

Health New Zealand
Te Whatu Ora

A summary of alcohol licence conditions in Tāmaki Makaurau Auckland

1 July 2020 – 30 June 2023

July 2024

Published by:

National Public Health Service – Northern Region (Health New Zealand – Te Whatu Ora)

Suggested citation:

National Public Health Service – Northern Region. A summary of alcohol licence conditions in Tāmaki Makaurau Auckland – 1 July 2020 to 30 June 2023. Auckland: Health New Zealand – Te Whatu Ora; 2024.

Project team:

- Project planning: Jill Moffat
- Project coordination: Jordan Linnett
- Data collection: Jordan Linnett, Waitapu Bell, Donna Campbell
- Report draft: Jordan Linnett, Waitapu Bell, Donna Campbell
- Critical feedback: Joanna Vanderwee, Dr June Leung
- Final revision: Dr June Leung, Joanna Vanderwee, Jordan Linnett, Karen Jiang
- Report design and graphics: Thomas McCarthy

Acknowledgements:

We thank Luisa Silailai and Debbie Marsh of the Population Health Gain team at Service Improvement and Innovation, Health New Zealand – Te Whatu Ora, for their peer review of this report.



Contents

Executive summary	4
List of tables	5
List of figures	5
1. Background	6
2. Aims and objectives	8
3. Methodology	9
3.1 Data sources	
3.2 Data collection	
3.3 Data analysis	
4. Results	10
4.1 Overall results	
4.2 Conditions for on-licences and club licences	
4.3 Conditions for bottle store off-licences	
4.4 Conditions for supermarket off-licences	
4.5 Conditions for special licences	
5. Discussion	21
5.1 Summary of findings	
5.2 Limitations	
5.3 Implications	
References	24

Executive summary

Licence conditions are an available mechanism in the Sale and Supply of Alcohol Act (2012) that can influence the way alcohol is sold and supplied. This report looked at conditions imposed on alcohol licences by the Auckland District Licensing Committees (DLCs) from July 2020 to June 2023. We also examined whether community objection had an influence on the number of conditions per licence.

We reviewed a total of 66 licences granted following a DLC hearing, including 32 on-licences, one club licence, 22 bottle store off-licences, five supermarket off-licences and six special licences. There was a larger range of conditions for bottle stores compared to the other licence types. Of the off-licences examined, just over half of the bottle stores and none of the supermarkets had conditions on single sales of alcoholic beverages. Only a minority of bottle stores and none of the supermarkets had conditions on volumes or pack sizes, price, and prohibiting the sale of tobacco and vaping products. Conditions on marketing were found on half of the bottle store off-licences.

Community objectors participated in most of the DLC hearings we examined. However, no clear relationships were identified between the number of community objectors and the number of conditions imposed on each licence.

This report may be of use to communities seeking to have a greater say over how alcohol is sold and supplied in their area. Licence conditions may be a lever to address alcohol availability, marketing and pricing, particularly in communities at higher risk of alcohol harm.

List of tables

1. Definitions of types of licences
2. Compulsory conditions by licence type
3. Conditions for on-licences and club licences
4. Conditions for bottle store off-licences
5. Conditions for supermarket off-licences
6. Conditions for special licences

List of figures

1. Total number of licences by licence type
2. Number of community objectors per licence application by licence type
3. Comparison of number of community objectors and number of licence conditions for on-licences and club licences
4. Comparison of number of community objectors and number of licence conditions for off-licences

01

Background



Communities experience first-hand the high levels of harm when alcohol is easily available. Evidence has shown that where alcohol is more accessible, there is more likely to be alcohol-related harm (1). Objecting to alcohol licence applications is one way communities can influence alcohol availability in their local area. Developing an understanding of licence conditions may support communities in their objections to alcohol licences.

Anyone who wishes to sell alcohol must apply to the local District Licensing Committee (DLC) for a licence. Under section 103 of the Sale and Supply of Alcohol Act 2012 ('the Act'), three statutory agencies including the licensing inspector, police and the Medical Officer of Health must inquire into applications for alcohol licences. Any of the agencies may oppose an application within 15 working days after receiving the application (2).

As well as the statutory agencies, communities (individuals and groups) also have the right to object to a licence application according to section 102 of the Act. This must be done within 25 working days of public notification of the application (2). In 2023, with the introduction of an amendment to the Act, communities have been given a greater say in decisions on alcohol licences (3).

Previously, a community objector needed to have 'greater interest', which usually meant they needed to live or work within two kilometres of where the premises selling alcohol was located. Now anyone may object to an alcohol licence application, with narrow exceptions for trade competitors. A public hearing is held by the DLC upon any opposition or objection to a licence application. The new changes to the Act also make DLC hearings more accessible to community objectors, who will no longer be cross-examined by applicants or their representatives.

Licence applications are then granted or declined by the DLCs, having regard to criteria in the Act for the issue or renewal of licences (sections 105 and 131), such as the suitability of the applicant and the days and hours during which alcohol is proposed to be sold (2). Different types of licences are required depending on how alcohol is sold. There are four main types of licences, including on-licences, club licences, off-licences and special licences, as outlined in Table 1.

Conditions can be issued by the DLC on a licence, having regard to the specific application and any concerns raised by the agencies and community objectors. The licensee must adhere to these conditions when selling or supplying alcohol. According to the Act, licences

must contain the compulsory conditions listed in Table 2.

