



Licensing and neighbourhood impacts of alcohol

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Research context

2012 Act signalled a new approach to licensing:

- To benefit ‘the community as a whole’ and minimise harm
- Amenity and good order criterion

Issues with implementation

- Appeals against LAPs
- Waitangi Tribunal claim re. inconsistency with Te Tiriti
- Challenges for licence objectors remain

2018 *Lion Liquor Retail* Decision

A common precedent was reversed by the High Court:

- Objectors no longer need to demonstrate a link between local harm and the outlet
- Evidence of harm implicating an alcohol outlet is relevant

A two-part investigation of how the Act is working:

(1) How do bottle stores and drinking impact inclusivity of neighbourhood space?

*Inclusivity = how comfortable people feel in the area

(2) What contributes to the outcome of community objections to bottle store licences?

Did *Lion Liquor Retail* support community influence?

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Study components

1. Literature review
2. Legal analysis of influential licensing decisions - before and after *Lion Liquor Retail*
3. Case studies of local impacts of alcohol and the licensing process in 8 neighbourhoods

Outputs

- Peer-reviewed report
- Dissemination & infographics – Daylight Creative

PART ONE

How do bottle stores and drinking impact inclusivity of neighbourhood space?

Why is reduced amenity and inclusivity important?

- Alcohol's effects on amenity limit what people do and how they feel about their neighbourhood
- Reduced social and physical activity is linked to reduced mental wellbeing
- Alcohol policy studies traditionally measure acute harm, and may not detect substantial effects on amenity and inclusivity

Literature review

No direct studies of amenity and inclusivity in suburban residential areas

Reduced amenity and inclusivity = most common 'harm to others' from alcohol

Data sources:

- Surveys in 13 countries
- Qualitative studies - mostly town centres
- Evaluations of public drinking bans
- Quantitative studies link outlet density to amenity, public disorder and crime

Diminished inclusivity in public space:

How alcohol reduces people's use and enjoyment of public places

Literature review

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COLLEGE OF HEALTH



A photograph of a woman with blonde hair, wearing a teal long-sleeved shirt and shorts, standing in a subway station. She is looking towards a dark tunnel entrance. The walls are covered in graffiti, including the word 'FLOWER' repeated many times. There are also advertisements, including one for 'NEW FRAGRANCE' and another for 'Salida a escalera mecánica'.

Inclusivity patterns

Women feel unsafe more often than men in public places and waiting for public transport

Young adults are more often affected than older adults.

32% of New Zealanders avoided drinkers (past year)

Case studies of 8 communities

Neighbourhood features

- Residential, North and South Island, city suburbs and towns
- 7 with high deprivation (decile 9-10)
- 2 near a main street with pubs
- Residents objected to a bottle store licence re. amenity and good order
- Licence was granted (4x new, 4x renewals)

Sample

- 155 doorstep interviews, ~20 residents per location
- Households within 500m of the bottle store

Figure 2: Age distribution of respondents

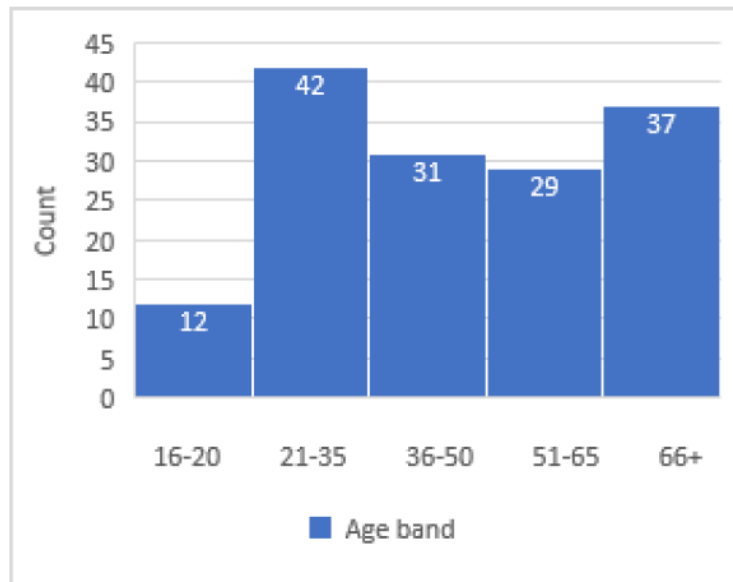


Table 1: Participant ethnicities

Ethnicity	Percentage*
New Zealand European [†]	40%
Pacific peoples (total)	29%
<i>Samoan</i>	11%
<i>Cook Islands Māori</i>	5%
<i>Tongan</i>	5%
<i>Pacific not further defined</i>	3%
<i>Niuean</i>	2%
<i>Fijian</i>	2%
<i>Fijian-Indian</i>	1%
Māori	25%
Asian	8%
Other European	5%
Middle Eastern	1%

