



# AGENDA

**Ordinary meeting of the  
Nelson City Council**

**Community Services**

**Tuesday 6 August 2013  
Commencing at the conclusion of  
the Meeting to Deliberate on Submissions to the Speed Limits  
Bylaw Amendment 2013  
Council Chamber  
Civic House  
110 Trafalgar Street, Nelson**

Membership:

His Worship the Mayor Aldo Miccio, Councillors Ian Barker, Ali Boswijk (Deputy Mayor), Gail Collingwood, Ruth Copeland, Eric Davy, Kate Fulton, Paul Matheson, Jeff Rackley (Co-Portfolio Holder), Pete Rainey (Co-Portfolio Holder), Rachel Reese, Derek Shaw 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. Public Forum**

### **4. Confirmation of Minutes – 25 June 2013**

**6-15**

Document number 1543053

Recommendation

***THAT the minutes of the meeting of the Nelson City Council – Community Services, held on 25 June 2013, be confirmed as a true and correct record.***

### **5. Mayor's Report**

### **6. Status Report – Community Services**

**16**

Document number 1034860 v12

Recommendation

***THAT the Status Report – Community Services (1034860 v12) be received.***

### **7. Portfolio Holder's Report**

During this part of the meeting the Mayor will be joined by the Community Services Portfolio Holder, Councillor Rainey.

**8. Statement of Proposal for Draft Nelson City Council Local Alcohol Policy** **17-73**

Document number 1551361

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.***

**REPORTS FROM COMMITTEES**

**9. Youth Council Update**

Kassianna Barret-Hemi and Dana Fulton of the Nelson Youth Council will be in attendance, and will provide an update about Nelson Youth Council activities.

**10. Nelson Youth Council – 7 June 2013** **74-78**

Document number 1527860

Recommendation

***THAT the minutes of the meeting of the Nelson Youth Council, held on 7 June 2013, be received.***

**PUBLIC EXCLUDED BUSINESS**

**11. Exclusion of the Public**

Recommendation

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

***The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official***

**Information and Meetings Act 1987 for the passing of this resolution are as follows:**

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	<p><b>Public Excluded Minutes – Nelson City Council Community Services – 25 June 2013</b></p> <p>These minutes confirm the public excluded minutes of the Community Services meeting of 25 June 2013, and also contain information regarding:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Natureland - Options</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
2	<p><b>Public Excluded Status Report – Community Services – 6 August 2013</b></p> <p>This report contains information relating to:</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p>
	<p>Natureland - Options</p>		<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
3	<p><b>Potential Sale of Land for Commercial Development</b></p> <p>This report contains information relating to the potential sale of land for commercial development.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

## **12. Re-admittance of the public**

Recommendation

***THAT the public be re-admitted to the meeting.***

### **Note:**

- **This meeting will be followed by a meeting of the Framing our Future Committee.**

---

## Minutes of a meeting of the Nelson City Council – Community Services

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

On Tuesday 25 June 2013, commencing at 9.05am

---

Present: His Worship the Mayor (A Miccio), Councillors I Barker, G Collingwood, R Copeland, E Davy, K Fulton, P Matheson, J Rackley (Co Portfolio Holder), P Rainey (Co Portfolio Holder), R Reese, D Shaw and M Ward

In Attendance: Chief Executive (C Hadley), Acting Executive Manager Community Services (R Ball), Executive Manager Support Services (H Kettlewell), Executive Manager Strategy and Planning (M Schruer), Executive Manager Network Services (A Louverdis), Executive Manager Regulatory (R Johnson), Executive Manager Kaihautū/Community Relations (G Mullen), Chief Financial Officer (N Harrison), Manager Community Relations (A Ricker), Manager Administration (P Langley), Administration Adviser (E-J Ruthven), and Nelson Youth Councillors (C Phillips and C Norton)

Apology: Councillor A Boswijk

### Opening Prayer

Councillor Davy gave the opening prayer.

#### 1. Apologies

Resolved

***THAT the apology from Councillor Boswijk be received and accepted.***

His Worship the Mayor/Copeland

Carried

#### 2. Interests

There were no updates to the Interests Register, and no conflicts of interest with any agenda items were declared.

### **3. Confirmation of Order of Business**

His Worship the Mayor explained that there were four additional public forum presentations to the one noted on the agenda.

### **4. Public Forum**

#### **4.1 Riverside Mural Project**

Mr Richard King spoke about the concrete facade of Civic House and the Clock Tower, and suggested that these would be appropriate sites for murals alongside those proposed in the Riverside Mural Project. He suggested that a 'Welcome to Nelson' theme would be appropriate for murals on this site.

#### **4.2 Natureland**

Brian Mills tabled a document, which he spoke to (1542072).

He acknowledged the input that Orana Park had put into Natureland, and noted the benefits of Natureland to the wider community. He strongly encouraged Council to consider the proposals available for keeping Natureland open.

#### **4.3 Natureland**

Estelle Courtney emphasised the importance of Natureland to Nelson school children. She said she had letters from school children regarding the educational benefits of Natureland that she would pass on to Council.

She said that the entrance fees to Natureland made it difficult for families and elderly people to visit often, and suggested that lower entrance fees could result in larger visitor numbers.

#### **4.4 Natureland**

Finn Thomas spoke about his experiences of visiting Natureland, and what he had learnt about endangered animals whilst visiting there.

#### **4.5 Natureland**

Jo Dippie acknowledged the skills of Natureland staff, and spoke about the sense of ownership that members of the community felt about Natureland. She explained that a community support group was prepared to assist Natureland with fundraising, and suggested ideas for growing membership numbers.

In response to a question, she noted her preference for community involvement in Natureland to continue, rather than moving to a purely corporate model.

**5. Confirmation of Minutes – 14 May 2013**

Document number 1508680, agenda pages 8-24 refer.

Councillor Matheson noted that the interest he had declared at the previous meeting was with the New Zealand Community Trust.

Resolved

***THAT the minutes of a meeting of the Nelson City Council – Community Services and Infrastructure, held on 14 May 2013, be confirmed as a true and correct record, with amendments as noted.***

His Worship the Mayor/Davy

Carried

**6. Applications for Leave of Absence**

6.1 Councillor Matheson

Resolved

***THAT Councillor Matheson’s application for a leave of absence, from 7 July to 8 August 2013, be granted.***

Davy/Ward

Carried

6.2 Councillor Copeland

Resolved

***THAT Councillor Copeland’s application for a leave of absence, from 3 July to 7 August 2013, be granted.***

Davy/Ward

Carried

6.3 Councillor Ward

Resolved

***THAT Councillor Ward’s application for a leave of absence, from 26 June to 18 July 2013 be granted.***

Davy/Ward

Carried

**7. Mayor’s Report**

There was no Mayor’s report.



## 8. Status Report – Community Services

Document number 1034860 v11, agenda pages 25-28 refer.

In relation to the update regarding Saxton Oval, a correction was noted, in that the funding application had been submitted to the New Zealand Community Trust.

Resolved

***THAT the Status Report – Community Services (1034860 v11) be received.***

His Worship the Mayor/Collingwood

Carried

## 9. Portfolio Holder’s Report

Councillor Rainey noted that this was the last Council - Community Services meeting at which Roger Ball would be Acting Executive Manager Community Services. He thanked Mr Ball for his work over this time, and wished him well for the future.

Council acknowledged Mr Ball’s work with a round of applause.

## 10. Community Assistance Funding Criteria Review – Additional Information

Document number 1520812, agenda pages 29-48 refer.

Attendance: Councillor Copeland declared a conflict of interest and left the table at 9.55am.

Manager Policy and Planning, Nicky McDonald, and Manager Community Development, Kath Inwood, joined the meeting and presented the report. They tabled an updated copy of the draft Community Assistance Policy 2013 (1485919 v4), and noted the items in the Policy that had been addressed following the discussion at the Council meeting on 14 May 2013.

His Worship the Mayor, seconded by Councillor Rainey, moved the recommendation in the officer report.

There was a discussion about the reference to community place-making projects in clause 4.3 of the draft policy. In response to a question, Ms McDonald explained that the reference to place-making projects was intended to highlight Council’s interests in such projects. There was general agreement that the words “a Council contribution to” should be removed from this sentence in order to clarify this point.

There was also a discussion about the existence of community and commercial leases at Founders Heritage Park, and it was noted that the

commercial leases were of varying amounts due to the different sizes and improvements of spaces leased.

In response to a question, Ms McDonald explained that the intention to regularise the three historical community leases at Founders Park was to ensure that these groups had a sound basis for their presence in the Park, and was not intended to jeopardise their future there. It was emphasised that clear messaging regarding the regularisation of these leases should be given, to avoid any misunderstandings with the relevant community groups.

The Chief Executive also explained that the upcoming review of the Heritage Activity Management Plan would be an appropriate place to evaluate the role of community and commercial leases at Founders Heritage Park.

It was also noted that the reference to the Physical Activity Fund in section 5 of the draft Policy should be removed.

Attendance: Councillor Davy left the meeting at 10.15am, and returned at 10.18am.

Councillor Reese, seconded by Councillor Matheson, moved an amendment to add an additional clause:

*5. The bullet points 5 and 8 in section 10 of the Policy be deleted.*

Attendance: Councillor Matheson left the meeting at 10.19am and returned at 10.22am.

A discussion followed regarding the effect that removing bullet point 8 in section 10 of the Policy would have on the not-for-profit groups currently operating under commercial leases at Founders Heritage Park.

The amendment was put and carried, and became the substantive motion.

There was a discussion regarding whether the amended policy met the new purpose of the Local Government Act 2002, and the majority viewpoint was that it did.

Resolved

***THAT changes to the Community Assistance Policy to align with the new purpose of local government be approved as set out in document 1485919, including the following changes to criteria:***

- 1. Item 3 be changed to: Applications must demonstrate the contribution the project will make to Council's Community Outcomes and Long Term Plan priorities and the vision and goals for Nelson 2060, which may include community place-making projects.**
- 2. Item 5 be changed to: Only initiatives within Nelson and/or benefitting Nelson residents will be funded. Services delivered regionally will have funding eligibility relative to the benefit derived by Nelson residents.**
- 3. A new criterion be added: Applications must be for, and clearly detail, a specific service and/or outcome that will result from the funding.**
- 4. A new criterion be added: All applications must be aligned with the purpose of local government as contained in the Local Government Act 2002 – "to meet the current and future needs of communities for good quality local infrastructure, local public services and the performance of regulatory functions in a way that is most cost-effective for households and businesses";**
- 5. The bullet points 5 and 8 in section 10 of the Policy be deleted.**

His Worship the Mayor/Rainey

Carried

Councillor Barker requested that his vote against the motion be recorded.

Attendance: The meeting adjourned for morning tea from 10.45am to 11.04am, at which point Councillor Copeland returned to the table.

## **REPORTS FROM COMMITTEES**

### **11. Nelson Youth Council Update**

Chelcie Phillips and Charlie Norton explained that the Youth Council had recently assisted with a website for youth, a tree planting event at the Tahunanui Youth Park, and the Youth Volunteer Awards.

They added that current Youth Council projects included a collaboration with other groups aimed at making Nelson a safer place for youth, writing a submission to the Constitution Conversation, and assisting with

planning the Masked Parade and Sonic Youth Event to be held on 18 October 2013.

**12. Nelson Youth Council – 11 April and 15 May 2013**

Document number 1491607 and 1513430, agenda pages 49-58 refer.

Resolved

***THAT the minutes of the meetings of the Nelson Youth Council, held on 11 April and 15 May 2013, be received.***

Rainey/Fulton

Carried

**CROSS-COUNCIL ITEMS**

**13. Preparation for the 2013 Local Elections**

Document number 1517471, agenda pages 59-61 refer.

Manager Administration, Penny Langley, joined the meeting and presented the report.

In response to a question, Ms Langley advised that a date for the candidates' information evening would be confirmed shortly. A suggestion was made that any public meetings held by community groups regarding the election should be able to utilise Council facilities free of charge, and it was agreed that a motion to this effect could be considered at the Council – Infrastructure meeting held on 27 June 2013.

Councillors also discussed the various options for the written order of candidates' names, and a variety of views were expressed.

Resolved

***THAT Warwick Lampp of Electionz.com be affirmed as Electoral Officer for Nelson City Council.***

***THAT in accordance with Regulation 31(2) of the Local Electoral Regulations 2001, the candidates' names on voting documents for the 2013 triennial local election be in computerised random order.***

***THAT in accordance with Section 79(1) of the Local Electoral Act 2002, the voting documents for the 2013 triennial local election be processed during the voting period.***

Rainey/Matheson

Carried

**14. Remuneration of Elected Members 2013**

Document number 1534058, agenda pages 62-65 refer.

Resolved

***THAT report 1534058 Remuneration of Elected Members 2013 be received.***

His Worship the Mayor/Copeland

Carried

**15. Exclusion of the Public**

Resolved

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

***The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	<b>Public Excluded Minutes – Nelson City Council Community Services – 14 May 2013</b> These minutes confirm the public excluded minutes of the Community Services and Infrastructure meeting of 2 April 2013, and also contain information regarding:	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:
	Natureland Expressions of Interest		Section 7(2)(i) To carry out negotiations
	The tender for the operation and maintenance of the regional sewerage assets		Section 7(2)(i) To carry out negotiations
	The possible negotiation of a Cricket World Cup		Section 7(2)(h) To carry out

	contract		commercial activities Section 7(2)(i) To carry out negotiations
	Council Owned Earthquake Prone Buildings – Mediterranean Food Warehouse Building		Section 7(2)(h) To carry out commercial activities Section 7(2)(i) To carry out negotiations
	The potential purchase of a strategic piece of land in order to protect a section of the Southern Arterial Corridor		Section 7(2)(i) To carry out negotiations
<b>2</b>	<b>Public Excluded Status Report – Community Services – 25 June 2013</b> This report contains information relating to:	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:
	Natureland Expressions of Interest		Section 7(2)(i) To carry out negotiations
<b>3</b>	<b>Natureland – Options</b> This report contains information relating to options for the future of Natureland.	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: Section 7(2)(h) To carry out commercial activities Section 7(2)(i) To carry out negotiations

His Worship the Mayor/Rackley

Carried

The meeting went into public excluded session at 11.22am and resumed in public session at 12.31pm.

