



# AGENDA

**Ordinary meeting of the**

**Nelson City Council  
to deliberate on submissions to the  
draft Local Alcohol Policy**

**Thursday 27 February 2014  
Commencing at 9.00am  
Council Chamber  
Civic House  
Trafalgar Street, Nelson**

Membership: Her Worship the Mayor Rachel Reese, Councillors Luke Acland, Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton, Matt Lawrey, Brian McGurk, Paul Matheson (Deputy Mayor), Gaile Noonan, Pete Rainey, Tim Skinner, and Mike Ward

## **Apologies**

### **1. Interests**

- 1.1 Updates to the Interests Register
- 1.2 Identify any conflicts of interest in the agenda

### **2. Confirmation of Order of Business**

### **3. Confirmation of Minutes – 26 November 2013 4-12**

Document number A1109253

Recommendation

***THAT the minutes of the meeting of the Nelson City Council – to hear submissions to the draft Local Alcohol Policy, held on 26 November 2013, be confirmed as a true and correct record.***

Note: The final resolution contained in these minutes states that the hearing be adjourned to allow the receipt of further information. Further information was brought to the Council meeting of 12 December 2013, and the hearing was declared closed on that date.

The minutes of the meeting of 12 December 2013 are included on the agenda for the ordinary Council meeting on 27 February 2014, which follows this meeting.

### **4. Deliberations – Draft Local Alcohol Policy 13-65**

Document number A1102873

Recommendation

***THAT the report Deliberations – Draft Local Alcohol Policy (A1102873) and its attachments (A661937, A1113751, A1113762, A1114940) be received;***

**AND THAT the Draft Local Alcohol Policy be amended to reflect the Council decisions on submissions;**

**AND THAT a Provisional Local Alcohol Policy be brought back to Council for approval.**

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**Minutes of a meeting of the Nelson City Council to hear submissions to the draft Local Alcohol Policy**

**Held in the Council Chamber, Civic House, Trafalgar Street, Nelson**

**On Tuesday 26 November 2013, commencing at 9.01am**

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Present: Her Worship the Mayor (R Reese), Councillors I Barker, K Fulton, M Lawrey, B McGurk, P Matheson, G Noonan, P Rainey, T Skinner and M Ward

In Attendance: Chief Executive (C Hadley), Acting Group Manager Strategy and Environment (N McDonald), Manager Administration (P Langley), Policy Adviser (S Yarrow), and Administration Adviser (L Canton)

Apologies: Councillors L Acland, R Copeland and E Davy

**1. Apologies**

Resolved

***THAT apologies be received and accepted from Councillors Acland, Copeland, and Davy.***

Her Worship the Mayor/Barker

Carried

**2. Interests**

Her Worship the Mayor advised that, as the meeting was a hearing and not a deliberative process, interests did not need to be declared.

**3. Confirmation of Order of Business**

Her Worship the Mayor noted that a procedural resolution was required to accept the 50 late submissions received.

#### 4. Late Submissions

Resolved

***THAT the late submissions to the draft Local Alcohol Policy be accepted for consideration.***

Ward/Matheson

Carried

#### 5. Submissions

- 5.1 Clare Davies, Tourism Industry Association/Hospitality New Zealand/Grand Mercure Nelson Monaco, submission number 88, vol. 2 page 75 refers

Ms Davies spoke to the submission on behalf of the three organisations. She urged Council to focus on 'pre-loading' and 'side-loading' drinking behaviours that happened outside of the regulated hospitality environment. Ms Davies emphasised that her submission did not support a one-way door policy.

In response to questions, Ms Davies said a one-way door policy would result in groups of young people being separated from their friends, and would create extra training costs for the hospitality sector. She added that allowing opening hours for bars/taverns to 3.00am would increase the proportion of drinking that happened in a regulated environment, and allow venues to maximise opportunities during peak periods. Ms Davies said she did not believe that later opening hours would encourage pre-loading by the majority of customers.

Attendance: Councillor Copeland joined the meeting at 9.10am.

- 5.2 Jo Ann Firestone, submission number 7, vol. 1 page 16 refers

Ms Firestone said she believed changes in legislation had created a drinking-related cultural problem in New Zealand, which was particularly evident amongst young people. She urged Council to reduce the opening hours for off-licenses.

Attendance: Councillor Rainey left the meeting at 9.16am.

- 5.3 Caitlin Ryan, submission number 102, vol.3 page 60 and submission number 524, vol.9 page 38 refers

Ms Ryan said she was a restaurant manager, but was submitting in her personal capacity. She said that the draft Local Alcohol Policy as it stood would be likely to move drinking into unregulated, off-license environments such as private homes, rather than supporting the reduction of alcohol-related harms.

In response to questions, Ms Ryan said there should be flexibility for restaurants to have the same opening hours as taverns, to allow them

to maximise trading opportunities. She emphasised that all on-license premises were legally obliged to refuse entry to intoxicated persons, which meant intoxicated people departed in a progressive manner from areas where venues were concentrated.

- 5.4 Rosey Duncan, Health Action Trust, Submission number 91, vol.2 page 90 refers

Ms Duncan spoke to the submission on behalf of the Health Action Trust. She suggested that the one-way door policy be instituted on a trial basis. She added that the street ambassador service helped to reduce alcohol related harms and increase safety on the street at nights.

In response to questions, Ms Duncan said she thought that more restrictive off-license hours would be required if pre-loading was to be reduced.

- 5.5 Lee Fern, Sprig & Fern, Hardy Street, submission number 18, vol.1 page 39 refers

Mr Fern spoke to his submission. In response to questions, he said that the one way door policy may result in staff urging customers to leave early. He added that there needed to be greater accountability for people causing alcohol-related trouble.

Mr Fern outlined the staff training requirements, and the care taken by staff to ensure intoxicated people were not served and got home safely.

- 5.6 Mark Preston-Thomas, ACC, submission number 19, vol. 1 page 42 refers

Mr Preston-Thomas spoke to the submission. He noted that around 20% of ACC claims were related to alcohol, and said the Local Alcohol Policy played an important role in reducing the availability of alcohol and associated harms.

In response to questions about reduced hours of sale, Mr Preston-Thomas said that many people were not sufficiently organised to purchase alcohol earlier in the day for later consumption, and therefore reduced hours of sale would be an effective way to reduce the availability of alcohol.

- 5.7 Ian Williams, Williams Davey Limited, Mac's Brewbar, submission number 20, vol. 1 page 43 refers

Mr Williams spoke to the submission.

In response to questions, he said he did not see any advantage in restaurants closing earlier than taverns. He highlighted that there was an increasing number of visitors to Nelson who were accustomed to

eating and socialising later in the evening. He said that these patrons were generally well behaved and offered a useful form of passive surveillance for other drinkers.

5.8 Nelson Youth Council, submission number 72, vol. 2 page 1 refers

Youth Councillors Carla Lindley, Sam Stephens, and Kassiana Barrett Hemi spoke to the submission. They tabled a copy of a survey the Youth Council had conducted to support the submission (A1109576).

In response to questions, Ms Barrett-Hemi said that in general, young people preferred 'ready to drink' (RTD) products rather than wine or beer. She said RTDs were only available at bottle stores, and the availability of these products to underage youth depended on the culture of the individual's social and family group. Ms Barrett-Hemi added that, should outlets stop selling RTDs after a certain time, young people were likely to move on to other types of alcohol, which made it more difficult to regulate the volume of alcohol intake.

5.9 Ron Taylor, Little Rock Bar and Nightclub, submission number 74, vol. 2 page 13, and submission number 157, vol. 5 page 59 refer

Ron Taylor, Owner/Director of the Little Rock spoke to his submission.

In response to questions, Mr Taylor outlined the training process for door staff and offered to provide a copy of the door staff training manual to Council. He added many people of all ages were refused entry due to intoxication and, if they remained in the street, Police were better able to deal with any trouble they may subsequently cause.

With regard to the reputation of Bridge Street as a destination, Mr Taylor said that the public perception had not yet caught up to the improved safety in the area. He added that the conferences at the Rutherford Hotel had resulted in an older demographic attending his establishment.

5.10 Turf Hotel, submission number 80, vol. 2 page 36 refers

Andy Dwyer spoke to the submission on behalf of Tony Healey of the Turf Hotel. He said that the proposed Local Alcohol Policy would result in a significant reduction in trading hours for the Turf Hotel, which he said was an important and responsible part of the Stoke community. Mr Dwyer highlighted that an earlier closing time would result in patrons congregating elsewhere.

In response to questions, Mr Dwyer said the hotel usually closed at 2.00am most Saturday nights, but stayed open to 3.00am in the case of special events. He added that a one-way door policy would result in Turf Hotel patrons leaving the hotel earlier than currently, to gain access to other venues in the CBD.

5.11 Barry Hellberg, New Zealand Retailers Association, submission number 81, vol. 2 page 42 refers

Barry Hellberg, Government Relations Manager of the New Zealand Retailers Association (NZRA) spoke to the submission. He expressed disappointment that no stakeholder meetings were held during the preparation of the draft Policy.

In response to questions Mr Hellberg said that the retail sector had stringent controls relating to who could purchase alcohol and that personal responsibility of parents and individuals played an important role in ensuring safe drinking behaviour. He added that reduced opening hours would not affect the volume of alcohol purchased.

In response to a further question, Mr Hellberg said he did not believe an extension of the ban on intoxicated patrons to off-licenses, as instituted by Bridge Street venues, would be effective.

Attendance: The meeting adjourned from 11.12am to 11.22am for morning tea.

5.12 New Zealand Police, submission number 82, vol. 2 page 50 refers

Inspector Steve Greally spoke to the submission. He highlighted that the Local Alcohol Policy was a chance to decide how much alcohol related harm Council and the authorities were willing to tolerate in the community.

In response to questions, Inspector Greally said that the NZ Police supported the ACC position on reduced opening hours. He said that venues were unlikely to lose much trade if closing was brought forward to 2.00am from 3.00am. He added that, in combination with a one way door policy, earlier closing was effective in reducing alcohol related harms. Inspector Greally said he believed that if earlier closing hours were considered without a one way door policy, patrons would not depart in a progressive manner and it would be more difficult for Police to manage the resultant displacement of activity, such as parties in private homes.

In response to a further question, Inspector Greally said that RTDs were the most common product observed for pre- and side-loading.

Inspector Greally noted a correction to the submission, that the second bullet point under 'Executive Summary' should read 'Reduced opening hours for on licenses to 1.30am'.

5.13 Dr Mark Reeves, Nelson Emergency Department, submission number 86, vol.2 page 72 refers

Dr Reeves said he was a doctor with the Nelson Emergency Department, and his portfolio included alcohol and drugs. He outlined the measures described in the Ministry of Social Development



document 'What Works to reduce Alcohol Related Harm' (2005), referred to in his submission, and urged Councillors to read the document.

In response to questions, he said the rate of alcohol related harm had increased over the previous 10 years, possibly due to an increased degree of intoxication in general.

- 5.14 Independent Liquor (NZ) Ltd, submission number 90, vol. 2 page 85 refers; and The Mill Retail Holdings Ltd, submission number 93, vol. 2 page 100 refers

Mark Unsworth, Corporate Affairs Director, Independent Liquor (NZ) spoke to both submissions, and subsequently a graph on the sale of alcohol types was tabled (A1109745).

In response to questions, Mr Unsworth said that Independent Liquor would not consider stopping the sale of RTDs after 9pm, as experience in other countries showed that this simply moved consumption to other types of alcohol. He said an earlier closing time of 10pm could be considered but he believed it was unnecessary, as there was no increase in irresponsible behaviour between 10pm and 11pm.

- 5.15 Hospitality New Zealand, submission number 94, vol. 3 page 1 refers

Jeanette Swift, Regional Manager for Hospitality New Zealand Nelson Branch spoke to the submission. She said that statistics on ambulance call outs as presented by the ACC supported that the safest place to consume alcohol was in a controlled environment, rather than the home. She outlined the way in which intoxication was identified by staff at licensed premises. Ms Swift added that evidence on the effectiveness of a one way door policy was inconclusive.

In response to questions, Ms Swift said that association members wished to retain the status quo on opening hours. She added that queues of people who missed the cut off time under a one way door policy would result in large groups on the street and cause congestion for taxis. Ms Swift said that venues continued to trade between 2.00am and 3.00am and an earlier closing time would therefore impact on revenue.

- 5.16 David McKenzie, Foodstuffs South Island Ltd, submission number 16, vol. 1 page 34 refers

Mr McKenzie spoke to the submission.

In response to questions, he said the purchase of alcohol by the average consumer happened at all hours. He added that around 10% of the group's total sales related to alcohol.

Attendance: Councillor Copeland left the meeting at 1.45pm.