Discretionary conditions are ‘any reasonable conditions not inconsistent with this Act’, as described in section 117 (2). These can be tailored to the specific licence application and may vary by licence type. Examples of discretionary conditions include limits on alcohol promotion and marketing, trading hours, and the types and price of alcohol sold, including single sales of alcohol (4).

Restrictions on alcohol marketing are important as exposure to alcohol

marketing increases the likelihood of drinking in young people (5). Shop-front advertising is a major contributor to the inequitable exposure of young people to alcohol marketing (6).

Trading hour restrictions may reduce alcohol-related violence by limiting the availability of alcohol, particularly late at night (7). Restrictions on the types and price of alcohol sold can also limit the local availability of alcohol and harm (1). For example, restrictions on single sales in vulnerable areas may limit alcohol-related violence by reducing the availability of cheap alcohol (8).

Table 1: Definitions of types of licences

Licence type	Definition
On-licence	<ul style="list-style-type: none"> Allows for the sale or supply of alcohol for consumption on the premises Examples of on-licences include pubs, taverns and restaurants
Club licence	<ul style="list-style-type: none"> Allows for the sale or supply of alcohol to authorised customers for consumption on the club premises Authorised customers include club members, their guests and members of other clubs with reciprocal visiting rights Examples of club licences include sports clubs and RSA
Off-licence	<ul style="list-style-type: none"> Allows for the sale or supply of alcohol for consumption off the premises (includes remote sellers) Examples of off-licences include bottle stores and supermarkets
Special licence	<ul style="list-style-type: none"> Allows for the sale or supply of alcohol at an event Can be ‘on-site’ for consumption of alcohol on the premises or ‘off-site’ for consumption elsewhere Examples of special licences include music festivals and food and wine festivals

Table 2: Compulsory conditions by licence type

Licence type	Conditions (relevant sections of the Act)
On-licence and club licence	<ul style="list-style-type: none"> • Stating the days and hours during which alcohol may be sold and supplied (110(2)(a)) • Stating the fees payable for licensing of the premises (110(2)(b)) • Stating where water will be freely available to customers while the premises are open (110(2)(c))
Off-licence	<ul style="list-style-type: none"> • Stating the days and hours during which alcohol may be sold or delivered (116(2)(a)) • Stating the fees payable for licensing of the premises (116(2)(b)) • Stating where water will be freely available to customers while alcohol samples are supplied (116(2)(c))
Supermarket off-licence	<ul style="list-style-type: none"> • Stating the days and hours during which alcohol may be sold or delivered (116(2)(a)) • Stating the fees payable for licensing of the premises (116(2)(b)) • Stating where water will be freely available to customers while alcohol samples are supplied (116(2)(c)) • Allowing a single area within the premises for the display and promotion of alcohol (112)
Special licence	<ul style="list-style-type: none"> • Stating the days and hours during which alcohol may be sold or delivered (147(3)(a)) • Stating where water will be freely available to customers while the event is taking place (147(3)(b))

02

Aims & objectives

The purpose of this report is to summarise the conditions placed on alcohol licences by the Auckland DLCs following a hearing, for communities to better understand the range and frequency of these conditions.

The objectives are to assess:

- the number of conditions imposed on each licence
- the compulsory and discretionary conditions by different types of licences
- whether the above conditions differed by the number of community objectors to a licence application

03

Methodology

3.1 Data sources

This report is based on alcohol licences granted by the Auckland DLCs following a hearing between 1 July 2020 to 30 June 2023. Relevant information was retrieved from decision documents available on the Auckland Council DLCs website between February and March 2024. We excluded five licences which did not have decision documents available. No off-licence remote sale licences were identified so none were included. The final sample included 66 granted licences following a DLC hearing.

3.2 Data collection

We extracted the following information from each DLC decision document: name of the applicant and premises, date of the hearing, number of community objectors, licence type and licence conditions.

We categorised each identified licence condition as 'compulsory' or 'discretionary' according to relevant sections of the Act for each licence type, including on-licences, club licences, off-licences, and special licences (Tables 2 to 6). For this report, on-licences were grouped together with club licences as they had the same kinds of conditions under section 110 of the Act. Off-licences were categorised as bottle stores and

supermarkets as they had different compulsory conditions under the Act. As the bottle store off-licences had a broad range of discretionary conditions, they were grouped by theme and further categorised as conditions on marketing, single sales, types of alcohol permitted for sale, volume or pack size, price, or tobacco and vaping products.

We recorded the total number of conditions per licence, as well as the number of licences that had each condition. As the compulsory condition to pay a licence fee (Table 2) was not explicitly listed in the decision documents, it was excluded from the analysis.

We used Microsoft Forms to record the above information. Each completed data collection form was reviewed by another member of the project team to reduce the possibility of errors in data entry. Any discrepancies identified were checked against the DLC decision documents and resolved by consensus between the two team members.

3.3 Data analysis

We performed a simple descriptive analysis by summarising the number of conditions per licence and the number of licences with each condition by licence type (Tables 3 to 6). To examine the influence of community objectors, we also used bar graphs to compare the number of community objectors with the number of conditions on a licence. Microsoft Excel was used for data analysis.

04

Results

4.1 Overall results

Of the 66 licences, half (33/66, 50%) were on-licences/club licences and a third (22/66, 33%) were bottle store off-licences, as shown in Figure 1. The remaining licences were supermarket off-licences (5/66, 8%) and special licences (6/66, 9%). There was a higher proportion of new licences (40/66, 61%) than licence renewals (25/66, 38%) and one variation (1/66, 2%).