**16. Re-admittance of the Public**

Resolved

***THAT the public be re-admitted to the meeting.***

His Worship the Mayor/Reese

Carried

There being no further business the meeting ended at 12.31pm.

Confirmed as a correct record of proceedings:

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

## COMMUNITY SERVICES STATUS REPORT – 6 AUGUST 2013

No	Meeting Date	Document Number	Report Title/Item Title	Officer	Resolution or Action	Status
1	20/05/2013	1527230 (Public Excluded)	Update on Council's Bid to Federation Internationale de Football Association Under 20s World Cup 2015	Chris Blythe	<u>THAT</u> Council formally withdraws from the FIFA under 20s bid process and the budget is removed from the Annual Plan 2013/14.  <u>THAT</u> Council authorises the release from Public Excluded of resolutions arising from this report.	<b>06/08/2013</b> Project closed.
2	20/05/2013	1527230 (Public Excluded)	Cricket World Cup	Chris Blythe	<u>THAT</u> Council affirm its commitment to Cricket World Cup 2015.  <u>THAT</u> Council authorises the release from Public Excluded of resolutions arising from this report.	<b>06/08/2013</b> CWC 2015 launch is 30 July 2013. The Mayor and Chris Blythe will be attending the event in Wellington. We expect the contract with CWC 2015 to be formalised as part of the launch.
3	20/05/2013	1525033	Saxton Oval	Chris Blythe	<u>THAT</u> Council allocates up to \$30,000 for an awning, scorers box and upgrades to the umpires room at Saxton Oval to meet requirements for One Day International matches;  <u>AND THAT</u> this funding is available only when other external funding is not secured, or granted in full.	<b>06/08/2013</b> New Zealand Community Trust application declined. Proceeding as per resolution. Design work is expected end July and agreement with ICC thereafter, with works complete by end November 2013.



---

## **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**

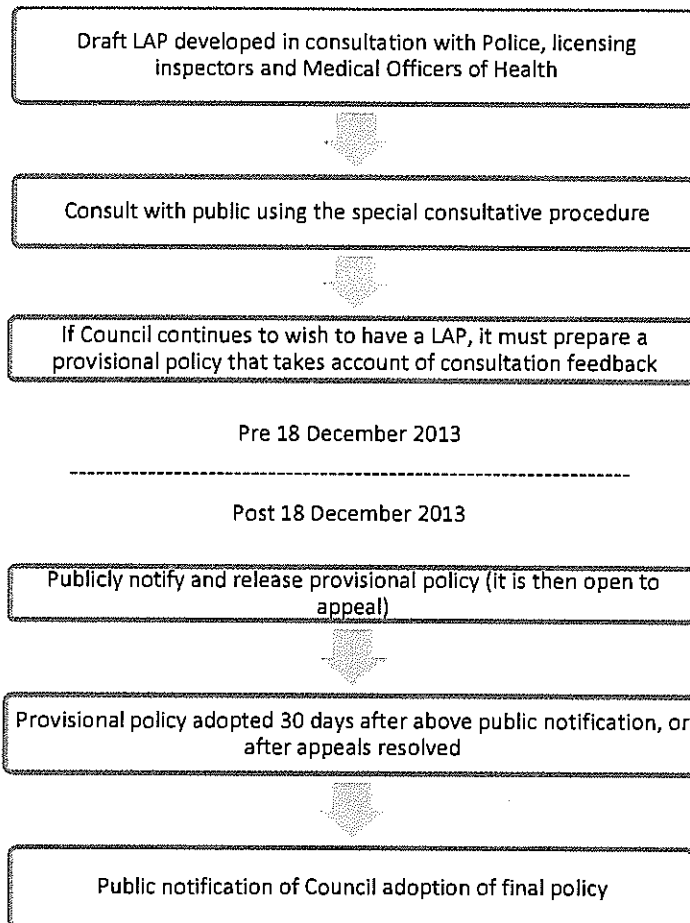
- 4.1 The Act gives Councils the opportunity to have a LAP that sets conditions for licensing premises for the sale of alcohol across the City. Having a LAP is optional, but there are advantages for Nelson City Council to have one. Once the LAP is in place, basic issues such as operating hours, location 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.



## 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.



## Supporting Information

### 1. Fit with Purpose of Local Government

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.

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

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.

### 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

N/A.

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

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.

**7. Decision-making significance**

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.

**8. Consultation**

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.

**9. Inclusion of Māori in the decision making process**

Local Māori health and social service providers will be consulted on the Statement of Proposal for a Draft Nelson City Council Local Alcohol Policy.

**10. Delegation register reference**

Decision of Council.



## **SUMMARY OF INFORMATION AND STATEMENT OF PROPOSAL**

### **Draft Nelson City Council Local Alcohol Policy**

#### **Contents**

This summary of information and statement of proposal is made for the purposes of Sections 83 and 87 of the Local Government Act 2002, and Sections 78 and 79 of the Sale and Supply of Alcohol Act 2012. It is divided into five parts as follows:

- Summary of Information
- Statutory Processes that Council is obliged to consider
- Statement of Proposal, including the Draft Nelson City Council Local Alcohol Policy provisions
- Other policy options considered by the Council.

## Summary of Information

This summary is made to fulfil the purposes of section 83(1)(a) and 89 of the Local Government Act 2002.

Nelson City Council has prepared a draft Local Alcohol Policy (LAP) for consultation with the community. The Sale and Supply of Alcohol Act 2012 (the Act) allows councils to develop Local Alcohol Policies (LAPs) for their territorial areas. A LAP is a set of policies made by a council in consultation with its community concerning matters relating to the licensing of premises for the sale and supply of alcohol.

In preparing this draft, Council has consulted with the Police, Medical Officer of Health and District Licensing Inspectors as required under the Act. It also sought the views of the community through a community survey and letter to key stakeholders inviting their early input to the development of the draft.

The LAP is able to establish policy on some or all of the following matters:

- the location of licensed premises near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
- the density of licensed premises by specifying whether further licences or types of licences should be issued for premises in the district or in a particular area;
- “one-way door” conditions for licensed premises that would allow patrons to leave premises but not enter or re-enter after a certain time;
- discretionary conditions on a licence;
- restrictions or extensions to the maximum trading hours set in the new Act which are: 8am - 4am for on-licences (such as pubs and restaurants) and 7am - 11pm for off-licences (such as bottle stores and supermarkets).

In addition, a LAP may apply differently to different kinds of licensed premises. The LAP must not include policies on any matter not relating to licensing.

Once a LAP is in place, the local District Licensing Committee and the national Alcohol Regulatory and Licensing Authority must have regard to the LAP when making decisions on licence applications.

### The Draft LAP

Council has decided to produce a draft LAP in order to provide locally relevant policies for licensing premises within the Nelson City Council boundaries and to assist in achieving the object of the Act.

The draft LAP for Nelson City contains the following types of licensing policies:

- variations on the maximum trading hours set in the Act for on-licences and for off-licences,
- different maximum trading hours for on-licenses in the Nelson Inner City zone and other areas of the city and for different types of on-licences;

- Mandatory one-way door conditions for pubs, taverns, clubs and nightclubs in the Inner City Zone.
- Various discretionary conditions for on-licences, off-licences, club licences and special licences, including a discretionary one-way door policy for pubs and taverns.

In preparing the draft LAP the Council considered a range of policy options, some of which have been rejected/not included in the draft LAP. For your information, these are listed in the Statement of Proposal.

Council is interested in receiving submissions on all matters relating to the draft LAP.

All consultation documents, including the full Statement of Proposal and draft LAP provisions may be inspected during ordinary office hours at Council's Civic Offices, 110 Trafalgar Street, Nelson and Council Libraries. All documents relating to this consultation including the draft LAP can also be found on, and downloaded from, the Council website at [www.ncc.govt.nz/consultation](http://www.ncc.govt.nz/consultation). If lodging a submission please keep in mind that a LAP can only include policies on any matter relating to licensing.

### **Timeline for Consultation and Decision Making**

The submission period opens on 8 August 2013 and closes on 16 September 2013. Submissions are to be made in writing and forward to:

Draft Local Alcohol Policy  
Nelson CityCouncil  
PO Box 645  
Nelson 7040.

Or emailed to [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz)

Council will not accept anonymous submissions. Council will hear and consider all submissions at a date to be determined. Council will make decisions and decide whether to produce a provisional LAP at a date to be determined.

## Statutory Processes

The following are the various statutes that have received consideration:

- Sections 83 and 87 of the Local Government Act 2002;
- The New Zealand Bill of Rights Act 1990. The proposed policy is not considered to be inconsistent with that Act;
- Sections 75 & 78 of the Sale and Supply of Alcohol Act 2012.

### Obligations Imposed by the Sale and Supply of Alcohol Act 2012

Council has decided to produce a draft LAP in order to provide locally relevant policies for licensing premises for sale of alcohol within the Nelson City Council boundaries, and to assist in achieving the object of the Act. The object of the Act is that:

- the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Under the Act, the alcohol related harm caused by the excessive or inappropriate consumption of alcohol includes:

- any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
- any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described above.

The Act requires Council to have regard to the following matters when preparing a draft LAP:

- 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.

The LAP can only include policies on matters relating to licensing.

## Statement of Proposal

### 1. Background to the Proposal

- 1.1. Nelson City Council has decided to prepare a Local Alcohol Policy (LAP) for Nelson City. The document following this statement is a draft LAP for the purposes of consultation with the community.
- 1.2. The Sale and Supply of Alcohol Act 2012 (the Act) allows councils such as Nelson City Council to develop Local Alcohol Policies (LAPs) for their territorial area. A LAP is a set of policies made by a council in consultation with its community concerning the licensing of premises for the sale and supply of alcohol. Once a LAP is in place, the local District Licensing Committee and the national Alcohol Regulatory and Licensing Authority must have regard to the LAP when making decisions on licence applications.
- 1.3. A LAP can only deal with matters relating to licensing. Through a LAP, communities are able to set the direction on some or all of the following matters:
- the location of licensed premises near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
  - the density of licensed premises by specifying whether further licences or types of licences should be issued for premises in the district or in a particular area;
  - “one-way door” conditions for licensed premises that would allow patrons to leave premises but not enter or re-enter after a certain time;
  - discretionary conditions in a licence;
  - restrictions or extensions to the maximum trading hours set in the new Act which are: 8am - 4am for on-licences (such as pubs and restaurants) and 7am - 11pm for off-licences (such as bottle stores and supermarkets).
- 1.4. In addition, a LAP may apply differently to different kinds of licensed premises.

#### **The Draft LAP**

- 1.5. The draft LAP for Nelson City contains the following types of licensing policies (to be confirmed):
- variations on the maximum trading hours set in the Act for on-licences and for off-licences;
  - different maximum trading hours for on-licenses in the Nelson Inner City zone and other areas of the city and for different types of on-licences;
  - Mandatory one-way door policy for pubs, taverns, bars and clubs in the Inner City Zone;
  - various discretionary conditions for on-licences, off-licences, club licences and special licences.

In preparing the draft LAP Council considered a range of policy options, some of which have been rejected/not included in the draft LAP. For your information, these are listed after the Statement of Proposal. Council is interested in receiving submissions on all matters relating to the draft LAP.

- 1.6. As required by the Act, Council has had regard to the following matters when preparing a draft LAP.
- 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;
  - the demography of people who visit the district as tourists or holidaymakers;
  - the overall health indicators of the district's residents; and
  - the nature and severity of the alcohol-related problems arising in the district.
- 1.7. When producing a draft policy a council must consult the Police, district licensing inspectors and Medical Officers of Health, each of whom must make reasonable efforts to give a council any information they hold relating to any of the matters above. Nelson City Council has consulted the Police, the Medical Officer of Health and the District Licensing Inspectors in the preparation of the draft LAP. Before and during the preparation of this draft, Council also sought the views of the community about alcohol licensing matters through community surveys, a letter to key stakeholders, including industry representatives and health and community groups, inviting early views and information on the potential scope of a draft LAP and through Council's website and Live Nelson publication. A summary of this consultation and feedback can be found in the report to Council and its attachments.

### **Reasons for the Proposal**

- 1.8. Nelson City Council has decided to prepare a LAP in order to provide locally relevant policies for licensing within Nelson City. The Council recognises that within the community there is considerable concern about the effects of excessive and inappropriate drinking. The preliminary consultation has demonstrated that there is a real desire by the community to be involved in setting local policies on licensing premises, to best serve our city. Council views a LAP for Nelson City as an important tool to assist the District Licensing Committee in making its decisions and to help in the achievement of the object of the Act. The object of the Act is that:
- the sale, supply, and consumption of alcohol should be undertaken safely and responsibly;



- the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- 1.9. Under the Act, the harm caused by the excessive or inappropriate consumption of alcohol includes:
- any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
  - any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described above.