- 5.17 Kate Porter, Progressive Enterprises Ltd, submission number 105, vol.4 page 1 refers

Ms Porter spoke to the submission. In response to questions, Ms Porter clarified that the statistics quoted in the submission were based on money spent rather than volume of alcohol purchased.

Attendance: Councillor Copeland returned to the meeting at 1.55pm.

- 5.18 TeReremoana Nepe, submissions number 161, vol.5 page 63 refers

Mr Nepe outlined his experience of 20 years working as a doorman, and training other doormen. He explained that Bridge Street venues operated conditions of entry that constituted a form of one way door policy. He said he believed that although many countries had trialled a one way door policy, not many had implemented them in conjunction with other policies, and he outlined the potential difficulty caused by large queues under such a policy.

In response to questions, Mr Nepe said that in his experience the overall level of intoxication was now more visible due to the influence of energy drinks. He said he had previously worked with a selective one way door policy and the outcome was heightened aggression by patrons seeking entry.

- 5.19 Belinda Symon, Super Liquor Holdings Ltd, submission number 95, vol. 3 page 29 refers

Ms Symon, Franchise Manager of the Super Liquor Group spoke to the submission. She highlighted that the group's submission was restricted to off license premises only. Ms Symon added that although it was more difficult for off-licenses to enforce, the group would support the extension of bans issued by on-license venues.

- 5.20 David Dew and Garry Munro, Trailways Hotel Nelson and De Lorenzo Studio Apartments, submission number 13, vol. 1 page 25 refers

Mr Dew spoke to the submission on behalf of Trailways Hotel Nelson and De Lorenzo Studio Apartments. He said that blanket laws were not effective in changing behaviour and urged Councillors to create a policy that did not penalise those exhibiting responsible drinking behaviour, which he said constituted the majority of Trailways' patrons.

In response to questions, Mr Munro said he would support a 2.00am closing time, as this was in keeping with the Hotel's patrons who tended to be conference and wedding guests, and avoided the additional charges for a resource consent to operate between the hours of 2.00am and 3.00am.

- 5.21 Grant Dicker, Mint Dining Room, submission number 106, vol. 5 page 1 refers

Mr Dicker spoke to his submission. He said that his restaurant offered patrons a long dining experience, and relatively late booking times, which would be restricted under reduced opening hours.

In response to questions, Mr Dicker said that his patrons were generally responsible drinkers and never caused problems due to alcohol. He added that the restaurant was very vigilant about what type of alcohol was served and to whom.

## **6. Special Consultative Procedure**

### **6.1 Procedural matters**

Her Worship the Mayor advised that the process for developing a Local Alcohol Policy included rights to appeal by the public. Therefore, it was important for councillors to know what must be taken into account in considering the policy, she said.

Attendance: The meeting adjourned from 1.35pm to 1.42pm, during which time Her Worship the Mayor left the meeting and the Deputy Mayor, Councillor Matheson assumed the Chair.

In response to a question, Acting Group Manager Strategy and Environment, Nicky McDonald, explained that the draft Local Alcohol Policy represented Council's best intention with regard to the Policy, and that Council could only make changes to the draft based on the submissions received.

Ms McDonald added that any changes Council made to the Policy that had not been indicated in either the draft Policy or the submissions, would increase the risk of a judicial review, or would require re-consultation.

### **6.2 Additional information requested**

The Chair cautioned councillors not to discuss any requirements for further information directly with submitters but rather to request it through officers.

Councillors requested the following information:

- Specific evidence relating to the effectiveness of a one way door policy;
- The Local Alcohol Policy adopted by Tasman District Council;
- Legal advice on the possibility of differentiating between supermarkets and bottle stores;
- Clarification by map of the area considered to be within the CBD;

- Whether, or for how long, any grandfather clauses would continue to apply when a new policy came into effect;
- An explanation of how a distinction was drawn between licensed premises in residential areas and licensed premises outside residential areas, when both were outside of the CBD;
- Whether the draft policy closing times referred to the time at which restaurants and taverns stopped serving alcohol, or the time they actually closed;
- A copy of the Doormens' Association training manual;
- A copy of the criteria by which bar staff assess intoxication.

Councillors were asked to forward to Acting Group Manager Strategy and Environment, Nicky McDonald, any requests for further information in regard to the submissions heard at this meeting.

Resolved

***THAT the meeting be adjourned to a time and place to be specified, to allow the receipt of further information requested in relation to the submissions.***

Matheson/McGurk

Carried

The meeting adjourned at 2.03pm.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

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## **Deliberations – Draft Local Alcohol Policy**

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### **1. Purpose of Report**

- 1.1 To provide information to support deliberations on the draft Local Alcohol Policy.

### **2. Recommendation**

***THAT the report Deliberations – Draft Local Alcohol Policy (A1102873) and its attachments (A661937, A1113751, A1113762, A1114940) be received;***

***AND THAT the Draft Local Alcohol Policy be amended to reflect the Council decisions on submissions;***

***AND THAT a Provisional Local Alcohol Policy be brought back to Council for approval.***

### **3. Background**

- 3.1 The Sale and Supply of Alcohol Act (2012) (the Act) allows councils to develop Local Alcohol Policies (LAPs). On 19 February 2013 the Council resolved to prepare a draft Local Alcohol Policy (LAP) and to work closely with other Top of the South Councils in its development.
- 3.2 The development of the draft LAP was informed by information gathered in accordance with section 78 of the Act, consultation with the Medical Officer of Health, Police and District Licensing Inspectors (as required under the Act) and a survey of community views on the sale and supply of alcohol. The report to Council of 6 August 2013 contains a summary of this information and is included in Attachment 1.
- 3.3 At a Council workshop on 16 July 2013, Council considered the information and views gathered and provided officers with direction on the content of the draft LAP.
- 3.4 Council approved a draft LAP for consultation on 6 August 2013 and the submissions period ran from 8 August to 16 September 2013 with hearings held on 26 November 2013.

3.5 Additional information requested at the hearing was supplied to the Council at its meeting on 12 December 2013.

## 4. Discussion

### Overview of Submissions

4.1 The Council received a total of 631 submissions on the draft LAP.

4.2 Of these, 576 were made from individuals using a proforma survey generated by the local hospitality industry. The data from these proforma submissions has been summarised in Attachment 2.

4.3 The other 55 submissions were from a range of organisations and individuals and these have been organised into key sectors and organisations, including:

- Health/community sector (14 submissions)
- NZ Police (1 submission)
- Supermarkets (3 submissions)
- Liquor stores/outlets (6 submissions)
- Pubs/bars/nightclubs/taverns/hotels (7 submissions)
- Restaurants/cafes (1 submission)
- Hospitality/tourism umbrella organisations (4 submissions)
- Events - Marchfest (1 submission)
- Individual (non proforma) submissions (18)

4.4 These submissions have been summarised with officer comment in Attachment 3, with a general overview provided below.

#### 4.4.1 Health/Community Sector

There were 14 submissions from health sector organisations and professionals, including the Nelson Marlborough District Health Board. These generally support the objectives of the draft LAP and the effort to restrict trading hours, particularly for off-licences. Around half wanted more restrictive trading hours for some or all types of licences than those proposed (page 1-7 of Attachment 3).

#### 4.4.2 The New Zealand Police

Police support the draft LAP but would like to see 3am continue only in a smaller area of the City Centre (CBD), with 1.30am closing everywhere else (page 8 of Attachment 3).

#### 4.4.3 Supermarkets/Liquor Stores

These submissions generally support adopting the maximum default hours in the Sale and Supply of Alcohol Act for off licences of 7am to 11pm and oppose the more restrictive hours of 7am to 9pm proposed in the draft LAP. Lion Beer and Spirits and the Mill Retail Holdings Ltd indicated they would be comfortable with 10pm closing across all off licences (page 9-15 of Attachment 3).

#### 4.4.4 Pubs/Nightclubs/Taverns/Bars

Generally support the status quo in terms of maximum trading hours (7am to 3am in the City). All are opposed to the proposed one-way door policy on the basis that they see no advantage/evidence to support it and it doesn't distinguish between responsible and irresponsible licensees the same (page 15-18 of Attachment 3).

#### 4.4.5 Restaurants/Cafés

Opposes the more restrictive trading hours of 12 midnight for cafés and restaurants and would like to see the status quo retained, i.e. maximum trading hours of 3am. There were other submissions which recommended longer maximum alcohol trading hours for cafes and restaurants on the basis that they are lower risk environments (page 19 of Attachment 3).

#### 4.4.6 Events (Marchfest)

Considers that discretionary conditions for special licences are overly restrictive (page 19-20 of Attachment 3).

#### 4.4.7 Hospitality/Tourism Umbrella Organisations

Prefer the status quo for on licences; think the hours are too restrictive for hotels (in terms of being able to serve hotel guests at any time) (page 20-23 of Attachment 3).

#### 4.4.8 Individual Submissions

Range of views provided (page 23-27 of Attachment 3).

### **Hotels and Hotel Minibars**

4.5 Submission 88 (The Grand Mecure Nelson Monaco Resort), 89 (Tourism Industry Association) and 94 (Hospitality New Zealand) submitted that hotel minibars should be considered as on-licence rather than off-licence (as they currently are in the draft LAP) as the alcohol is consumed on premise. This is correct and the draft LAP should be amended accordingly.

4.6 They also submitted that the draft LAP should be clarified to include hotels as an on-licence activity (under section 3.2 of the draft LAP). This seems unnecessary as the part of the hotel operation that is relevant to

the policy is the bar and restaurant/s which is clearly covered by the current wording in 3.2 of the draft LAP.

### Additional Information Requested

- 4.7 Following the hearing of submissions on 26 November 2013 Councillors requested further information as to whether, or for how long, any clauses of existing licences would continue to apply (or be 'grandfathered') when a new policy came into effect.
- 4.8 Once a provisional policy has been adopted, Council must give public notification of its adoption and may then bring it into force on a day stated by resolution (Section 90 of the Act).
- 4.9 Following public notice of the adoption of the LAP there is a minimum 3 month period before provisions relating to maximum trading hours and one way door policies can be applied (Section 90 of the Act). All other elements of the policy can be brought into effect (by Council resolution) at any time following public notice of its adoption.

### Progress by Marlborough and Tasman District Councils

- 4.10 Marlborough District Council has not yet developed a draft Local Alcohol Policy but is intending to.
- 4.11 Tasman District Council approved a Provisional Local Alcohol Policy on 28 November 2013 which was publicly notified on 19 December 2013. Changes from the Tasman District Council draft LAP as a result of submissions are outlined in the table below.

Tasman District Council	Draft LAP	Provisional LAP
<b>Off-Licences</b>	7am - 9pm	7am - 10pm
<b>On-licences</b>		
Taverns/bars/pubs/night-clubs	8am - 1.30am the following day	8am - 2am the following day
Restaurants/cafes	8am midnight (1am on New Year's Eve)	
On-license in Residential Zone or immediately adjacent to a Residential Zone (Unless otherwise permitted by a Resource Consent or existing use rights)	8am - 11pm	
Club Licence	8am - 1am the following day	



## **Summary of Draft LAP Provisions**

- 4.12 To assist Councillors a table is included in Attachment 4 which provides a summary of the proposed provisions within the Nelson City Council draft LAP, the current licensing provisions from the Nelson Resource Management Plan, the provisions within the Tasman District Council's Provisional LAP and the maximum national default hours within the Sale and Supply of Alcohol Act 2012.

## **Relationship between the LAP and the Nelson Resource Management Plan (NRMP)**

- 4.13 The LAP can be more restrictive in its provisions relating to licensed premises than the NRMP, but cannot permit activities not allowed by the NRMP.
- 4.14 The location restrictions for both on- and off- licence premises that are contained in the NRMP will continue to apply. That is, a licence is not permitted in a residential zone without a resource consent.
- 4.15 When applying for a liquor licence applicants will still be required to provide a certificate of compliance with the Nelson Resource Management Plan and the Building Code.

