premises but not enter or re-enter after a certain time
- restrict or extend the maximum opening hours set in the new Act:
 - 8am to 4am for on-licences (such as pubs and restaurants)
 - 7am to 11pm for off-licences (such as bottle stores and supermarkets).

Councils must develop their local alcohol policies in consultation with their communities. This means that you will have opportunities to put your views forward. Some councils seek the views of their residents before they develop their draft policies. They may undertake surveys, hold public meetings and host discussions using Internet forums. Once a council has developed a draft policy they must invite public submissions on it. It is important to make a written submission if you want your voice to be heard. Backing that up with an oral submission is even better.

Local alcohol policies can only deal with licensing matters. To address broader issues related to alcohol consumption, some councils also develop alcohol strategies which set out all the ways that they are addressing alcohol-related harm in their communities. Strategies usually have a wider focus than local alcohol policies and might include initiatives such as media campaigns, community work, or youth activities. Councils are not required to develop an alcohol strategy, but they may choose to. The development of alcohol strategies can also be led by other agencies or in partnership with other agencies. Alcohol strategies do not have any status under the *Sale and Supply of Alcohol Act 2012*.

For more information on local alcohol policies go to www.justice.govt.nz/policy/sale-and-supply-of-alcohol/alcohol-in-the-community/local-alcohol-policies-laps

Or visit your local council's website. To find your local council go to www.localcouncils.govt.nz

Are you interested in specific licensed premises?

Then have your say on licensing decisions

The wider community has a say in the development of local alcohol policies, but only those with a special interest get to have a say in decisions on specific licenced premises.

You can object to the granting of a new licence or the renewal of a licence if you have a 'greater interest' than the public generally. A person with a 'greater interest' could, for example, be someone living or working in the same street as the proposed premises, or a member of a board of trustees of a school or marae that is located nearby.

There are many grounds for objection including whether the licence is likely to increase alcohol-related harm or negatively impact the community. For example, you may be concerned that another licensed premises in your street would add to existing noise, vandalism and disturbance. These may be considered a valid basis for objecting to a licence.

District Licensing Committees make decisions on alcohol licences. They are administered by your local city or district council. District Licensing Committees must consider any relevant local alcohol policy when making their decisions.

The public must be notified about a licence application either in a newspaper or on an internet site as well as at the premises concerned. The Sale and Supply of Alcohol Act 2012 sets out the number and timing of notifications. Your local council will be able to provide you with more details about this.

You can make a written submission (objection) to the Committee and ask to speak at a hearing. Your objection will have greater effect if you attend the hearing personally and speak in support of your submission. There is no cost for lodging an objection. You will need to be prepared to give evidence under oath and be questioned about your evidence by the applicant, the police, the Medical Officer of Health or the Committee. A copy of your objection will be available to the licence applicant once you have lodged it.

For more detailed information on the alcohol licensing process go to: <http://www.alcohol.org.nz/in-your-community/take-action/object-to-an-alcohol-licence>

Your council website may have specific instructions about how to make an objection. To find your local council go to www.localcouncils.govt.nz

Are you concerned about drinking in public places?

Then have your say about alcohol control bylaws

Bylaws are rules made by councils that affect the way we live, work and play in certain areas. They cover health, safety and a range of environmental issues.

City and district councils can make bylaws restricting the possession or consumption of alcohol in public places. These aim to address public safety and crime related to drinking in public places. Although alcohol control bylaws are made by councils, they can only be enforced by the police. If an alcohol control bylaw is breached, police can issue an infringement offence notice or arrest people drinking in the area.

The law requires councils to show that there are issues with an area (ie, a high level of crime and disorder) before they can impose an alcohol control bylaw. If you have concerns about public place drinking and an alcohol control bylaw is not in force, it is still a good idea to contact the police and/or council. Once an alcohol control bylaw is in force, it will need to be reviewed periodically. It is important that instances of public place drinking are reported so that accurate records can reflect the issues that public place drinking create in an area.

Councils must consult their communities on any proposed bylaw. You need to check with your local council for information about your alcohol control bylaws and when they are next due to be reviewed. To find your local council go to www.localcouncils.govt.nz

Do you want to make your voice heard?

Then have your say in submissions and hearings

Submissions are an opportunity for you to have your say in decision-making processes. Even if you haven't made a submission before, it is easy to do, and it is an important way of making your views heard.

Each time a council consults with the community it may ask for written submissions and/or submissions in person (often called oral submissions, verbal submissions, or hearings).

