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16 September 2013

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Nelson City Council
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To The Mayor and Councillors

DRAFT LOCAL ALCOHOL POLICY SUBMISSION

Nelson Youth Council wishes to submit the following in accordance with the consultation on the Local Alcohol Policy changes.

Youth Council supports a one way door policy for bars and clubs, beginning at 2am for 3am closing.

We support pubs, bars, taverns and nightclubs closing at 1am and 3am (inner city), however, we would like to see cafes and restaurants closing at 1am to keep this in line with the earlier closing time for bars and pubs. We request that off licence sales extend to 10pm, not 9pm as proposed.

If there is a hearing we would like to speak to our submission, so please contact Rachael Large who will liaise with us about times. Thank you for enabling us to have the opportunity to have a youth voice on this matter.

Yours sincerely

Carla Lindley

Kaimana Gallop

Samantha Stephens

Fraser Malpas

Petra Higgins

Dana Fulton

Alex Doggett

Teone McGregor

Lucy Upton

Harry Tod-Smith

Moorea Smithline

Chloe Rumsey

Blake Hornblow

Joseph Cotton

Charlie Norton

Nelson Youth Councillors

John Gibson

Chelcie Phillips

Cambria Doyle

Kassi Barrett-Hemi

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13 SEP 2013

NELSON CITY COUNCIL
Customer Service



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Submissions on Draft Nelson City Council
Local Alcohol Policy

10 September 2013

I would like to speak at the hearing in support of my submission

1. Summary

Thank you for the opportunity to make a submission on the proposed provisions for our local alcohol policy.

I am opposed to the provisions Council have proposed in the Draft Nelson City Council Local Alcohol Policy (LAP). I am concerned the proposed policy undermines the Goals of the LAP (as set out at 2.6 of the LAP) by failing to provide provisions that will "*encourage licensed environments to foster positive, responsible drinking behaviour*" and could likely lead to an increase in cases of alcohol-related harm within our community.

My submissions will address the following policies proposed in the LAP:

- Trading hours for on-licences and for off-licences;
- Special licenses
- A mandatory one-way door policy

To support the opinions stated in my submissions, I will present an overview of the following:

- Alcohol Policy trials from Australia and New Zealand
- Nelson Demographics
- Alcohol Consumption Statistics
- New Zealand's 'Drinking Culture'
- The Medical Officer Report's shortcomings

2. Personal Background

I have over ten years of experience within the hospitality and entertainment industries. I spent the majority of my hospitality career working for a nightclub in the Auckland CBD; the premises held a special entertainment license allowing 24hour trading, 365 days per year, but self-restricted their standard trading hours from 10pm - 6am and rarely operated outside of this time frame.

During this tenure I worked as a ticketing/door-check assistant, bartender, promoter and duty manager. Being responsible for the safety of our patrons and also our staff; we would try to ensure that our customers didn't exceed a functional level of intoxication. After close-of-business each night we would help

customers find safe transport home if they needed it and clean the street surrounding our premises so the neighbouring businesses were not adversely affected by our trade. Our goal was to ensure that every night we were open there would be a high-level of entertainment for the customers to enjoy and engage with positively; the impact of this was that the club was first, and foremost, an entertainment venue, only secondarily known as a venue for consuming alcohol. The venue moved locations in 2009 and I moved into the music industry but became a frequent punter at the new venue. I noticed over the following years a change in the perception of the club; an increase in the volume of liquor sold coincided with a decrease in consistent high-value entertainment, preferring to focus instead on insuring there would be some DJ/Performer, rather than insuring the DJ/Performer had the best skills.

My entertainment industry experience includes event coordination on New Year's Eve festivals, artist-representation and touring, event management, coordination on a Fringe Art Festival, promotion and assistance for a local Ice Hockey team in Sweden and four years working closely with musicians for a major global record label.

THOUGHTS ON PROPOSED DRAFT LOCAL ALCHOL POLICY

3. ON-LICENSES

I am not sure why you would close restaurants earlier than they currently are; why would you punish the on-licenses where people are eating whilst they drink? On a whole, they are drinking more responsibly than the on-licenses where there is not a focus on food. We can fix most of the issues the residents of Nelson have with 'drinking cultures' by switching trading hours and working closely with venue owners to find easy solutions in a positive, open forum.

What are our issues:

Issue One: Nelson residents are not accustomed to paying entry fees – they want more money for booze, less for entertainment. Result = musicians cannot provide entertainment as they need to earn a living so the level of entertainment is lower (people starting out etc); so this makes customers focus on drinking. DRINKING = ACTIVITY 1, ENTERTAINMENT/VENUE = ACTIVITY 2

Only solutions here are to work with venues to encourage them to bring quality artists, and revitalize the artistic culture Nelson is known for.

Issue Two: All residents are forced onto the street at one time at 3am and the majority of the bars located in the one spot; this means very different personalities are mixed whilst these people are intoxicated (in their most antagonizing state). Whilst this makes it easier to police the issues, it is actually one of the leading causes for the issue in the first place. It also makes for an excessively noisy time of night. SOLUTIONS – allow venues outside of the CDB if there are no

resident's around the area. Staggered closing times; why close everyone at 6am and shove people onto the street all at once? By closing later people will slowly drift out of venues instead of all leaving at once. Special licenses can help here; let bars apply for unlimited special licenses for nights when they can get big acts to town; certain genres of music are used to starting their main act at 2am or later and staying open until 6am. Instead of blanket late licenses allow as-needed licenses; but the approval process needs to be economic and quick to apply/approve.

Issue Four: Too many drunk drivers – how can people get home with the lack of Taxi's in Nelson? That is a result of too many runners from cabs without paying; so establish a pre-paid system – this means more work/income for taxi driver as well.

Issue Six: Dirty streets in the morning, from the night before (rubbish, urine and vomit not cleaned up) – give the venues the task of cleaning up outside their premises before a certain time in the morning – or, as that would be difficult with the venues so close; have the venue owners pay an annual fee which is used to employ street cleaners each morning.

4. OFF-LICENSES

As only 25% of alcohol is consumed in on-licenses premises, the focus needs to be redirected to cover the 75% - off-licenses! My recommendation for the LAP would have off-licenses restricted further than the current policy has set out. I believe the trading hours should be restricted to in winter to operating between 9am and 9pm. Any need to purchase alcohol before 9am is, in my opinion, never going to meet the standard of 'encouraging positive and responsible drinking behavior and minimizing alcohol-related harm'.

Extended trading hours throughout the summer months, allowing trading until 10pm or 11pm, should offset any losses caused by limiting winter trading hours. A report titled '*Issues to be Considered by Council*', which was attached to the draft LAP, noted the current trading hours for all off-licenses in Nelson. Only supermarkets and two bottle-stores are affected by the draft LAP in its current form and these retailers would minimize revenue losses if summer extending hours were approved.

Late-night shopping facilities are more common globally than we've been exposed to here in New Zealand. Tourists used to 24-hour facilities might find the lack of commerce confusing. Similarly, \$252 million per year (around 70% of our tourism income) comes from domestic tourism; we could quickly earn a label for being retrograde or worse, we could lose potential income if tourists are not encouraged to come to Nelson and work, and I don't imagine 1 hour in summer being so adversely negative to our society. I was informed that back-papers/boarding houses in Tasman often don't serve dinner until 9pm thus it would be close to 10pm before tourists are even considering, venturing out for an evening.

5. A mandatory one-way door policy

My opinion on one-way door policies changed whilst researching for this submission, I previously believed this to be a sensible solution, which would encourage nightclubs to be seen for their entertainment value over alcohol consumption. However, research from cities that have adopted this policy in the past proves how unsuccessful one-way door policies are and the data they present in evidence reflects my experiences in Nelson.

Australian studies found One-Way Door policies harmful to smaller bars and venues (although somewhat irrelevant in Nelson where nightclubs are all relatively similar in size). Melbourne's trial saw admissions to ED increase and Brisbane assessments showed they failed to curb late night violence. Reasons why I believe these policies will fail in Nelson are (based on evidence from these Australian trials) that they require additional staffing with high costs to the venue owners; higher levels of enforcement will increase tension with the public and will increase drinking in public spaces – if a customer leaves a venue but knowing they cannot get back in (or simply forgetting this) but they came to town with friends who remain inside, how is that person meant to get home? They will get worked up and angry.

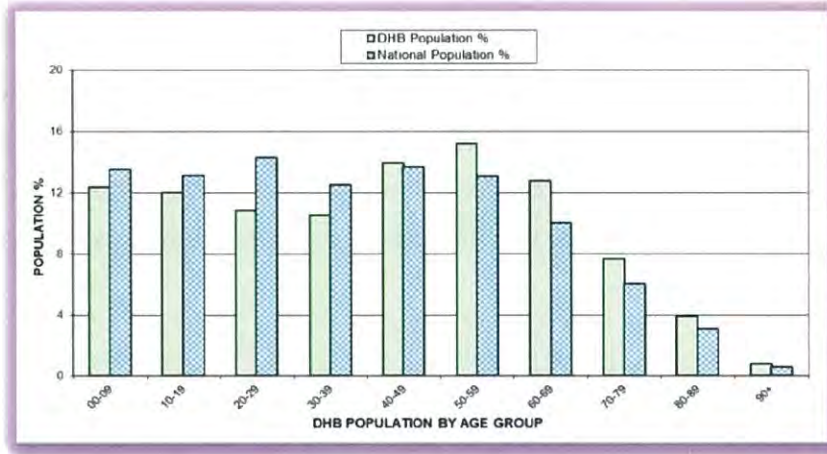
One solution I thought might be worth researching, or possibly even trialing on a temporary basis, is for bar service to be required to end at 3am but venues can remain open until 4am. It allows customers to filter out over 1 hour rather than leave on mass but stops the availability of alcohol.

Nelson benefits from a centralization of activities on Bridge Street; police presence is visible on the street and they enter the venues at 3am to check they are closing – this means that they are already there so can monitor whether the bars close at 3am.

Other options are varied closing hours for bars based on their clientele, events and how well they are providing safe environments for the customers. The District Licensing Committee would need to be actively working with the venue owners to see how this would work; black and white policies wouldn't. But the effects of drinking are not black and white either.

6. Demographics of Nelson City

Nelson's lack of demographic diversity is quite well known; we have an aging population and the percentage of 20 – 30 year old residents in our region is significantly below the national average (see graph below).