## **Update on Provisional Policies and Process**

- 4.16 If the Council proceeds to approving a provisional LAP, public notice of Council's intention to adopt the provisional LAP and of the rights of appeal to the Alcohol Regulatory and Licensing Authority must be given. An appeal period of 30 days commences once the provisional LAP is notified.
- 4.17 The provisional LAP is adopted 30 days after its public notification if there are no appeals or 30 days following the resolution of all appeals.
- 4.18 The Alcohol Licensing and Regulatory Authority (ALRA) considers and determines appeals to provisional LAPs. An appeal can only be lodged by any person or agency that has made a submission on the draft LAP. The only grounds on which a provisional LAP may be appealed against is that it is unreasonable in light of the object of the Act. The object of the Act is to promote the safe and responsible sale, supply and consumption of alcohol and to minimise the harm caused by excessive or inappropriate consumption of alcohol.
- 4.19 The risk of appeal is likely to increase if the provisional LAP contains conditions that are considered overly restrictive by industry or if the community considers that the provisional LAP does not reflect the views advocated in the community survey. Appeals may result in delays in the LAP being adopted. If an appeal is successful and ARLA amends the LAP, the Council can choose to:

- Not adopt the LAP, or
  - To accept the changes recommended by ARLA.
- 4.20 In addition to the appeal process under the Sale and Supply of Alcohol Act 2012, the option of judicial review, which determines whether a decision made by a public body has been made lawfully, remains open to any party.
- 4.21 Tasman District Council and Waimakariri District Council publicly notified Provisional LAPs in December 2013 with the appeal period finishing in January 2014. Both Councils have received appeals from Progressive Enterprises and Foodstuffs, Hospitality NZ (HANZ) and The Mill Retail Holdings & Independent Liquor. Additionally, Super Liquor Holdings is appealing the Waimakiriri Provisional LAP. Hearing of appeals by the Alcohol Regulation and Licensing Authority for both councils is expected to take place at the end of March 2014.
- 4.22 Wellington City Council, Hauraki District Council, Thames District Council, Waipa District Council and Western Bay of Plenty with Tauranga City Council (who have developed a joint LAP) notified provisional LAPs in January 2014. Most have received Official Information requests from Buddle Findlay, acting for Progressive Enterprises, but no appeals have been received to date.

## 5. Conclusion

- 5.1 The Sale and Supply of Alcohol Act 2012 provides Council with the opportunity to have a LAP that sets conditions for licensing premises for the sale of alcohol across the City. The LAP can provide guidelines and certainty for applicants and also for staff and the District Licensing Committee (DLC) assessing applications.
- 5.2 A draft LAP was publicly consulted on using the Special Consultative Procedure between 8 August and 16 September 2013. 631 submissions were received. Hearings were held on 26 November 2013. Additional information requested at the hearings was provided at the 12 December 2013 Council meeting.
- 5.3 Further information is provided in this report to support the consideration of submissions.

Sarah Yarrow  
**Policy Adviser**

## **Attachments**

- Attachment 1: Report to Council 6 August 2013 – Statement of Proposal for Draft Nelson City Council Local Alcohol Policy [A661937](#) (1551361)
- Attachment 2: Summary of Responses to Proforma Survey by Hospitality Industry [A1113751](#)
- Attachment 3: Summary of Submissions [A1113762](#)
- Attachment 4: Summary Table of Draft LAP Provisions [A1114940](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

This proposal fits with the purpose because it relates to the performance of statutory/regulatory functions under the Sale and Supply of Alcohol Act 2012.

### 2. Fit with Community Outcomes and Council Priorities

The development of a draft Local Alcohol Policy (LAP) is consistent with the community outcome of "kind, healthy people" by allowing Council, in consultation with local communities, to develop and enforce policies which contribute to a reduction in alcohol related harm in the community and best meet the needs of local communities.

### 3. Fit with Strategic Documents

The development of a draft LAP is consistent with the health and the safety objectives in the Social Wellbeing Policy 2011. The Policy states that Council will "recognise the importance of programmes that have a health component" and "work to improve safety in the Central Business District". It will also "continue to work with partners to implement the Alcohol Strategy" and "use other regulatory measures to control alcohol related violence such as bylaws and policies under new Government alcohol related legislation".

The draft LAP could contribute to the overarching objectives of the Regional Alcohol Strategy 2006 which are: alcohol harm is minimised by using effective planning and regulation instruments; safe and moderate use of alcohol will be the dominant culture; alcohol related harm by youth is minimised; and urban areas are safe.

It also provides an opportunity for the community to review and potentially change trading hours for licensed premises as provided for in the Nelson Resource Management Plan, if this would better meet community needs.

### 4. Sustainability

The development of a Local Alcohol Policy is consistent with the Nelson 2060 vision of strong, healthy, resilient communities and a vibrant central city.

### 5. Consistency with other Council policies

The proposal does not raise any known consequential inconsistencies with any other Council policies.

### 6. Long Term Plan/Annual Plan reference and financial impact

Costs associated with the development of a Local Alcohol Policy are covered under existing Council operating budgets. Costs associated with District Licensing Committees will be recoverable through licence fees.

### 7. Decision-making significance

The administration of alcohol licensing is a significant activity for Council

<p>but the implementation of the new legislation does not trigger the Council's Significance Policy.</p>
<p><b>8. Consultation</b></p> <p>The Medical Officer of Health, Police, District Licensing Inspectors, Tasman District Council and Marlborough District Council have been consulted in the preparation of this report and a wide range of other stakeholders were invited via a letter to provide early input on the development of the draft LAP. A survey was also undertaken to gather data on the community's views on alcohol.</p>
<p><b>9. Inclusion of Māori in the decision making process</b></p> <p>Local Māori health and social service providers were consulted on the Statement of Proposal for a Draft Nelson City Council Local Alcohol Policy.</p>
<p><b>10. Delegation register reference</b></p> <p>Decision of Council.</p>

## **Statement of Proposal for Draft Nelson City Council Local Alcohol Policy**

### **1. Purpose of Report**

- 1.1 To approve the release of the Statement of Proposal for the draft Nelson City Council Local Alcohol Policy (Attachment 1) for public consultation using the special consultative procedure set out in sections 83 and 87 of the Local Government Act 2002.

### **2. Recommendation**

***THAT the Statement of Proposal for the Draft Nelson City Council Local Alcohol Policy report (1551361) and its attachments (1537399, 1520802, 1551661, 1541717) be received;***

***AND THAT the Statement of Proposal be approved and advertised for consultation in accordance with section 83 of the Local Government Act 2002;***

***AND THAT the consultation period runs from 8 August 2013 to 16 September 2013.***

### **3. Background**

- 3.1 At a meeting on 19 February 2013, Council resolved to proceed with the development of a draft Local Alcohol Policy (LAP) as follows:

***THAT a draft Local Alcohol Policy be developed on the basis of the significant benefits, including:***

- *communities having a greater say on local alcohol licensing policy;*
- *guidance and greater certainty for all those involved in the liquor licensing process;*
- *a fit for purpose policy on the sale and supply of alcohol.*

***AND THAT the scope of the draft Local Alcohol Policy should cover all of the matters permitted under s77 of the Sale and Supply of Alcohol Act 2012;***

*AND THAT Nelson City Council indicates a desire to work with other Councils on the development of local alcohol policy(ies) and the Mayor be requested to seek agreement from the Mayors of Tasman District Council and Marlborough District Council to work collaboratively to develop local alcohol policy(ies) for the Top of the South Councils.*

- 3.2 Council officers from across the three Top of the South Councils have worked closely on the preliminary work, including the development of a community survey which has now been used in each of the three Councils to gather data about the communities' wishes relating to alcohol.
- 3.3 At a Council workshop on 16 July 2013, Council considered the information and views gathered and consultation undertaken to prepare a draft LAP and discussed the potential policy elements of a Statement of Proposal, including draft LAP. Councillors provided officers with direction on the content of the draft LAP at the workshop.

#### **4. Discussion**

- 4.1 The Act gives Councils the opportunity to have a LAP that sets conditions for licensing premises for the sale of alcohol across the City. Having a LAP is optional, but there are advantages for Nelson City Council to have one. Once the LAP is in place, basic issues such as operating hours, location or other discretionary issues do not have to be argued or negotiated for each licence application. From a commercial perspective, there is a known and level playing field for all those in the industry.
- 4.2 The LAP will provide guidelines and certainty for applicants and also for staff and the District Licensing Committee (DLC) assessing applications. This is additional to the powers and guidance already provided to DLCs in the Act. The national Alcohol Regulatory and Licensing Authority (ARLA) and Courts will also be obliged to recognise the contents of a LAP if any decision of the DLC is appealed.
- 4.3 A LAP may only deal with matters relating to licensed premises. These are:
- Location of licences by reference to broad areas or by reference to proximity to premises of certain types or reference to facilities of particular kinds;
  - Density of licences in particular areas (i.e. whether more licensed premises of a particular type are acceptable in any specific area);
  - Maximum trading hours for various types of licensed premises in various locations or communities;
  - Discretionary conditions that may be imposed on particular kinds of licences;
  - One way door restrictions.

## Legislative Requirements

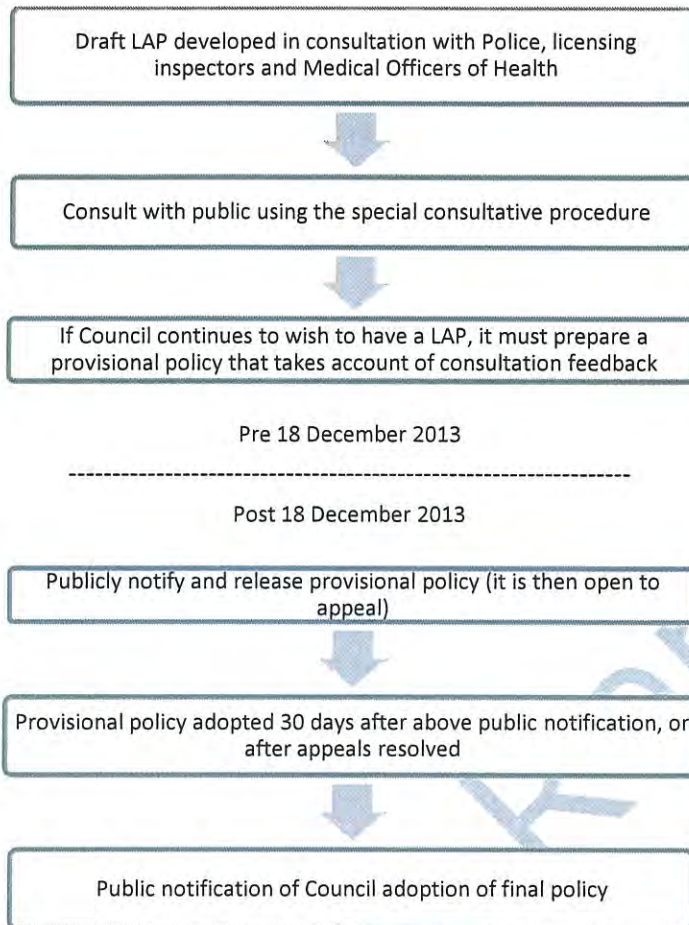
- 4.4 The Act imposes a number of obligations on Councils in developing a LAP.
- 4.5 In preparing a draft LAP, formal consultation must be undertaken with Police, the Medical Officer of Health and District Licensing Inspectors prior to producing a draft LAP. All three parties have been actively involved in producing a draft LAP, including providing information and attending workshops with staff and Council. In addition, views were sought from a wide range of stakeholders via a community survey (results can be found in Attachment 4) and a letter to stakeholders inviting their early input (feedback can be found in Attachment 5).
- 4.6 In producing a draft LAP, Council must also have regard to the matters stated in section 78(2) of the Act as follows:
- the objectives and policies of its district plan (Nelson Resource Management Plan)
  - the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises;
  - any areas in which bylaws prohibiting alcohol in public places are in force;
  - the demography of the district's residents; and
  - the demography of people who visit the district as tourists or holidaymakers; and
  - the overall health indicators of the district's residents; and
  - the nature and severity of the alcohol-related problems arising in the district.
- 4.7 Council officers consider that the matters in 4.5 and 4.6 above have been adequately covered in preparing the draft LAP (Attachments 2 and 3).
- 4.8 The Council must use the special consultative procedure to consult on the draft LAP. Having done that and made any changes to the draft that it considers necessary, the Council then produces a provisional LAP which it advertises for appeal to ARLA. In developing the provisional LAP the Council must have regard to s78(2) of the Act.
- 4.9 Public notice of Council's intention to adopt the provisional policy and of the rights of appeal to the Alcohol Regulatory and Licensing Authority must be given. That cannot proceed until the remainder of the Act comes into effect on 18 December 2013. An appeal period of 30 days commences once the provisional LAP is notified. An appeal can only be lodged by any person or agency that has made a submission on the draft LAP. The only grounds on which a provisional LAP may be appealed



against is that it is unreasonable in light of the object of the Act. The object of the Act is to promote the safe and responsible sale, supply and consumption of alcohol and to minimise the harm caused by excessive or inappropriate consumption of alcohol.

- 4.10 If no appeal is received, the provisional LAP is adopted 30 days after its public notification. The risk of appeal is likely to increase if the provisional LAP contains conditions that are considered overly restrictive by industry or if the community considers that the provisional LAP does not reflect the views advocated in the community survey. Appeals may result in delays in the LAP being adopted. If an appeal is successful and ARLA amend the LAP, the Council can choose to:
- not adopt the LAP or
  - to accept the changes recommended by ARLA.
- 4.11 Once a provisional policy has been adopted, Council must give public notification of its adoption and may then bring it into force on a day stated by resolution.
- 4.12 If the LAP contains an element that either reduces trading hours (as is proposed in this report) or imposes a one way door restriction, the day on which those provisions may be brought into force cannot be earlier than 3 months after the day on which public notice of its adoption is given.
- 4.13 The statutory process for Councils is summarised in the table below.