### **What Happens Next?**

- 1.10. Once Council has prepared a draft LAP, the Act says that Council must consult on the draft using the special consultative procedure (which is set out in the Local Government Act 2002).
- 1.11. Under the special consultative procedure, Council must prepare a statement of proposal. (This document, which includes the Summary of Information together with the draft LAP is the Statement of Proposal).
- 1.12. Submissions are invited on this statement of proposal from 8 August 2013 to 16 September 2013. Your submission on the draft LAP is needed by Council by 5pm on 16 September 2013. Council will not accept anonymous submissions.
- 1.13. The submissions may be sent either:
- 1.14. Submissions are to be made in writing and forward to:  
Draft Local Alcohol Policy  
Nelson City Council  
PO Box 645  
Nelson 7040.
- Or emailed to [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz)
- 1.15. A copy of this statement of proposal is available for public inspection during ordinary office hours at the following places:
- Civic Offices, 110 Trafalgar Street, Nelson;
  - Nelson City Council Libraries.
- 1.16. Copies of this statement of proposal may also be viewed on, and downloaded from, the Council's website [www.ncc.govt.nz/consultation](http://www.ncc.govt.nz/consultation) (search = draft local alcohol policy).
- 1.17. If you want to talk to someone about the draft LAP or this consultation process please contact Jenny Hawes, Principal Policy Adviser Community, (03) 539 5508.
- 1.18. Any person who makes a written submission has the opportunity to be heard by Council's hearings panel at public hearings on a date which is yet to be

determined, but should make that request in their written submission. You will then be advised of the date and time once confirmed.

- 1.19. Council is legally required to make all written or electronic submissions available to the public and to Councillors, including the name and address of the submitter. Information will be available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987. If you consider there to be compelling reasons why your contact details and/or submission should be kept confidential, you should contact the Council either in writing or by email.
- 1.20. A meeting of the full Council will hear and consider all submissions on the draft LAP, and will then decide whether to produce a provisional LAP as a result of this consultation. It is anticipated that Council will make this decision in late 2013. If Council decides to produce a provisional LAP, it will not be able to take any further steps to notify the final LAP until after 18 December 2013 (prescribed by the Sale and Supply of Alcohol Act (2012)). It is anticipated that the incoming Council will affirm the provisional LAP and publicly notify it in late 2013 or early 2014.
- 1.21. Once Council has notified a provisional LAP, there is an appeal process to the Alcohol Regulatory and Licensing Authority. Only a person or agency that has made a submission as part of the special consultative procedure on a draft LAP will be able to appeal against any element of the resulting provisional LAP.
- 1.22. Once any appeals are resolved by the Alcohol Regulatory and Licensing Authority the Council has to determine whether/when to adopt the LAP.

## 2. **Draft Local Alcohol Policy**

### 2.1. **Introduction and Explanatory Material**

2.1.1. The Sale and Supply of Alcohol Act 2012 (the Act) has the following objects:

- that the sale, supply and consumption of alcohol should be undertaken safely and responsibly;
- the harm caused by excessive or inappropriate consumption of alcohol should be minimised.

2.1.2. Alcohol-related harm is defined very widely and includes:

- any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.

2.1.3. The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Nelson City Council has decided to develop a LAP for its district and to set restrictions and conditions for identified areas within the district.

2.1.4. Once the LAP comes into force, Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.

2.1.5. Through a LAP the community is able to:

- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
- Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular area;
- Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
- Recommend discretionary conditions for licences;
- Restrict or extend the default maximum trading hours set in the new Act, which are:
  - 8am - 4am for on-licences (such as pubs and restaurants)
  - 7am - 11pm for off-licences (such as bottle stores and supermarkets).

2.1.6. Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.

2.1.7. The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Nelson

Resource Management Plan (our district plan) includes restrictions on location and hours of trading for licensed premises as follows:

- The sale of alcohol is not a permitted land use within areas zoned residential (requires a resource consent);
- If a licensed premises is selling alcohol for consumption on the premises and **within 50m** of a residential zone boundary then a licensed premises may be open Sunday to Thursday from 7am-11pm; or Friday, Saturday, Christmas Eve and New Years Eve from 7am to 1am the following day;
- If a licensed premises is selling alcohol for consumption on the premises and it is **more than 50m** from a residential zone boundary then it may be open from 7am to 3am the following day;
- If a licensed premises is selling alcohol for consumption off the premises (i.e. supermarkets, liquor stores) and located anywhere outside a residential zone boundary then it may be open for sale of alcohol from 7am – 11pm daily.

2.1.8. Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to “any reasonable conditions not inconsistent with this Act”. The LAP includes policies to guide the District Licensing Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

#### **Criteria for Considering Licensing Applications**

2.2. The purpose of the LAP is to provide local guidance for the Council’s District Licensing Committee in deciding whether to issue or renew a licence.

2.3. Under section 105 of the Act, the District Licensing Committee has to have regard to a range of matters in addition to “any relevant local alcohol policy” when considering a licence application. The types of matters include:

- the object of the Act;
- the suitability of the applicant;
- the design and layout of any proposed premises;
- whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the licence;
- whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences but -
  - it is nevertheless desirable not to issue any further licences.

2.4. The Act says that a licence may be refused if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108). (This requirement does not apply for the renewal of licences. However, where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed [section 133]). The Act also says that a licence may be made subject to conditions if the issue of the licence,

or the consequences of the issue of the licence, would be inconsistent with the LAP (section 109).

- 2.5. Note: on any licensing application, the District Licensing Committee has the discretion to set the permitted trading hours as more restrictive than the maximum trading hours based on an assessment of, for example, the impact on amenity and good order of the locality.

#### **Goals of the LAP**

- 2.6. The Local Alcohol Policy provides direction for the District Licensing Committee so that licensing decisions:
- contribute to Nelson City being a safe and healthy place;
  - reflect local communities' character and amenity and their values, preferences and needs;
  - encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

#### **Objectives of the LAP**

- 2.7. The objectives of the LAP are to provide a policy which:
- reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
  - provides certainty and clarity for applicants and the public as to whether a proposed licence application will meet the criteria of the LAP;
  - provides effective guidance for the decisions of the District Licensing Committee and the Alcohol Regulatory Licensing Authority.

#### **Definitions used in this LAP**

- 2.8. When reading this LAP, the following words and phrases have been used. For further details refer to the section of the Act referenced.

#### **Types of Licences**

**On-licences** where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);

**Off-licences** where the licensee sells alcohol from premises for consumption somewhere else (see section 17 of the Act);

**Club licences** where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (see section 21 of the Act);

**Special licences** which can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).

**Note:**

*Some premises hold more than one licence – for example a tavern may also hold an off-licence and be able to sell alcohol which is consumed off the premises.*

*The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day. Special licenses are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "Club", "on" or "off" licence.*

**Other Terms**

**Airport bar** - means premises that are within or attached to an airport; and used or intended to be used in the course of business principally for selling or supplying alcohol to air travellers arriving at or departing from the airport (refer section 5(1))

**Bottle Store** - means retail premises where (generally speaking) at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(1))

**Bar** - in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1))

**Café** - has the same meaning as restaurant in terms of the licence

**Club** - means a body that:

- is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
- is a body corporate whose object is not (or none of whose objects is) gain; or
- holds a permanent club charter (refer section 5(1)).

**Grocery store** - means a shop that:

- has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
- comprises premises where:
- a range of food products and other household items are sold; but
- the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1)).

**Hotel** - means premises used or intended to be used in the course of business principally for providing to the public:

- lodging; and alcohol, meals, and refreshments for consumption on the premises (refer section 5(1)).

**Restaurant** - means premises that:

- are not a conveyance; and
- are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1)).

**Night-Club** – means a place of entertainment open at night which normally provides music and space for dancing and may provide a show e.g. of comedy or other ‘acts’.

**Supermarket** - means premises with a floor area of at least 1000 m<sup>2</sup> (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1))

**Tavern** - means premises used or intended to be used in the course of business:

- principally for providing alcohol and other refreshments to the public; but
- does not include an airport bar (refer section 5(1)) (ie an airport bar is not treated as a tavern for alcohol licensing purposes).

### 3. Licence Conditions

#### 3.1. Off-Licences

##### 3.1.1. Hours for off licences

The following maximum trading hours apply to all off-licensed premises in the Nelson City Council territorial area (other than hotel in-bedroom (mini-bar) sales):

Maximum trading hours	All off-licence sales including over the counter sales, except for mini-bars
Monday to Sunday	7am to 9pm

The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday	24 hours per day
------------------	------------------

##### 3.1.2. Discretionary Conditions for Off-Licences

Conditions relating to the following matters may be appropriate for off licences:

- supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores;
- display of safe drinking messages/material;
- application of the principles of Crime Prevention Through Environmental Design.

### 3.2. On-Licences

#### 3.2.1. Hours for On-licences

Subject to 5.2.2, the following maximum trading hours apply to all on-licensed premises that are restaurants or cafes in the Nelson City Council territorial area:

Maximum trading hours	Restaurants/cafes
Monday to Sunday	8am to midnight except New Year's Eve when sale, supply or consumption of alcohol may continue until 1am the following day.

Note: Restaurants and cafes may operate outside of their trading hours to provide meals and beverages to the public, as long as no sale or supply or consumption of alcohol takes place.

3.2.2. The following maximum trading hours apply to all on-licensed premises that are taverns/bars/pubs/nightclubs:

3.2.3. For Nelson CBD (Inner City Zone)

Maximum trading hours	Taverns/bars/pubs/nightclubs
Monday to Sunday	8am until 3am the following day with a mandatory one-way door policy to apply from 2am

3.2.4. In all other areas the following maximum trading hours apply

Maximum trading hours	Taverns/bars/pubs/night-clubs
Monday to Thursday	8am to 1am

#### 3.2.5. Discretionary Conditions for On-Licences

Conditions relating to the following matters may be considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- provision of additional security (staff) after 'x' hour;
- 'one-way door' restrictions for on-licences outside the Inner City Zone.
- the installation and operation of CCTV cameras on the exterior of, and within a premises;
- provision of effective exterior lighting;
- restrictions on the size of servings (e.g. 'doubles') and time of 'last orders';
- management of patrons queuing to enter the licensed premises;
- restriction on the use of outdoor areas after 'x' hour;
- that where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence



previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP;

- application of the principles of Crime Prevention Through Environmental Design.

3.3. The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- the holder of a manager's certificate to be on duty during busy periods e.g. Thursday, Friday and Saturday nights;
- that where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.

### 3.4. **Special Licences**

#### 3.4.1. **Hours for Special Licences**

The hours (opening and closing) and duration of a special licence are set at the discretion of the District Licensing Committee for each event, having regard to the nature of the event or series of events.

Maximum trading hours	Special Licences
Discretionary up to 24 hours a day	

Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on-site consumption, e.g. at a community event or when a bar has a special licence to open earlier/close later for significant events. Generally for premises holding existing on-licences, the conditions of a special licence will specify a closing time no more than two hours later than permitted by their on-licence.

#### 3.4.2. **Discretionary Conditions for Special Licences**

In addition to the discretionary conditions in section 147 of the Act, the following conditions **may** be considered appropriate for special licences:

- any special licence for a series of events should not be for a period exceeding 6 months;
- no premises should have more than 25 events in any special licence;
- one way door restriction to apply from a specified time;
- no glassware to be taken outside the building or onto grass or artificial grass surfaces;
- plastic containers or cans to be used for any event (except when it is being served and remains within the building);

- areas to be clearly defined/cordoned off/demarcated where liquor is being sold/consumed outside of the building eg. Beer tent. Where appropriate people are to remain within the defined area;
- wine to be sold by the glass only and no bottle sales shall occur;
- the holder of a manager's certificate to be present when alcohol is available for sale, or the number of manager's certificate holders required may be specified;
- the maximum number of alcoholic drinks per sale transaction may be specified.

### 3.5. Club Licences

#### 3.5.1. Hours for Club Licences

The following maximum trading hours apply to all club-licensed premises:

Maximum trading hours	Clubs
Monday to Sunday	8am until 1am the following day

#### 3.5.2. Discretionary conditions for club licences

Conditions relating to the following matters may be appropriate for Club licensed premises depending on the size and nature of the club:

- a requirement for the holder of a managers certificate to be present when alcohol is available for sale during busy periods e.g. more than 100 people are on the Club premises

### 3.6. Nelson Resource Management Plan and Building Code

Under section 100(f) of the Act, licence applicants are required to get a certificate from the territorial authority that the proposed use of the premises meets the requirements of the Nelson Resource Management Plan and the Building Code. Licence applicants should therefore refer to relevant provisions in the Plan and Building Code before applying for a liquor licence.

## 4. Other Policy Options Considered By Council

4.1. During development of the draft LAP Council considered a range of options. Those that were not preferred, include:

4.1.1. **Status quo** – i.e. no LAP; rely on the provisions in the Sale and Supply of Alcohol Act (2012) (the Act) and the Nelson Resource Management Plan relating to closing hours to guide licensing decisions.

Reasons for rejecting this option:

- the Nelson Resource Management Plan does not address the full range of issues that may be covered by a LAP or that local communities have indicated they would like covered in a draft LAP;
- not developing a LAP means local communities do not have the opportunity to influence licensing decisions;
- a LAP will also provide guidelines and certainty for District Licensing Committees.

4.1.2. **Local restrictions**

i) Restrictions on the location of licensed premises e.g. on bottle stores close to schools.

