

Justice and Electoral Select Committee

Submission on the Sale and Supply of Alcohol (Extended licensing hours during Rugby World Cup) Bill



**INNER
CITY
ASSOCIATION**

Representing
Wellington
Inner City
Residents and
Businesses

This submission is made by the Inner City Association (ICA).¹ We wish to appear before the Select Committee.

ICA's position

ICA does not support changing the legislation to remove the need for licensees to apply for special licences to accommodate extended licensing hours for the Rugby World Cup (RWC) 2015 as proposed in the current Bill.

Our reasons for this are:

- There is an effective process for obtaining these licences in the Sale and Supply of Alcohol Act that this Bill would over-ride.
- Licensees are already applying for and receiving special licences for the New Zealand and quarter-final onward games under specific conditions to maintain alignment with the objects of the Act.
- Not all licensees of on-licences will want to open their premises for games outside of their licensed hours but this proposal provides them with the option without any checks or conditions to enforce the objects of the Act.
- There is insufficient time for a robust debate and development of a policy that would result in effective legislation when the hospitality industry and political parties have known this issue would arise since December 2012.
- There are already calls to make this change permanent and extend it to other events (eg, Netball World Cup – a game not strongly associated with alcohol consumption) creating a precedent and expectation of widening the provisions in the future.

The cross-party support for the Bill progressing to Select Committee means it will proceed. ICA's submission focuses on what conditions must be specified in the legislation to ensure the objects of the Act are reflected in the amendment. The conditions reflect those that have been set for special licences already issued for RWC and previous sports-related events.²

The conditions in the proposed Bill do not provide for any controls that actively seek to achieve the objects of the Act. Forty-seven licensed premises in Wellington's inner city are able to open to 4am, including 30 taverns.³ It is highly likely that customers will have been in a bar(s) consuming alcohol prior to the game starting, and possibly may have consumed alcohol before going to a bar(s).

Conditions to be included in the legislation

¹ ICA was incorporated as the Wellington Inner City Residents and Business Association in November 2008, and referred to as Inner City Association or ICA. ICA represents residents and businesses in Wellington's inner city.

² Special licences issued by the Wellington District Licensing Committee to Four Kings/Five Stags <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZDLCWN/2015/913.html?query=four%20kings> and to Welsh Dragon Bar <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZDLCWN/2015/1023.html?query=welsh%20dragon>.

³ Other premises include: 2 hotels, 1 restaurant, 2 nightclubs, 5 adult entertainment venues, 7 ferries. Two on-licence premises have recently applied to extend licensing hours to 4am on renewal.

These conditions will apply to all applicants for extended licensing hours for the RWC. This will provide certainty to licensees, customers and the community.

1. *Pre-sold tickets*

- a. For NZ games and all games from the quarter finals onwards only
- b. Tickets can be exchanged for food or a non-alcoholic drink
- c. Sales restricted to 8pm the night before the start of the game
- d. Sales of passes/tickets for more than one event can be purchased at one time

Pre-sold tickets are the most effective way of implementing a 'system to ensure that the primary purpose of persons who enter the licensed premises is that of watching the game'. The proposed provision (s5(2)(ii)) is too vague and will result in widely varying approaches that will be difficult for licensing inspectors and Police to enforce.

2. *Closure of premises between usual licensed hours and RWC extended hours:*

- a. Operators must be able to identify those patrons there with the primary purpose of watching the game and those who just want to continue to access alcohol. Clearing the bar enables the staff to identify those who are already intoxicated and should not be allowed re-entry even if they have a ticket, and those obviously under the influence of alcohol, who should not be sold any more alcohol.
- b. As there will not be public fan zones in Wellington, it is even more important that premises are suitable for families wishing to see the matches.
- c. The extended hours should not enable 24 hour sale and supply and consumption of alcohol on the premises.

3. *Restriction on certain alcohol products:*

- a. No 'shots', jugs of alcohol or 'bombs' to be sold.
- b. A maximum of two alcoholic drinks per serve per person at any one time.
- c. Only beer, wine and spirits in normal glasses or bottles to be sold.

4. *Restriction on access:*

- a. A one-way door policy to take effect from half-time.
- b. No entry of new arrivals after half-time. People could buy tickets to multiple venues so they can move between bars. This creates a risk of anti-social behaviour during the transition.

5. *Approval for extended hours:*

- a. Licensees must apply for approval, and pay the current application fee, to have extended hours to ensure the licensing inspector, Police and Medical Officer of Health and the public who are likely to be affected by the extended hours are able to object.
- b. Applications could be fast-tracked if the public are provided with more timely notification of applications. Currently Wellington City Council's alcohol licence application webalerts, which are issued weekly, do not include special licence applications. This could be achieved by:

- i. the applications being listed on the Council's website with ability for email notification to registered people
 - ii. applicants having to notify all immediate neighbours (ie, in the street such as Blair/Allen or within 100 metres such as Courtenay Place/Cuba Mall)
 - iii. reduced timeframe for objections
 - iv. more flexibility on the evidence required to prove that the amenity of the area would be affected by more than a minor extent.
 - c. An application may not need to go to the District Licensing Committee if there are no objections.
 - d. Additional conditions may be added to address objections received (eg, from a business whose operation could be directly affected by the extended trading hours or from residents (eg, no outside speakers, more restrictive noise levels after 4am).
 - e. The extended hours and conditions must be prominently displayed inside and outside the premises.
6. *All other requirements of a licensee continue to apply*: this requires the provision of food, non-alcoholic and low-alcohol drinks, free water, information about transport, compliance with noise levels from music/televisions, etc.

Scope of the legislation

The purpose of the amendment should state the objects of the Act and that the extension of the hours is being done in a manner that aligns with the objects of the Act. The amendment must expire at 8am on 1 November 2015 and should not include a clause that allows for extension or applicability to other events.

Conclusion

The controls proposed in the Member's bill are inadequate for an event of this nature and are inconsistent with the objects of the Act. While enabling 'facilities to fulfil an important role in our community...' it also increases pressure on Police, medical, Council and volunteer resources.⁴ The existing special licence mechanism is an effective mechanism to achieve such a 'facility'. As at 18 August 2015 there appears to be only two special licences issued in Wellington city for the RWC event; this does not demonstrate a high demand for such a facility.

Given the advance notice of this event, the special licence process could have been enhanced by territorial authorities and hospitality organisations agreeing on specific conditions. These could have been discussed with other businesses and residents in the immediate vicinity, to minimise variation and increase processing efficiency by District Licensing Committees.

The RWC is an important event for many Wellingtonians. This does not warrant the Act being amended to allow poorly drafted provisions and inadequate controls to override the objects of the Act.

⁴ In many centres (eg, Auckland, Dunedin, Wellington, Christchurch) volunteers monitor the city safety CCTV cameras to assist Police in reducing alcohol-related harms that occur with excessive consumption and extended hours of availability.