Previous report



## Policy Options

- 4.14 The draft LAP should balance the needs of the community against economic opportunity and the potential effects on business, whilst keeping the object of the Act as a primary consideration (refer 4.9). The draft proposal aims to achieve this balance.
- 4.15 A range of options were considered by Council at its workshop on 16 July 2013. Options were broadly grouped into status quo provisions (i.e. either in the NRMP or default provisions in the Act); more restrictive provisions; and less restrictive provisions. An analysis of the options considered but not adopted is included in section 4 of the attached statement of proposal. The following provisions were selected from the options considered:

### Hours

- 4.15.1 The default maximum trading hours permitted for all on licence premises have been set in the Act at 8am to 4am and between 7am and 11pm for off licences. Currently the maximum hours for licensed premises in Nelson are set out in the Nelson Resource Management Plan (NRMP) and are 7am to 3am if the premises is outside 50m of a residential zone boundary (effectively covers the inner city). For on licence premises

within 50m of a residential zone boundary the maximum permitted trading hours are 7am to 11pm Monday to Thursday and 7am to 1am Friday and Saturday (effectively covers suburban areas). In the absence of a LAP opening hours for on licences will move to 8am but closing hours will remain as they are in the NRMP. For all off-licence premises the permitted trading hours in the NRMP are 7am to 11pm (the same as the default hours in the Act). These would continue to apply in the absence of a LAP.

- 4.15.2 Under the proposed draft LAP, off licence hours would be restricted to 7am to 9pm. Some variation in the hours that various types of off-licensed premises could operate was recorded in the survey - a third thought they should close at 10pm, 39% thought they should close earlier and 29% thought they should close later. Based on information provided by the Police and the Medical Officer of Health in relation to alcohol-related harm originating from "pre loading" and "side loading", a consistent approach across the city is recommended. The hours recommended reflect the hours that most off-licences trade, although some would be affected by the change in hours on some nights of the week.
- 4.15.3 On-licensed premises that are restaurants/cafes, would be licensed to sell, supply and allow consumption of alcohol from 8am until midnight, except for New Year's Eve, when 1am the following morning is permitted. Over a half of survey respondents thought restaurants and cafes should stop selling alcohol at midnight or 1am with a fairly even split between those wanting earlier and later closing times. The proposed operating hours also reflect the actual opening hours for most restaurants and cafes in the city.
- 4.15.4 There was interest from some Councillors in changing the maximum trading hours for restaurants/cafes to the same hours as those for pubs/taverns/clubs on the basis that restaurants and cafes represent a lower risk environment for the consumption of alcohol and contribute to a vibrant nightlife. Generally, the major concern with restaurants/cafes having the same trading hours as pubs/taverns/clubs is the risk that they move away from their primary purpose of providing food and become more like pubs/taverns. As is currently the case, a licensed restaurant/cafe could also apply for a special licence to extend its hours for a special event, e.g. a wedding, and this would be considered on a case-by-case basis.
- 4.15.5 On-licensed premises that are pubs/taverns/bars/nightclubs would be licensed to sell, supply and allow consumption of alcohol from 8am to 3am the following day Monday to Sunday if they are in the Nelson Inner City Zone with a mandatory one-way door policy from 2am. The community survey produced a range of views on the time bars, pubs and nightclubs should stop selling alcohol. Over a half of respondents agreed with one-way door policies and a third disagreed.
- 4.15.6 All other on-licensed premises that are pubs/taverns/bars would be licensed to sell, supply and allow consumption of alcohol from 8am to

1am the following day. This is inconsistent with the current NRMP rules (refer paragraph 4.15.1). A Plan change will be required in order to align the NRMP with the LAP or to remove the rules from the NRMP because licensees are required to get a certificate of compliance with the NRMP before they can get a liquor licence.

- 4.15.7 Club licence hours would be limited to 8am to 1am the following day. Over half of survey respondents thought clubs should stop selling alcohol at 12am or 1am.
- 4.15.8 No restrictions have been placed on the hours that a special licence may be granted for, but a list of discretionary conditions is included for the DLC to consider.

#### **Discretionary Conditions**

- 4.15.9 Discretionary conditions have been identified for each of the types of licences (off, on, club and special). These are things the DLC may wish to consider when granting licence.

#### **Location**

- 4.15.10 The location restrictions for both on- and off- licence premises that are contained in the NRMP would continue to apply. That is, a licence is not permitted in a residential zone without a resource consent.

#### **Next Steps/Timeline**

- 4.16 It is proposed that the special consultative procedure on the Statement of Proposal for a Draft Nelson City Council Local Alcohol Policy run from 8 August to 16 September 2013 and hearings and deliberation on submissions and the development of a provisional LAP take place as soon as possible after Council elections. After public notification of the provisional policy, the timeline will be dependent on any appeals received and the content of the provisional policy.

### **5. Conclusion**

- 5.1 The proposed draft LAP is intended to balance the needs of the community against economic opportunity and the potential effects on businesses that sell alcohol. The primary consideration is, however, that the draft LAP contributes to the objectives of the Act, which are to promote the safe and responsible sale, supply and consumption of alcohol and to minimise the harm caused by excessive or inappropriate consumption of alcohol.

Jenny Hawes  
Principal Adviser Community

## **Attachments**

Attachment 1: Draft Statement of Proposal on the Draft Nelson City Council  
Local Alcohol Policy [1537399](#)

Attachment 2: Brief summary of key issues [1547804](#)

Attachment 3: Information on policy issues to be considered by Council [1520802](#)

Attachment 4: Analysis of Community Survey [1551661](#)

Attachment 5: Summary of early feedback from other stakeholders [1541717](#)

Supporting information follows.

Previous Report

<b>Supporting Information</b>	
<b>1. Fit with Purpose of Local Government</b>	This project fits with the purpose because it relates to the performance of statutory/regulatory functions under the Sale and Supply of Alcohol Act 2012.
<b>2. Fit with Community Outcomes and Council Priorities</b>	The development of a Local Alcohol Policy is consistent with the community outcome of "kind, healthy, people" by allowing Council, in consultation with local communities, to develop and enforce policies which contribute to a reduction in alcohol related harm in the community and best meet the needs of local communities.
<b>3. Fit with Strategic Documents</b>	<p>The development of a draft LAP is consistent with the health and the safety objectives in the Social Wellbeing Policy 2011. The Policy states that Council will "recognise the importance of programmes that have a health component" and "work to improve safety in the Central Business District". It will also "continue to work with partners to implement the Alcohol Strategy" and "use other regulatory measures to control alcohol related violence such as bylaws and policies under new Government alcohol related legislation".</p> <p>The draft LAP could contribute to the overarching objectives of the Regional Alcohol Strategy 2006 which are: alcohol harm is minimised by using effective planning and regulation instruments; safe and moderate use of alcohol will be the dominant culture; alcohol related harm by youth is minimised; and urban areas are safe.</p> <p>It also provides an opportunity for the community to review and potentially change trading hours for licensed premises as provided for in the Nelson Resource Management Plan, if this would better meet community needs.</p>
<b>4. Sustainability</b>	The development of a Local Alcohol Policy is consistent with the Nelson 2060 vision of strong, healthy, resilient communities and a vibrant central city.
<b>5. Consistency with other Council policies</b>	N/A.
<b>6. Long Term Plan/Annual Plan reference and financial impact</b>	There will be costs associated with the development of a Local Alcohol Policy. These would be covered under existing Council operating budgets. Costs associated with District Licensing Committees will be recoverable through licence fees.

<p><b>7. Decision-making significance</b></p> <p>The administration of alcohol licensing is a significant activity for Council but the implementation of the new legislation does not trigger the Council's Significance Policy.</p>
<p><b>8. Consultation</b></p> <p>The Medical Officer of Health, Police, District Licensing Inspectors, Tasman District Council and Marlborough District Council have been consulted in the preparation of this report and a wide range of other stakeholders were invited via a letter to provide early input on the development of the draft LAP. A survey was also undertaken to gather data on the community's views on alcohol.</p>
<p><b>9. Inclusion of Māori in the decision making process</b></p> <p>Local Māori health and social service providers will be consulted on the Statement of Proposal for a Draft Nelson City Council Local Alcohol Policy.</p>
<p><b>10. Delegation register reference</b></p> <p>Decision of Council.</p>

PREVIOUS REPORT

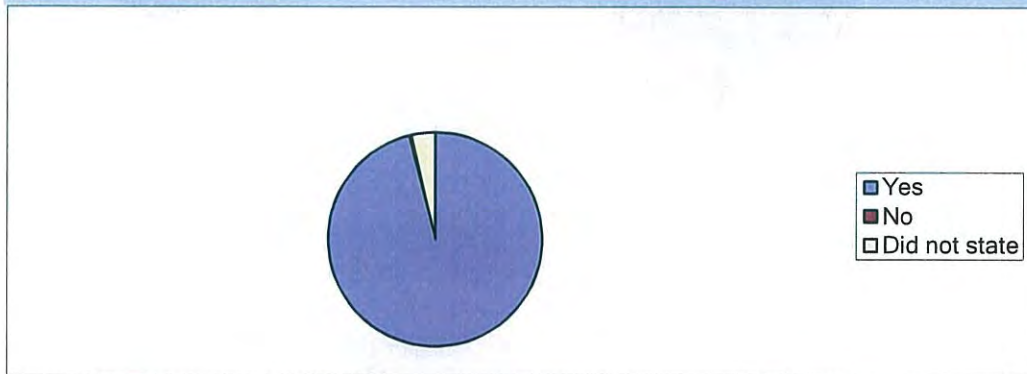


## Summary of Responses to Proforma Survey on the Draft Local Alcohol Policy

Of the 631 submissions, 575 submissions were made from individuals using a proforma survey generated by the local hospitality industry and given to patrons to fill out. The survey asked 11 questions and the questions and responses are summarised below.

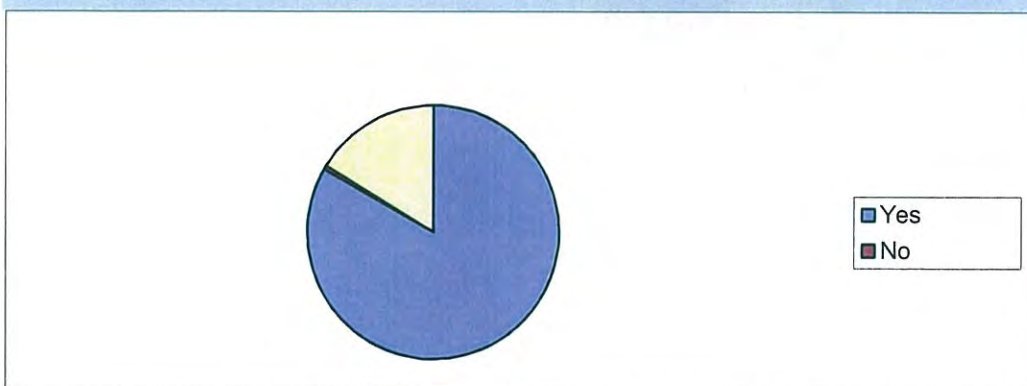
**Q1. I enjoy socialising in Nelson and believe it is not fair to penalise the majority of people who go out in Nelson and behave well, because of a small minority who behave badly. There should be more personal responsibility and not more regulations.**

Answer Options	Response Percent	Response Count
Yes	96.3%	553
No	0.2%	1
Did not state	3.5%	20
<b>answered question</b>		<b>574</b>



**Q2. Nelson benefits from a vibrant and responsibly run hospitality industry.**

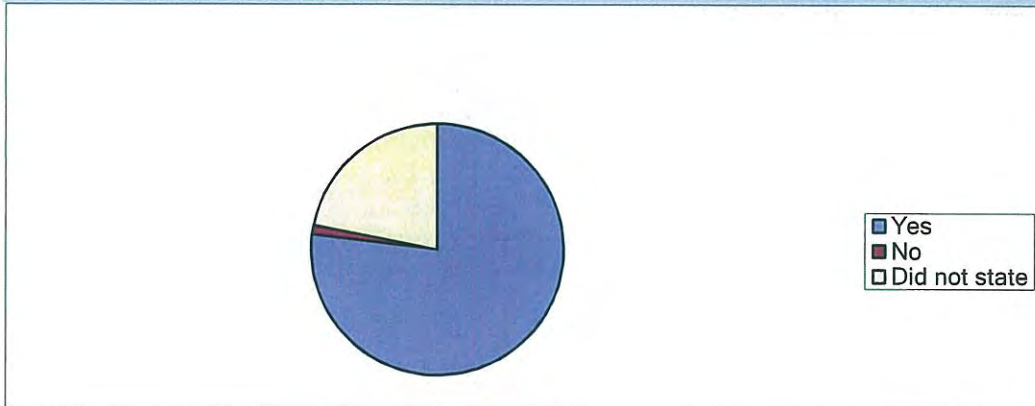
Answer Options	Response Percent	Response Count
Yes	83.1%	477
No	0.5%	3
Did not state	16.4%	94
<b>answered question</b>		<b>574</b>