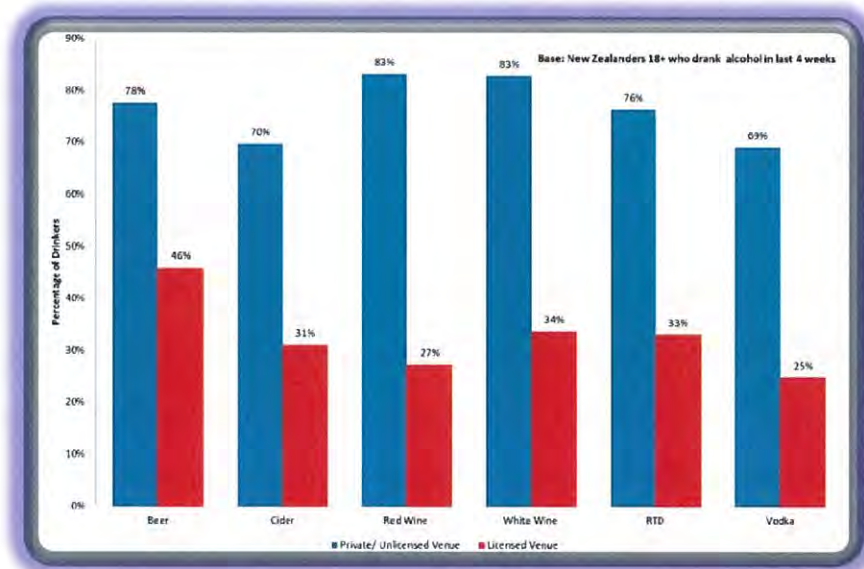
Youth unemployment is very high, at around 10% and with a lack of entry-level positions in the professional industries; prospects are bleak for youth who do not leave to educate themselves or gain work experience. The percentage of our population above 40 years of age is above the national average, with 60 – 89 significantly so. This may not seem threatening at this point in time but effectively we’ve lost a significant portion of our workforce and replaced them with people moving into retirement. We need to encourage them to stay in the area and to do so they need to have something to do. Drinking becomes the core activity when there is nothing else to do.

I’ve heard it said quite often that Nelson has a youth drinking problem. Statistically this is not true, evidenced in this report. That response is much like saying ‘Nelson has an old people complaining and out-of-touch with reality problem who have forgotten that they drank just as much, if not more, than we are – they just didn’t have the media spinning the story like we do now;’ it is rude and may seem true but there is nothing to back it up – except ones perceptions.

EXAMINING NEW ZEALAND’S DRINKING CULTURE MYTH

7. Alcohol Consumption Preferences

The below graph emphatically shows that New Zealanders prefer consuming alcohol at home or in a private space, over purchasing and consuming alcohol in a licensed premise.



The hospitality industry estimated off-license alcohol consumption is up 15% and now accounts for 75% of total alcohol consumption. Effectively this means only 25% of alcohol consumption occurs within a regulated environment. Unfortunately, they have not linked to evidence to support this statement; however, the statement is reinforced by the publication *A Decade of Drinking: Ten-year trends in drinking patterns in Auckland, New Zealand, 1990-1999*. This paper states that drinking in private spaces was up over the decade and also the amount of alcohol consumed per sitting rose from three drinks in 1990, to four in 1999. This has a dangerous side-effect, one that is rapidly becoming one of biggest areas of concern for authorities, and that is the habit of 'pre-loading' at home before going to town, and/or 'side-loading,' once in town – that is drinking in cars or public places where it's cheaper than buying alcohol in bars and nightclubs. These practices cannot be monitored or controlled in any manner; this style of drinking involves rapid excessive consumption of liquor rather than a controlled pace. It is easy for young adults to go too far during one of these sessions and it is difficult to quickly sober up once you've gone too far.

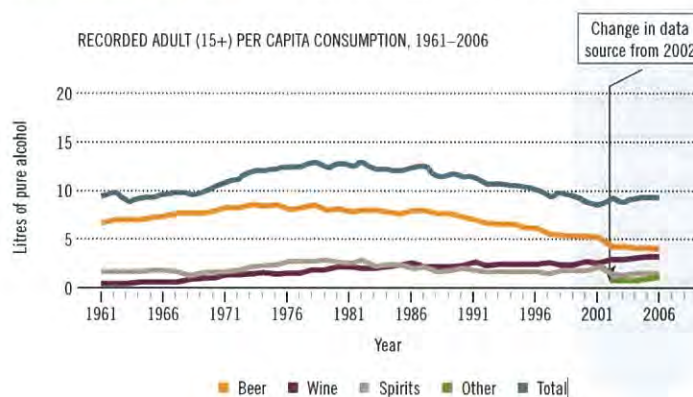
The purpose of the research discussed above was to highlight the discrepancies between two outlets for alcohol consumption; it seems, once again, that on-licenses are blamed as the cause for, and tasked with the burden of fixing, New Zealand's 'youth drinking problem'. Any resolutions would need to adopt a community wide approach, from school to home, to workplace, to the places where people engage their hobbies – but we need to address the statement of our 'drinking culture' in the first instance.

8. Our 'Drinking Culture' & Patterns of Drinking

New Zealand has no more of a 'drinking-culture' than other nations; in fact NZ has a relatively low drinking culture when compared to nations globally when compared to the rest of the world. New Zealand is ranked #51 for total alcohol consumption per capita, behind Australia (44th) – (*Source: World Health Organisation (2011) Global Status Report on Alcohol and Health*). Looking at the consumption habits within New Zealand you will see from the graph below that New Zealand's are consuming less alcohol today than they were 20 years ago (so many of today's young adults and being deemed as 'out-of-control' and much worse than their parents, but they consume less than the parents would have when they were the same age).

ALCOHOL CONSUMPTION

Population data (refer to the population 15 years and older and are in litres of pure alcohol).



There seems to be this commonly held view that the younger age groups in New Zealand are consuming the most alcohol. This is not the case; the largest segment of drinkers is in fact males over 50 years of age who account for 28% of all alcohol consumed in New Zealand over the last 12 months. Following this group are men 35-49 years of age, who account for a further 22% of our total annual consumption. (*Source: Roy Morgan Single Source Feb11-Jan12, New Zealand 18+, n=11,423.*)

9. The Medical Officer of Health Report

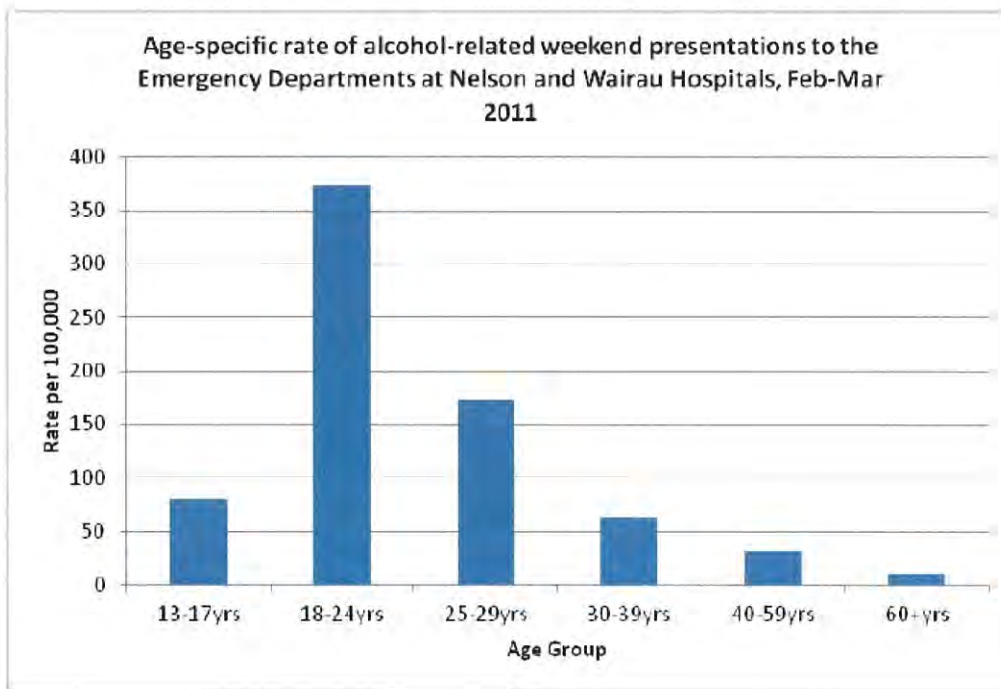
The above graph attempts to present the view that alcohol consumption is affecting the 18 – 24 year old demographic significantly more than other age groups in society. There is no social evidence to support these numbers; it could be that alcohol-related injury amongst 30-39 year old women is 90% untreated or that 60+ men and women do not admit to the consumption of alcohol when admitted to hospital for

alcohol related injuries. One can only assume any number of reasons for this data and it is not acceptable on its own as evidence. However, the following statement offered an attempt to support the statistical information:

Some groups in the community are more seriously impacted by alcohol harm than others. Young people (aged between 15 and 29) along with Maori and Pacific people experience a greater burden of this harm compared to other New Zealanders

but then the supporting data for this statement (copied below) offered little factual evidence of any relevance either:

The highest numbers of admissions for alcohol poisoning are among 15 to 19 year olds, followed by 10 to 14 year olds and 20 to 24 year olds. Large fluctuations are also apparent in individual age groups. This diagnosis does include accidental poisoning from other kinds of alcohol (which probably explains the relatively high but declining rates of poisoning among children aged under five years).



Basing evidence of alcohol harm upon the number of ED admissions for alcohol poisoning is absurd. Firstly, we need to take out of account the above statement “other kinds of alcohol,” as this would include any form of alcohol-based cleaning product that a child has accidentally consumed, as young children have been known to do when left unattended. Secondly, ‘alcohol-poisoning’ itself is a by-product of un-tested boundaries or is purposed as an intentional ‘cry-for-help’. A young adult who has not experienced alcohol in large quantities before, is much more likely to over-consume unintentionally, thus causing alcohol poisoning, whereas a more experienced adult would be more likely to recognize their limits.

And then, directly underneath the above graph comes an incredibly important statistical figure which states:

... of the proportion of ED visits (12% of male presentations and 9% of female presentations were alcohol-related).