Reasons for not including this policy:

- the provisions of the Act are considered adequate to address such issues of location. Under the Act the District Licensing Committee is required to consider the effects of a proposed licensed premise e.g. the effects of a bottle store on the amenity and good order of 'the locality' and consider also the purposes for which land near the premises concerned is used;
- general restrictions on the location of premises may lead to unintended and undesirable consequences such as a 'cluster' of licensed premises located just outside an area where premises are not permitted;
- there may also be considerable difficulties in establishing a robust and workable definition of 'proximity'.

ii) Restrictions on the density of licensed premises

Reasons for not including this policy:

- the provisions of the Act and the criteria for assessment of licensing applications that the District Licensing Committee must have regard to are considered adequate to address density matters.

iii) Much more restrictive provisions with regards hours and location for on-licensed premises, generally and specifically.

Reasons for not including this policy, generally and specifically:

- lack of support for this in the community survey and preliminary consultation;
  - negative economic consequences.
- iv) Less restrictive provisions than proposed in the LAP with regard to off-licensed premises.
- Reasons for not including this policy:
- preference for consistency between all off-licences' hours to ensure fair trading environment between types of off-licences (e.g.supermarkets and liquor stores);
  - not generally supported in the community survey.
- v) Much more restrictive provisions than proposed in the LAP with regard to off-licensed premises' hours, specifically.
- Reasons for not including this policy:
- unreasonable restriction on shopping opportunities, lifestyle and commercial activity;
  - inconsistent with the stated position of the Police on off-licences' hours.
- vi) Less restrictive provisions than proposed in the LAP with regard to hours and location in general.
- Reasons for not including this policy, generally:
- evidence from enforcement and emergency services of an increase in alcohol-related harm in the later hours;
  - little support in the community survey for a less restrictive trading environment;
  - no support for less restrictive provisions from the Police, Medical Officer of Health or licensing inspectors.

And specifically:

- vii) Off licence opening hours to 11 pm (as per the default hours under the Act).
- Reasons for not including this policy:
- would not contribute to meeting the policy objective of reducing alcohol-related harm;
  - Police and Medical Officer of Health consider there should be a gap between the closing time of off-licences and the time at which many people come into the central city for later night entertainment and drinking, as a way of reducing opportunity for pre- and side-loading.
  - no clear support for this in the community survey.

viii) Mandatory one-way door policy across the entire City

Reasons for not including this city wide (applies to Inner City Zone only):

- Evidence provided by Police and the Medical Officer of Health suggests that most of the alcohol-related harm is occurring in and around the central business district in the early hours of the morning.
- the Act already enables District Licensing Committees to include a one-way door policy as a condition of a licence in areas outside the city centre.
- no clear support for a city-wide one-way door policy in the community survey.

## Summary of Key Information

The key issues from information provided to Council are summarised below to assist Councillors.

### Current Restrictions

Restrictions on location and trading hours are contained in the NRMP. Sale of alcohol is not permitted in areas zoned residential. For areas zoned inner city, suburban commercial, industrial and open space, alcohol is a permitted activity under the following circumstances:

- On licences selling within 50m of a residential zone may be open 7am to 11pm (Sun-Thurs) and 7am-1am the following day (applies to most suburban on licences).
- On licences selling more than 50m from a residential zone boundary may be open 7am to 3am the following day (Mon-Sun)
- Off licences located anywhere outside the residential zone boundary may open from 7am to 11pm daily (the same as the maximum default trading hours in the Sale and Supply of Alcohol Act).

From 18 December, the maximum default hours in legislation will apply to all new licences or renewals unless more restrictive conditions already apply to licences. The permitted hours for off licences in the NRMP are the maximum default hours in legislation and so would not change until a LAP is in place. In the case of on licences, the more restrictive opening hours in the Act (8am) will apply to on licence applications from 18 December. However, the more restrictive closing times already in the NRMP would continue to apply.

### Health data

Alcohol-related presentations for acute conditions like injury and severe intoxication has a significant impact on hospital ED services, particularly for:

- 18-29 year age group
- Both male and female
- Weekend drinking, and especially late night between 0200 and 0400am
- Injuries, frequently resulting from violent incidents (fights and assaults)

This is reinforced by ACC/St Johns ambulance data.

Recommendations of Medical Officer of Health:

- More restrictive trading hours than default hours in legislation
- Different hours appropriate for different types of licences
- Hotels/taverns and night clubs in CBD 9am to 2am
- All off licences 9am to 9pm
- Cafes and restaurants 9am to 12 midnight
- Discretionary conditions relating to hours e.g. one-way doors should be considered, particularly for hotel and tavern licences.

### Police data

- In the Nelson City Council TLA, at least 32% of offenders are apprehended per year having committed offences under the influence of alcohol.

- The place of last drink for apprehended offenders under the influence of alcohol in the Nelson City territorial authority area was averaged over the three years from 2009/10 to 2011/12 - 36% had their last drink at home; 24% had their last drink at a licensed premises; and 19% had their last drink in a public place.
- Note: Police advise that the data in the two points above is provisional and is drawn from a dynamic operational database. Statistics from it are therefore not stable and are subject to change.
- Comments from Nelson Bays Police staff suggest factors responsible for higher levels of antisocial offending on a Saturday after midnight, include:
  - Excessive alcohol consumption.
  - Youth and young adults preloading alcohol.
  - Some licensees operating outside of the law with little social responsibility
- NZ research (Ministry of Justice) shows the predicted rate of offences associated with closing later compared to 12am or earlier is:
  - 4.2 times the expected rate of offences between 2.01am and 3am.
  - 8.9 times the expected rate of offences between 3.01am and 5am.

#### Recommendations from Police:

- Local Police support more restrictive trading hours for off licences and one-way door restrictions in the CBD. Also support discretionary conditions relating to one way door policies, CCTV and CPTED principles.

#### Community Survey

- Over half agreed alcohol is a problem in Nelson
- Support for greater restrictions on off licences (hours, number)
- Range of views on trading hours for on licences
- Some support for one-way door restrictions (53%).
- 25% said they or someone close to them had experienced alcohol-related harm.

#### Other Stakeholders who provided feedback

- Industry – generally supportive of the existing trading hours for Nelson, both on and off licence (as per the NRMP) or maximum default trading hours in the legislation.
- Not supportive of a blanket one-way door policy for on-licences (although the Hospitality Association of New Zealand (HANZ) Nelson Branch have indicated they would be comfortable with it as a discretionary condition for on licences (based on performance)
- Other health/social service providers – generally supported greater restrictions than currently on the sale and supply of alcohol.

## **DRAFT LOCAL ALCOHOL POLICY -ISSUES TO BE CONSIDERED BY COUNCIL**

### **1. What is a Local Alcohol Policy?**

A Local Alcohol Policy (LAP) is a set of decisions made by a territorial authority in consultation with its community about the sale and supply of alcohol. LAPs can only contain policies relating to alcohol licensing. That means they cannot place any restrictions on who can purchase alcohol or constraints over the products themselves. During the national debate over changes to alcohol restrictions, the age of purchase, types of advertising and price of alcohol were major issues. LAPs cannot address these issues. LAPs affect the conditions for licences and the operation of licensed premises and in doing so they alter the supply of alcohol into the community.

A LAP can place standards around:

- location and density of licensed premises,
- hours of operation,
- the issue of licences subject to a particular condition.

The Act defines these standards as:

“77 Contents of policies

- (1) A local alcohol policy may include policies on any or all of the following matters relating to licensing (and no others):
  - (a) location of licensed premises by reference to broad areas;
  - (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds;
  - (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
  - (d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;
  - (e) maximum trading hours;
  - (f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions;
  - (g) one-way door restrictions.
- (2) Paragraphs (a) to (d) of subsection (1) do not apply to special licences, or premises for which a special licence is held or has been applied for.
- (3) A local alcohol policy must not include policies on any matter not relating to licensing.”

When drafting a LAP Councils must consider:

- the objectives and policies of the district plan
- the number of licences of each kind in its district
- the location and opening hours of licensed premises
- any alcohol control bylaws (liquor bans) that are in place
- the demographic makeup of the residents and people who visit the district as tourists
- Indicators of the overall health of the residents
- The nature and severity of alcohol-related problems in the district.

LAPs under the Sale and Supply of Alcohol Act 2012 are one of the policy tools available to Territorial Authorities to manage alcohol in their communities and would not sit in isolation. The Council also has a bylaw controlling drinking in public places (liquor bans) and rules within the Nelson Resource Management Plan with restrictions on the trading hours of licensed premises. These are discussed in



sections 3 and 4. There are also a number of non-regulatory initiatives in place, such as the Nelson Tasman Regional Alcohol Accord, which seek to promote safe and responsible drinking and reduce alcohol related harm and these should be considered as the LAP is developed.

## 2. Where does a Local Alcohol Policy apply?

These policies can apply consistently across the jurisdiction of a Territorial Authority. Alternatively, they may also apply different standards to different parts of the Authority's jurisdiction. One of the questions, when developing a LAP, is whether the policy should provide different standards from one area to another (e.g. CBD, suburbs) or from one zone to another (e.g. residential, inner city, suburban-commercial).

## 3. Objectives and Policies of the Nelson Resource Management Plan

When a person applies for a licence to sell alcohol they must first apply for a certificate to demonstrate that the premises they wish to operate from meets both the Building Code and the Nelson Resource Management Plan (NRMP).

Without this certificate they cannot file their application for a licence. Nelson City Council is one of only a few Councils to also include restrictions on location and hours of trading for licensed premises in its district plan.

The Sale and Supply of Alcohol Act requires that a draft LAP consider the objectives and policies of the area's district plan. The table below summarises the general focus of the objectives and the policies/rules of the Nelson Resource Management Plan for the residential, inner city, suburban commercial and open space and recreation zones within Nelson City that relate to the sale and supply of alcohol.

Table 1: NRMP zones, objectives and policies/rules

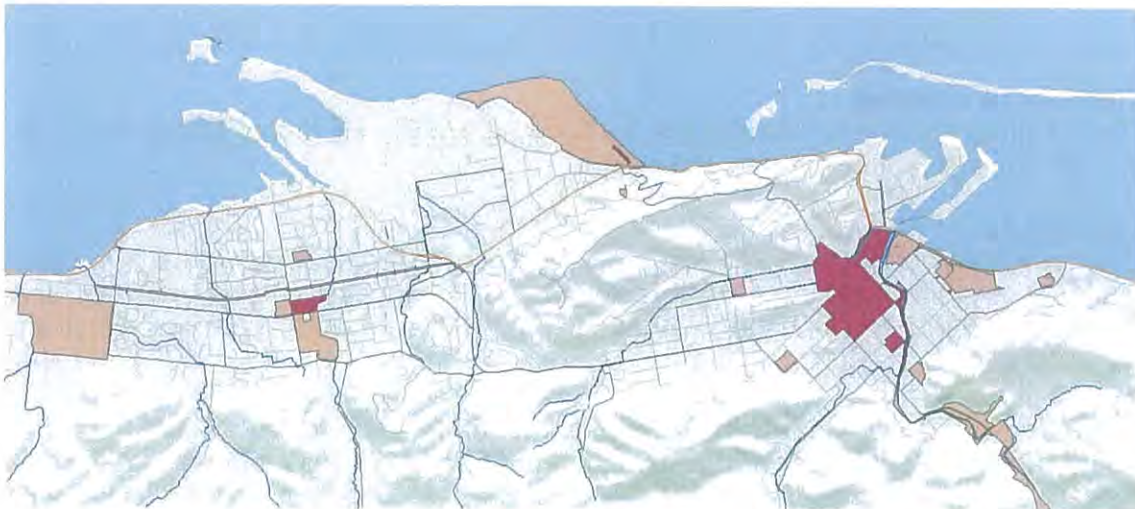
NRMP Zone	Objective	Summary of relevant policies/rules
<b>Residential</b>	A quality residential environment that provides choice of living styles, a high level of amenity, and a minimal occurrence of nuisances.	Sale of alcohol not permitted land use within residential zone boundaries.
<b>Inner City</b>	A City Centre which provides a strong and vibrant focus to the city, together with a City Fringe which supports and complements the City Centre	Permitted activities: <ul style="list-style-type: none"> <li>• If selling alcohol for consumption on the premises and <b>within 50m</b> of a residential zone boundary then may be open Sunday to Thursday from 7am-11pm; or Friday, Saturday, Christmas Eve and New Years Eve from 7am to 1am the following day.</li> </ul>
<b>Suburban commercial</b>	Suburban commercial centres which enable community needs to be met, while minimising their impacts on surrounding areas.	<ul style="list-style-type: none"> <li>• If selling alcohol for consumption on premises and it is <b>more than 50m</b> from a residential</li> </ul>
<b>Industrial</b>	Concerned with meeting the needs of industry and containing the effects of industry.	

<b>Open Space</b>	Concerned with recognising and protecting land already used for open space and recreation purposes. The majority of land in the zone is vested in and managed by Council under the Reserves Act 1977.	zone boundary then may be open from 7am to 3am the following day. <ul style="list-style-type: none"> <li>• If selling alcohol for consumption off 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.</li> </ul>
-------------------	---	---

#### 4. Liquor Ban Areas in Nelson City

Liquor ban areas are in bylaws that are adopted by Territorial Authorities in accordance with the Local Government Act.

The Ban on Drinking in Public Places bylaw (206) sets out restrictions on the drinking of alcohol in certain public areas in Nelson. Some areas are alcohol free 24 hours a day, 7 days a week, while other areas only have restrictions on drinking between 9pm and 7am every day. Any person convicted of breaching the bylaw can be fined up to \$1,000. Nelson City Council currently has 27 liquor ban areas in force (see map below). There is a 24 hour ban on drinking in public places within the CBD, Maitai River Reserves, Queens Gardens, Rutherford Park, Haven Road Reserve, Pioneers Park, Haven Road Reserve and Lions Playground. A 9pm to 7am ban applies in the other areas (dark pink indicates a 24 hour ban and light pink a 9pm to 7am ban).