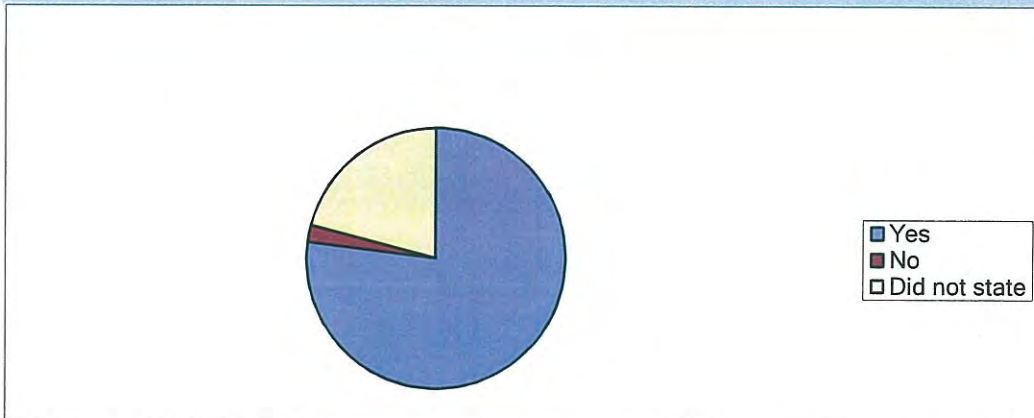
**Q3. Police should maintain a zero tolerance policy on troublemakers who cause the problems in the streets and those who drink in the streets breaking the liquor ban.**

Answer Options	Response Percent	Response Count
Yes	77.0%	442
No	1.2%	7
Did not state	21.8%	125
<i>answered question</i>		<b>574</b>



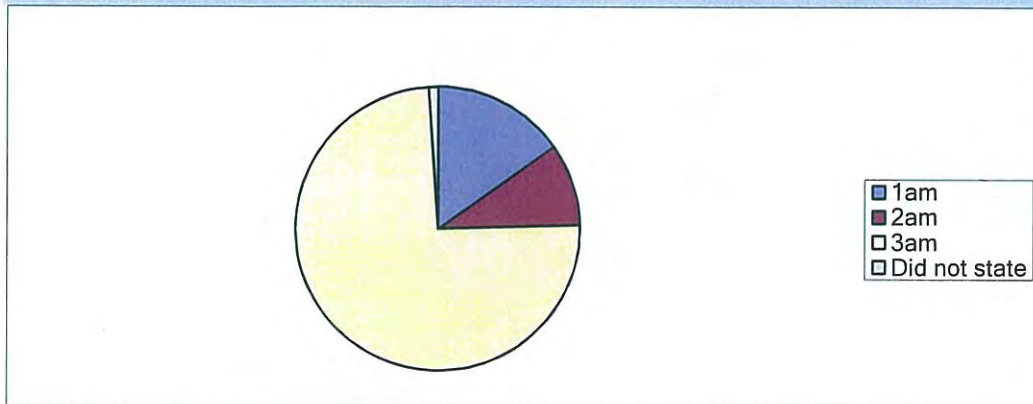
**Q4. I think that bars and taverns outside of the CBD should have the opportunity to trade the same hours as the bars in the inner city, eg Bars like the Turf and Speight's Ale House.**

Answer Options	Response Percent	Response Count
Yes	77.3%	443
No	2.1%	12
Did not state	20.6%	118
<i>answered question</i>		<b>573</b>



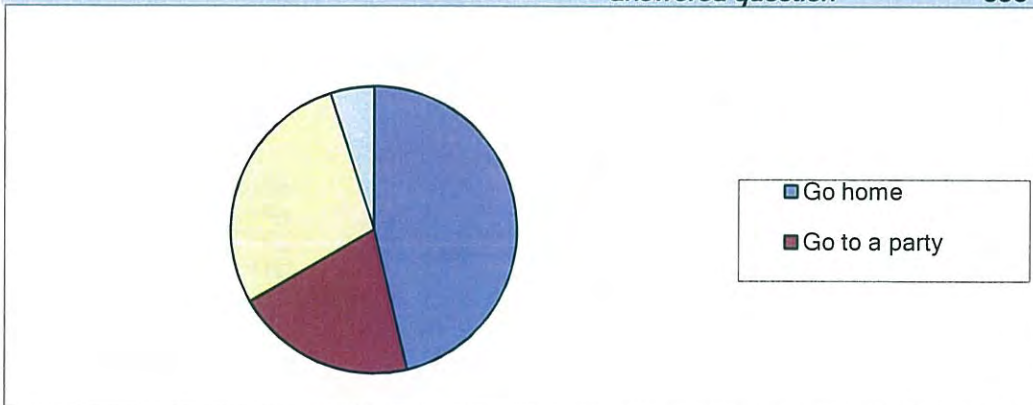
**Q5. I think all restaurants in the District should be able to trade until:**

Answer Options	Response Percent	Response Count
1am	14.8%	84
2am	9.3%	53
3am	74.8%	424
Did not state	1.1%	6
Other (please specify)		10
<i>answered question</i>		<b>567</b>



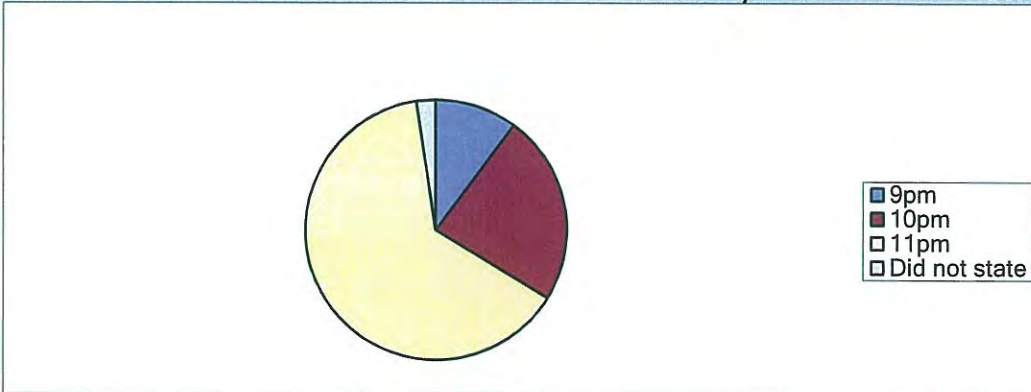
**Q6. If I can't get into a bar because of the one way door policy I will:**

Answer Options	Response Percent	Response Count
Go home	46.3%	257
Go to a party	20.4%	113
Hang around the streets	28.5%	158
Did not state	4.9%	27
Other (please specify)		21
<i>answered question</i>		<b>555</b>



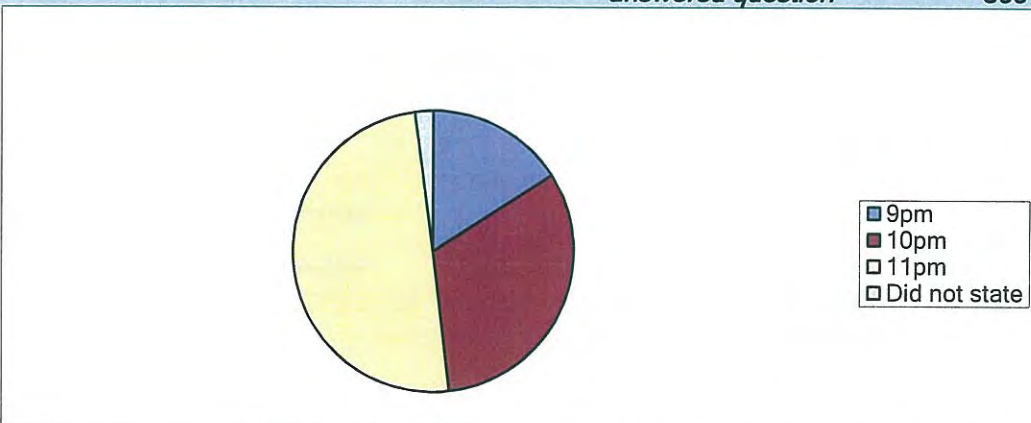
**Q7. I think that taverns who can serve alcohol over the bar with an off licence should stop selling alcohol at:**

Answer Options	Response Percent	Response Count
9pm	9.9%	56
10pm	23.8%	135
11pm	63.8%	362
Did not state	2.5%	14
Other (please specify)		7
<i>answered question</i>		<b>567</b>



**Q8. I think that bottle stores and supermarkets should stop selling alcohol at:**

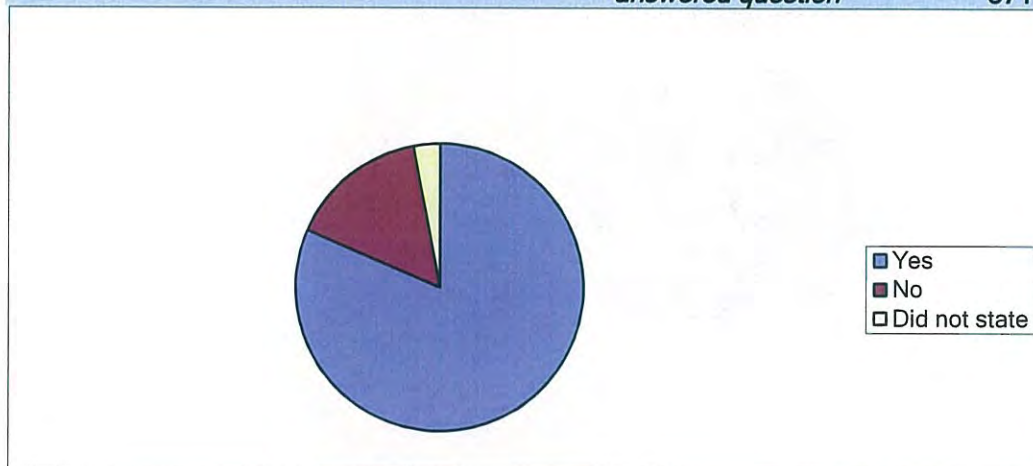
Answer Options	Response Percent	Response Count
9pm	15.5%	88
10pm	32.3%	184
11pm	50.1%	285
Did not state	2.1%	12
Other (please specify)		4
<i>answered question</i>		<b>569</b>





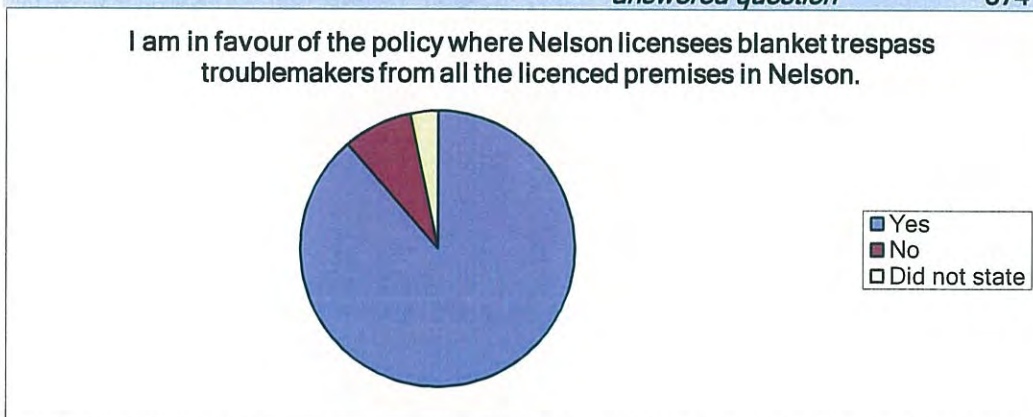
**Q9. I am in favour of the "Mellow Yellow Bar Safe" scheme where all the door staff put on their yellow jackets at 2am and help Police to clear the streets and get people home safe.**

Answer Options	Response Percent	Response Count
Yes	81.6%	466
No	15.6%	89
Did not state	2.8%	16
Other (please specify)		2
<i>answered question</i>		<b>571</b>



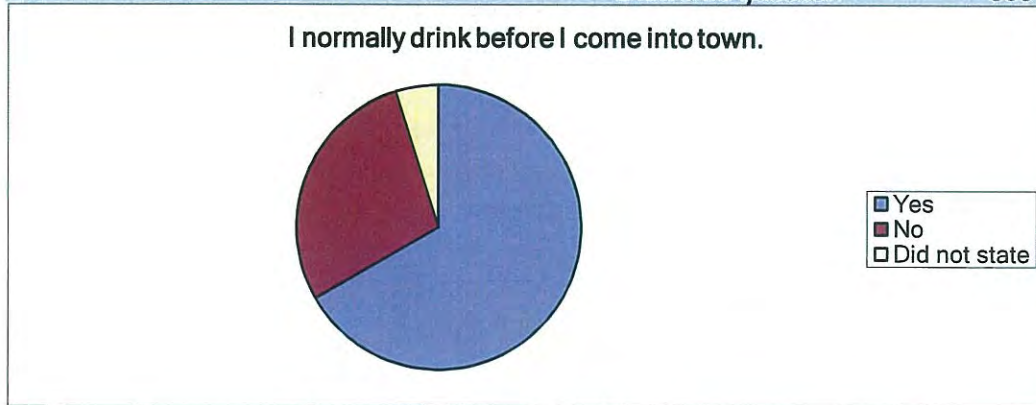
**Q10. I am in favour of the policy where Nelson licensees blanket trespass troublemakers from all the licenced premises in Nelson.**

Answer Options	Response Percent	Response Count
Yes	88.7%	509
No	8.2%	47
Did not state	3.1%	18
Other (please specify)		0
<i>answered question</i>		<b>574</b>



Q11. I normally drink before I come into town.