Community objectors participated in

the majority (55/66, 83%) of the DLC hearings involved. Figure 2 shows the number of community objectors by type of licence. Most on-licences (23/33, 70%) had one to 10 community objectors, while over half of the bottle store off-licences (12/22, 55%) had more than 10 community objectors. Over half (3/5, 60%) of the supermarkets had one to 10 community objectors, while none of the special licence applications had community objectors.

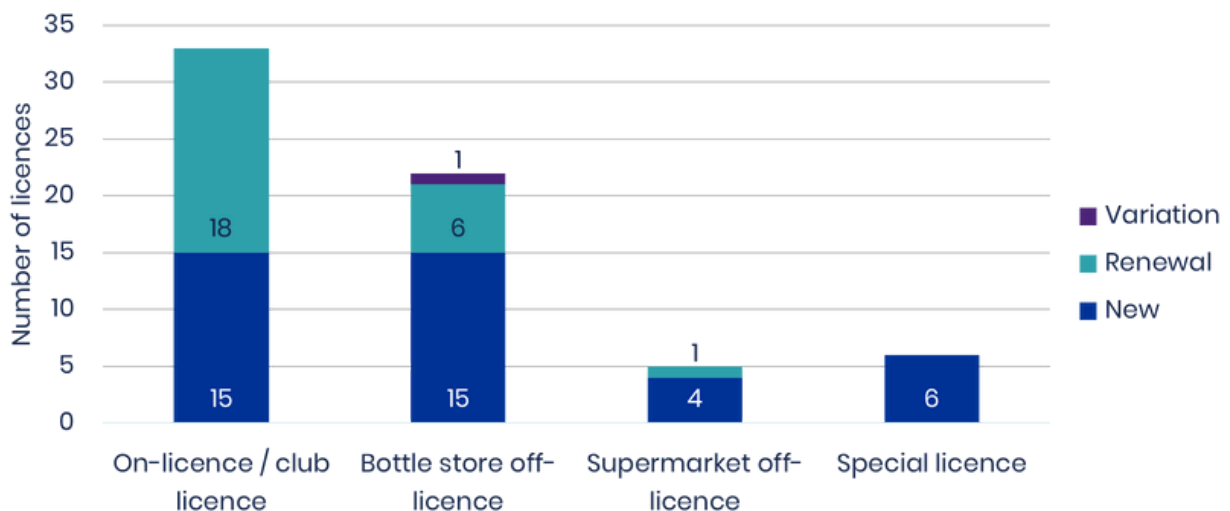


Figure 1: Total number of licences by licence type

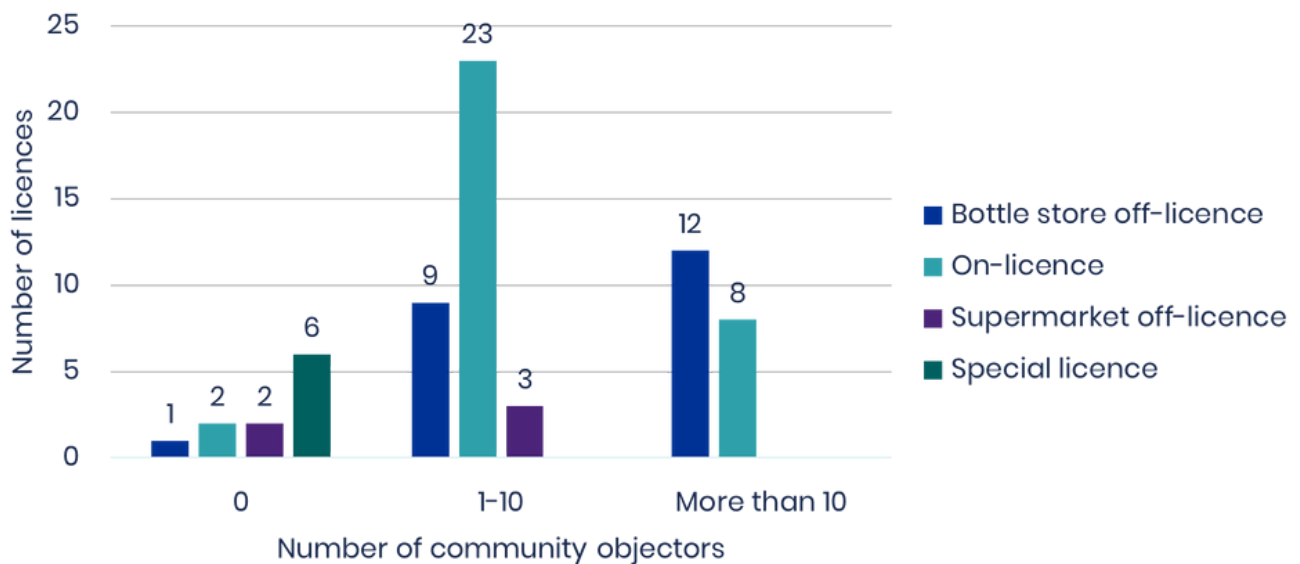


Figure 2: Number of community objectors per licence application by licence type

4.2 Conditions for on-licences and club licences

There were 32 on-licences and one club licence included. The number of conditions on each licence ranged from six to 10, with most (21/33, 64%) having seven conditions. Table 3 lists all the compulsory and discretionary conditions according to the corresponding sections of the Act. All the on-licences and club licences had the required compulsory conditions, including the days and hours of sale and provision of water to customers.