Liquor bans can only be enforced by the New Zealand Police. The Police in Nelson play a major role in helping develop liquor ban areas. The New Zealand Police have provided some information about the level of enforcement of liquor bans in Nelson (refer Police report, Attachment 4 to the workshop papers). The data shows that breaches of liquor bans have increased significantly since 2006/2007 with particularly high levels of offences recorded in 2010/11 and slightly less in 2011/12. The general increase over the period may reflect an increase in illegal activity, an increase in policing or a combination of both.

The bylaw does not prohibit the possession of or consumption of liquor in any public place, or part of a public place, where it is authorised by a liquor licence, or where BYO liquor is permitted by the organiser of any function or event making use of such public place pursuant to the specific consent of the Council.

Under the new alcohol legislation, the Council must have reviewed the bylaw by December 2018 against new criteria. The new definition of 'public place' will allow liquor bans to include private areas to which the public has access e.g. private car parks, however, territorial authorities will first need to demonstrate that the ban can be justified in terms of reducing crime and disorder, which is a higher test than currently required.

## 5. Licences

### What is a licence?

This section provides information about the number, location and licensed hours of Nelson's licensed premises. A licence allows the holder to sell alcohol. There are four types of licence and each type has specific criteria attached to it by the Sale and Supply of Alcohol Act 2012.

Table 2: Types of licences

<b>On Licence</b>	Pub, restaurant, café, bar	The sale and supply of alcohol for consumption at the premises, including outdoor areas. BYO is a subset of on licence.
<b>Club Licence</b>	Sports club, RSA, working men's club	The sale and supply of alcohol for consumption at the club premises and only to members, affiliates and guests of the club.
<b>Off Licence</b>	Bottle store, supermarket	The sale of alcohol to be consumed away from the premises e.g. at home, at a BYO.
<b>Special Licence</b>	Festivals, weddings in Council halls	The sale of liquor at special events, it may be used to extend operational hours or licence one off events.

### Number of licences

Nelson currently has 167 liquor licences (at June 2013). Of those, 19 are clubs, 42 are off licences and 106 are on licences.

#### On licences

*Pubs and taverns:* licences as per the Nelson Resource Management Plan rules above (ie. CBD have licences to sell from 7am to 3am the next day; suburban have licences to sell from 7am to 11am from Sunday to Thursday and 7am to 1pm on Fridays and Saturdays.

*Restaurants and Cafes:* most have licences that allow them to sell alcohol from 9 or 10am to 11pm Sun-Thurs and to either midnight or 1am Friday and Saturday. Restaurants in the inner city have 7 a.m. – 3 a.m. licences (but probably trade a lot less than that) and only the suburban ones have the 7 a.m. – 11 p.m. Sun – Thursday and 7 a.m. – 1 a.m. next day on Fridays & Saturdays.

*Clubs:* The hours of clubs vary from club to club depending on what they have applied for and where they are.

Off licences

Liquor stores and supermarkets have licences to sell alcohol from 7am to 11pm daily. All but one of the supermarkets currently close by 10.00pm with one (New World) closing at 10.30pm (with longer hours for all on Christmas Eve and New Years Eve).

Liquorland Nelson currently opens from 9am to 7pm Monday; 9am to 8pm Tuesday and Wednesday; 9am to 9pm Thursday and Friday; 10 am to 9pm on Saturday and 11am to 6pm on Sunday.

Liquorland Stoke currently opens from 9am to 7pm Monday to Wednesday; 9am to 8pm Thursday; 9am to 9pm on Friday; 10am to 9pm Saturday; and 11am to 6pm on Sunday.

Liquor King has a licence to sell from 7am to 11pm daily but currently closes at 8pm Sunday to Thursday and 11pm on Friday and Saturday.

The Mill is open from 10am to 6 or 7pm Sunday to Thursday and 9am to 10pm Friday and Saturday.

Table 3: Licensed Premises by Type and Number

Type of Premises	Number
<b>Club</b>	<b>19</b>
General Club	2
Sports Club	17
<b>Off</b>	<b>40</b>
Caterer's endorsed off club off	2
club off	2
Grocery Off	2
hotel off	5
off licence	12
supermarket	7
tavern off	10
<b>On</b>	<b>104</b>
Airport Lounge	1
BYO Restaurant	1
Café	8
Café/Functions	1
Conveyance	4
Entertainment/Café	1
Function Centre	1
Hostel - Lodgers & Guests only	1
Hotel On	14
Incorporated Club On	1
Night Club	2
Restaurant	33
Restaurant/Café	3
Tavern On	33
<b>Total</b>	<b>163</b>

Licences per head of population

In 2011, Nelson had:

11.6 off licences per 10,000 residents compared to the national average of 10  
 23.5 on-licences per 10,000 residents compared to the national average of 18.5  
 5.1 club licences per 10,000 residents compared to the national average of 5.5

(source: ACC Alcohol Profile – Nelson City 2011)

**Proximity of licensed premises to schools**

Of the total number of licensed premises in Nelson at March 2013, 11 of these were within 50m of a school or preschool, 32 were within 100m.

**6. Demographic profile of our residents and our visitors**

This section summarises the demography of both Nelson's residents, and of the people who visit Nelson as tourists or holidaymakers.

**Nelson demographic profile*****Population***

New Zealand has just gone through the process of collecting census data and we're likely to see the first analysis from that data later this year. Because of this we're relying on data collected during the 2006 census. Nelson City's population was 42,891 in the 2006 census and was estimated to have reached 46,600 by June 2012<sup>1</sup>. Between 2001 and 2006, Nelson's population increased by 3 percent. It is projected<sup>2</sup> to reach 50,900 by 2036 but the rate of growth is likely to slow. Stoke is projected to be biggest growth area (over 60 percent)<sup>3</sup>.

Broken down by age group, the population growth is driven by an increase in people aged 65 and over. The number in that age group will almost double between 2011 and 2036 while the number of children and those aged 15-39 are projected to stay relatively constant and the number aged 40-64 is projected to decrease.

***Age and Gender***

Age is an important factor in determining the level of risk. Young people are more likely to consume to harmful levels.

In the 2006 census:

- the median age of Nelson residents was 39.4 compared to 35.9 years for New Zealand.
- Table 4 below provides a breakdown of the population by age group.

<sup>1</sup> Estimated population due to postponement of 2011 Census.

<sup>2</sup> Unless otherwise specified, projections used in this report were produced by Statistics New Zealand, based on area unit net migration assumptions provided by Nelson City Council.

<sup>3</sup> The Stoke area covers Saxton, Ngawhatu, Langbein, Isel Park, Nayland, Maitlands and Enner Glyn.



Table 4: Population by Age and Gender

Age Group	Number	Percentage of total age group	Percentage of males and females
0-14 years	8241	19.2%	9.9% males 9.3% females
15-24 years	5439	12.7%	6.4% males 6.3% females
25-39 years	8133	19.0%	9.1% males 9.9% females
40-64years	14844	34.6%	16.7% males 17.9% females
65 plus	6231	14.5%	6.3% males 8.2% females
TOTAL	42888	100%	48.5% males 51.5% females

### ***Ethnicity***

Based on 2006 census data, Nelson has a greater proportion of people of European ethnicity compared with the national population and a smaller proportion of Maori, Pacific and Asian ethnicity compared with the national population. In the 2006 census, the ethnic composition of Nelson's population was:

- 74.6% European
- 8.1% Maori
- 1.6% Pacific
- 2.4% Asian
- 0.3% Middle Eastern/Latin American/African
- 13.0% Other

Along with young people, Maori and Pacific are impacted more by alcohol related harm than the general population (NZ Health Survey 2011/12).

### ***Socioeconomic Deprivation***

The NZDep2006 provides a measure for the lack of social and economic factors in an area and scores from 1 to 10 against a set of variables related to deprivation. A score of 10 means those areas that have been measured against the 10 percent most deprived areas in New Zealand. Conversely a score of 1 means those areas that are within the 10 percent least deprived areas in New Zealand.

Nelson has significant pockets of high deprivation within the territorial authority boundaries. In the 2011/12 New Zealand Health Survey, people living in more deprived areas were less likely to have consumed alcohol in the past 12 months, but were more likely to have hazardous drinking patterns (18%), than people living in less deprived areas (11%).

### ***Employment***

According to Statistic New Zealand's business demography data, 24,480 people were employed in Nelson as at February 2012. Of those, 3.1% were employed by supermarkets, 0.24% were employed by clubs, 1.3% were employed by pubs and taverns, 2.7% were employed by cafes and restaurants, 0.12% employed by liquor retailers.

### ***Tourists and Visitors***

Tourism makes a significant contribution to the Nelson Tasman regional economy, peaking over the summer months. Most tourism data is collected for the region and not by territorial authority boundaries, which makes it difficult to make an assessment of the impact that a draft local alcohol policy would have on visitor numbers in Nelson City. The Ministry of Tourism estimates that in 2011, there was a total of 2,308,565 visits to the region and expenditure of \$382 million. Of these 1,601,191 were domestic visitors spending a total of \$252 million and 707,474 were international visitors spending a total of \$130 million.

The Nelson Tasman I Site recorded 276,478 guest arrivals to Nelson City in 2012. While Nelson City has performed better than the national average in terms of international visitor nights over the period 2008 -2012, numbers did decline by 3.3% over that period. Most international visitors come from the UK, Germany, other European, USA and Australia. In general, there are three main demographics for visitors: 18 – 35 year olds (international and domestic); 55+ active boomers (more international than domestic); and families (NZ).

The new target markets for international tourists are China, India, and other South East Asian countries. Nelson Tasman is the seventh most popular visitor region with 3.8% of the market share in 2012.

The Nelson Tasman Tourism Board say that, anecdotally, the majority of international visitors who come to Nelson spend most of their stay outside of the city.

## **7. Overall health of residents**

Information from the Nelson Marlborough DHB Annual Report 2011/12 indicates that compared to the rest of New Zealand the population covered by the Nelson Marlborough District Health Board has:

- A high incidence of chronic lung disease, chronic pain and dementia, intellectual and physical disability
- High rates of breast and prostate cancer, and associated high death rates
- A high personal injury and accident rate
- More people > 65; fastest growing > 85
- More births; fewer young adults (18-30)
- One of the lowest 'amenable mortality' rates (A rate that measures premature mortality according to access to health services.)
- One of the longest 'life expectancy at birth' rates
- One of the 'most active' populations in NZ
- Access to good public health, community, general practice and secondary services.

## 8. Alcohol-related harm

This section of the paper is about assessing the extent of the harm, if any, that results from negative alcohol consumption behaviours. This part aims to identify the level of harm based on the evidence available. Council needs to agree on the size of the problem, before determining the most appropriate policy solutions.

The harms associated with high dose consumption of alcohol have an impact on individual drinkers, their friends, family, local communities and New Zealand society. It may be necessary to weigh the benefits of reducing these harms against the cost of restricting the supply of alcohol to the individual moderate drinker, and the cost to businesses.

At their most basic, alcohol related issues are issues that arise from having consumed 'too much' alcohol. The issues can be broken down into two categories. The first are acute alcohol related issues, when 'too much' alcohol means a temporary state of intoxication. The second category are chronic issues where 'too much' alcohol means regular persistent consumption of alcohol, a high average alcohol consumption.

### Alcohol Related Health Outcomes

#### **National data**

Alcohol is widely consumed in New Zealand. Excessive alcohol use can contribute to health and social harms, including long-term diseases, injuries and accidents. Harmful alcohol use can also affect people in the drinker's wider community<sup>4</sup>.

Hazardous drinking is defined as a score of 8 points or more on the 10-question Alcohol Use Disorders Identification Test (AUDIT), which includes questions about alcohol use, alcohol-related problems and abnormal drinking behaviour. Hazardous drinking refers to an established drinking pattern that carries a risk of harming the drinker's physical or mental health, or having harmful social effects on the drinker or others<sup>5</sup>.

On 16 April 2013, the Ministry of Health reported results from the 2011/12 New Zealand Health Survey relating to alcohol use and hazardous drinking in over 15 year olds. The survey is a national survey and the key findings were:

- In 2011/12, most adults had consumed alcohol in the past 12 months (80%). This is fewer than in 2006/07 (84%). Decreases in past-year drinking were generally seen across all age groups, but particularly among 15–17 year olds.
- Among people who had consumed alcohol in the past 12 months ('past-year drinkers'), one in five (19%) had hazardous drinking patterns. This is about 532,000 people.
- Since 2006/07, the level of hazardous drinking among past-year drinkers has significantly decreased for men (from 30% to 26%), but not among women (13% to 12%).
- People aged 18–24 years (particularly men) are at higher risk of hazardous drinking. Among past-year drinkers, about 44% of men and 26% of women aged 18–24 years have hazardous drinking patterns. However, the rate of hazardous drinking has decreased significantly in past-year drinkers aged 18–24 years from 2006/07 (49%) to 2011/12 (36%).
- Māori have similar rates of past-year drinking as the total population, but have higher rates of hazardous drinking. Rates of hazardous drinking among Māori

---

<sup>4</sup> Hazardous drinking in 2011/12. Findings from the New Zealand Health Survey

<sup>5</sup> Ibid.



adults have decreased since 2006/07, (from 33% in 2006/07 to 29% in 2011/12).

- While Pacific adults are less likely to drink alcohol, those who do are more likely to have hazardous drinking patterns (35%) than adults overall (19%).
- People living in more deprived areas are less likely to have consumed alcohol in the past 12 months, but are more likely to have hazardous drinking patterns (18%), than people living in less deprived areas (11%).