* Adds to more than 100% as participants identified with more than one ethnicity

[†] Includes Pākehā, New Zealander, Kiwi, European not further defined

Interviews

Residents:

- Map of places people enjoyed, places avoided; was alcohol a factor?
- Effects of alcohol on the neighbourhood and their activities
- Awareness of the recent licence application

Licence hearing participants (x48)

- Community objectors, Licensing Inspectors, Medical Officers of Health, Police, Māori wardens, licensees and lawyers.
- Experience of objection process

Findings (1) Impacts on amenity & good order

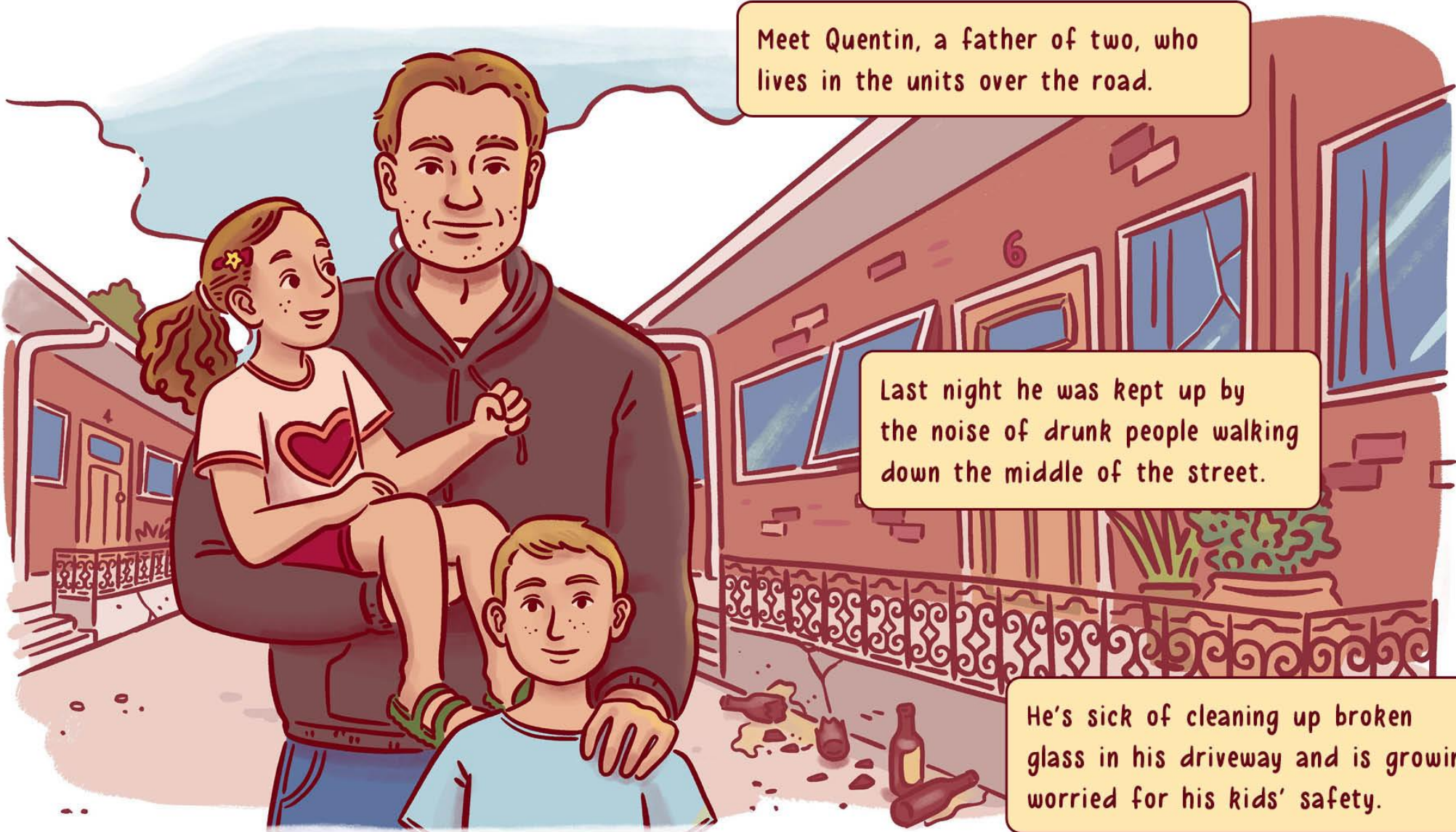
Residents reported positive and negative features in their area - but **the majority saw alcohol as a negative influence on the neighbourhood**