This tells us quite clearly that alcohol related admissions to ED only make up a small minority of overall admissions. Whilst I do not disagree that anything to lower this number is incredibly important, it is unfair on an entire demographic of society, and unfair to the businesses relying on a buoyant hospitality industry, to bend data to suit one specific desired outcome and I think any reliance by Council on this report needs to be carefully considered.

10. Conclusion and Final Comments

I want to speak in support of this submission as I feel very strongly that the policy needs to be altered and more collaborative work needs to go in to the long term working of our LAP, not just at this stage. I have not summed up my comments as I want the report to be read in its entirety.

Nelson

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16 SEP 2013

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Submission 74 ✓

My name is Ron Taylor. I have been the Owner/Director of Little Rock Bar & Nightclub for 13 years. I am also the President of the Nelson Branch of Hospitality New Zealand (formerly HANZ).

Here is my submission on the draft Local Alcohol Policy (LAP).

I would like the opportunity to speak to my submission and ask that I be given an extended time slot as I would like to speak as both an owner operator and in my capacity as the local President of HNZ.

RE One Way Door Policy

I arrived in Nelson approximately 21 years ago when I purchased the Metropolitan Hotel which was then run down and very badly managed. In my opinion they had no host responsibilities in place, both the upstairs backpackers and the Hotel was full of undesirable patrons and guests, a lot of drugs, and an over indulgence of alcohol that was completely out of control.

Back then Bridge Street always had many fights. Much crime and violence occurred with large amounts of alcohol being drunk in the street. Patrons even wandered from venue to venue taking their drinks with them. The street always looked like a rubbish tip in the early hours of the morning with large crowds hanging around after the bars had closed causing problems.

The refurbishment of the Metropolitan Hotel took 9 months and we renamed the Hotel Taylors Bar & Nightclub. When we opened I then had the very large task of changing the attitudes of behaviours of patrons. We started with dress codes and intoxication levels. We showed a firm hand with a zero tolerance policy for trouble makers and we had no hesitation in trespassing when patrons' behaviour deserved it.

At first we turned away many people from the door that did not meet our requirements for entry and many people laughed and said we would never make it in Nelson. They threatened me and my team. Months went by with hardly any customers but slowly they started to come and the rest is history. It was a very successful business with great entertainment: a place to go where people had fun, danced, and were safe. It was packed most evenings.

After about a year after the other bars and hotels within the inner city could see how successful Taylors had become. They began to approach me for tips and for help in the way they ran their venues. This was the start in changing the attitudes of the way people behaved when socialising in Nelson began.

The hospitality venues arranged meetings together and started with "trespassed from one, trespassed from them all". Inner city venues radios linked: too intoxicated to get into one, you couldn't get into any venue. We arranged meetings with Police, Health, Security, Nelson City alcohol licensing, we were all working together.

From here the Nelson Tasman Hospitality Protocol was formed which now has 50 members, so if a person gets trespassed from one they get trespassed from all, (a first time offence warrants 3 months, second time 12 months). This has been a great tool and a deterrent for troublesome patrons with only a couple of idiots reoffending.

Submission 74

However we still had some trouble with all the venues closing at the same time and all the patrons on the street at once, then came the Mellow Yellow Bar Safe scheme. This is where venue security staff put on high vis jackets - similar looking to police jackets - at 2am. Venue security staff assists in getting patrons off the streets and into taxis and on their way home.

We had a meetings with the Police (Richard Chambers and Steve Greally) regarding them taking a no nonsense approach to people causing trouble and assisting door staff with Mellow Yellow to achieve this. Most Friday and Saturday mornings now Bridge Street is clear by 3.45am. Taxis are now coming into town to pick up patrons where before there was too much trouble so they would stay on the outskirts.

If a one way door policy was introduced in Nelson at 2am then Mellow Yellow would have to cease as door staff would need to stay on the doors of their venues to stop people entering. They could not leave their venue to assist in any trouble on the street or assist police in their role. Any trouble on the street would mean a call to police and reporting incidents instead of assisting to diffuse potential issues.

I believe this would be a step backwards from where Bridge Street is now, back to where it was. Police are busy and people could get injured due to slow response. Hospitality New Zealand has done a lot of research on one way doors and has a fact v fiction document on the lack of success of one way door policies. There is nothing that tells us that a one way door policy would work in Nelson. In fact there is a lot of evidence that suggests they can cause more trouble with people not being able to get into venues and milling around the streets, arguing with door staff, getting angry and causing problems.

We already have a one way door policy in place now, that is:

- I am sorry you can't come in tonight you are too intoxicated and the fines are too great for me to take the risk
- dress code not up to standard
- no ID
- been misbehaving down the street
- been refused entry from other venues
- protocol trespass
- turned away by police
- pre charge warning

I don't see any reason why any law abiding person - that is legally capable and being able - to enter any licence premises should not be allowed to. There are many times people arrive at my premises after 2am, many of them visitors to the city who may have been at a restaurant or a conference. Some have just finished work, or have taken their mates home or come to pick up friends. The problem in Nelson was at 3am when all the venues closed and everyone was on the street and couldn't get transport home. We have addressed and fixed this issue with the Mellow Yellow Bar Safe scheme and the creation of the Nelsons Doormans Association.

Submission 74

We have other work in progress ideas that we are working on with other agencies that I know that will work:

- Working with police and the courts that if a person is convicted of an alcohol related offence they can receive a blanket protocol trespass notice
- All liquor licences on renewal with NCC have to become part of or join the Nelson Tasman Hospitality Protocol (including clubs & sports clubs)
- The Bridge Street upgrade
- Helping with the education of our young regarding the minimising of harm with alcohol via the "Know your limit" campaign.

It is not ok to consume alcohol and break the law: these are the people that need to be taught a lesson or have restrictions placed upon them. No one pours the alcohol down their throat; they do that to themselves, so they need to be responsible for their own actions and take the consequences of their actions.

There are thousands and thousands of people go out every day and night in Nelson and consume alcohol that don't break the law so why punish law abiding people?

How would any of the council members feel if refused entry at a venue when you were perfectly legal and within the limitation of being able to enter that venue? You may not have even consumed any alcohol, perhaps just been out with friends and wanted to have a dance.

Punish and educate the very small minority that break the law and cause so many restrictions on us law abiding citizens

Reducing alcohol related harm will take time and education with all the agencies working together; we have come so far in Nelson reducing alcohol related harm, but still have a long way to go.

I have a passion and will not give up on my mission to reduce alcohol harm in our city of Nelson. It is a beautiful city with a huge tourism industry. The hospitality industry is a major player for that industry and employing many Nelson people from all walks of life. We will be serving it now and into the future.

If I thought that a one way door policy would work or was needed I would be the first one to put my hand up and would back it all the way. However, I know it would be a step backwards for our city, its people and our guests.

Thank you for the opportunity to make this submission.

Ron Taylor

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**Nelson Marlborough
District Health Board**

Submission 75

**Public Health Service
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11 September 2013

The Administration Advisor
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NELSON CITY COUNCIL
Customer Service

Dear Sir / Madam

Nelson District Council: Draft Local Alcohol Policy

Attached please find a submission from the Nelson Marlborough District Health Board Public Health Service, on the Nelson City Council Draft Local Alcohol Policy.

Yours sincerely

Peter Burton
Service Director
Community Based Services Directorate
Peter.burton@nmdhb.govt.nz

SUBMISSION ON THE Nelson City Council

DRAFT LOCAL ALCOHOL POLICY

9 September 2013

A. INTRODUCTION:

The Public Health Service (PHS) supports the work by Nelson City Council (NCC) to prepare a Local Alcohol Policy (LAP). The LAP offers a good opportunity to help minimise alcohol-related harm and as part of this, to consider the views of the local community regarding issues around liquor licensing.

The effects of alcohol on the health and safety of people in Nelson are significant and as part of the preparation of the Draft LAP, the Medical Officer of Health submitted a report on alcohol-related harm in Nelson Marlborough. This report also summarised policy options around alcohol, and the evidence for their effectiveness in reducing alcohol-related harm.

Some points from that report are outlined below and help identify the priority areas for consideration in a LAP.

General reviews of the literature, evidence from local data and opinions concerning alcohol-related harm to health help identify priority areas for targeting action and consistently identifies the following issues:

- *People in higher deprivation areas, young people and Maori and Pacific people are impacted more by alcohol related harm.*
- *Binge drinking, especially during the weekend and subsequent associations with violence and injury, involving both male and female drinkers.*
- *Prolonged heavy drinking across all age groups (resulting in increased incidence of a range of chronic diseases).*
- *Availability of alcohol, particularly from off-licensed premises contributes significantly to alcohol related harm (with licensed cafes and restaurants of least concern).*
- *Trading hour restrictions and density of premises are likely to be the most effective "licensing" interventions in reducing alcohol related harm. .*

With regard to community views on alcohol licensing, it is interesting to note the views expressed in the survey of Nelson City residents undertaken by NCC. The majority of respondents felt that there were enough licensed premises already and that the number of existing licensed premises should be a consideration in the process of applying for a new licence. In addition, there was majority support for restriction on locations of licensed premises e.g. near schools and early child hood centres.

Regarding trading hours, there was support for these to be more restrictive than the default hours set out in the Sale and Supply of Alcohol Act 2012.

The NMDHB Position Statement on Alcohol (attached) includes a section on provisions to restrict accessibility to alcohol. The Draft LAP contributes positively to that approach.

Other territorial authority activities are important in reducing alcohol related harm as well as provisions in an LAP. These include good urban design practices and restricting promotion and advertising of alcohol on council owned properties and at council organised events.

B. SPECIFIC COMMENTS ON SECTIONS IN THE DRAFT LAP:

1. SECTION.2.6 AND 2.7

Goals and Objectives of the LAP.

- The stated goals and objectives are supported.

2. SECTION 3: LICENCE CONDITIONS

3.1 OFF LICENCES

3.1.1: Hours for Off-Licences

- Alcohol has significant related harms and this problem is helped by restricting trading hours.
- The PHS recommends trading hours should be 9am to 9pm for off-licences.
- This is more restrictive than the 7am to 9pm hours outlined in the Draft LAP. 9pm closing is strongly recommended. This provides an opportunity to influence the problem of 'pre-loading' and 'side-loading' where patrons have purchased alcohol prior to, or around the time they are attending late night entertainment venues. Easy availability of alcohol in this way contributes to the significant binge-drinking problem we have with young people.
- Having off-licences close earlier in the evening helps lessen this availability and has minimal inconvenience to the responsible drinker. Similarly, restricting opening of an off-licence to 9:00am gives minimal inconvenience to people, yet sends a signal that alcohol is not an ordinary commodity that needs to be readily available.