### **Report from Medical Officer of Health**

Local data relating to alcohol-related health issues has been provided by the Medical Officer of Health and Public Health Service of the Nelson Marlborough District Health Board. This information is contained in Attachment 5 of the Council workshop papers.

### **ACC Ambulance Data for Nelson Territorial Authority area (December 2012 to May 2013)**

In December 2012, ACC began collecting data from the St Johns Ambulance Service on call outs that are alcohol-related. The ambulance officers record intoxication if they observe it and, if intoxication is not obvious, they ask the person whether he/she has consumed alcohol in the past 6 hours and record the "yes" responses.

For the period December 2012 - April 2013:

- Half of all calls were to private homes (54/133)
- 38% of calls were to public places (bars, public place, street) close to the CBD
- Calls tend to start at midnight in the CBD. There were the same number of calls (7) each hour between 12 and 4am when it all stops.
- 40% of calls were between 12 and 3am across the wider city
- People aged between 15-29 were more likely to be patients than other age groups.

### **Alcohol related crime outcomes**

For the preparation of draft LAPs Territorial Authorities were provided with a generic set of measures for their area with a number of caveats place on the analysis. The key findings are:

- In the Nelson City Council TLA, at least 32% of offenders are apprehended per year having committed offences under the influence of alcohol.
- The place of last drink for apprehended offenders under the influence of alcohol in the Nelson City territorial authority area was averaged over the three years from 2009/10 to 2011/12 - 36% had their last drink at home; 24% had their last drink at a licensed premises; and 19% had their last drink in a public place.
- Comments from Nelson Bays staff suggest factors responsible for higher levels of antisocial offending on a Saturday after midnight, include:
  - Excessive alcohol consumption.
  - Youth and young adults preloading alcohol.
  - Some licensees operating outside of the law with little social responsibility

### **Caveats to data analysis provided by Police**

Caution must be exercised on the Police data provided as it is based solely on the data received and recorded in police systems. The interpretations and conclusions drawn are made on the balance of probability on information available at the time of preparation. The information provided is not evidence and is intended to provide a basis for further investigation only.

Data provided by the Police is provisional only, as it was drawn from dynamic operational databases. These datasets are subject to change over time as information is constantly updated, during the course of active investigations, therefore, these datasets may not be directly comparable with published official Police statistics, or other similar data published elsewhere.

Data provided refers to the number of apprehensions and not the number of offenders or offences. This is because one offender may be apprehended for numerous offences, or more than one offender may be apprehended for a single offence.

#### Alco-link

Even where an offender has been apprehended, and had consumed alcohol prior to the offence being committed, there is no way of accurately determining the level of impairment, or any causal link between the offending and the consumption of alcohol.

Alco-link data is subjective and is collected at the time of apprehension, there is no way to determine its accuracy and it may be subject to reporting errors. Because of this, the data is only indicative.

## **9. Policies/initiatives already in place**

Nelson already has a range of measures in place to manage the sale, supply and use of alcohol across the city. In addition to the provisions in the Nelson Resource Management Plan and the bylaw on drinking in public places, there are a range of non-regulatory measures which appear to be having a positive impact on alcohol related harm. These include:

### **Nelson Tasman Regional Alcohol Accord and Action Plan**

The Nelson Tasman Regional Alcohol Accord was set up in 2008 with the goal of promoting the responsible use of alcohol and reducing alcohol-related harm, along with keeping Nelson and Tasman safe and vibrant. The Accord is a partnership between NZ Police, ACC, the Nelson Marlborough DHB, Nelson and Tasman District Councils, Hospitality NZ and licensed premises operators and managers. Its objectives are to:

- reduce alcohol-related crime
- reduce intoxication and disorder
- to reduce underage drinking
- to build good relationships and working partnerships between regulatory agencies, stakeholders and licensees.

A number of initiatives have been overseen by the Regional Alcohol Accord, for example, Mellow Yellow, the Nelson Tasman Protocol and Know Your Limit campaign.

### ***The Nelson Doorman's Association***

In 2008, the Nelson Tasman Doorman's Association put in place the Nelson Tasman Protocol, which includes around 52 bars across the Nelson Tasman region. This is a voluntary protocol which allows a bar owner to ban patrons for bad behaviour, usually physical aggression, for up to 12 months and the ban then applies across all bars that are members of the Protocol. The Doorman's Association advise that around 45 people have been banned since it started in 2008.

The Association also started Mellow Yellow, which involves pub doormen in the CBD putting on yellow vests and coming out onto the street at 2am to help people into taxis and other transport. It advises that the introduction of a mandatory one-way door policy across all bars may prevent this happening as doorman would be unable

to leave the door once the one-way door is operating. It also advises that this has the potential to damage the current good relationship between the Police and the Association.

The local Doorman's Association also provides training on host responsibility for door staff, which is over and above the certificate they currently require to become door staff.

### ***Know Your Limit Campaign***

This is a multiagency campaign primarily aimed at reducing intoxication amongst those who drink at pubs and clubs in the inner city. An independent evaluation of this campaign has been undertaken and includes options for growing and improving the campaign.

### **Street Ambassadors**

Nelson's Street Ambassadors patrol the streets during summer weekends from 9.30pm till 4am looking out for young people who might find themselves in strife while out partying, joining the Police, Māori Wardens, the Nelson Community Patrols and the Doormen's Association who all work to keep Nelson safe.

Feedback about the Street Ambassador service is that it plays an important role in reducing trouble on the streets over summer and in keeping Nelson a safe place for everyone to enjoy. The Street Ambassadors work in pairs throughout the weekend nights, delivering safety messages, offering advice and assistance when needed and intervening with the aim to stop trouble before it starts.

### **Police**

In addition to their enforcement role, the Police have taken the lead on a range of initiatives with licensed premises management and staff, the District Licensing Authority and the health sector to promote a common understanding of the three stages of intoxication and the appropriate level of intervention for each stage. They have also increased their visibility in the entertainment precinct.

### **DHB**

The DHB is in the process of improving its alcohol-related harm data collection and the mechanisms for sharing it between agencies. It also intends to develop an alcohol harm reduction strategy over the next year.

## Results of Community Survey on Draft Local Alcohol Policy

July 2013

---

### **Background and Methodology**

A recent law change allows for local authorities like Nelson City Council to develop a local alcohol policy. In conjunction with Tasman and Marlborough District Councils, Nelson City Council developed a survey to get residents' views on how alcohol is supplied in Nelson. The results from this survey and other research will help officers write a Draft Local Alcohol Policy for Nelson City. The draft policy will then go back to the public for feedback and amendment before final approval.

The original survey was sent by email to 1126 Nelson residents. Almost two-thirds of these (722) had been randomly selected to join Nelson City Council's People's Panel. The other 404 were from a database of residents who previously indicated they would like to give feedback on Council policies and decisions. There were 550 responses to the emailed survey, 340 from the randomly selected panel.

However, as there was a relatively low response rate by residents younger than 40, a shorter version of the survey was created. This version of the survey was available on Nelson City Council's website and promoted in Live Nelson, on Twitter, and in various Facebook pages (Council, Saniti (NMIT student association), and NCC Youth Council). It was shared on the Facebook pages of some local hospitality businesses. A letter was also sent to stakeholders that mentioned that the survey was available from Nelson City Council's website. The survey was also conducted in person at the NMIT Nelson campus over three lunchtimes (100 responses).

The response rates varied for each question. The questions which were in both versions of the survey had between 1000 and 1088 responses. The questions that were only in the original longer version of the survey had at least 520 responses. Each survey was open for twenty days over May and June 2013.

The survey is generally representative of Nelson's demographics, by age, gender, and geographic area. The 16-24 age group is slightly over-represented with 24% of respondents in this age group compared with 14% for Nelson's 2006 population (Census). As not all the respondents were randomly selected it is not possible to calculate a margin of error or confidence level for the results.

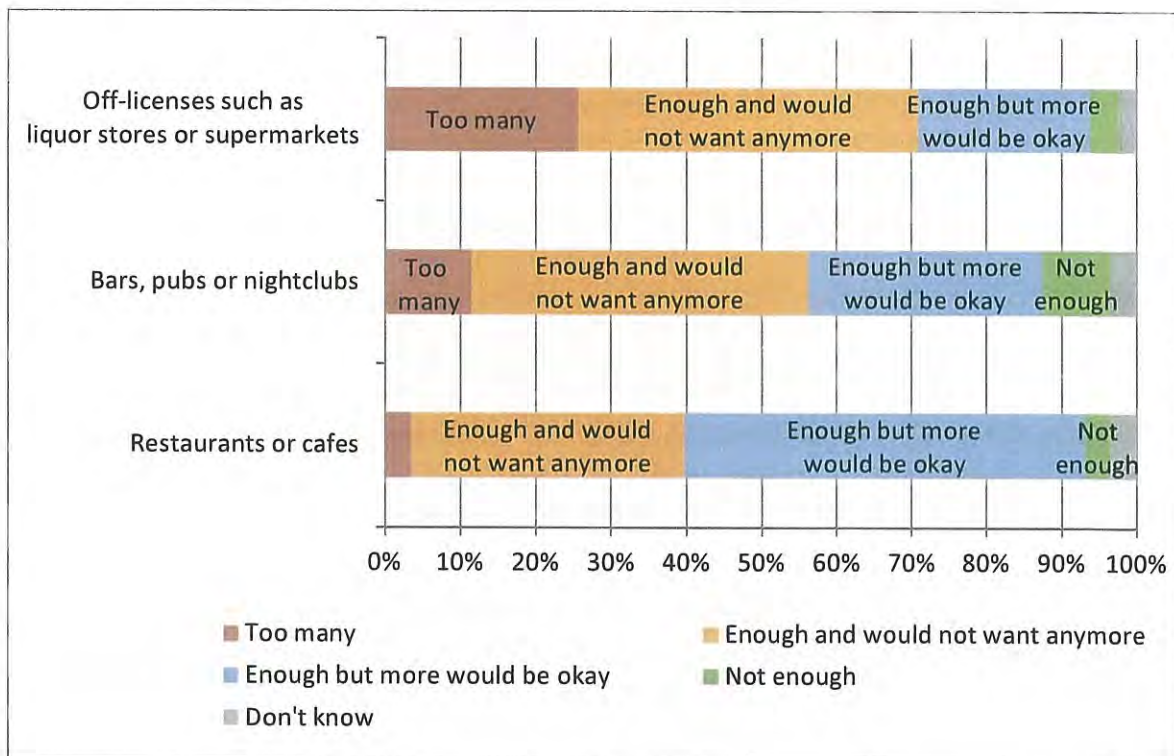
Summary of Alcohol Survey for Website July 2013

1551661

**Key Findings** (from approximately 1000 respondents)

**Availability of alcohol**

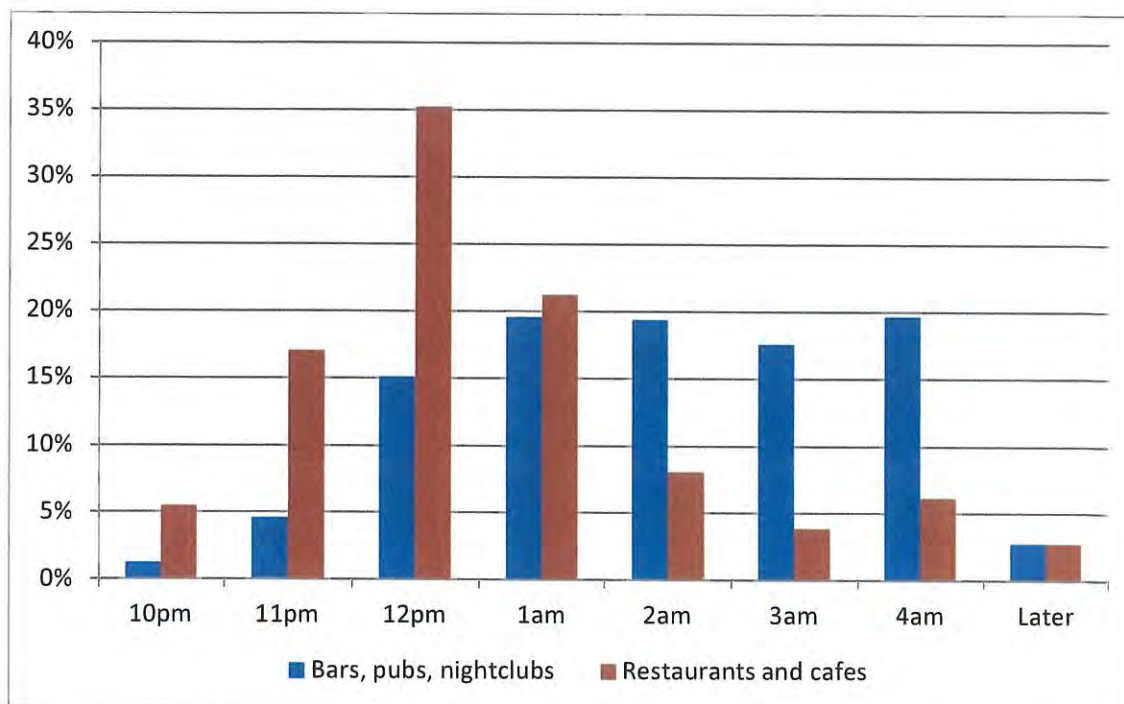
- The majority said there are enough licensed premises where alcohol can be purchased and consumed on the premises with a meal, such as restaurants or cafes. Half said more would be okay and a third said they would not want anymore.
- Three-quarters said there are enough licensed premises where alcohol can be purchased and consumed on the premises such as bars, pubs and nightclubs. Forty-five percent said they would not want anymore and a third said more would be okay. Twelve percent said there were too many.
- Over two-thirds don't want any more off-licenses (such as liquor stores, supermarkets and local grocery stores). Over a quarter said there are already too many and 45% said there are enough and they would not want anymore. A quarter said there are enough and more would be okay.
- The majority said there are enough other places that sell alcohol such as sports clubs, workingmen's clubs, and RSA and 49% would not want anymore.