Some differences by location:

- Fewer impacts reported in the least deprived neighbourhood
- Locations near on-licensed premises saw more drunken behaviour on weekend nights

Role of the local bottle store:

- Source of alcohol for young people; groups of drinkers; social supply to minors; rubbish
- Too many in total > too accessible
- Some saw it as convenient, well run



Meet Quentin, a father of two, who lives in the units over the road.

Last night he was kept up by the noise of drunk people walking down the middle of the street.

He's sick of cleaning up broken glass in his driveway and is growing worried for his kids' safety.

Findings (2) Inclusivity

**In all 8 neighbourhoods several participants avoided locations due to alcohol;
in 3 neighbourhoods, more than half the participants did so**

“I feel it’s unsafe to walk, you wouldn’t want to go to the shop within walking distance down the road, I just drive, yeah... In the evenings, like this...that’s when they come out, most of the time.”

(Male, 58, Fijian)

“On Monday I went for a walk at the park and there were two cars that were parked in the parking lot. And they had cases of alcohol they were drinking. And right away I just jumped back in my car and drove off.”

(Gender and age withheld, Samoan)

An illustration of a school playground. In the foreground, a woman with brown hair in a bun, wearing a white t-shirt and blue overalls, carries a brown messenger bag. In the background, a playground with a red slide and a man in a blue hoodie are visible. To the left, two young girls with backpacks walk away. A man is sitting on a bench in the distance. A school building with a basketball hoop is on the right.

Jamie is a year 5 teacher at the local school.

Most of her students used to walk home through the park that links the school to the shops, but now there's often people drinking there in the afternoons.

She's noticed that her students don't walk home that way anymore. They've had some uncomfortable encounters and their parents don't think it's safe either.



Tawera is a senior figure on the nearby marae. He led a group that fund-raised for the new playground in the park.

The playground looks great, but the group doesn't like having the big bottle store so close - they worry about the message it sends to children.

Findings (3) Inclusivity themes for young people

Normalising alcohol to the community and children

“I would love to see there is no outlets, liquor outlets, at least not as much as they have now... And then you’ve got them based right by the dairy where kids go and get bread and milk for their mum and dad you know so they’ve got to walk past all these people that are coming out with their boxes of booze.”

(Female, 61, Māori-Chinese)

Freedom and mobility of young people

“I can't let my boys walk to school, they're 10 and 11 but I'm too scared to let them.”

(Female, 46, Cook Islands Māori)

Findings (3) Extent of inclusivity impacts

The impacts were substantial for some people:

- Those who avoided certain locations did so some or all the time
- Reduced opportunities for exercise or outdoor activity with family
- Additional transport costs
- Negative feelings about the neighbourhood
- Loss of customers/vibrancy in shopping areas