Discretionary conditions found on all 33 licences included those ensuring no sale of alcohol to prohibited persons (intoxicated persons and minors), ensuring the relevant signage is in place, regarding management of the premises (for example, host responsibility policies and noise management), prescribing the kinds of people alcohol may be sold to (for example, only to those present on the premises to dine) and prescribing designation of the premises (for

example, restricted and supervised areas). Seven licences (7/33, 21%) included other discretionary conditions, such as requiring the floor plan or undertakings to be displayed next to the licence.

Figure 3 shows no clear relationship between the number of community objectors and the number of conditions on a licence. There were no community objectors for two licence applications, which had seven and ten conditions.

Table 3: Conditions for on-licences and club licences

	Condition	Relevant section of the Act	Frequency
COMPULSORY	Stating the days and hours during which alcohol may be sold and supplied	110(2)(a)	33/33 (100%)
	Stating where water will be freely available to customers while the premises are open	110(2)(c)	33/33 (100%)
DISCRETIONARY	Prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale or supply of alcohol to prohibited persons are observed	110(1)(a)	33/33 (100%)
	Appropriate signage regarding the restrictions on the supply of alcohol to minors and intoxicated persons must be prominently displayed adjacent to every point of sale	110(1)(a)	33/33 (100%)
	Prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the management of the premises concerned are observed	110(1)(b)	33/33 (100%)
	Prescribing the people or kinds of person to whom alcohol may be sold or supplied	110(1)(c)	33/33 (100%)
	Imposing one-way door restrictions	110(1)(d)	0/33 (0%)
	Ensuring that in the case of a club licence or an on-licence endorsed under section 37, conditions requiring a manager to be on duty	110(1)(e)	0/33 (0%)
	Any other reasonable conditions that are not inconsistent with the Act	117(1)	7/33 (21%)
	Prescribing the designation of the premises	119	33/33 (100%)

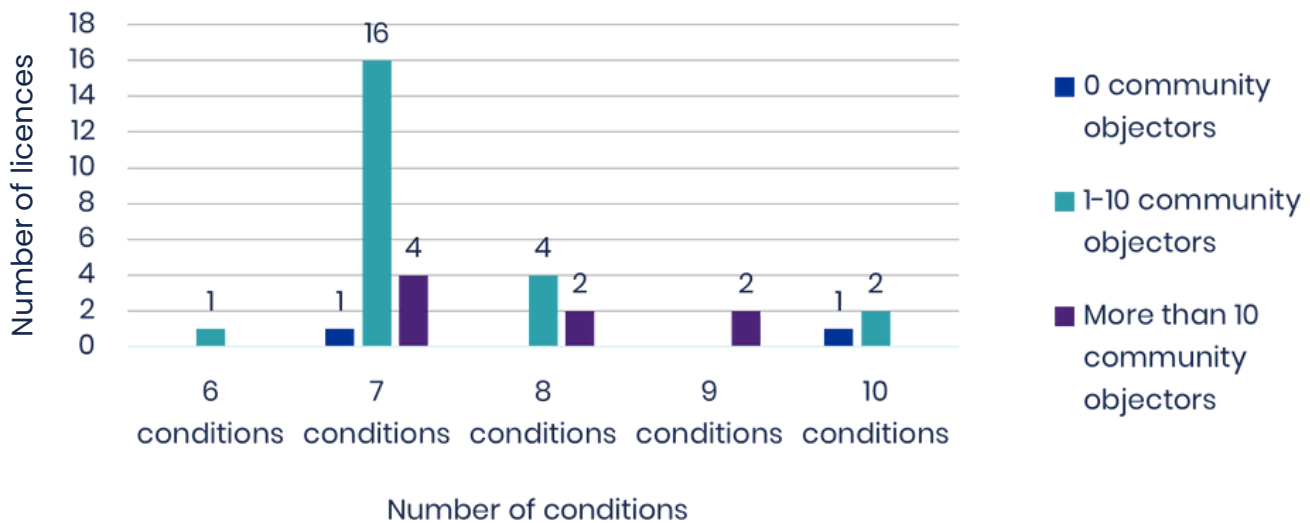


Figure 3: Comparison of number of community objectors and number of licence conditions for on-licences and club licences

4.3 Conditions for bottle store off-licences

Bottle stores had between six to 18 conditions, with most (15/22, 68%) having six to eight conditions. Table 4 lists the compulsory and discretionary conditions we identified. All bottle stores had the required compulsory conditions, including the days and hours during which alcohol may be sold or delivered, and making water freely available to customers while alcohol samples are supplied.

Discretionary conditions found on all the bottle store off-licences included ensuring no sale of alcohol to prohibited persons (intoxicated persons and minors) and ensuring the relevant signage is in place. Conditions prescribing the kinds of people alcohol may be sold to (for example, not selling to persons in school uniform) were noted on just over a quarter (6/22, 27%). Prescribing designation of the premises was a condition on almost all the bottle store off-licences (21/22, 95%).

Three licences (3/22, 14%) included other discretionary conditions, such as requirement of a social responsibility plan, restricting the times free tastings were permitted, and no display of snack foods within view of the doors and windows of the premises.