### Hours of operation: on-licenses

- There was a range of views on the time bars, pubs and nightclubs should stop selling alcohol with about 20% selecting each hour between midnight and 4am.
- Over half thought restaurants and cafes should stop selling alcohol at midnight or 1am with a fairly even split between those wanting them to close early and those wanting them to close later. The results were similar for other places that sell alcohol (such as sports clubs or suburban clubs)

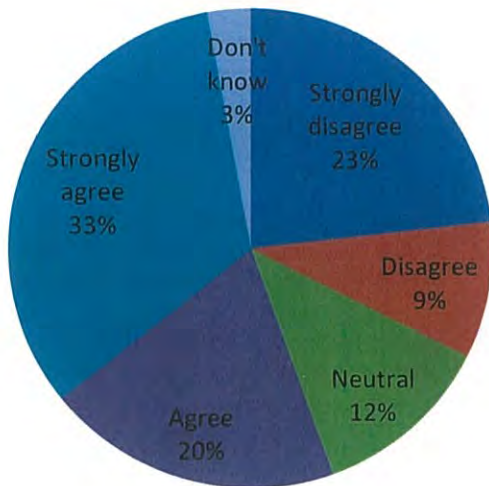


Summary of Alcohol Survey for Website July 2013

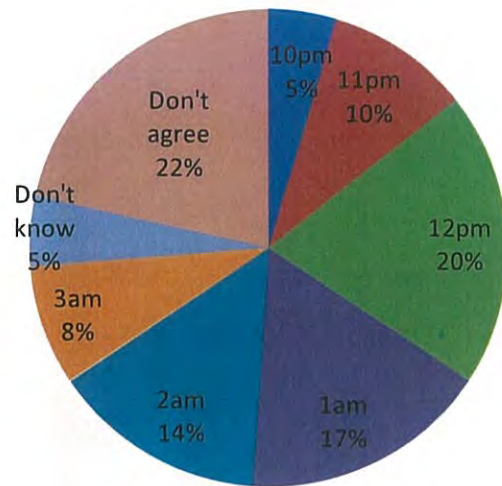
**One-way door policies**

- Over half agreed with one-way door restrictions but a third disagreed, including a quarter who strongly disagreed.
- There was a range of views on the time a one-way door policy would operate. Twenty percent would set midnight as the time when new people couldn't enter bars, 17% said 1am and 14% said 2am.

Level of agreement with a one-way door policy

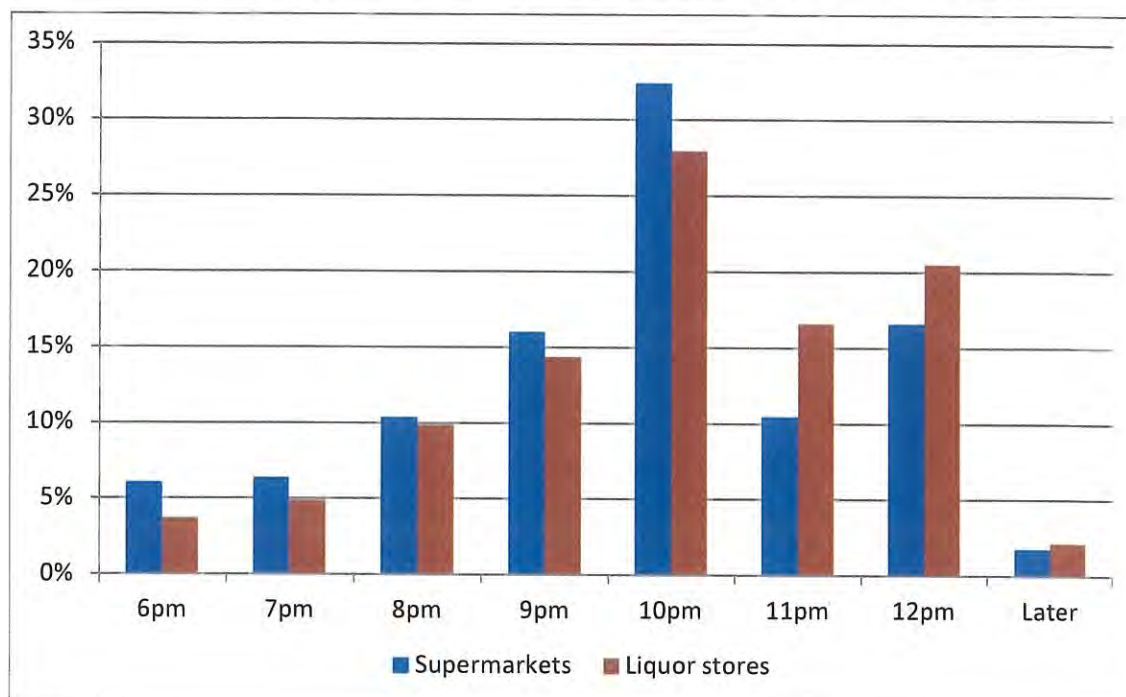


Views on the time a one-way door policy would operate



### Hours of operation: off-licenses

- A third of respondents thought supermarkets should stop selling alcohol at 10pm. Thirty-nine percent thought they should stop selling earlier and 29% thought they should stop selling later.
- The results were similar for liquor stores with slightly more saying they should stop selling at 11pm or midnight.
- People generally wanted local grocery stores to stop selling earlier, with almost a third suggesting 8 or 9pm and a quarter suggesting 10pm.



### General views on alcohol issues

- The community's views were fairly evenly split on whether they should have the opportunity to drink on licensed premises at any time. Almost half agreed that they should have the opportunity to drink on licensed premises at any time. A quarter disagreed and 17% strongly disagreed.
- There was a similar split over whether people should be able to buy alcohol to take away at any time with half disagreeing and 41% agreeing.
- Half agreed that having an alcohol precinct with a number of bars, restaurants and cafes in the same area is an effective way to monitor alcohol related activity. Eighteen percent were neutral and 24% disagreed.

Summary of Alcohol Survey for Website July 2013



- Less than half agreed that having licensed premises close to each other creates problems for nearby residents but 31% disagreed.
- Two-thirds agreed there is a problem with youth and drinking in Nelson City. However, the definition of 'youth' is unclear and responses will depend on respondents' interpretation.
- People tended to disagree that current restrictions on alcohol in Nelson City are adequate for controlling alcohol-related problems with 42% disagreeing. Thirty percent agreed and 19% were neutral.
- Half agreed that alcohol is a problem in Nelson but a quarter disagreed.
- A quarter of respondents were neutral on whether the positive impacts of alcohol in Nelson City outweigh the negative impacts. Forty-three percent disagreed that the positive impacts outweighed the negative and 27% agreed.
- A quarter of respondents said they or someone close to them had experienced significant harm from someone else's drinking.

**Key findings from questions in long survey** (approximately 500 responses but younger age groups are under-represented):

- The majority think the Nelson District Licensing Committee should consider the number of existing places that sell alcohol when an application for a new license is made
- Of the 300 respondents who thought there were other areas in Nelson where no more places selling alcohol should be allowed to be open, about a third specified the Bridge Street area and slightly more said the central city/inner city/CBD area.
- Most respondents thought there should be restrictions on how close licensed premises can be to secondary schools, early childhood centres and primary schools, drug and alcohol rehabilitation services, and parks and playgrounds.
- Over half thought there should be restrictions in the proximity to hospitals.
- There was less support for restrictions in proximity to another place that sells alcohol, to churches, or to retirement villages.

**Demographics and drinking behaviour**

	<b>Survey Respondents (both surveys) n=1050 approx</b>	<b>Survey Respondents (long version of survey) n=540 approx</b>	<b>Census 2006</b>
<b>Age groups</b> (% of population aged over 16)			
16-24	24%	3%	14%
25-39	20%	12%	24%
40-64	41%	58%	44%
65+	15%	27%	18%
<b>Gender</b>			
Male	45%	44%	48%
Female	55%	56%	52%
<b>Geographic areas*</b>			
Stoke	30%	29%	35%
Tahunanui	10%	9%	12%
Nelson Central	49%	48%	42%
Nelson North	11%	14%	11%
<b>Ethnicity (multiple responses allowed)</b>			
European	89%	98%	78%
Maori	5%	3%	8%
Pacific People	1%	1%	2%
Other	5%	7%	19%

\*The percentages are for Nelson residents who responded to the survey, to allow comparison with Census data but there were also 63 responses from Tasman residents.

<b>How often do you drink alcohol?</b>	<b>Response Percent N= 1034</b>
Never	6%
Once a month or less	24%
Usually once a week	31%
Up to three times a week	22%
Four or more times a week	18%
<b>How many drinks would you usually have on one occasion?</b>	<b>Response Percent N=966</b>
1-2	49%
3-4	24%
5-6	14%
7-9	7%
10-12	4%
13 or more	3%

<b>In the past year, where have you usually consumed alcohol? You can tick more than one.</b>	<b>Response Percent N=971</b>
At home	91%
At another private residence (such as	75%
At work	16%
Bar, pub or nightclub	59%
Restaurant or cafe	74%
Sports club	16%
Public event, such as a concert, fair or	32%
Public place such as public park or beach	13%
<b>In the last 5 years have you or someone close to you experienced significant harm from someone else's drinking?</b>	<b>Response Percent N= 1029</b>
Yes	25%
No	75%

Summary of Alcohol Survey for Website July 2013

## **Detailed results**

### **Alcohol availability in Nelson (n=1053)**

	<b>Too many</b>	<b>Enough and would not want anymore</b>	<b>Enough but more would be okay</b>	<b>Not enough</b>	<b>Don't know</b>
Places where alcohol can be purchased and consumed on the premises with a meal, such as restaurants or cafes	4%	36%	53%	4%	3%
Places where alcohol can be purchased and consumed on the premises such as bars, pubs and nightclubs	12%	45%	31%	9%	3%
Places where alcohol can be purchased and taken away such as liquor stores, supermarkets and local grocery stores	26%	45%	23%	4%	2%
Other places that sell alcohol such as sports clubs, workingmen's clubs, RSA, buses, boats and winery/cellar doors	7%	42%	36%	5%	10%

### **Locations of premises that sell alcohol (n=544 but younger age groups under-represented)**

Most respondents thought there should be restrictions on how close licensed premises can be to secondary schools (85%), early childhood centres and primary schools (84%), drug and alcohol rehabilitation services (82%), and parks and playgrounds (79%). Over half (61%) thought there should be restrictions in the proximity to hospitals. There was less support for restrictions in proximity to another place that sells alcohol (43%), to churches (41%), or to retirement villages (36%).

Summary of Alcohol Survey for Website July 2013



**Hours of operation: on-licenses (n=1045)**

	10pm	11pm	12pm	1am	2am	3am	4am	Later
Bars, pubs, nightclubs	1%	5%	15%	20%	19%	18%	20%	3%
Restaurants and cafes	6%	17%	35%	21%	8%	4%	6%	3%
Other places that sell alcohol such as sports clubs, workingmen's clubs, RSA, buses, boats, winery/cellar doors	7%	14%	37%	18%	9%	5%	7%	3%

The long version of the survey asked whether these hours should apply across the whole City and the majority (93% of 540 respondents) agreed. Most of those who disagreed thought it should be earlier in residential or rural areas and/or inner city nightclubs could be later.