3.1.2 Discretionary Conditions for Off-Licences

- The Public Health Service supports the use of discretionary conditions for off-licences. Three conditions are identified in the Draft LAP. It may be that additional discretionary conditions are appropriate e.g. percentage of alcohol advertising material displayed on the exterior of the building. The District Licensing Committee should have the ability to select from a range of conditions if necessary, beyond those specified.

3.2: ON-LICENCES

3.2.1: Hours for On-Licences

- The PHS recommends on-licences should open at 9am which is more restrictive than the 8 am in the draft LAP. This is to reinforce that alcohol is not an ordinary commodity and an important message is that it is not always available. Not being able to consume alcohol before 9am would not inconvenience the majority of our community. The occasional special event could be accommodated by a special licence.
- The PHS recommends the closing hours for taverns, bars/pubs and nightclubs for the Nelson CBD should be 2am.
- For taverns, pubs and bars in other commercial areas of the city 1am and for those in residential areas 11pm. This is consistent with the MOH report where the recommendations put forward were 2am for central urban areas, 1 am for other areas and 11pm for residential areas.
- For cafés and restaurants the PHS recommends 12 midnight closing for the sale of alcohol.

3.2.2: Discretionary Conditions for On-Licences

- The use of a range of discretionary conditions that may be applicable in certain circumstances is supported. A good example being one way doors and these are strongly supported for bars in the CBD. Once again, discretionary conditions should not be restricted just to this list. Provision needs to be made for the DLC to consider additional conditions if needed.

3.3: SPECIAL LICENCES

3.3.3: Discretionary Conditions for Special Licences

- The list of Discretionary Conditions available to the DLC is supported as is the setting of hours at the discretion of the District Licensing Committee. Additional conditions may be applicable and the list needs to have an option to allow this.

- Given the results from the community survey, the PHS also recommends that no special licences are issued for schools and early childhood centres. The drinking of alcohol in these premises contributes to normalising alcohol as an everyday commodity and given the impact of alcohol problems in young people, it seems inappropriate to grant alcohol licences allowing consumption in these places.

2.4 CLUB LICENCES

2.4.1: Hours of opening for club licences should be 9am which is consistent with the recommended hours for on licences. Closing hours should be 1am if the club is in a commercial area and 11pm if in a residential area.

3 LOCATION AND DENSITY OF LICENCES

It is noted that this issue can be addressed through the provisions of the Act eg amenity and good order of a locality. It will be important for the District Licensing Committee to have relevant information on number and location and types of licensed premises , ideally through GIS mapping, when considering applications for licences. In addition information on “sensitive” sites such as schools and preschools will need to be available.

C. CONCLUSION:

The Nelson City Council is to be congratulated for preparing this Draft LAP for consultation with the Nelson community; and on the steps within that LAP that contribute to decreasing alcohol-related harm. Greater limits on access and availability of alcohol are very important measures to put in place. The restriction around locations and numbers of licences, and on opening hours of licensed premises are particularly important. The use of discretionary conditions for particular situations is also a key measure.

ITEM 3.1 – POSITION STATEMENT ON ALCOHOL

Nelson Marlborough District Health Board
POSITION STATEMENT ON ALCOHOL

The Nelson Marlborough District Health Board acknowledges the wide range of alcohol-related harm that is experienced by people within the Nelson Marlborough district and that the burden of this harm is carried disproportionately by some population groups. It recognises that alcohol use is a major risk factor for numerous health conditions, injuries and social problems. Additionally, alcohol-related harm costs the health sector significant money, time and resources.

NELSON MARLBOROUGH DHB POSITION

The Nelson Marlborough District Health Board will reduce the alcohol-related harm experienced by people within the Nelson Marlborough district by developing an Alcohol Harm Reduction Strategy. This strategy will set out the actions Nelson Marlborough District Health Board will undertake to reduce alcohol-related harm, including a communication plan.

The Nelson Marlborough District Health Board will identify and record alcohol-related presentations within the Nelson Marlborough district in a consistent manner.

The Nelson Marlborough District Health Board will support and assist Territorial Authorities to develop local alcohol plans that seek to reduce alcohol-related harm by providing information on alcohol-related presentations to emergency departments, and other information pertaining to the burden of alcohol. It will provide further evidence-based advice to assist with these plans.

EVIDENCE BASED SOLUTIONS

The Nelson Marlborough District Health Board will advocate for the following evidence-based solutions to reduce the alcohol-related harm experienced by New Zealanders¹:

Raise alcohol prices

- Increase levels of excise tax on alcohol by at least 50%
- Adjust excise tax so that alcohol products taxed directly on level of ethanol
- Use revenue from increase in excise tax to reduce harm amongst high-risk consumers
- Set minimum retail price for alcohol (per alcohol unit).

Raise the alcohol purchase age

- Restore alcohol purchase age to 20 years for both on-licences and off-licences
- Ensure enforcement of minimum purchase age
- Additionally, make it an offence for an adult other than a parent/guardian to supply alcohol to a child; and require parents/guardians who supply alcohol to their child to supervise the consumption of that alcohol.

¹ These recommendations align with the NMDHB's Submission to The Law Commission's Issues Paper on the Reform of New Zealand's Liquor Laws (2009), and with those contained in a recent Commentary from the Injury Prevention Research Unit: Kypri, K., Maclennan, B., Langley, J.D., and Connor, J.L. 2011. 'The *Alcohol Reform Bill*: More tinkering than reform in response to the New Zealand public's demand for better laws'. *Drug and Alcohol Review* 30, 428-433.

ITEM 3.1 – POSITION STATEMENT ON ALCOHOL**Reduce alcohol accessibility**

- Restrict on-licences from selling alcohol after 2am
- Restrict off-licences to selling alcohol between 8am and 10pm
- Restrict convenience stores / dairies from selling alcohol
- Tighten law on granting of liquor licences – provide further grounds to refuse licences (e.g. detrimental social impact to community)
- Tighten restrictions on numbers of outlets in a given area.

Reduce marketing and advertising of alcohol

- Ban alcohol sponsorship of sporting and cultural events
- Ban advertising of alcohol from television and cinema
- Advertising of alcohol to convey only basic information about the product
- Put health warning labels on alcohol products
- Ensure alcoholic beverages are labelled with ingredient and nutritional information
- Prohibit marketing of alcohol to youth.

Reduce legal blood-alcohol limits for drivers

- Lower the legal blood alcohol (BAC) limit from 80mg/100ml blood to 50mg/100ml blood.

SUMMARY OF EVIDENCE**Alcohol Related Harm**

Alcohol use is a major risk factor for numerous health conditions, injuries and social problems, causing approximately 4% of deaths worldwide and (in 2000) 3.9% of all deaths in New Zealand. Much acute harm results from intoxication and includes: road traffic injuries and fatalities, burns, falls, drowning, poisoning, foetal alcohol spectrum disorder, assault, self-inflicted injury, suicide and homicide.

Biological effects of alcohol

Alcohol affects the brain. It alters the mood and impairs memory and psychomotor function. People who consume alcohol are less inhibited and therefore more likely to take risks and behave aggressively, leading to motor vehicle accidents and other injuries. Alcohol use is linked to a wide range of major diseases, including: heart disease, cancer, psychiatric and neurological conditions, gastrointestinal disease, and birth defects including foetal alcohol syndrome. It also contributes to diabetes, sleep disorders, and infectious diseases such as pneumonia and tuberculosis.

Unborn children and adolescents are particularly vulnerable to the effects of alcohol. Unborn children exposed to alcohol are at high risk of problems with memory, language, attention, learning, visuo-spatial ability, fine and gross motor skills, and social and adaptive functioning. Adolescent brains are still developing and therefore vulnerable to alcohol toxicity, addictive problems and psychiatric disorders.

Alcohol-related harm

Alcohol contributes to crime in New Zealand. Nearly half of all homicides in New Zealand between 1999 and 2008 involved alcohol. A third of all offenders in the year 2007/08 had consumed alcohol. Drink driving causes substantial harm - 27% of drivers in all fatal crashes between 2007 and 2009 were reported as having consumed alcohol.

ITEM 3.1 – POSITION STATEMENT ON ALCOHOL

Social harm results from alcohol: reportedly 12.2% of adults experienced harmful effects on friendships, social life, home life, work/study/employment opportunities, financial position, and legal problems or difficulty learning from their own drinking in the past year.

The economic cost of alcohol-related harm in New Zealand is significant. Harmful alcohol use in 2005/06 alone cost New Zealand an estimated \$4,794 million of diverted resources and lost welfare.

Alcohol-related harm and population groups

Alcohol-related harm is experienced variably throughout the population. Men have a higher rate of alcohol-related mortality than women and Māori have a higher rate than non-Māori. Evidence clearly demonstrates that Māori suffer disproportionately from a wide range of alcohol-related harms compared to non-Māori. New Zealanders with lower socioeconomic status also bear a disproportionate burden of alcohol-related harm. Children are particularly vulnerable to alcohol-related harm caused by the drinking of other people and can suffer from increased susceptibility to child abuse, neglect and witnessing family violence if caregivers have an alcohol problem.

Cost of alcohol-related harm to the health sector

Alcohol-related harm in New Zealand costs the health sector significant money, time and resources. Intoxicated patients also impact negatively on staff and other patients. An estimated 35% of injury-based emergency department presentations are alcohol-related. From 1 November 2010 to 29 October 2011 892 patients were seen in Dunedin Hospital Emergency Department for alcohol-related presentations. The average length of stay for these patients was 4.5 hours, with an average cost to Southern District Health Board of \$1,000 per person.

NZ Drinking Pattern:**Alcohol is widely available in NZ**

Alcohol is easily accessible from a wide variety of outlets and to anyone over the age of 18. It can be purchased 24 hours a day, 7 days a week and on most days of the year. Alcohol can be consumed either on the premises (on-licences) in bars, restaurants, cafes, hotels, pubs and individual clubs or at special functions; or off the premises (off-licences) when purchased from liquor stores, supermarkets, grocery stores or dairies. Alcohol is more widely available now than in the past: in 2010 the number of places which held liquor licences was 14,424; this has increased from 6,295 in 1990. It is inexpensive: reportedly, in 2010, 3 litres of cask wine could be purchased (on special) for as little as \$16.99.