Answer Options	Response Percent	Response Count
Yes	66.8%	380
No	28.5%	162
Did not state	4.7%	27
Other (please specify)		3
<i>answered question</i>		<b>569</b>



## Summary of Submissions received on the Draft Local Alcohol Policy

### a) HEALTH/COMMUNITY SECTOR

Submission Number	Submission Name	Submission recommendation	Submission rationale	Officer comment
4	Debbie Christie, Suicide Prevention Co- ordinator, Nelson Bays Primary Health	Supports reducing trading hours for on and off licences.  Recommend reducing density and location in particular areas/close to sensitive sites.  Supports one-way door policy.	Increased risk of alcohol use to those with suicidal behaviours. And notes other harms caused by alcohol.	
12	New Zealand Medical Association	Would like to see greater restrictions on maximum trading hours for on licences.	Strong evidence to show that restrictions on maximum trading hours and curbing outlet density are key ways to reduce alcohol-related harms (cite a number of references to studies).	Reducing trading hours and curbing density are seen as key policy tools for reducing availability and consumption of alcohol (along with increasing price and age and regulating advertising and sponsorship and promotion, which were not dealt with in the Act and are not within the control of local government). [refer 2010 Law Commission report, Curbing the Harm, Alcohol Healthwatch and other references]
19	ACC	Endorses NCC's effort to restrict alcohol supply and supports provisions in draft LAP.  Supports use of one way door policy if it can be demonstrated this is effective – would want to see NCC review/evaluate the policy after 12 months.	Lack of strong evidence supporting a one-way door policy.	Given that the evidence on the effectiveness of one-way door policies is equivocal, officers support a review/evaluation of the policy within 12-18 months if it is adopted.
72	Nelson Youth	Supports closing times for on		



Submission Number	Submission Name	Submission recommendation	Submission rationale	Officer comment
		<p>applicable.</p> <p>No special licences issued for schools and early childhood centres.</p> <p><i>Club licences</i> 9am to 1am in commercial area. 9am to 11pm in residential area.</p> <p><i>Location and Density</i> Noted this can be addressed through provisions in Act.</p>	<p>Contributes to normalising alcohol as everyday commodity.</p> <p>Will be important for DLC to have up-to-date information.</p>	<p>childhood centres. One option is to limit licences to activities where children are unlikely to be present.</p> <p>Sections 105 and 106 of Act allow DLCs to take location and density into account.</p>
79	National Council of Women	<p>Support draft LAP with following suggested changes:</p> <p><i>Off-licences</i> Prefer 9am to 9pm</p> <p><i>On licences</i> All should have same hours of 8am to 1am and the same 'one-way' door policy.</p> <p><i>Discretionary conditions</i> Think they should be mandatory.</p>	<p>No need for sales before 9am.</p> <p>Hospitality industry could encourage patrons to arrive earlier and leave earlier to maintain profits.</p>	
83	Safe at the Top	<p>Generally supportive of the draft LAP.</p> <p>Supports proposed changes to trading hours for on and off licences.</p> <p>Support one-way door but with an evaluation plan.</p>		



Submission Number	Submission Name	Submission recommendation	Submission rationale	Officer comment
85	Dr Alexander Browne, ICU specialist, NBDHB	<p>Recommends:</p> <ul style="list-style-type: none"> <li>• No shots served.</li> <li>• One-way door from 1am.</li> <li>• Bars closed at 2am when associated with a certain number of alcohol-related arrests, otherwise could close at 3am.</li> </ul>	Previously worked in Australia where he observed these working. Says this reduced alcohol related harm through the Dubbo Emergency Dept. (NSW) by 20-25%.	
86	Dr Mark Reeves, Senior Medical Officer, NMDHB	<p>Emergency physician –</p> <p>Urges every Council member to do everything they can to minimise the societal damage from alcohol related harm.</p>	Nelson – problem with teen and young adult binge drinking. Harmful drinking contributes to whole range of alcohol related harm. Nelson has one of highest per capita rates of alcohol-related assaults in the country.	
87	Dr Andrew Munro, NMDHB	<ul style="list-style-type: none"> <li>• Don't allow liquor outlets in low decile areas</li> <li>• Enforce the one-way door to turn away pre-loaded young.</li> <li>• Education</li> <li>• Advocate to government for minimum pricing, raising minimum age, advertising.</li> </ul>	Emergency physician – sees results of alcohol related harm every day.	The DLC could restrict the number of liquor outlets in a locality under the amenity and good order provisions in the Act (s105,s106)
91  78 (identical to 91)	Health Action Trust  Individual submission/health professional	<p>Two main recommendations:</p> <ul style="list-style-type: none"> <li>• Align trading hours for cafés/restaurants with bars/pubs (9am to 3am in CBD)</li> <li>• Later morning opening times of 9am for all licence types</li> </ul>	<p>Cafes and restaurants generally food oriented, family-friendly, low risk.</p> <p>Later opening times will send message to young people that alcohol no ordinary commodity. Will prevent purchase of alcohol</p>	

Submission Number	Submission Name	Submission recommendation	Submission rationale	Officer comment
103	Health Promotion Agency	<p>Supports a reduction in trading hours for on and off licences and of hours proposed for on-, off- and club licences.</p> <p>Do not support 24 hour trading and therefore think that special licences should not extend beyond 8am to 4am.</p> <p>Support discretionary conditions but think Council could go further by making conditions more specific (more useful to DLC).</p> <p><i>One-way door</i> Support proposed mandatory one-way door for CBD. Do not support discretionary one-way door for taverns, bars, pubs and nightclubs outside Inner City Zone.</p>	<p>before school day starts.</p> <p>International research indicates there is a relationship between trading hours and alcohol-related harm – shows an increase in harm when hours are increased and a decrease when hours are reduced.</p> <p>Little point in having a one-way door for one venue if there are others nearby that are not subject to this requirement.</p>	<p>NZ research<sup>1</sup> shows a positive correlation between latest closing times and the rate of attributable alcohol-related offences associated with licensed premises with the expected rate of offences associated with closing later compared to 12am or earlier as follows:</p> <ul style="list-style-type: none"> <li>○ 2.2 times the expected rate of offences between 1.01am and 2am</li> <li>○ 4.2 times the expected rate of offences between 2.01am and 3am.</li> <li>○ 8.9 times the expected rate of offences between 3.01am and 5am.</li> </ul>
104	Alcohol Healthwatch	<p>Supports goals and objects of draft LAP.</p> <p><i>Off licences</i> Want maximum trading hours of 10am-9pm for all off licences.</p>	<p>LAPs provide great potential to address the key risk factors of accessibility and availability of alcohol. Say evidence-base strongest for reducing trading hours and numbers of alcohol outlets.</p>	<p>See comments above.</p>

<sup>1</sup> Risk-based licensing fees, identifying risk factors for the NZ context. Ministry of Justice, June 2013. Page 82. Ninety eight per cent of closing hours are available in the data, thus the significance and the marginal effect estimates for these variables are robust and firm conclusions can be drawn from this analysis.

Submission Number	Submission Name	Submission recommendation	Submission rationale	Officer comment
		<p>Want discretionary conditions for off-licences to include (1) a restriction on percentage of external area allowed for signage/advertising to 30% at most and an expectation of zero advertising within 100m of sensitive sites and (2) possibility of those within the 100m buffer zone of schools closing premises during peak school travel times.</p> <p><i>On licences</i>            Inner City: 10am to 2am with mandatory one-way door of 12am (2 hours less than proposed).</p> <p>Suburban: 10am to 12am with discretionary one-way door from 11pm.</p> <p>Café/restaurant – 12am</p> <p>One-way doors – supports proposal but would like 2 hours before closing time.            Recommends setting up a monitoring and evaluation programme to evaluate effectiveness.</p> <p><i>Special licences</i>            Should include stronger guidance around maximum</p>	<p>Reduce negative impact of advertising, particularly on young people and children.</p>	

Submission Number	Submission Name	Submission recommendation	Submission rationale	Officer comment
		<p>trading hours for special licences.</p> <p>Reduction in number of events that that a single licensee or applicant can apply for in a calendar year to 12 events (one per month).</p> <p><i>Club licences</i> Maximum trading hours should be 10am to 12am.</p> <p>Generally supports discretionary conditions. Could add one-way door.</p> <p><i>Location/Density</i> Want location and density controls included. Council request GIS files from North Island density study to access localised data. Option of localised sinking lid for high risk/high stress areas within the district.</p>		

## b) NZ POLICE

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff Comment
82	Inspector Stephen Greally, Area Commander, Nelson, Tasman District	<p>Generally supportive of the draft LAP.</p> <p>Would like to see 3am continuing in a smaller area of the CBD.</p> <p>Support off-licence hours.</p> <p>Suggests some additional discretionary conditions –</p> <ul style="list-style-type: none"> <li>• Prescribed ratio of security staff to patrons</li> <li>• No shots served after midnight.</li> <li>• No glass containers after midnight</li> <li>• Distinguishing gear for security staff eg. glow vests, paisley shirts.</li> <li>• Ten minutes of non-alcoholic service every hour</li> <li>• Free non-alcoholic beverages and soft drinks to designated drivers.</li> </ul>	<p>Alcohol is a significant driver of crime in New Zealand and nationally. In Nelson at least 32% of offenders are apprehended having committed offence under influence of alcohol. Over 1/3 committed last offence at home; ¼ at a licensed premise; and 19% in a public place (based on 3 year average).</p> <p>Say pre and side-loading is a problem in Nelson and reducing off licence hours will reduce availability and consequent harm. Cite Police observations of people side-loading in Nelson.</p>	<p>Police have not defined the smaller area of the CBD – may be referring to Bridge Street. If so, it would impact on existing premises in the Inner City Zone with licences to operate until 3am.</p> <p>The additional discretionary conditions proposed would be very difficult to monitor and would be costly for businesses. The Act requires that water is made available to patrons.</p>

c) **SUPERMARKETS (commenting on provisions relating to off licences)**

<b>Submission Number</b>	<b>Submission Name</b>	<b>Submission recommendation</b>	<b>Submission rationale</b>	<b>Staff Comment</b>
16	Foodstuffs South Island	Do not support proposed trading hours for off licences. Would like maximum default hours in the Act (7am to 11pm).	<p>NCC provided no evidence to show that restricting hours for off licences will minimise harm from alcohol consumption. Hours have come about as result of customer demand.</p> <p>Appreciates alcohol not a normal product and have controls and protocols around it to reflect this. More restrictive trading hours would penalise shoppers; have unintended consequences on lifestyles and employment; and will not achieve object of Act.</p>	See comments/research above.
81	NZ Retailers Association (two major members in Nelson are Progressive Enterprises and Foodstuffs)	<p>Do not support proposed trading hours for off licences. Would like maximum default hours in the Act (7am to 11pm).</p> <p>Accept discretionary conditions – considered on a case-by-case basis.</p>	<p>Say Council failed to properly consider the implications of the proposed restrictions for the alcohol market, and flow-on effects for the wider community (jobs etc). Proposed restrictions on trading hours also unlikely to have any significant impact on consumer purchasing behaviours, who will just shop at different times of the day.</p> <p>No evidence to show that purchasing behaviour of those most likely to “pre-load” is related to hours at which alcohol is available or go to another town where hours are longer (TDC?)..</p>	<p>Information on employment in the local hospitality industry was provided to Council and the community in background documents (available on the web).</p> <p>Police have provided anecdotal information from observations they have made on preloading and sideloading behaviour in Nelson.</p>
105	Progressive Enterprises	Do not support proposed trading hours for off licences. Would like	Data shows 18-24 year olds most at risk but only very few buy alcohol at	