**Hours of operation: off-licenses (n=1016)**

	6pm	7pm	8pm	9pm	10pm	11pm	12pm	Later
Supermarkets	6%	6%	10%	16%	32%	10%	17%	2%
Liquor stores	4%	5%	10%	14%	28%	17%	21%	2%
Local grocery stores	10%	8%	13%	18%	26%	9%	14%	2%
Bars or pubs with off-licenses	2%	3%	6%	10%	27%	16%	33%	3%

**One-way door policies (n=1032)**

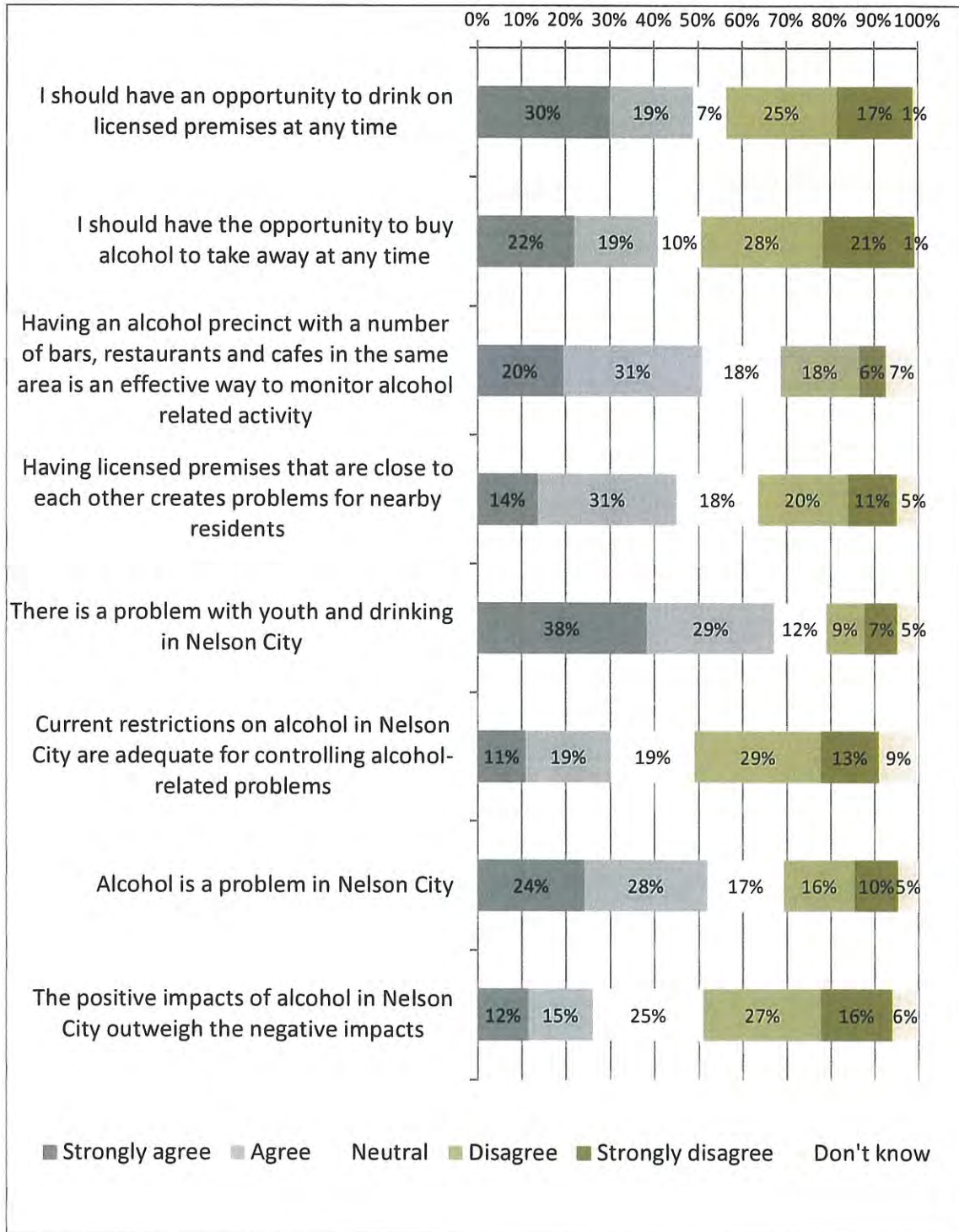
To what extent do you agree or disagree that one-way door restrictions should be required in bars and pubs in Nelson City	Response Percent
Strongly disagree	23%
Disagree	9%
Neutral	12%
Agree	20%
Strongly agree	33%
Don't know	3%

Summary of Alcohol Survey for Website July 2013

<b>If a one-way door policy were to operate, what time would you set as the time when new people could not enter bars?</b>	<b>Response Percent</b>
10pm	5%
11pm	10%
12pm	20%
1am	17%
2am	14%
3am	8%
Don't know	5%
Don't agree with one-way door restrictions	22%



**General views on alcohol issues (n=1088)**



Summary of Alcohol Survey for Website July 2013

## **Summary of early input from stakeholders (other than the community survey)**

### **Health professionals/workers/other individual residents**

- Views picked up in Medical Officer of Health's report (refer Attachment 4 of Council workshop papers). Generally aligned with community survey data. Support policies which restrict access to alcohol, with more restrictive hours for off licence premises being a common theme.

### **Supermarket chains/NZ Retailers Association**

#### **Restricting hours**

- Supports retention of 7am to 11pm for off licence sales. Say they can't find peaks in alcohol sales during day.
- They say the closing time would effectively be half hour earlier as the average shopper spends half an hour in the supermarket.
- Agree preloading is an issue but think that earlier closing will mean people will buy earlier.
- Say that the Police and Medical Officer of Health in Christchurch unable to provide evidence that links hours of purchase to hours of consumption.
- Think there needs to be greater recognition of the requirements already in the Act (e.g. relating to display and promotions).

#### **Density/location**

- Restrictions on having liquor licences in certain parts of city may restrict investment in supermarkets. Say would struggle to be viable if can't sell liquor (would be a questionable investment).

### **HANZ Nelson Branch**

#### **Restricting hours**

- Would like to retain the status quo.
- The Regional Alcohol Accord initiatives are starting to work (collaborative approach).
- Nelson/Tasman Protocol has signed up over 50 bars and restaurants (allows people to be banned across all 52 bars). Would encourage clubs to join the Protocol (discretionary condition?).
- Doorman's Association undertaking training of door staff (Association is registered, was initiated by industry, supported by the Accord).
- Mellow Yellow initiative - doorman on streets - assists patrons to feel safe. Helping people into taxis etc but say this could be compromised if mandatory one-way door policy introduced.
- One-way door - say a blanket one-way door policy would increase staff costs and education of patrons would be an issue. Support one-way door as discretionary condition for poor performance. Mandatory one-way door has potential to damage relationship between doormen and Police because doormen couldn't leave the door to assist in the street once the one-way door policy kicks in. Limited evidence around



effectiveness of one-way policies – concern could cause aggression if people can't get into venues.

- Generally low spend per head of people going through the door. Say most people go for dancing/entertainment.
- Better to have people in supervised environments than pushed out to private parties with no host responsibilities or duty managers.
- HANZ say if bars/pubs close earlier then restaurant workers/shift workers can't go out for drink after work.

#### **Discretionary conditions**

- Would support discretionary conditions relating to CPTED but Council also needs to do its bit in and around Bridge Street.
- Say they already turn away 20-25% of people because they are intoxicated.

#### **HANZ (national position)**

- Oppose restricting licensing hours and one way door policies.
- Licensed premises are professionally run, generally compliant and already over regulated.
- 12% of tourists' budget is spent on food and drink.
- Quotes the Wellington data where 64% think the number of pubs, bars and restaurants is about right.
- Downward trend in alcohol consumption.
- Low price of alcohol in off licences encourages drinking at home (75% of alcohol consumed at home or public place)
- The number of recorded offences in licensed premises has dropped.

#### **Liquorland NZ**

- Responding in relation to off licences for traditional liquor stores.
- Supports the maximum default hours in the new legislation of 7am-11pm as appropriate.
- Does not support restricting or capping the number of licences in a particular geographic area.
- Believes that a number of provisions introduced by the new legislation such as prohibition on convenience stores holding liquor licences, new criteria for licences and renewals including amenity consideration, and the '3-strikes rule' (3 convictions for certain offences and the licence holder cannot hold a liquor licence for 5 years) are likely to be sufficient to deal with any public nuisance issues arising from alcohol abuse.
- Does not support blanket restrictions. Licences should be considered on their merits.

## **Minutes of a meeting of the Nelson Youth Council**

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

**On Friday 7 June 2013, commencing at 1.02pm**

---

Present: Moorea Smithline (Chairperson), Cambria Doyle, John Gibson, Dana Fulton, Chelcie-Mei Phillips, Petra Higgins, Joseph Cotton, Chloe Rumsey, Harry Tod-Smith, Lucy Upton, Samantha Stephens, Carla Lindley, Charlie Norton, Kaimana Gallop, Kassianna Barrett-Hemi, and Blake Hornblow

In Attendance: Councillors K Fulton and P Rainey, Team Leader Social Development (M Parfitt), and Administration Adviser (E-J Ruthven)

Apologies: Fraser Malpas, Alex Doggett, Teone McGregor

### **1. Apologies**

The apologies were noted.

### **2. Confirmation of Minutes**

15 May 2013

Document number 1513430, agenda pages 4-9 refer.

Resolved

***THAT the minutes of a meeting of the Nelson Youth Council, held on 15 May 2013, be confirmed as a true and correct record.***

Stephens/Higgins

Carried

### **3. The Constitution Conversation**

Gail Collingwood joined the meeting, and spoke about the Constitution Conversation submission process. She explained that she was not speaking as a Nelson City Councillor, but rather in her association with the Nelson Branch of the National Council of Women.

Ms Collingwood explained the review currently underway to consider the constitutional organisation within New Zealand, and noted some of the specific topics considered as part of the review. She said the Constitution Conversation was interested in hearing the views of young

New Zealanders, and suggested that youth councillors consider making a submission.

Attendance: Blake Hornblow joined the meeting at 1.10pm.

Youth councillors discussed whether to make a submission, and it was agreed that a sub-group should consider this issue further. Carla Lindley, Samantha Stephens, Kassianna Barrett-Hemi, Lucy Upton, Harry Tod-Smith, Chloe Rumsey, Joseph Cotton, Chelcie-Mei Phillips, Dana Fulton, John Gibson, Cambria Doyle, Moorea Smithline and Kaimana Gallop volunteered to assist.

#### **4. Sonic and Masked Parade**

Michaela Blackman, Festival Co-ordinator, joined the meeting. She asked youth councillors for suggestions of bands that could perform at the youth event following the Masked Parade. Suggestions made included the band 'Third Wheel', 'The Intones', an 'X Factor' contestant, or newly-formed local bands.

Ms Blackman explained that the Silent Disco would likely be run again, and the 1903 Square site would again be utilised as a youth zone. She asked for ideas for this area, and suggestions included having more chairs/bean bags available, including a photo booth and offering makeovers. In response to a question, she confirmed that the basketball hoops from 'The Truck' should be available.

Ms Blackman explained that she would have a list of jobs available at the next Youth Council meeting.

#### **5. Local Alcohol Policy**

Jenny Hawes, Nelson City Council Principal Adviser – Community, joined the meeting and spoke about the Local Alcohol Policy. She explained some of the issues that the policy could consider, including restricted opening hours, closing times, one-way door policies, the number of alcohol outlets available, and their proximity to schools and churches.

Ms Hawes said that an online survey was available on the Nelson City Council website, and encouraged youth councillors and their peers to complete it. She added that there would be a formal consultation process in the future, and encouraged Youth Council to consider making a submission to this.

Youth councillors split into groups to discuss the issues and provided feedback to Ms Hawes.

#### **6. Amendment to Speed Limits Bylaw 2011 Submission**

Samantha Stephens displayed a copy of the Youth Council submission to the Amendment to Speed Limits Bylaw 2011 (1525232).

In response to a question, it was noted that the additional corner suggested to be included should be clarified as the intersection of Rutherford, Ngatitama and Van Diemen Streets. An additional edit to ensure the first sentence read the 'Nelson Youth Council' was also noted.

Resolved

***THAT the Youth Council submission to the Amendment to Speed Limits Bylaw 2011 be approved, with edits as noted.***

Smithline/Cotton

Carried

## **7. Morrison Street Pedestrian Mall Declaration**

Samantha Stephens spoke about the Morrison Street Pedestrian Mall Declaration. She said that stall holders' vehicles and bicycles were allowed into Morrison Street, but no other vehicles were allowed during the Farmers Market each week.

## **8. Draft Annual Plan 2013/14 Submission**

Kassianna Barrett-Hemi spoke about the experience of presenting the Youth Council submission on the draft Annual Plan 2013/14, at the hearing on 30 May 2013. She said that a number of youth councillors had attended to speak to the submission, and had answered a variety of questions well.

## **9. Rockquest Award**

Samantha Stephens spoke about the presentation of the Youth Council Rockquest Award, at Rockquest on 17 May 2013. She said that a number of youth councillors had attended, and that OH BLOK had won the Youth Council Award.

## **10. Active Transport Advisory Group**

Carla Lindley spoke about the Active Transport Advisory Group meeting on 30 May 2013. She explained the projects that the group was working on, and that these were currently being ranked in order of priority.

## **11. Stage Challenge Award**

Petra Higgins spoke about presenting the Stage Challenge Award on 27 May 2013, and said a number of youth councillors had attended the event. She spoke about presenting the Ministry of Youth Development Award. Petra updated about the Aotearoa Youth Voices and representing youth on the Ministry of Youth Development funding panels.

## **12. Youth Volunteer Awards**

Harry Tod-Smith spoke about the judging process for the Youth Volunteer Awards, taking place on 18 June in the Council Chamber, and noted the six individuals and one group who would be receiving awards.

He asked Youth Council representatives to assist with the event, wearing their Youth Council T-shirts. Moorea Smithline, Kassianna Barrett-Hemi, Samantha Stephens, Charlie Norton, Lucy Upton, Chloe Rumsey, Joseph Cotton, Blake Hornblow, Petra Higgins, Chelcie-Mei Phillips, Dana Fulton, Cambria Doyle, John Gibson, and Carla Lindley volunteered to do so.

## **13. Tahuna Youth Park Tree Planting**

Blake Hornblow spoke about the tree planting event, held at the Tahunanui Youth Park on 5 June 2013. He said that youth councillors had assisted with planting approximately 700 trees, and with running the barbeque, and a series of photos was shown (1531247). It was noted that members of Youth Councils from previous years, who had also been involved in the development of the youth park, had attended.

## **14. General Business**

### **14.1 Media Training**

Youth councillors identified the media skills they were interested in receiving training for, including how to respond to unexpected questions, how to make clear points so that the message was not lost in reporting, important 'dos and don'ts' and one-on-one interview techniques, including role-playing.

### **14.2 Resignation**

It was noted that Patrick Corish had resigned from Youth Council, and that at this stage in the year there were no plans to replace his position.

### **14.3 Rockquest Winners**

Samantha Stephens explained that there had not been an appropriate opportunity to photograph OH BLOK on the night of Rockquest. A suggestion was made that OH BLOK attend a future Youth Council meeting, so that a photograph could be taken.

### **14.4 Masked Parade**

A suggestion was made that the Youth Council enter the Masked Parade, and there was general agreement to consider this further.

There being no further business the meeting ended at 2.12pm.

Confirmed as a correct record of proceedings:

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