Drinking patterns in NZ

According to recent surveys, most New Zealanders (85%) drink at least some alcohol. At least two-thirds of those surveyed in 2007/08 drank once a week. Of people surveyed, nearly two-thirds of all people drank to excess at least once a year and one in ten did so at least once a week. Harmful drinking is more common amongst Māori, Pacific and young people. New Zealanders tolerate excess drinking – less than half surveyed agreed that “It is never O.K. to get drunk” and over one quarter agreed that it is “O.K. to get drunk as long as it’s not every day”. A third of those surveyed started drinking at around the age of 14.

ITEM 3.1 – POSITION STATEMENT ON ALCOHOL**How the current law impacts upon these drinking patterns**

The Sale of Liquor Act (1989) has liberalised the sale of alcohol, allowing it to be sold widely, including from supermarkets and over a 24 hour period. Since 1999 (with an amendment to the Act), the purchase age has dropped to 18 (from 20 years), beer has become available in supermarkets and alcohol can be purchased on Sundays. District Licensing Authorities (DLAs) in each local area grant and renew licences and stipulate opening times. Licensing Inspectors check that premises within their area comply with regulations (e.g. not selling to those who are already intoxicated). The Resource Management Act (1991) legislates how local communities manage the use of land, which requires that a District Plan be put into place and complied with. The Local Government Amendment Act 2001 allows local authorities to impose liquor bans, banning alcohol in public places at certain times. The Land Transport Amendment Act (2011) has lowered the blood alcohol concentration (BAC) limit for drivers under 20 years to zero. The limit for drivers over 20 years is 80mg per 100ml blood.

Evidence Based Strategies to Reduce Harm:**Raise prices**

Evidence shows that when alcohol prices go up, consumption goes down. One of the best ways to influence the consumption of alcohol is through pricing. Alcohol prices are subject to excise tax, which in New Zealand is set at a particular rate depending on which band of alcohol strength the product falls into (e.g. alcoholic beverages between 9-14% alcohol are taxed at 10%). Currently excise tax rates are lower than that of other countries; they are also not adjusted for inflation. In New Zealand there is often a price differential between on and off-licences, which encourages 'pre-loading' (loading up on cheap alcohol before frequenting on-licences).

Raise the purchase age

Research shows that the legal purchase age affects how much youth drink. A lower purchase age has been associated with increased harm (including traffic crashes). In order for a higher purchase age to be effective, it needs to be combined with adequate enforcement. A higher purchase age acknowledges that the effect of alcohol and its harms is much greater on the adolescent brain as it is still developing.

Reduce alcohol accessibility

It is scientifically and economically effective to restrict the physical availability of alcohol in order to reduce harm. Limiting the physical availability of alcohol can be achieved through limiting the hours and days of sale, and controlling outlet density. Currently alcohol is too easily purchased and facilitates pre-loading. There are often too many alcohol outlets within an area – high densities of alcohol outlets have been shown to be associated with increased harm, including traffic crashes.

Reduce marketing and advertising

Advertising of alcohol has increased in many countries over recent decades, including New Zealand. Prior to the 1980s alcohol advertising in New Zealand was mostly non-existent, due to legislation controlling the advertising of alcohol – now alcohol advertising is left to the self-regulation of the industry. Since 1992, advertising of alcohol has been allowed on both television and radio – albeit at restricted times (9pm-6am) for television. Since 1987 alcohol companies have been allowed to sponsor sports and advertise corporately. Alcohol advertisements often sell the image that drinking is attractive, glamorous and fun; and these messages are particularly appealing to young people. Alcohol advertising not only leads to greater

ITEM 3.1 – POSITION STATEMENT ON ALCOHOL

consumption of alcohol, but also colours people's perceptions of the drinking habits of others.

Reduce legal blood alcohol limits for drivers

With increasing levels of alcohol in the blood, driving performance declines. Currently (as of 2011), there is zero tolerance for drivers under 20 years with any alcohol at all in their blood. Drivers over 20 are legally entitled to drive after drinking with no more than 80mg per 100ml of alcohol in the blood. In 2009 in New Zealand, 138 deaths resulted from traffic accidents where alcohol (and/or drug use) was a contributing factor. Research has shown that the risk of traffic crashes goes up proportionate to the level of alcohol in the blood: the risk doubles for those with 0.05% BAC compared to those with none; there is ten times the risk for those with 0.08% BAC; and one hundred times the risk for those with 0.15% BAC or higher.

13 SEP 2013 ✓

NELSON CITY COUNCIL
Customer Service

To Whom it may concern,

My name is Geoff Mclean and I am the licensee of (Geoff & Gail Mclean Ltd.) trading as Deville, a cafe at 22 New St located on the northern fringe of the CBD.

Nelson is known nationally to have pioneered Cafe culture and has been leading the way for over 50 years. Let the tradition continue.

Deville provides a unique and vibrant service to the Nelson Bays community and I would like to retain the current terms & conditions of my existing license allowing me on occasion to trade past midnight.

Not all cafes & restaurants would require this facility, but some do.

Points for consideration:

Revenue stream:

The ability to trade past midnight is an established and vital part of my business primarily catering for private functions, music, music festivals and tourism. I have bookings through to next February at this stage, but have more pencilled in pending this decision. Denial of this privilege is a severe economic penalty affecting the viability of the business and employment opportunities for staff. I believe revoking my current licence may force me to reduce staff numbers.

Restaurants/Cafes are not a big part of the problem:

When assessing alcohol harm in our community Health Provider Perceptions & survey results (impact of licensed premises on alcohol) clearly state that Restaurants/Cafes contribute little to the problem, barely rating a mention. Our record speaks for itself. Yet cafes/restaurants are unfairly penalised with the loss of 3 hours trading time with bars not restricted in this way. Why should my clientele be forced to head to a bar, statistically in a higher risk environment and potentially increasing the adverse events this change seeks to make. Cafes & restaurants by nature follow the objectives of the act and evidence supports this.

Demise of the CBD:

A lot of talk and anxiety among CBD stakeholders relating to proposed new retail/hospitality developments slowly but surely pulling people away from town. Whakatu Sq, Mitre10 Mega & Haven Road will inevitably add a lot of pressure further diluting CBD vibrancy. Nelson does not have a large enough population to sustain all sites and it's difficult to imagine how the current situation would remain sustainable with these changes. Restaurants & cafes offer something different.

The size & scope of the problem:

In Nelson the majority of problems relate to bars and the younger demographic (18-29 year old) It's fair to say that activity on Bridge St. in particular has been a driving force behind the introduction of the draft LAP. Why this should reflect on the majority of responsible operators is beyond me.

Alcohol harm statistics vary wildly and appear to be inconclusive with up to date stats suggesting that the majority of emergency call-outs are in fact to people in their own homes. (Evening Mail 2/9/13)

Alternatives:

Leave existing CBD hospitality licensees terms & conditions as is.

Consider proposed changes for licensees outside of the CBD entertainment & hospitality precinct.

Impose different penalties for poor performers.

Restrict the granting of new licenses, terms and conditions.

Various discretionary conditions for on licenses? What does this mean?

Comment:

1 way door policy = stay put until 3:00am then hit the street. What actually changes?

There is conflicting evidence on the effectiveness of this policy.

Regards Geoff McLean

A handwritten signature in blue ink, followed by the date 13/9/13 written in blue ink.



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16 SEP 2013

NELSON CITY COUNCIL
Records

Submission 77

✓
P O Box 2190

Stoke

Nelson 7041

Telephone: 03 547 2457

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Email: nelsongreypower@xtra.co.nz

Website: www.greypowernelson.org.nz

Office Manager:

financegreypowernelson@xtra.co.nz

The Chief Executive Officer
Nelson City Council
PO Box 645
Nelson

Dear Madam,

11 September 2013

DRAFT NELSON CITY COUNCIL LOCAL ALCOHOL POLICY

I enclose the submission prepared by Nelson Grey Power Inc in respect of the draft policy presently before the community for consideration.

In general we support the draft policy and we also are a strong advocate for any measures the NZ Police consider appropriate.

We do appreciate that Nelson is a popular holiday location and bearing this in mind we don't want to see the new policy become a reason to drive visitors away because it is seen as being too draconian and restrictive in nature.

We have highlighted just 3 aspects in the draft policy that we now submit for final consideration before the new policy is implemented.

Thank you for allowing us the opportunity to make submissions.

Yours sincerely

Neville Male
President

Submission to Draft Nelson City Council Local Alcohol Policy

Nelson Greypower Association wishes to submit to and register our support for the Nelson City Council's proposed Local Alcohol Policy (LAP). Any objectives that will encourage sensible and responsible consumption of alcohol, minimise related harm and assist the Police in stamping out the disorder that has been prevalent in recent times, especially in the inner city, can only but benefit the community at large.

In considering such LAP's, consideration must also be given to the 95% or more of persons who do drink responsibly and should not be penalised for the small minority that cause trouble.

With these factors in mind, together with accepting that Nelson is one of New Zealand's leading tourist attractions, we wish to comment on the following points:

1. Geography and locations of outlets:

Most of Nelson's outlying Taverns and Hotels have been in existence for many years and are an acceptable part of their community. With "Don't Drink and Drive" being a paramount focus on drinking, these outlets provide their catchments with an alternative to entering the inner city (CBD). While many are located within or close to residential areas they should be recognised for their historical value in relation to the development of Nelson.

2. Off-Licences:

Irrespective of their location and type of business (i.e. supermarkets, bottle stores, Taverns, Hotels) all off-licences should have identical hours i.e. 8.00am to 10.00pm.

3. On-Licences:

The hours as recommended in the Draft LAP seem to be very reasonable but is the 2.00am mandatory one-way door policy too late to be really effective. The "pre-loading" by many who end up in the CBD has been seen as a major contributor to the violence and drunkenness around the 3.00am closing time. The Police have been very strong in seeking a 1.30am policy and we feel the Council should take heed of this as unfortunately they are the ones who have to deal with the unacceptable behaviour week in, week out, and anything that can be done to assist them is paramount.

Submission to Nelson City Council Draft Local Alcohol Policy

Your name	Hilary Genet
Organisation represented (if applicable)	
Your address	59 Davies Drive
Your email address	mbili@clear.net.nz
Your phone number	03 5482497

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NELSON CITY COUNCIL
Customer Service

Your submission

Would you like to include a file in support of your submission? No

Would you like to speak at the hearing in support of your submission? No

OVERVIEW:

Thank you for developing a Local Alcohol Policy which allows local community members to have a say in licensing decisions.