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff Comment
		<p>maximum default hours in the Act (7am to 11pm).</p> <p>Seeks following changes:</p> <ul style="list-style-type: none"> <li>• 11pm closing as per max. default hours in Act.</li> <li>• Additional objectives added to 2.7 of draft LAP as follows:</li> <li>• Provide an efficient regulatory framework through promoting a decision making framework that is integrated with the district plan and the resource and building consent process</li> <li>• Ensure that the draft LAP does not duplicate regulatory controls contained within the district plan.</li> <li>• Facilitate the early processing of licence applications in conjunction with resource consent applications or building consent applications in so far as possible.</li> <li>• Supermarkets and grocery stores could have different licensed hours to bottle stores.</li> </ul> <p>Supports Council decision not to</p>	<p>supermarkets, particularly between 9pm and 11pm.</p> <p>Blanket restrictions across all supermarkets will have little to no material effect on alcohol related harm.</p> <p>Acknowledge that Progressive's supermarkets in Nelson do not operate beyond 9pm but this should not be used as a reason to move away from national default hours (should be based on evidence of alcohol-related harm). Say that DLC can still set hours for each premise on a case-by-case basis. Until national default off-licence hours have been implemented and had time to be effective, a further restriction to max. off licence hours cannot be justified.</p> <p>Council survey – only 16% agreed supermarkets should only be able to sell beer and wine until 9pm.</p> <p>Info provided by Medical Officer of Health re hospital admission does not support restriction on supermarket hours.</p> <p>Information provided by Council shows that most alcohol related harm predominantly occurs on Friday and Saturday between midnight and 3am.</p>	<p>Not correct – 39% of survey respondents wanted to stop selling before or at 9pm with 71% before or at 10pm.</p> <p>Note: liquor licence applications are already processed in conjunction with resource consent or building consent applications.</p>

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff Comment
		<p>impose controls over the location of off licence premises and not to impose a cap in relation to supermarkets and grocery stores.</p> <p>Conditionally supports discretionary conditions in 3.1.2 subject to following amended wording "Display of safe drinking messages/material. <i>The form and content of the messages and material to be displayed is sufficiently flexible so that licensees can display nationally consistent safe drinking messages and material that are consistent with good practice.</i></p> <p><i>Opposes</i> In order to be "efficient and effective" must identify relevant issues of concern locally and identify evidence-based options to address those issues. Considers provisions in draft LAP not appropriate response to local evidence.</p> <p>Opposed to 9pm closing.</p>	<p>Therefore proposal to restrict off-licence hours does not seem necessary, justified or evidence-based. Relatively low incidence of young adults purchasing alcohol from supermarkets in evening suggests draft LAP will have limited effect in terms of young adults and higher effect in terms of unintended outcomes (impact on shoppers).</p> <p>National consistency in advertising and display material is particularly important for Progressive Enterprises under the new Act, given stringent restrictions on promotion of alcohol.</p>	<p>The proposed amendment to 3.1.2 could be accommodated with minimal impact.</p>



d) LIQUOR STORES/OUTLETS (commenting on provisions relating to off licences)

Submission Number	Submission Name	Submission recommendation	Submission rationale	Comment
21	Liquorland Limited	<p><i>Supports:</i> Not imposing density restrictions through LAP</p> <p>Not imposing proximity restrictions through LAP.</p> <p><i>Does not support:</i> Proposed closing hours for off licences – believes max default hours in Act of 7am – 11pm are appropriate.</p>	Believe licences should be considered on their individual merits (DLC responsibility). Restrictions in Act likely to be sufficient.	Sections 105 and 106 do require the DLC to take into account the “amenity and good order of locality” – must look at, amongst other things, density and purposes for which land near the premises is used. Would be considered on a case-by-case basis.
90	Independent Liquor (owns 2 The Mill liquor outlets in Nelson and owns Founders Brewery).	<p><i>Supports:</i> Proposal not to include location and density restrictions.</p> <p><i>Does not support:</i> Proposed closing hours for off licences. Supports max default hours in the Act but would “not be uncomfortable” with 10pm closing, but essential it is applied across the board.</p> <p>Current wording relating to discretionary conditions too vague. Should be amended to ‘may or may not’ or ‘if solid evidence is presented then following conditions may be appropriate.</p>	<p>Say Council’s views don’t reflect those of the local community – only 39% of those polled wanted earlier closing hours.</p> <p>Sceptical that this would reduce harm as consumers will shift purchasing times and probably consumption won’t change.</p> <p>Allowing a policy which allowed high strength wine to be sold in supermarkets when a more expensive lower strength RTD sales outlet has to shut at 9pm would be unfair.</p>	39% of survey respondents wanted to stop selling before or at 9pm with 71% before or at 10pm.
93	The Mill Retail	Want inclusion of the following:	Aim is to remove ambiguity with the	This definition is

Submission Number	Submission Name	Submission recommendation	Submission rationale	Comment
	Holdings Ltd	<p>"New Licence – A new licence for premises that have previously been unlicensed."</p> <p>Reference to other default definitions as set out in s5 of the Act.</p> <p>Do not support maximum trading hours of 7am to 9pm. Recommend 9am to 10pm.</p> <p>Want to include "The maximum trading hours will apply to all forms of off licences. This includes bottle store, grocery stores and supermarkets".</p> <p>Support discretionary conditions but change "display of safe drinking messages and material" to "Appropriate signage should be displayed at the point of sale, in relation to safe drinking messages".</p>	<p>intention of the LAP and is consistent with provisions in the Act (102(4).</p> <p>Will ensure that no new or existing off-licence holder will be put at a commercial disadvantage.</p>	<p>inconsistent with the intent of the SSAA, which is that every application is treated as a new licence regardless of whether a licensed premises was there or not.</p> <p>The proposed amendment would preclude the option of requiring signage in other parts of a premise if the DLC considered it necessary.</p>
95	Super Liquor Holdings Ltd	Same as 93.		
98	Lion Beer Spirits and Wine (wholly own Liquor King, Hardy Street)	<p>Supports goals and objectives.</p> <p>Supports same hours of trading applying to all off-licences.</p> <p>Recommends a 10pm closing time.</p> <p>Recommends provision for outlets to apply to extend trading hours</p>	<p>Believe LAP needs to reflect balance between what is reasonable to expect of retailers and what is appropriate to expect of drinkers.</p>	<p>Already provided for so not</p>

Submission Number	Submission Name	Submission recommendation	Submission rationale	Comment
		<p>through special licences for particular events with same criteria applying across all.</p> <p>Agrees in principle with discretionary conditions but recommend that design, content and placement of safe drinking messages and materials be responsibility of the outlet.</p> <p>Would like to see any further new off-licences restricted to land zoned "Business" or "Town Centre".</p>	<p>To ensure retail brand consistency.</p>	<p>necessary to include.</p> <p>Different zones used in NRMP. Selling alcohol in Residential Zones is not a permitted activity under the NRMP and would therefore require resource consent.</p>
100	Tahunanui Super Liquor	Same as submission 93.		
101	Distilled Spirits Association of New Zealand	<p>Supports high level intent of draft LAP but complex issue and regulating outlet density, hours, access to venues by itself will not necessarily change behaviour.</p> <p>Wants Council to clarify metrics it will use to measure success?</p> <p>Provisions for on and off licences should apply equitably and consistently across all licence types and categories.</p>	<p>Applies to premises and types of alcoholic beverages – impact of alcohol are the same whether comes in form of wine, beer, cider.. etc.</p>	

Submission Number	Submission Name	Submission recommendation	Submission rationale	Comment
		<p>DSANZ invites Council to adopt its voluntary industry code to restrict alcohol content of RTDs to 7% and 2 standard drinks as a special licencing provision. Says all major retail chains have agreed to abide by code.</p> <p>Policies should be harmonised/co-ordinated with those of neighbouring councils.</p>		

**e) PUBS, NIGHTCLUBS, TAVERNS, HOTELS (ON LICENCES)**

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff comment
10	The Royal	<p>Pubs/taverns/bars in Inner City Zone (8am to 2am)</p> <p>Pub/taverns/bars in all other areas (8am to midnight)</p> <p>No mandatory one-way door.</p>		
13	Trailways/De Lorenzo Studio Apartments	<p>Do not support the draft LAP.</p> <p>Support status quo or alternatively building in greater flexibility to encourage the good and to deal with the others.</p> <p>Do not support one-way door.</p>	<p>Net effect will be to discourage conferences from coming into Nelson and also out-of-district functions such as weddings. Unintended effect on employment and quality of life. Won't address the problems it seeks to.</p> <p>Not practical to hire certified doorman for 1 hour after 2am.</p>	

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff comment
		Not clear where hotels sit.		Need to include hotels in 3.2.1 (currently not clear that they are included, although covered by definition of bar).
18	Sprig and Fern	In finalising the alcohol policy it is important to show the rest of the country that Nelson is able to manage its nightlife without punishing the responsible majority to address the few problem drinkers.	On licence operators have adopted some strong tactics to promote responsible drinking – The Protocol, Mellow Yellow etc.	
20	Williams Davey Limited (The Vic)	Support retaining the status quo.  Do not support mandatory one-way door policy.  Resources and efforts best focused on policing poor operators and intoxicated people in car parks and streets.	Provides flexibility for longer hours in summer.  See no advantage/evidence doesn't support. Would mean additional staff on rare occasions open beyond 2am - unreasonable.  As member of Hospitality New Zealand work closely with Police and NCC to ensure safe and responsible practices.	
74	Ron Taylor (Owner of Little Rock Bar and Nightclub and President of Nelson Branch of Hospitality New Zealand)	Oppose mandatory one-way door policy.  Believe other policies would be more effective in reducing alcohol related harm than a one-way door and are working on these with other agencies – will take time, collaboration and education.	Nothing to indicate a one-way door policy would work in Nelson. Current Mellow Yellow initiative would have to cease as door staff would need to stay on the doors of their venues to stop people entering. Already have policies and protocols in place to manage intoxicated people (e.g. Nelson Tasman Hospitality	

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff comment
			Protocol has 50 members where if a person is trespassed from one, they are trespassed from all) and say that most Fridays and Saturdays the streets are cleared by 3.45pm.	
80	Turf Hotel	Oppose proposed trading hours for on licences.  Oppose mandatory one-way door	Draft LAP has excessive focus on on-licences (highly regulated and account for only 25% of alcohol consumed). Real problem is how to reduce consumer demand for alcohol. Pre-loading, side-loading and post-loading of cheap, readily available alcohol is the big problem.  Trialled widely in Australia and largely abandoned – did not work and imposed significant costs on industry with low margins/tight budgets.	
85	Eelco Boswijk (The Free House)	Disagree with mandatory one-way door policy.  Would like off-licence hours of 8am to 10pm (as recommended by NMDHB).	Will undermine relationships between Licensees and the Police. Result in breakdown in positive industry initiatives (Mellow Yellow and the Protocol). Increased violent behaviour due to bottlenecks at venue entrances. Increase in unsafe drinking practices as customers "drink up" to change venues. Less safe for tourists who may not understand the rules go out and cannot come back in.  Offers flexibility needed to operate small business in Nelson.	85

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff comment
		Restaurant/cafes should have flexibility to sell alcohol to 2am.	Restaurants/cafes meet criteria for responsible hosts.	
88	Claire Davies, Managing Director, Grand Mercure Nelson Monaco Resort	<p>Minibars should be on licences.</p> <p>Support 24 hour minibar. Would also like ability to serve hotel guests at all times.</p> <p>3.2.1 (max. hours for on licences) should be clarified to include hotels.</p> <p>Restaurants and cafés should be open to 1am.</p> <p>Trading hours for hotels should be 7am rather than Act default of 8am.</p> <p>Does not support mandatory one-way door policy.</p>	<p>Could be addressed in the policy by allowing hotels to provide alcohol to lodgers 24 hours a day, 7 days a week.</p> <p>Not currently included.</p> <p>7am more usual time hotels start providing food and beverage service.</p> <p>Lack of evidence to support. Will inflict further costs on responsible establishments.</p>	<p>The submitter is correct about minibar licences. Draft LAP will need to be amended.</p> <p>Agree would be useful to include hotels in 3.2.1.</p>

## f) RESTAURANTS AND CAFES (ON LICENCES)

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff Comment
76	Geoff McLean, Deville	<p>Oppose proposed maximum trading hours of 12 midnight for cafes and restaurants in the CBD.</p> <p>Support retaining the status quo - maximum default trading hours of 3am for CBD – provides greater flexibility.</p> <p>Consider penalising poor performers.</p> <p>Does not support the one-way door policy (conflicting evidence about effectiveness).</p>	<p>Ability to trade past midnight is an established and vital part of the business – catering for private functions, music, music festivals and tourism. Says will affect bookings/economic return and may require reduction in staff.</p> <p>Restaurants/cafes not big part of problem–would be unfairly penalised (references local community health provider survey to back up point). Majority of problems relate to younger demographic and issues in Bridge Street. Also points to stats suggesting majority of emergency call outs to people in their own home.</p> <p>Concern that reduced trading hours for cafes and restaurants in the CBD will dilute CBD vibrancy.</p>	Cafés and restaurants are considered 'low risk' drinking environments by the Ministry of Justice (

## g) EVENTS (SPECIAL LICENCES)

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff Comment
17	Marchfest Ltd	Does not support a number of the discretionary conditions in 3.3.	Concerned that conditions are based on the kind of alcohol-related outdoor event that have a bad record for	The DLC will consider each application on its merits and conditions



Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff Comment
			alcohol-fueled behaviour and will be implemented without regard to special nature of many Nelson events e.g. Marchfest. Could seriously impact on future viability and production values of successful, trouble-free events such as Marchfest.	will be applied if considered necessary.