Half of the bottle stores (11/22, 50%) had at least one condition on marketing restrictions, all regarding the exterior of the premises (for example, limiting advertising to the premises' name only, and prohibiting price, product or specials promotions). Two bottle stores (2/22, 9%) had a condition restricting marketing within the store (for example, restricting floor displays).

Over half the bottle stores (13/22, 59%) had at least one condition related to single sales, the most common condition being prohibiting the sale of beer, cider and/or ready-to-drink products (RTDs) under a certain

volume (7/22, 32%), ranging from less than 400ml to less than 500ml. Conditions prohibiting the sale of single RTDs or single shots were noted on about a quarter of bottle stores (5/22, 23%). The least common single sales condition was prohibiting single sales from packs (1/22, 5%). A common exemption from single sales conditions was craft beers.

Just over a third of the bottle stores (8/22, 36%) had conditions prohibiting specific types of alcohol sold, the most common of which were restrictions on RTDs, cask wine and light spirits (3/22, 14%). Five bottle stores (23%) had conditions on volume or pack size of products, with prohibiting the sale of RTDs over 500ml being the most common in this category (3/22, 14%).

Three bottle stores (14%) had conditions prohibiting the sale of RTDs, beer or wine under a certain price. Three bottle stores (14%) included a condition prohibiting the sale of tobacco or other smoking or vaping products.

The vast majority of off-licence applications (21/22, 95%) received community objection (Figure 4). There was no clear relationship between the number of community objectors with the number of conditions on a licence, although the only off-licence with no community objectors had the least number of conditions (six) imposed.

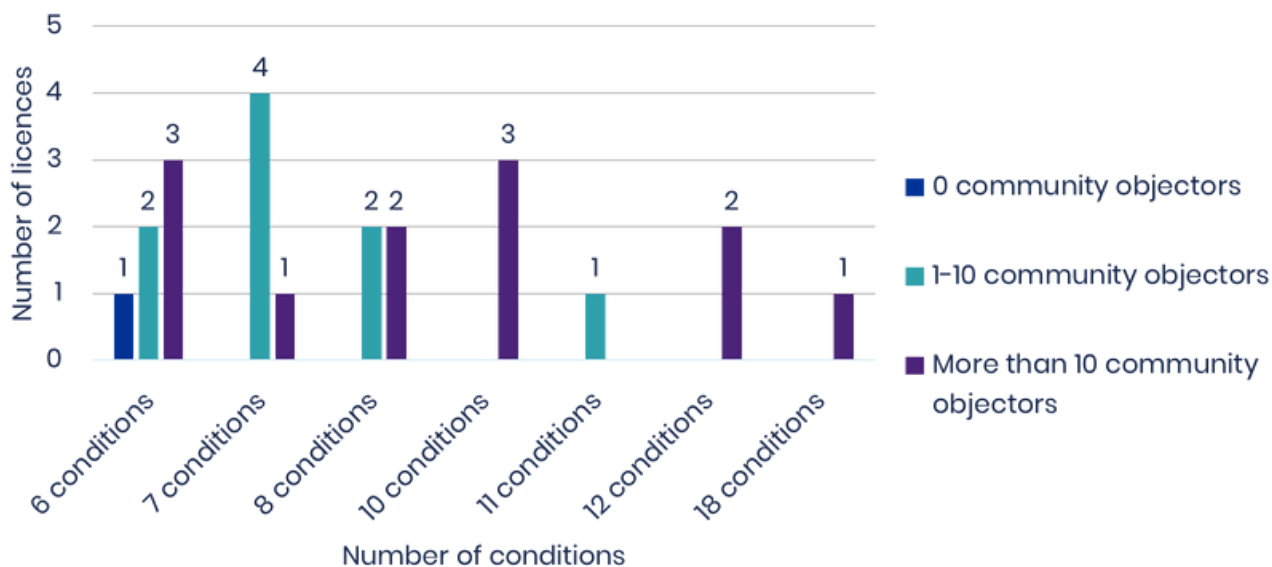


Figure 4: Comparison of number of community objectors and number of licence conditions for bottle store off-licences

Table 4: Conditions for bottle store off-licences

	Condition	Relevant section of the Act	Frequency
COMPULSORY	Stating days and hours during which alcohol may be sold or delivered	116(2)(a)	22/22(100%)
	Stating where water will be freely available to customers while alcohol samples are supplied	116(2)(c)	22/22(100%)
DISCRETIONARY	General discretionary conditions		
	Prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale or supply of alcohol to prohibited persons are observed	116(1)(a)	22/22(100%)
	Appropriate signage regarding the restrictions on the supply of alcohol to minors and intoxicated persons must be prominently displayed adjacent to every point of sale	116(1)(a)	22/22 (100%)
	Prescribing the people or kinds of person to whom alcohol may be sold or supplied	116(1)(b)	6/22 (27%)
	In the case of premises where (in the opinion of the authority or committee) the principal business carried on is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered on or from the premises.	116(1)(c)	0/22 (0%)
	Prescribing the designation of the premises	119	21/22 (95%)
	Any other reasonable conditions that are not inconsistent with the Act	117(1)	3/22 (14%)
	Conditions on marketing		
	Any condition on marketing	117(1)	11/22 (50%)
	<ul style="list-style-type: none"> Restrictions relating to marketing on the exterior of the premises 	117(1)	11/22 (50%)
	<ul style="list-style-type: none"> Restrictions relating to marketing within the premises 	117(1)	2/22 (9%)
	Conditions on single sales		
	Any condition on single sales	117(1)	13/22 (59%)
	<ul style="list-style-type: none"> Prohibiting the single sales of beer, cider and/or RTDs under a certain volume 	117(1)	7/22 (32%)
	<ul style="list-style-type: none"> Prohibiting the sale of single RTD products 	117(1)	5/22 (23%)
	<ul style="list-style-type: none"> Prohibiting the sale of single shots 	117(1)	5/22 (23%)
	<ul style="list-style-type: none"> Prohibiting the sale of single sales from packs 	117(1)	1/22 (5%)