This submission is identical to that submitted by Health Action Trust

We have two main changes to suggest;

Firstly: we RECOMMEND aligning the trading hours for cafes/restaurants with those of bars/pubs. We note that:

"Most weekend Emergency Department (ED) presentations occur between 0200 and 0600.¹

and

"the more alcohol is made available to a population... the more excess (i.e. hazardous levels of) alcohol will be consumed and the more harm will be experienced by that population regardless of the time of day that alcohol is sold..."²

We therefore appreciate that Nelson City Council has proposed trading hours that close earlier than the default hours proposed in the Act.

However we are unsure why NCC has suggested that café's/restaurants which are the types of venue which generally provide environments that are food-oriented, family-friendly, pro-social and rarely associated with harmful alcohol-related behaviours, should close earlier than others. Attracting more people into the central city at night also contributes informally to increasing safety, as well as helping to meet NCC's focus on developing vibrancy within the heart of the city.

Secondly: we RECOMMEND later morning opening times of 9am for all types of licenses; we do not see the necessity for alcohol outlets to open early in the mornings.

With regard to NCC's following proposals, our comments and further recommendations are bulleted below.

Off Licences**3.1. Trading Hours for Off-Licences****3.1.1. Hours for off licences - Maximum trading hours Monday to Sunday**

¹ Public Health Service of NMDHB (June 2013) *Medical Officer of Health Report for Nelson City Council Regarding Local Alcohol Policies*

² (See Appendix 2 of the CDHB submission for an overview of that evidence here: http://www.healthychristchurch.org.nz/media/108373/cdhbsubmissioncccdraftlap_june2013.pdf).

NCC Proposes 7am – 9pm

DISAGREE

- We RECOMMEND restricting Off-License trading hours to **9am to 9pm**, as per the Medical Officer of Health’s report. While we are pleased to see that NCC has proposed fewer maximum trading hours than the Act default hours, we do not support 7am opening for Off Licences. This concept is supported by the Canterbury District Health Board (CDHB) who wrote in their submission to their local council’s LAP:

*“the more alcohol is made available to a population...
the more excess (i.e. hazardous levels of) alcohol will be consumed and,
the more harm will be experienced by that population
regardless of the time of day that alcohol is sold,
and that evidence exists for both on- and off-licensed premises.”³*

We also support CDHB’s reasons for later opening hours of off-licenses, particularly the following reasons:

- “... we support the earliest alcohol sales in off-licenses being after 9am because:*
- *It will send out a message to impressionable young people that alcohol (being a psychoactive substance, etc.) is no ordinary commodity ...*
 - *It will prevent the purchase of alcohol before the school day starts and therefore go some way to protecting minors*
 - *It will provide a barrier to access for people at risk of dependent/harmful drinking “*

3.1.2. Discretionary Conditions for Off-Licences

- We AGREE with the proposed points under 3.1.2
- We RECOMMEND that the term “**supervised designation**” and its definition be included in the List of Definitions at 2.8. or expanded here at 3.1.2.
- We RECOMMEND the following **additional wording** may be clearer for the second point:
 - ➔ display of **safer drinking messages** and current alcohol health promotion material relevant to the specific populations that frequent the particular Off Licence; (eg youth, Maori, elderly, sports players etc). Health promotion messages and materials must be clearly visible to customers at both the entrance and the point of sale.

³ (See Appendix 2 of the CDHB submission for an overview of that evidence here: http://www.healthychristchurch.org.nz/media/108373/cdhbsubmissioncccdraftlap_june2013.pdf).

On-Licences**3.2.1. Trading Hours for On-licences**

**Maximum trading hours Restaurants/cafes Monday to Sunday
NCC Proposes 8am to midnight except NYE to 1am**

DISAGREE

- We RECOMMEND aligning the trading hours for cafes/restaurants with those of bars/pubs, as per our recommendation below: to a maximum of **9am until 3am**. As stated in our overview, café's/restaurants are the types of venue which generally provide environments that are food-oriented, family-friendly, and rarely associated with alcohol-related anti-social behaviours. It is inconsistent that bars etc retain opportunity to trade until 3am while café/restaurants do not.
- We RECOMMEND **clarification of currently ambiguous wording** which allows "*sale, supply or consumption*" to a certain time. Wording should ensure permissible time for consumption of 30 minutes after the final permissible sale time.

**Maximum trading hours Taverns/bars/pubs/nightclubs in Nelson CBD (Inner City Zone): Monday to Sunday
NCC Proposes 8am to 3am**

DISAGREE

- We RECOMMEND a more restricted maximum of **9am until 3am** to more effectively reduce alcohol-related harm.
- We AGREE with the proposed mandatory one-way door policy to apply from at least 1 hour prior to closing, for taverns/bars/pubs/nightclubs in the CBD.

**Maximum trading hours Taverns/bars/pubs/nightclubs in all other areas
Monday to Sunday
NCC Proposes 8am to 1am**

DISAGREE

- We RECOMMEND maximum trading hours of **9am to 1am** Monday to Sunday for Taverns/bars/pubs/night-clubs in other areas.

3.2.2 Discretionary Conditions for On-Licences

- We AGREE with the points for consideration proposed under 3.2.2.

3.2.3 Conditions for premises such as BYO restaurants

- We AGREE with the points proposed under 3.2.3.

Special Licences

3.3.2 Discretionary Conditions for Special Licences

- We **AGREE** with the points proposed under 3.3.2.
- We also **RECOMMEND** the **addition of the following two points:**
 - ➔ No special licences should be granted for school premises.
 - ➔ We would also like NCC to ensure as per section 147 2.3.b of the Act, that every Special Licence must ensure pro-active provision of free drinking water.

Club Licences

3.4 Trading Hours for Club Licences

NCC Proposes 8am until 1am

DISAGREE

- We **RECOMMEND** maximum trading hours of **9am to 1am** for Club Licences.
- We **AGREE** with the discretionary conditions for Club Licences proposed under 3.4.

Other Policy Options

4.1.2 Local Restrictions

- Although various restrictions have not been included in this draft policy we know that location and density and hours of access in particular are important determinants in the incidence of alcohol-related harm, so it is important not to forget that these things have been discussed, and why decisions were made to exclude them.
- We therefore **RECOMMEND** that this **final section of the draft be included as an Appendix** to the final version of the policy.
- We also **RECOMMEND banning alcohol advertising** from any council-owned property or buildings or facilities and from any location where it could be seen by minors.

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16 SEP 2013

NELSON CITY COUNCIL
Customer Service

Submission 79 ✓



NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND (Inc)

Te Kaunihera Wahine o Aotearoa

Nelson Branch
6 Brougham Street
Nelson 7010
September 2013

Draft Nelson City Council Local Alcohol Policy
submission

Name: Queenie Ballance, representing Local Issues Group of Nelson Branch of National Council of Women of New Zealand (NCWNZ)

Address: 6 Brougham Street, Nelson South, Nelson 7010

Phone: 539 0459

Email: queeniebee@clear.net.nz.

I do not wish to be heard.

Introduction:

This submission has been prepared by Nelson Local Issues Group Nelson Branch NCWNZ. The make up of the branch reflects the wider community in having a range of ages, socio-economic and educational backgrounds, and as women help to represent 50% of the ratepayers and the 'average' person.

NCWNZ works for the well-being of women, families and society by informing women, encouraging debate and action, and then conveying comment to relevant authorities. The organisation networks with member affiliations.

Comments

We support the Council's decision to implement a policy on alcohol for the reasons stated in the proposal. We make the following specific comments:

3. Licence Conditions

3.1. Off-Licences

3.1.1 Hours of off-licence

We suggest there is no need for such sales from 7am, would prefer 9am to 9pm

3.2 On-Licences

3.2.1. Hours for On-licences

We suggest that all taverns/bars/pubs/nightclubs should have same hours, 8am to 1am and the same 'one-way' door policy too. Hospitality industry could encourage patrons to arrive earlier and leave earlier than at present to prevent lowering of profits. This could be a step to helping reduce alcohol induced problems.

3.2.2 Discretionary Conditions for On-Licences

Perhaps these conditions should be mandatory not discretionary

3.2.3 Again these could be mandatory.

Conclusion:

We support the Council's proposed Alcohol Policy with the suggestions as above. Alcohol is so obviously a problem overall to New Zealand that we should be looking to a policy that works towards eliminating that problem.

We appreciate the opportunity to respond to this Draft Policy

Bev McShea

From: Submissions
Sent: Friday, 13 September 2013 10:27 a.m.
To: Administration Support
Subject: FW: Turf Hotel (2010) Limited
Attachments: TURF HOTEL (2010) 130913 Submission Coversheet.docx; TURF HOTEL (2010) 130913 LAP Submission.doc

Categories: Blue Category

From: Tony Healey[SMTP:AJH@RWCANELSON.CO.NZ]
Sent: Friday, September 13, 2013 10:29:03 AM
To: Submissions
Cc: 'The Turf Hotel'
Subject: FW: Turf Hotel (2010) Limited
Auto forwarded by a Rule

[Alcohol policy submissions](#)

From: Robyn Clementson
Sent: Friday, September 13, 2013 10:27 AM
To: Tony Healey
Subject: Turf Hotel (2010) Limited

Regards
Robyn Clementson

Level 3, 7 Alma Street, Buxton Square | Private Bag 75098. Nelson, New Zealand
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TURF HOTEL (2010) LIMITED

Address: 228 Songer Street, Stoke

Operational Activities: Hotel Accommodation
Restaurant & Bar Meals
On Licence Premises
Off Licence Premises

Your proposal for the Stoke Community by regulating opening and closing hours according to where establishments are sited, is grossly unfair. Establishments should be guaged on their records as responsible hosts.

TURF HOTEL (2010) LIMITED

**SUBMISSION ON
PROPOSED LOCAL ALCOHOL POLICY – NELSON CITY COUNCIL
13 SEPTEMBER 2013**

Turf Hotel (2010) Limited is a Hotel which has been operating in the Nelson City Council area since the 20th century. We currently employ 20 staff, most of whom live in the Nelson City Council area. Turf Hotel (2010) Limited takes host responsibility very seriously and we strive to offer a professional, responsible and safe hospitality environment.