There is usually a closing date for submissions. You may need to make your submission online. Look on your council's website for more information. To find your local council go to www.localcouncils.govt.nz

Planning what you want to say

- Talk to other people, develop your views. You could get together with other people with similar views and put together a joint submission.
- What do you like about the proposal? What don't you like? Be clear about how you think it should be changed – maybe you can offer an alternative. An effective and powerful submission is a simple one that explains your own (or the group's) views on the subject.

Making a written submission

- Include your name and address.
- Say whether you'd like to appear in person before the committee considering submissions. It's good to do this if you can, because your submission has much more impact when you meet face to face with the decision makers.
- Be direct.
- Explain your key message about why you support or oppose the policy, bylaw, or licence application, or parts of it. You can write a submission on a small part of policy, bylaw, or licence application – you don't need to have views on all of it.
- Use the rest of your submission to back up your key messages. The trick to a good submission is being able to say why you think the way you do. What are the reasons?
- Use your own style of language. Don't get hung up on writing too formally: the decision-makers want to hear your voice.
- Talk about your reality: what do you see happening in your community? What matters to you?
- Use bullet points rather than long sentences.
- Type it up or print it neatly, and get someone to check for mistakes.
- Sign your written submission.

Making a submission in person

Take this opportunity to present your views. Your submission is your chance to have your say.

- Introduce yourself. If you represent a group, explain how the group's views were gathered.
- Be direct.
- Assume that the committee has read your written submission, don't just read it out.
- Choose one or two main points you want to make, and focus on them. Tell the committee what you think and why.
- Submissions are always best when they come from the heart, giving your view, telling your story. Your reality and your experiences are important.
- Committee members may ask you questions. Relax, and be yourself. They are interested in what you have to say.
- Sometimes there may be media attending who want to report what you have said and may ask you questions after the meeting.
- All submissions will become public and are made available at the hearing. Sometimes submissions are also posted on the council website.

Other tips for submissions

- Many councils or committees only allow oral submissions (in person) from people who have made written ones first. If you only have a short time to make a written submission, but would still like to speak at the hearings, then make a brief submission stating your general position and asking to speak at the hearings.
- You may like to go along to a hearing just to watch and listen. This will give you a chance to experience the environment, listen to the submissions and the questions asked. This will make you more familiar with the process when you present your own submission. Ask your local council about upcoming hearing dates and times.
- Be creative when making your point. For example, if alcohol-related rubbish is an issue for your community, then think about bringing along photos of the rubbish (bottles, vomit, packaging etc.).
- Have a plan B. Be prepared to communicate what you want to happen if the decision-makers grant an application against your wishes. You may even like to include this in your written submission. What reasonable conditions would minimise the effects for your community?

For more information on how to have your say

For more detailed advice on **developing a submission** see Upper Hutt City Council's booklet 'Have Your Say' at www.consultation.upperhuttcity.com/have-your-say/

To **find your local council** go to www.localcouncils.govt.nz

To view the **Sale and Supply of Alcohol Act 2012** go to www.legislation.govt.nz and enter "Sale and Supply of Alcohol Act 2012" in the search box

To read the Law Commission's **review of New Zealand's alcohol laws**, *Alcohol in our Lives: Curbing the Harm*, go to www.lawcom.govt.nz/our-projects/regulatory-framework-sale-and-supply-liquor?id=897

The Local Government Act recognises and respects the Crown's obligations under the Treaty of Waitangi by placing some specific obligations on councils. Councils must provide opportunities and processes to encourage Māori participation in local government decision making. For more information on this go to www.localcouncils.govt.nz/igip.nsf/wpg_URL/About-Local-Government-Māori-Participation-in-Local-Government-Index?OpenDocument

For more information about **alcohol in your community** go to www.alcohol.org.nz

Health Promotion Agency

Wellington Office

Level 4, ASB House
101 The Terrace
PO Box 2142
Wellington 6140

Phone: (04) 917 0060

Freephone: 0508 258 258

Fax: (04) 473 0890

Email: enquiries@hpa.org.nz

Northern Regional Office

Level 2, Ascot Central
7 Ellerslie Racecourse Drive
Greenlane East
PO Box 11791 Ellerslie
Auckland 1542

Phone: (09) 916 0330

Fax: (09) 916 0339

Email: enquiries@hpa.org.nz

Southern Regional Office

Level 1, CBRE House
112 Tuam Street
PO Box 2688
Christchurch 8140

Freephone: 0508 258 258

Email: enquiries@hpa.org.nz

To order resources visit alcohol.org.nz
and go to Order Resources