Table 4: Conditions for bottle store off-licences (continued)

Conditions on types of alcohol permitted for sale			
DISCRETIONARY	Any condition on types of alcohol permitted for sale	117(1)	8/22 (36%)
	<ul style="list-style-type: none"> Restricting the sale of RTDs (for instance, prohibiting RTDs entirely, prohibiting those of a certain strength, or restricting display space) 	117(1)	3/22 (14%)
	<ul style="list-style-type: none"> Prohibiting the sale of cask wine 	117(1)	3/22 (14%)
	<ul style="list-style-type: none"> Prohibiting the sale of light spirits (being spirits under 14% ABV) 	117(1)	3/22 (14%)
	<ul style="list-style-type: none"> Limiting types of alcohol permitted for sale by provenance (for instance, only locally made spirits permitted) 	117(1)	2/22 (9%)
	<ul style="list-style-type: none"> No alcohol may be sold other than wine and beer 	117(1)	1/22 (5%)
	<ul style="list-style-type: none"> Prohibiting the sale of shots 	117(1)	1/22 (5%)
	Conditions on volume or pack size		
	Any condition on volume or pack size	117(1)	5/22 (23%)
	<ul style="list-style-type: none"> Prohibiting the sale of RTDs over 500ml 	117(1)	3/22 (14%)
	<ul style="list-style-type: none"> Prohibiting the sale of spirits under a certain volume 	117(1)	1/22 (5%)
	<ul style="list-style-type: none"> Restricting the sale of wine to a certain volume 	117(1)	1/22 (5%)
	<ul style="list-style-type: none"> Prohibiting the sale of beer and cider to four packs or greater 	117(1)	1/22 (5%)
	<ul style="list-style-type: none"> Ensuring the sale of product in original packaging 	117(1)	1/22 (5%)
	Conditions on price		
	Prohibiting the sale of RTDs, beer or wine under a certain price	117(1)	3/22 (14%)
	Conditions on tobacco or vaping products		
	Prohibiting the sale of tobacco or other smoking products/vapes	117(1)	3/22 (14%)

4.4 Conditions for supermarket off-licences

The five supermarket off-licences had eight similar conditions as outlined in Table 5.

Compulsory conditions included stating the days and hours during which alcohol can be sold or delivered, the provision of water while alcohol samples were supplied, and the requirement of a single alcohol area to limit the exposure of shoppers to alcohol 'so far as is reasonably practicable'. This condition also required the single alcohol area to be

configured and delineated according to the agreed floor plan, which should be available for viewing at the supermarket.

Discretionary conditions included restricting the sale of alcohol to prohibited persons, ensuring the relevant signage was in place, restricting the types of alcohol permitted for sale, and prescribing designation of the premises. Of note, these conditions did not include restrictions on single sales, price, or types of alcohol beyond those specified in section 58(1).

Table 5: Conditions for supermarket off-licences

	Condition	Relevant section of the Act	Frequency
COMPULSORY	Stating days and hours during which alcohol may be sold or delivered	116(2)(a)	5/5 (100%)
	Stating where water will be freely available to customers while alcohol samples are supplied	116(2)(c)	5/5 (100%)
	The requirement of a single alcohol area for the display and promotion of alcohol, as configured and delineated on the agreed floor plan	112	5/5 (100%)
DISCRETIONARY	Prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale or supply of alcohol to prohibited persons are observed	116(1)(a)	5/5 (100%)
	Appropriate signage regarding the restrictions on the supply of alcohol to minors and intoxicated persons must be prominently displayed adjacent to every point of sale	116(1)(a)	5/5 (100%)
	Prescribing the people or kinds of person to whom alcohol may be sold or supplied	116(1)(b)	0/5 (0%)
	In the case of premises where (in the opinion of the authority or committee) the principal business carried on is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered on or from the premises	116(1)(c)	0/5 (0%)
	Ensuring that no alcohol being sold other than beer or mead, fruit or vegetable wine, grape wine or a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted	58(1)	5/5 (100%)
	Prescribing the designation of the premises	119	5/5 (100%)

4.5 Conditions for special licences

The six special licences were all granted for music festivals. Of these, five were from a single applicant for five different events at the same location. These five licences had 20 similar conditions, while the sixth had 12 conditions. There were no community objectors for any of these licence applications. All six special licences had the compulsory conditions which included stating the days and hours during which alcohol can be sold and the provision on water onsite.

All six special licences had similar discretionary conditions to restrict the sale of alcohol to prohibited persons, require the provision of food and non-and-low alcoholic beverage options, require the provision of information about transport from the premises, and prescribe designation of the premises. Other discretionary conditions under section 147(1)(l) on these licences were requiring a certified duty manager and limits on the number of serves.

Additionally, all six special licences were classified as large-scale events and thus included conditions to provide the committee with an alcohol management plan and require the applicant to liaise with the Police and territorial authority. The compulsory and discretionary conditions according to the corresponding sections of the Act are listed in Table 6.