Turf Hotel (2010) Limited is a proud member of Hospitality New Zealand, a membership based trade association that represents over 2,400 businesses nationwide.

Hospitality is a significant industry and major employer in the Nelson City Council area. The hospitality industry plays an important role in our social life. The sale of alcohol is a significant driver of economic activity, more than 70,000 people work in the food and beverage sector, and hospitality is the third biggest area of spending for tourists.

We appreciate the opportunity make a submission on the draft Local Alcohol Policy (LAP). Turf Hotel (2010) Limited is committed to working with Nelson City Council in order to develop a practical and effective LAP. We would like to speak to our submission.

Contact Details: Tony Healey
turfhotel@vodafone.co.nz

Key Issues and Evidence

The scale of the Kiwi alcohol problem

It is generally accepted that most adult New Zealanders are not harmful consumers of alcohol. Alcohol abuse is a real and significant problem for a small minority of Kiwis. However, the current consumption of alcohol is historically quite low by New Zealand standards and barely registers compared to other countries.

While there has been a steady but small increase in alcohol consumption since 1999, consumption levels from 1969 right through to 1997 were higher – particularly during the 1970s and 1980s. The World Health Organisation ranked New Zealand as the 51st highest consumers of alcohol in their *Global Status Report on Alcohol and Health 2011*. Despite the impression presented in the media, Kiwis are drinking less overall than we used to.

It is important to have an accurate perspective of the scale of the alcohol problem in order to develop a suitable Local Alcohol Plan. Turf Hotel (2010) Limited believes that regulatory policies should be proportionate to the risk of harm and avoid penalising those who consume alcohol in moderation and avoid penalising outlets which sell alcohol responsibly.

Key differences between on-licences and off-licences

It is important to note that 75% of alcohol consumed is now bought from off-licences and just 25% from on-licence premises. Our understanding is that this situation applies in the Nelson City Council area.

There are key differences between the highly regulated on-license environment and the way off-license alcohol purchases are consumed.

On-licence businesses are professionally run and comply with strict licensing conditions and a comprehensive host responsibility framework. The staff are also trained and experienced in providing a responsible drinking environment. It is illegal for people to get drunk at licensed premises and on-licence holders are accountable and responsible for patrons' behaviour. On-licences know the rules and the heavy consequences for their business if they don't comply.

Most people involved in dealing with effects of excessive alcohol agree it is the drinking at home or in public places that causes most of the problems.

Recent research into the experiences of the industry, police, councils and health authorities show that the biggest areas of concern are the habits of 'pre-loading' at home before going to town, 'side-loading' by drinking in cars or public places because it's cheaper than buying alcohol in bars and nightclubs, and 'post-loading' by imbibing further after leaving licenced premises.

Pre-loading, side-loading and post-loading are all unmonitored and uncontrolled. The impact is exacerbated by cheap alcohol from supermarkets. This is the critical issue the Nelson City Council Local Alcohol Plan should seek to address. A number of draft LAPs, including Nelson City Council have excessively targeted on-licences when the reality is that they are generally part of the solution, not part of the problem.

Research also shows that most underage drinkers get their alcohol from parents, friends or other people. It is unlikely that those purchases are made from an on-licence. Most likely, it would have been a supermarket or bottle store. Any moves to tackle underage drinking should be targeted correctly.

It is our argument that licensed premises provide a controlled drinking environment and the Council's focus should be on other more damaging forms of alcohol consumption.

Restrictive measures can actually make the situation worse

Although a number of councils are looking at restrictions on opening hours and blanket closing hours, the international evidence shows these policies not only fail to reduce alcohol consumption, they can actually increase trouble and aggression.

The British report *Drinking and Public Disorder* concluded that a uniform closing time led to 'peak density' or a concentration of behaviours which increased the likelihood of conflict and made policing more difficult. If all the bars are forced to shut at the same time, it creates transport problems and violence at fast-food outlets. It is much better to have a range of closing times for venues so that 'peak density' does not occur.

Limiting on-premise opening hours will have little or no impact on people who are intent on drinking too much. They will simply drink cheap and readily available alcohol from supermarkets in uncontrolled environments. From a harm reduction point of view, it is preferable these people are in a controlled environment and monitored by professionals.

The draft Nelson City Council Local Alcohol Policy is proposing 1pm closing for Stoke. Turf Hotel (2010) Limited would support a uniform closing time of 3am for all on-licence premises. However, if the Council does intend to restrict hours we would suggest proper and measured consultations.

Many venues have licenses for closing times that are often significantly later than they would normally be open. This means they do not need to apply for special licences for days or events when they would like to trade later than usual. There is no additional alcohol related harm from this situation and Nelson City Council is spared the effort and expense of issuing a special licence for a one off event.

One-way doors and restricted hours were trialled widely in Australia and largely abandoned because they did not work and imposed significant costs on an industry that already works on low margins and tight budgets. The same results have been reported in other jurisdictions and can be expected here. In fact, one-way door policies have actually increased anti-social behaviour.

Experience shows that one-way door policies result a significant rise in tension with people trying to get into bars after the nominated time and those inside trying to stay and drink for as long as they possibly can. These are significant unintended consequences of a well-intentioned policy. Additionally, local and international research shows that people not allowed into bars are likely to drink in public places, move to venues where there are no restrictions or party at home. That result is precisely the opposite of what the Local Alcohol Policy is attempting to achieve.

A one-way door policy will also increase security costs for all venues, particularly those who do not routinely have external security personnel because they experience little or no trouble on site. The decision to implement a one-way door should be left to individual licence holders or made a condition of the on-licence if there is evidence of a systematic problem.

Focus on problem drinkers and anti-social behaviour

Reducing access to alcohol for moderate drinkers does not result in a reduction in alcohol related harm – the issues are not automatically linked. Alcohol related harm can be reduced without affecting sensible drinkers in any way. The focus has to be on abusive and anti-social behaviour – not blanket restrictive policies which penalise responsible outlets and responsible drinkers.

Nelson City Council needs to address the crucial issue for reducing alcohol harm – how to reduce consumer demand for alcohol. The location, density and opening hours of liquor outlets (particularly on-licensed premises) are not the key issues.

Research paper ‘Facts and Fiction’ attached

Attached to this submission is the ‘Facts and Fiction’ research paper commissioned by Hospitality New Zealand.

It is important that the Nelson City Council takes the contents of this document into account during the preparation of the final LAP as it provides robust evidence challenging many assumptions around the sale and consumption of alcohol in the draft plan.

Conclusion

The Nelson City Council Local Alcohol Plan needs to address alcohol related harm in a balanced, well researched and practical way that targets the actual problems. The crucial issue for reducing alcohol harm is reducing consumer demand for alcohol. The location, density and opening hours of liquor outlets are not the real issues.

The 25% of alcohol consumed in on-licence premises is generally done in a highly regulated and controlled environment. Pre-loading, side-loading and post-loading of cheap, readily available alcohol at home, in cars or in public places is the real challenge and should be the focus of the Nelson City Council Local Alcohol Policy.

Turf Hotel (2010) Limited thanks Nelson City Council for the opportunity to submit on the proposal. We want to see a sensible and effective Local Alcohol Policy that reflects the Council's responsibilities to the community and to local businesses.

Bev McShea

From: Submissions
Sent: Friday, 13 September 2013 10:59 a.m.
To: Administration Support
Subject: FW: NZRA Submission on Nelson Draft Local Alcohol Policy
Attachments: Final Submission - Nelson Draft LAP 16 September 2013.pdf

Categories: Blue Category

From: Louise Evans McDonald[SMTP:LEVANS@RETAIL.ORG.NZ]
Sent: Friday, September 13, 2013 10:58:49 AM
To: Submissions
Subject: NZRA Submission on Nelson Draft Local Alcohol Policy
Auto forwarded by a Rule

Good morning,
Please find attached a copy of the NZRA's submission on the above.
The Association requests the opportunity to speak to our submissions.
We look forward to receiving notification of hearing dates/times.

Kind regards
Louise

Louise Evans McDonald | Government & Advisory Group Manager
New Zealand Retailers Association Incorporated
National Office, Level 2, CMC Building, 89 Courtenay Place, Wellington 6011
P O Box 12086, Wellington 6144
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@NZRA_tweets



New Zealand Retailers Association

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SUBMISSION

to

Nelson City Council

**Nelson
Draft Local Alcohol Policy**

16 September 2013

1. Introduction

These submissions are presented by the New Zealand Retailers Association (“NZRA”).

These submissions are made on behalf of:

- The NZRA; and
- All members of the NZRA located within the Nelson District, including (but not limited to) those specifically named in Schedule 1 to these submissions.

In developing these submissions we have endeavoured to reflect the views of those of our major members who operate businesses in Nelson. These are primarily the two major supermarkets (Progressive Enterprises Ltd and Foodstuffs South Island Ltd) who are also presenting their own views directly to the Council. However, there are other businesses in Nelson, who hold off-licences – including liquor, speciality food and convenience/grocery stores, or on licences – including cafes and restaurants, who will also be significantly affected by the proposed restrictions set out in the draft LAP.

2. About New Zealand Retailers Association

The NZRA is the most significant body in the country representing the interests of retailers. We represent an industry¹ that has annual sales of \$70 billion and which employs 327,000 people² (approx 20% of the New Zealand workforce) in more than 44,000 outlets throughout New Zealand.

Across all store types and areas we have some 5,700 members and they in turn operate some 14,000 shop fronts. These stores range from the majority of large national retailers to thousands of owner operators.

Our membership accounts for 65% – 70% of total retail expenditure (excluding the motor vehicle sector).

3. Contact

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Government & Advisory Group Manager
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¹ Statistics NZ Retail Trade Survey incl Retail, Food, Accommodation, Vehicle/Fuel retailing Sept 2012 Qtr

² Statistics NZ Business Demography Feb 2012

4. Background

The NZRA has been involved in the recent Alcohol Reforms process at a national (Central Government) level, beginning with the Law Commission's comprehensive review of legislation relating to the sale and supply of alcohol in 2009 and its subsequent report in 2010. In February 2011, the NZRA made submissions to the Justice and Electoral Select Committee on the Alcohol Reform Bill (introduced in November 2010) and has followed the progress of that bill and the subsequent Sale and Supply of Alcohol Bill (introduced in December 2012) through Parliament, to the eventual enactment of the Sale and Supply of Alcohol Act 2012 ('the Act').