Other effects -

- Time and effort spent cleaning up rubbish
- Lost sleep

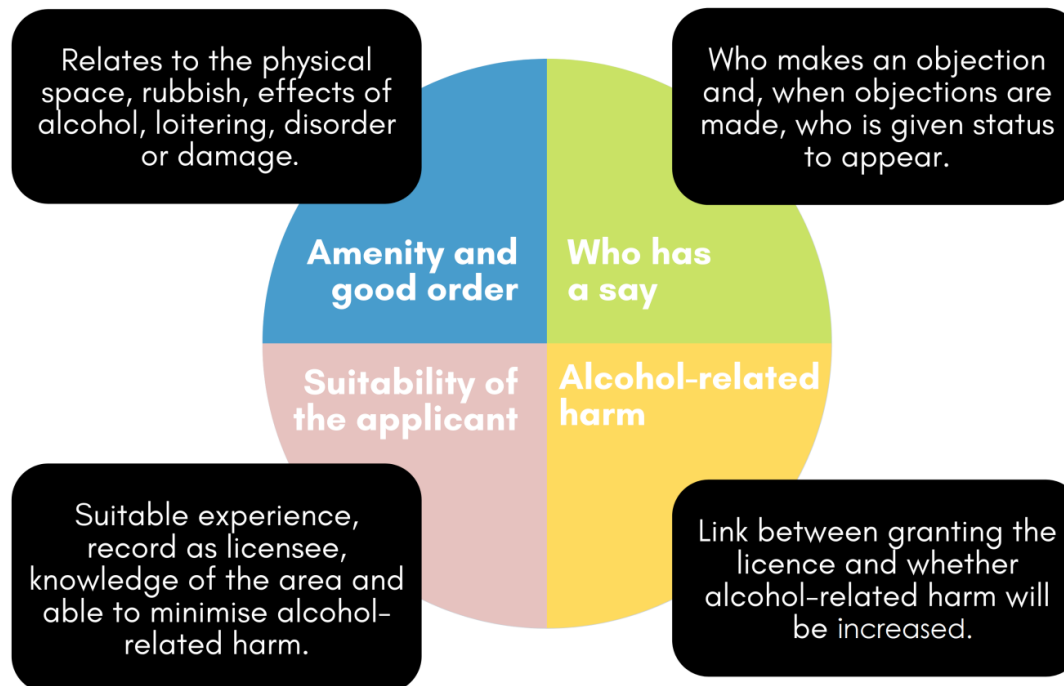
PART TWO

What contributes to the outcome of community objections to bottle store licences?

A focus on under-resourced communities

Legal analysis framework

Key factors considered when assessing amenity and inclusivity in licensing decisions:



Deprivation increases the overall challenge

“Our biggest problem and issue is actually resourcing... you know if it wasn’t for people that - like a couple of lawyers that we did get on board for pro bono - for them, we’d just be legless without them.

And also, I must say that there’s so much happening in our communities at the moment. You’ve got all this, you’ve got gambling, you’ve got methamphetamine, you’ve got domestic violence you’ve got kids getting taken from CYFS ... and I must admit it’s been pretty hard for me to focus on this.”

- Community objector

Barriers to having a say

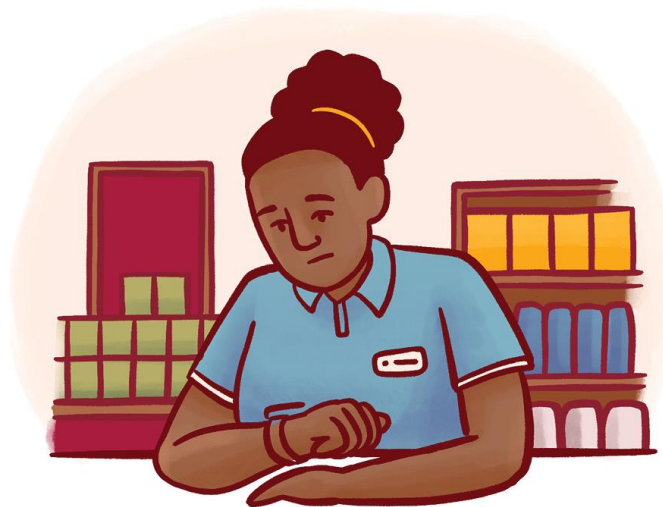
“So the process is not a good process in terms of notification to the public... people that understand the district licensing process know where to look, but the community at large are not aware.”

- Community board member

83% of residents interviewed were unaware of the application *and* the majority would have objected had they known



Making a strong case to oppose a licence takes time, evidence and legal support



The hearings are during working hours, making it difficult to attend



The process is alien and intimidating - lawyers challenge people's right to speak and what they say

Barriers to making a persuasive objection (1)

“I was able to describe it [local effects of alcohol], but there is a difference to being able to describe it and it being given weight in that environment and yeah that is where the disconnect is.”

- Community objector

“...You have to really have legal representation or support of an agency to really get to a point where you’re going to have anything credible in the eyes of the DLC when you’re up against applicants that are lawyered up... it’s such an unlevel playing field for community and I think we’re setting them up to fail.”