Table 6: Conditions for special licences

	Condition	Relevant section of the Act	Frequency
COMPULSORY	Stating days and hours during which alcohol may be sold or delivered	147(3)(a)	6/6 (100%)
	Stating where water will be freely available to customers while the event is taking place	147(3)(b)	6/6 (100%)
DISCRETIONARY	All events		
	Prescribing steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of alcohol to prohibited persons are observed	147(1)(a)	6/6 (100%)
	Prescribing the people or kinds of person to whom alcohol may be sold or supplied	147(1)(b)	0/6 (0%)
	In the case of premises where (in the opinion of the committee) the principal business carried on is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered on or from the premises	147(1)(c)	0/6 (0%)
	Requiring the provision of food for consumption on the premises concerned	147(1)(d)	6/6 (100%)
	Requiring low-alcohol beverages to be available for sale and supply	147(1)(e)	6/6 (100%)
	Requiring non-alcoholic beverages to be available for sale and supply	147(1)(f)	6/6 (100%)
	Ensuring information about alternative transport from the premises is available	147(1)(g)	6/6 (100%)
	Requiring exclusion of the public from premises	147(1)(h)	0/6 (0%)
	Requiring alcohol to be sold and supplied on premises only in containers of certain description	147(1)(i)	5/6 (83%)
	Conditions requiring the filing of returns relating to alcohol sold pursuant to the licence	147(1)(j)	0/6 (0%)
	Any conditions of a kind subject to which any licence may be issued under section 110 or 116	147(1)(k)	0/6 (100%)
	Any reasonable conditions that, in the committee's opinion, are not inconsistent with this Act	147(1)(l)	6/6 (100%)
	Prescribing the designation of the premises, as per section 119(3)	147(2)	6/6 (100%)

Table 6: Conditions for special licences (continued)

Large-scale events			
DISCRETIONARY	Requiring the applicant to provide the committee with a management plan describing how the applicant will deal with matters such as security, monitoring, interaction with local residents and public health concerns	143(1)(a)	6/6 (100%)
	Requiring the applicant to provide the committee with a certificate by the territorial authority that the proposed use of the premises meets the requirements of the Resource Management Act 1991 and of the building code	143(1)(b)	0/6 (0%)
	Requiring the applicant to liaise with the Police and the territorial authority on planning for the event	143(1)(c)	6/6 (100%)

05

Discussion

5.1 Summary of findings

This report provides insight into the range and frequency of conditions imposed on different licence types granted after a DLC hearing over a three-year period, alongside the role of community objection.

We found a larger range of licence conditions for bottle stores compared to other licence types. Conditions on marketing were found on half of the bottle store off-licences. Only a minority of licences had conditions on types of alcohol permitted for sale, volume or pack size, price, and prohibiting the sale of tobacco and vaping products.

Just over half of the bottle stores had conditions on single sales, while the supermarkets had no single sales conditions. Conditions were relatively standardised for supermarkets, on-licences and special licences for large-scale events.

All supermarkets as part of the single alcohol area condition specified the configuration and delineation of this area according to the submitted floor plan. The Auckland DLCs have issued a practice note (dated 2 March 2023) requiring applications to be accompanied by clear scale plans of the area or for strips of contrasting tiles or floor treatment to delineate this area (9).

All the on-licences, club licences and off-licences included a condition on the display of appropriate signage prohibiting the supply of alcohol to minors or intoxicated people. A second practice note by the Auckland DLCs (dated 3 October 2023) requires this signage to be of a certain size and prominently displayed in the premises (10).

Most of the DLC hearings reviewed here had community objections, reflecting the high level of concern from communities, particularly for bottle store applications. However, the influence of community objections on the number of licence conditions imposed was not clear.

5.2 Limitations

There are several limitations that should be considered when interpreting the findings, including:

- Data were not independently extracted, which may have introduced errors. However, all extracted data were reviewed by another team member and any discrepancies were checked and resolved by consensus.
- This was a convenience sample of 66 alcohol licences with publicly available decision documents following an Auckland DLC hearing.

The licences we examined were therefore not representative of all alcohol licences in Auckland. Notably, our sample did not capture the vast majority of licences granted without a DLC hearing. For context, the Auckland DLCs processed over 4,000 alcohol licence applications from July 2020 to June 2023, of which only about 1% went to a DLC hearing (11). Future analyses may be improved by using a more complete set of granted licences held by Auckland Council.

- This report focused on describing the range and frequency of conditions in a relatively small sample of alcohol licences. Here we have only explored the potential impact of community objections on licence conditions and have not examined the impact of other factors that may be important, such as neighbourhood ethnicity makeup and socioeconomic deprivation. This could be a focus of future studies.
- While we attempted to capture the full range of discretionary conditions, some details may have been missed. We also did not record the details around compulsory conditions, such as the specific days and hours alcohol may be sold. This could again be explored in future studies.

5.3 Implications

With changes to the Act in 2023, it is now easier for communities to object to alcohol licence applications and have their voices heard at DLC hearings. If communities have concerns about

licence conditions not being adhered to by an applicant, they should inform the DLC. This allows the DLC to evaluate whether the application meets the criteria for issue or renewal of licences, which includes suitability of the applicant.