#### h) HOSPITALITY/TOURISM UMBRELLA ORGANISATIONS

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff comment
1	New Zealand Winegrowers (NZW)	<p>LAP should differentiate between different types of licensees according to level of risk, cost and social and economic benefits.</p> <p>Should take s215 of the Act into account when developing the LAP.</p> <p><i>Density/Location</i> Don't support density controls or other limits on issue of new winery licences as clustering has tourism benefits/result of favourable conditions, available land etc.</p> <p><i>Remote sales</i> Treat as integral part of cellar door operations.</p> <p><i>Special licences</i> High cost and overly stringent discretionary conditions reduce marketing opportunities and thus</p>	<p>Off-licence sales from cellar doors are a low risk environment. (Ministry of Justice 2008, 2013). It should also be noted that cellar doors tend to be a marketing exercise rather than fully profitable retail outlet.</p> <p>Under s215 of Act, winery cellar door off licences are exempt from the requirement to have a manager on duty at all times (only required if condition applied to licence).</p>	<p>More of an issue for Tasman than Nelson. The fees regime for licences will differentiate on the basis of risk.</p>

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff comment
		financial viability. <i>Harmonisation of LAPs/ongoing engagement with licence holders important.</i>		
89	Tourism Industry Association (TIA)	Should allow hotels to lawfully operate minibars and serve hotel guests/lodgers at all times.  Minibars should be classified as on-licences.  <i>On licences</i> Clause 3.2 needs to also include hotels.  Want trading hour start time of 7am.	When the Act comes fully into effect on 18 December 2013, there will be no facility allowing hotels to sell or supply alcohol to anyone, even hotel guests, outside the national default hours of 8am to 4am. Would likely include mini-bars. Amount served outside these hours is minimal but hotels pride themselves on being able to offer the full guest service – could impact on star rating. Would be unlikely to get special licence because decision to serve alcohol at conference breakfast often last minute.  Usual time that hotels start food and beverage service including breakfasts e.g. champagne breakfasts.	The submitter is correct about minibar licences. Draft LAP will need to be amended (TDC treat them as off licences but NCC as on licences)  Under section 46 of the Act minibars can continue to operate outside of the maximum national default hours (i.e. up to 24 hours/day)
94	Hospitality New Zealand Nelson	Support proposed mini bar sales 24 hours a day but note it is covered by an on licence rather than off licence.  <i>Off licence hours</i> Support 7am to 9pm trading hours for supermarkets and bottle	Does not believe evidence supports policies in the draft LAP.  Nationally only 25% of alcohol consumed in on-licence premises and generally done in a highly regulated	The submitter is correct about minibar licences. Draft LAP will need to be amended.  Later closing hours for bar off licences would

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff comment
		<p>stores but consider bar off-licences should be able to trade from 7am to 11pm</p> <p><i>On licence hours</i> Cafes and Restaurants – sales to midnight too early and see no reason why can't serve alcohol before 8am. Would like 7am-1am as minimum.</p> <p>Bars/pubs/taverns/nightclubs – do not support 1am closing outside Inner City Zone. Support status quo where it is same as CBD but subject to any NRMP considerations.</p> <p><i>One-way door policy</i> Strongly oppose this due to severe lack of evidence of success in reducing alcohol related harm.</p> <p><i>Discretionary condition- on licences</i> Consider any discretionary conditions be left for consideration on licence issue renewal.</p> <p><i>Special licences</i> Support.</p>	<p>and controlled environment. Say pre-loading, side-loading and post-loading of cheap, readily available alcohol at home, in cars and public places is biggest problem. (seems to be backed up by local Ambulance data).</p> <p>Good work being done through the Nelson Tasman Alcohol Accord – one of strongest in country.</p>	<p>mean that people could take alcohol away and continue drinking at home – prolongs drinking. Consistent closing hours for all off licences makes this less likely.</p>

Submission Number	Submission Name	Submission recommendation	Submission rationale	Staff comment
		<p><i>Club licences</i> Max. trading hours for clubs and restaurants should be the same (1am). Should require a duty manager to be on the club premises at all times when alcohol is being sold or served or where club membership exceeds x amount of members.</p>		
99	Nelson Tasman Tourism	<p><i>Cafes/restaurants</i> Oppose proposed hours for cafes/restaurants. Propose 7am to 2am.</p> <p><i>Taverns/bars/pubs/nightclubs</i> Oppose proposed hours and one-way door policy. Propose retaining status quo (NRMP) of 7am to 3am and no one-way door.</p>		Cafés and restaurants have been classified as 'low risk' environments compared with pubs/night clubs etc under the government's new fees regime for liquor licensing.

### INDIVIDUAL SUBMISSIONS (not identified with a particular organisation)

#### OFF LICENCES

Submission Number	HOURS	Submission rationale	Comments
2, 96	Agree with proposed trading hours		
7, 92, 97	Recommend reduction in proposed trading hours.	Reduce pre-loading. Send	

Submission Number	HOURS	Submission rationale	Comments
		message to young people that alcohol is no ordinary commodity.	
73	Restrict from 9am to 9pm over winter and extend trading hours to 10pm or 11pm over summer.		
	Recommend increase in the proposed trading hours		
	<b>DISCRETIONARY CONDITIONS</b>		
92	Agree with proposed discretionary conditions	But include term, and definition of, "supervised designation".	

### ON LICENCES

Submission Number	TRADING HOURS	Submission rationale	Comment
2	Agree with proposed trading hours for pubs/bars/clubs/taverns.		
7, 8, 9, 15, 92	Reduce trading hours (either start time, finish time or both).		
8	Reduce trading hours in Inner City fringe to 1am. Prohibit use of outdoor areas after midnight.	This is the zone that has greatest impact on residential areas.	
73, 97, 102,	Either status quo or increase in the proposed trading hours.	May reduce alcohol related fighting as not all intoxicated people will leave bars at the same time.	
7	Agree with proposed trading hours for cafes/restaurants		
92	Align café/restaurant hours with pubs/taverns/bars/nightclubs (3am)		
	<b>ONE WAY DOOR POLICY</b>		
8, 92, 97	Agree with proposed mandatory one way door from 2am in Inner City Zone		
	Agree with a one way door but different hours		

Submission Number	TRADING HOURS	Submission rationale	Comment
2,11,73, 102,	Disagree with a one-way door policy	Experience is that it does not reduce number of people on street but tends to increase it (people linger around outside).  Potential negatives – friends get isolated from each other, can put them at risk; gets more crowded inside pubs and people could drink more Additional staffing/costs. Increase tension with public.	
	<b>DISCRETIONARY CONDITIONS</b>		
92	Agree with proposed discretionary conditions		

**CLUB LICENCES**

Submission Number	HOURS	Comments
6	Agree with proposed hours	
92	Reduce proposed trading hours	
	<b>DISCRETIONARY CONDITIONS</b>	
92	Agree with proposed discretionary conditions	

**SPECIAL LICENCES**

Submission Number	HOURS	Comments
	Agree with proposed hours	
92	Reduce proposed trading hours	
	<b>DISCRETIONARY CONDITIONS</b>	

92	Agree with proposed discretionary conditions	
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### DENSITY/LOCATION PROVISIONS

Submission Number		Comments
96	Do not want specific restrictions on density/location in LAP (as proposed)	
7	Do want specific restrictions on density/location in LAP	

### GENERAL SUPPORT FOR DRAFT LAP - 5, 6

### GENERAL LACK OF SUPPORT FOR DRAFT LAP -3

General Comments made in submissions	Staff comments
Wording which allows "sale, supply or consumption" to a certain time, should ensure permissible time for consumption of 30 minutes after the final permissible sale time.	
Recommend including appendix on "other policy options" in the draft Local Alcohol Policy.	Not necessary and could be confusing.
Recommend banning alcohol advertising from any Council-owned property or buildings or facilities and from any location where it could be seen by minors.	Restrictions on advertising are covered under the Act.
Investigate introducing fines and trespass orders for being severely intoxicated in a public place rather than restricting hours.	Wellington City Council are looking at this. It would require a bylaw.
Different closing times of clubs, more taxis and a night shuttle that stops in Bridge Street, brighter street lighting and relaxing music in streets could reduce issues in Bridge Street (not one-way door)	Council is funding improved lighting and other CPTED measures in Bridge Street in 13/14. The issue of extra buses, taxis and/or a night shuttle would need to be discussed with the Nbus and local taxi companies.
LAP will just push "idiots" out onto the street. Should be putting effort into providing good events for young people since a lot of out of control behaviour stems from boredom e.g. promote the outdoor rave scene, putting Trafalgar	Council currently runs/supports some youth events throughout the year. May wish to investigate further opportunities.

General Comments made in submissions	Staff comments
<p>Centre to good use.</p> <p>Where is the dedicated underage/non alcohol venue for youth now the Artery/Hub have closed.</p>	
<p>Proper, appropriate culture-specific entertainment will reduce alcohol harm at all levels.</p>	<p>Council currently runs/supports a range of arts and cultural events throughout the year.</p>
<p>Staggered closing times, special licences can help by letting bars apply for unlimited special licences when can get big acts to town – approval process needs to be quick and easy to approve.</p>	



Nelson City Council Draft Local Alcohol Policy - Summary of Proposed Provisions

Type of Licence	Draft LAP - Provisions	Current Situation (Covered by Nelson Resource Management Plan)	Tasman District Council Provisional LAP - Provisions	Sale and Supply of Alcohol Act 2012 Maximum National Default Hours
Pub/tavern/bar/nightclub maximum trading hours	Inner City Zone: 8am - 3am the following day  All other areas: 8am - 1am the following day	When applying for a liquor licence applicants must provide a certificate of compliance with the Nelson Resource Management Plan and the Building Code. This will continue under the new Act.  Selling alcohol is not a permitted activity in the residential zone (requires a resource consent)  Permitted activities in other zones: If selling alcohol for consumption <b>on</b> the premises and <b>within 50m</b> of a residential zone boundary: - Sunday to Thursday from 7am-11pm - Friday, Saturday from 7am to 1am the following day. - Christmas Eve and New Years Eve from 7am to 1am the following day  If selling alcohol for consumption <b>on</b> premises and it is <b>more than 50m</b> from a residential zone boundary: - 7am to 3am the following day	8am - 2am the following day  (Applies to all on-licensed premises in the Tasman District territorial area (other than hotel in-bedroom (mini-bar) sales))	On-Licence 8am - 4am the following day
Restaurant/café maximum trading hours	8am - midnight (1am on New Years Eve)  Note: could continue to sell food beyond midnight			
Club (sports and other clubs)	8am - 1am the following day		8am - 2am the following day	
Off Licence (supermarkets, liquor stores)	7am - 9pm	Selling alcohol is not a permitted activity in the residential zone (requires a resource consent)  Permitted activities in other zones: If selling alcohol for consumption <b>off</b> the premises (i.e. supermarkets, liquor stores) and located anywhere outside a residential zone boundary then may be open for sale of alcohol from 7am - 11pm daily.	7am - 10pm  (no further off-licences are to be issued for any premises unless that premises is located on land zoned Central Business, Commercial and Tourist Services or a Resource Consent has been granted by Council for its operation)	Off-Licence 7am - 11pm
Hotel mini-bar	24 hours per day		24 hours per day	
Special Licence (events e.g. festivals)	Discretionary up to 24 hours a day		Discretionary up to 24 hours a day	
One-way door policy	Mandatory one-way door from 2am in the Inner City Zone		Included as a discretionary condition for on-licence premises	
Density/Location	Addressed by District Licensing Committee under provisions in the Act (sections 105 and 106). Not in draft LAP.		No provisions in Provisional LAPP	
Discretionary Conditions	Range of conditions (refer pages 13 to 16 of the Statement of Proposal)		Range of conditions within Provisional LAP	

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