- Reporting agency

Barriers to making a persuasive objection (2)

- Power imbalance in legal knowledge/skills – applicants more likely to have legal counsel; undermined objector observations. e.g. tightly defining ‘locality’, cross-examination
- Time and resources to gather data
- Objector knowledge of law - what is relevant, how to present it
- Little access to local data - recent health or police data for small areas was missing
- Preference for reporting agency evidence – a higher bar was set for objectors when agencies did not oppose or had insufficient data
- Limited support from other objectors - only 2-4 attended case-study hearings

Two supporting factors

- It is accepted that socioeconomic deprivation increases risks associated with alcohol supply
- Reporting agencies generally argue for greater protection in under-resourced communities

Systemic barriers limited Māori input

Evidence of institutional racism was seen in the ways evidence from Māori was excluded:

- Act is silent on Te Tiriti and engagement with Māori
- The contested, legalistic process was highly off-putting; some wanted no further part in hearings
- Decisions on standing kept to existing precedents (eg 1-2km) rather than affirm status as mana whenua or Māori leadership roles
- Evidence from a māngai kōrero (spokesperson) excluded as 'hearsay'



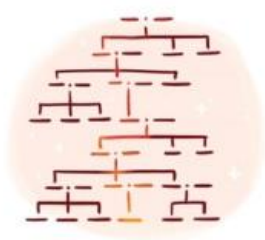
There's a lack of diversity among decision-makers



Important aspects of Māori culture aren't recognised



The authority of community leaders is challenged



Whakapapa is not recognised in deciding who can speak



The hearing environment is legalistic and feels unsafe



Despite alcohol disproportionately impacting Māori, licensing law does not refer to Te Tiriti

Inconsistency with Te Tiriti o Waitangi rights

“I’m tangata whenua here and my concern is our people...
And you’re telling me that I can’t get up and speak on behalf of
our people?”

Examples of exclusion were counter to Te Tiriti o Waitangi rights e.g.

- *Rangatiratanga* - right for Māori to have authority for decisions in their rohe/area
- *Oritetanga* – right to equitable participation

Impacts on decisions

Barriers to participation limit the evidence available for assessing risk:

- Trouble-spots well known to residents were not raised by reporting agencies (5 cases)
- In interviews, residents described a wider range of local harms/disorder and in more detail than was covered in hearings



In the end, alcohol problems well-known to the community are missed or ignored

Additional legal analysis findings

- 1) Amenity and good order is complex and not approached consistently
- 2) *Lion Liquor Retail* put emphasis on assessing future risk; showing harm came from a specific outlet was no longer required.
However, this made little difference to community influence in the case studies; objectors alone could not meet the evidence requirements.
- 3) Applicant suitability has been successfully challenged on the basis of failure to investigate amenity and other risks in the locality, or to develop adequate mitigation plans

Case study implications

1. The barriers to objectors in under-resourced communities were substantial, especially access to the process and resource imbalances
2. Māori were discouraged from engaging and Te Tiriti rights were not upheld in the licensing framework or procedures
3. Without community input the accuracy of the risk assessment process is reduced and may contribute to inappropriate decisions
4. This likely contributes to maintaining inequities in density in communities at greater risk of alcohol harm

After the Community Participation bill

Removal of standing requirements, cross-examination and reduced formality positive but insufficient

- Imbalances in power remain; under-resourced residents will have limited capacity to engage and remain less likely to have legal support.
- The process remains passive - community must come to you.
- Changes and training to accommodate tikanga are very welcome, however steps to address Te Tiriti rights have not been developed.

Thoughts on increasing participation

Within the current framework:

- Councils may partner with mana whenua in DLC appointment processes and process design e.g. notification channels, hearing venues and timing
- Build community representation on DLCs
- Ask questions of objectors to help them provide more relevant detail

Future legislative reform:

- Work with mana whenua to incorporate Te Tiriti provisions in the Act
- Processes for proactive community engagement to assess risk in under-resourced locations?
Formal role for Māori wardens?

“It’s a closed process which a lot of the community don't understand the vitalness of being involved...

“The hearings themselves need to be in more of a community friendly process, either on a marae or in a community hall... on a Saturday morning or even in the late afternoon, so that people who work and who are generally interested, are able to attend.”

Publication links

Research report, comic and graphic resources: <http://bit.ly/inclusivity-report>

[Literature review: Diminished Inclusivity in Public Space](#)

[Article: The alcohol licensing process is broken. Who bears the harm?](#)