This report illustrates the broad range of licence conditions that communities may advocate for to limit alcohol harm in their locality, if a licence were to be granted by the DLC. The conditions summarised in this report are not exhaustive, as DLCs have the discretion to impose any reasonable conditions that are not inconsistent with the Act. We have shown that licence conditions can be used to address the availability of other harmful commodities that are commonly sold together with alcohol, such as tobacco and vapes. Conditions can also be applied to address emerging concerns from communities, such as rapid delivery and 'buy now pay later' schemes that may increase the availability and affordability of alcohol.

Reducing the availability, affordability and marketing of alcohol are some of the most cost-effective measures to reduce alcohol harm, as recommended by the World Health Organization (12). Our findings here show that licence conditions may be used to influence the availability of low-cost and high-strength alcohol, especially in communities with higher socioeconomic deprivation that are more vulnerable to harm. This could be through conditions that restrict the single sales, types, volume and price of alcohol permitted for sale. Very cheap alcohol is readily available in Tāmaki

Makaurau, particularly at bottle stores and supermarkets (13). Licence conditions can also limit trading hours, which is another mechanism to reduce the availability of alcohol.

Similarly, conditions on alcohol marketing may be used to protect communities, particularly young people, from exposure to alcohol marketing (5). Of note, in July 2023, the Auckland DLCs published a practice note to be applied to all subsequent off-licence applications restricting the external advertising of alcohol products, including price promotions, sandwich boards, flags or bollard sleeves and alcohol-related lifestyle promotions (14).



References

1. Babor TF, Casswell S, Graham K, Huckle T, Livingston M, Österberg E, et al. Alcohol: no ordinary commodity: research and public policy (3rd ed). Oxford University Press, Oxford. 2022; Available from: <https://academic.oup.com/book/45328>
2. Parliamentary Counsel Office. Sale and Supply of Alcohol Act 2012. New Zealand Legislation. Wellington; 2012 Dec 18 [updated 2023 Dec 23; cited 2024 Jun 25]. Available from: <https://www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html>
3. Parliamentary Counsel Office. Sale and Supply of Alcohol (Community Participation) Amendment Act 2023; 2023 Aug 30 [cited 2024 Jun 25]. Available from: <https://www.legislation.govt.nz/act/public/2023/0060/latest/whole.html>
4. Health New Zealand, Te Whatu Ora. Alcohol licensing infosheet: Discretionary conditions and undertakings; 2023. Available from: <https://resources.alcohol.org.nz/assets/management-and-laws/Alcohol-licensing-infosheets/2.0-AL1131-F-Discretionary-conditions-and-undertakings.pdf>
5. Sargent JD, Babor TF. The Relationship Between Exposure to Alcohol Marketing and Underage Drinking Is Causal. *J Stud Alcohol Drugs Suppl.* 2020 Mar;Suppl 19(Suppl 19):113–24.
6. Chambers T, Stanley J, Signal L, Pearson AL, Smith M, Barr M, et al. Quantifying the Nature and Extent of Children’s Real-time Exposure to Alcohol Marketing in Their Everyday Lives Using Wearable Cameras: Children’s Exposure via a Range of Media in a Range of Key Places. *Alcohol Alcohol.* 2018 Sep 1;53(5):626–33.
7. Connor J, Maclennan B, Huckle T, Romeo J, Davie G, Kypri K. Changes in the incidence of assault after restrictions on late-night alcohol sales in New Zealand: evaluation of a natural experiment using hospitalization and police data. *Addiction.* 2021;116(4):788–98.
8. Masho SW, Bishop DL, Edmonds T, Farrell AD. Using Surveillance Data to Inform Community Action: The Effect of Alcohol Sale Restrictions on Intentional Injury-related Ambulance Pickups. *Prev Sci.* 2014 Feb 1;15(1):22–30.
9. Auckland District Licensing Committee. Practice Note: Plans for Supermarkets and Grocery Stores; 2023 Mar 2. Available from: <https://www.aucklandcouncil.govt.nz/licences-regulations/business-licences/alcohol-licences-fines/docsdlcpracticenotes/dlc-practice-note-plans-supermarkets-grocery-stores.pdf>

10. Auckland District Licensing Committee. Practice Note: Internal Signage; 2023 Oct 6. Available from: <https://www.aucklandcouncil.govt.nz/licences-regulations/business-licences/alcohol-licences-fines/docsdlcpracticenotes/dlc-practice-note-internal-signage.pdf>

11. National Public Health Service – Northern Region. An analysis of alcohol licence applications and outcomes in Tāmaki Makaurau Auckland – 1 July 2018 to 30 June 2023. Auckland: Health New Zealand – Te Whatu Ora; 2024.

12. World Health Organization. The SAFER initiative [Internet]. Geneva: World Health Organization; 2018 [cited 2024 Jun 25]. Available from: <https://www.who.int/initiatives/SAFER>

13. U E, Jackson N. Cheap drinks: An exploratory audit of alcohol prices at off-licences across Tāmaki Makaurau/Auckland. Auckland, New Zealand: Alcohol Healthwatch; 2021.

14. Auckland District Licensing Committee. Practice Note: Off-licence Premises External Advertising; 2023 Jul 31. Available from: <https://www.aucklandcouncil.govt.nz/licences-regulations/business-licences/alcohol-licences-fines/docsdlcpracticenotes/dlc-practice-note-external-signage.pdf>



Health New Zealand Te Whatu Ora

National Public Health Service – Northern Region

www.arphs.health.nz