The NZRA welcomes the opportunity to present its views on the draft local alcohol policy (LAP) released by the Nelson City Council ('the Council').

Before commenting on aspects of the proposed LAP we would like to say that that the NZRA considers that any decisions on future liquor policy in Nelson must be based on a robust evidence based discussion around the perceived harm arising from alcohol as well as the inappropriate behaviour that arises through over indulgence in alcohol consumption. We acknowledge the Council did undertake some community surveys and held some stakeholder meetings in the lead up to the development of the LAP. However, we believe that what is lacking is an equally robust examination or commentary of the unintended economic consequences of major changes in local alcohol policy that might result in fewer jobs, less investment and less wages in Nelson.

Statistics New Zealand data indicates there are 28 supermarkets and grocery stores in Nelson that employ 760 people. Additionally, there are 8 liquor retailers employing 30 people. Both sectors make an important economic contribution to Nelson and, as previously stated, major changes in liquor policy could adversely affect either sector unintentionally with perverse economic outcomes.

5. Submissions

The NZRA, and its members, recognise the need for alcohol reforms and the role of such reforms as part of a wider solution to address the drinking culture that exists today in New Zealand, particularly amongst at risk groups, such as youth.

However, we are concerned that the restrictions set out in the LAP represent more of a "knee-jerk" reaction to a popular social issue, than a reasoned and logical attempt at solving an identified problem.

Given the serious impact that the proposed restrictions will have on businesses and the local economy (many of which may not have been contemplated by the Committee), it is important to ensure that the provisions of the draft LAP effectively address the underlying cause of the problem, without causing undue harm to other aspects of society. We note that the Act itself already provides for mechanisms such as police reporting and licensing processes to deal with the matters of concern here.

We are particularly concerned with the robustness of the evidence that the Council now seeks to rely upon as justifying the proposed restrictions. The Council appears

to rely heavily on the results of community surveys and some stakeholder meetings, which do not provide any real basis for concluding that:

- (a) there is an existing problem associated with alcohol sale and supply practices in Nelson which is not addressed under existing legislation;
- (b) this problem is being caused or contributed to by location of off-licence outlets and the time at which alcohol is available for purchase;
- (c) the proposed reforms (which will seriously undermine competition within the retail sector in identified areas) are an appropriate means of fixing the problem which has been identified; and that
- (d) the proposed reforms will not cause undue harm to individual businesses and the local economy more generally.

In putting forward the draft LAP, the Council has failed to properly consider the implications of the proposed restrictions for the alcohol market, and the flow-on effect for the wider community. The proposed restrictions on trading hours will not only undermine competition within the district, thus interfering with free market processes and the profitability of individual businesses, but they are also unlikely to have any significant impact on consumer purchasing behaviours. We have not seen any evidence to suggest that the market itself will not simply “self-correct” following the imposition of these trading restrictions, with consumers choosing to either shop elsewhere, or at a different time of day.

In this respect, we consider that the problem is being pushed squarely on to the shoulders of individual business owners, where there is no evidence to suggest that it is their practices which have led to the necessity for reforms to be put in place. We would question the reasonableness of the Council in proceeding any further with the proposed reforms, particularly in circumstances where there is simply no evidentiary basis to do so.

We therefore seek that the Council reconsider the proposed reforms, including whether they are necessary to begin with.

Our submissions on the draft LAP are confined to:

- a) Section 3.1.1 Hours for Off Licences
- b) Section 3.1.2 Discretionary Conditions for Off Licences

Our comments on these issues are set out below:

a) Hours of Opening for Off Licences (Section 3.1.1)

Our submission is that the national default hours of 7am to 11pm (section 43 of the Act) should apply in respect of the off-licence sector operating in Nelson City rather than the 7am to 9pm proposal set out in the draft local alcohol policy.

We support the adoption of the national set of default trading hours as provided for in the Act and that it is unnecessary and inappropriate for further trading-hour restrictions to be imposed under the LAP.

We do not believe that the Council has produced any evidence to demonstrate that the shorter hours outlined in the draft plan will be effective in minimising alcohol related harm in Nelson.

We would argue that reducing off-licence hours would inevitably have its greatest impact on the shopping behaviour of that section of the public that is not the target of the provisions of the LAP and would preclude those consumers having the ability to undertake a full grocery shop last thing in the evening. Evidence available to the NZRA indicates that if we look at shopping for beer and wine in supermarkets we find from factual data produced at point of sale that very few sales are alcohol only. Most purchases of alcohol, when viewed across the whole week and the entire shopping day, also include other grocery products. As a consequence, if the Council is going to curtail the current hours of operation, consumers are inevitably going to be forced to change their shopping habits and if they shop earlier this could result in supermarkets closing earlier which would result in a loss of wages and potentially a loss of jobs.

There is no evidence to suggest that the purchasing behaviour of those most likely to “pre-load” is related to the hours at which alcohol is available. We suggest that there will be no impact on the volume of alcohol purchased from an off-licence premise whether it closes at 9pm or 11pm. Faced with shortened trading hours, customers are simply more likely to change the time at which they buy their alcohol than to amend the amount they buy or go without. Is it worth considering here the behaviour of the real pre-loader - they are unlikely to be going out to purchase alcohol from off-licence premises between 9pm and 11pm as this is supposedly when they are pre-loading.

In reality, the imposition of further restrictions on trading hours will do very little to curb the consumption behaviours of those most at risk – where there is a will, there is a way. Customers will simply avert localised restrictions by either purchasing alcohol at different times of the day or driving to the next licence holder, or town which may have extended hours. It will very quickly become apparent which retailers are operating under trading hour restrictions and which are not. This will significantly impact on the viability of retail outlets themselves, while doing very little to stem the underlying problem.

We understand that other Councils’ within the northern part of the South island are looking at different hours and submit that there is a likelihood that some consumers will opt to drive and shop outside of Nelson should the Council implement shorter hours of 7am to 9pm. This has the potential to cause very serious social problems, leading to potential increases in incidences of drink driving (as consumers attempt to find the closest open liquor outlet) and the creation of “alcohol hubs”, where individuals congregate after other retailers have closed and sales become concentrated in one area.

Having the national default trading hours adopted by Territorial Authorities without change would avoid these operational issues.

For the above reasons, we seek that the proposed trading hour restrictions be **deleted** from the LAP and the default trading hours of 7am to 11pm for off-licences as set out under the Act be affirmed.

b) Discretionary Conditions for Off Licences (Section 3.1.2)

We accept that the conditions outlined in the draft may be appropriate but believe they should be considered on a case by case basis.

6. Appearance

The New Zealand Retailers Association would like to appear to speak to our submissions.

New Zealand Retailers Association
16 September 2013

Schedule 1: NZRA members

Progressive Enterprises Ltd (Trading under the brands of Countdown, Supervalu and Fresh Choice)

Foodstuffs South Island (Trading under the brands of New World, PAK'N SAVE, On the Spot, Four Square and Henrys)

Liquorland

Super Liquor

Bev McShea

From: Jenny Hawes
Sent: Friday, 13 September 2013 1:09 p.m.
To: Administration Support
Subject: FW: Police submission for NCC LAP
Attachments: Police submission for NCC LAP.doc

Categories: Blue Category

Hi

Submission from the Police.

Cheers
Jenny

From: SAVAGE, Stephen [<mailto:Stephen.Savage@police.govt.nz>]
Sent: Friday, 13 September 2013 11:59 a.m.
To: Jenny Hawes
Cc: Stephen Grealley
Subject: Police submission for NCC LAP

Hi Jenny

Attached is the Police submission for the Nelson City Council LAP.

Inspector Steve Grealley requests the opportunity to give oral submissions in due course.

Regards, Steve Savage



Steve Savage Sergeant SSH745 | Alcohol Harm Reduction/ O/C SAR Nelson Bays | New Zealand Police | Nelson | 03 5463840 | Extn 39053 | Private Bag 39 | Nelson stephen.savage@police.govt.nz |

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Submission by Stephen Greally
 Inspector
 Area Commander
 Nelson
 Tasman District

Re Draft Local Alcohol Policy for Nelson City Council.

Executive Summary

- Reduced opening hours for off licences to 9.00pm;
- Reduced opening hours for on licences to 1.00am (outer city zone);
- Restrict opening hours for on licences to 3.00am (inner city zone);
- One way door restrictions 2.00am (inner city zone);
- On licence discretionary conditions (all zones) to include:
 - 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,
 - Restrictions 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 (CPTED).

Introduction

Legislation

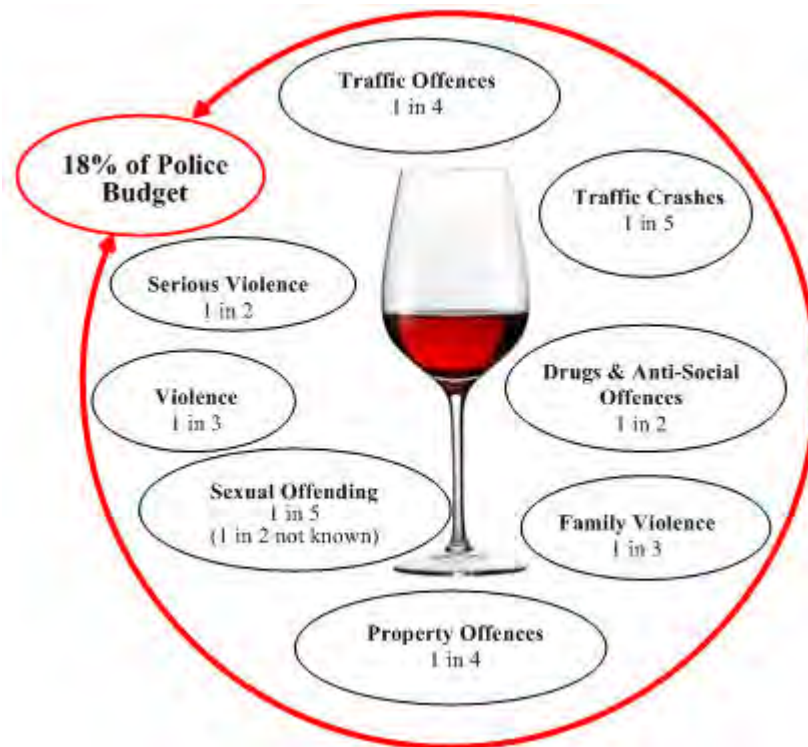
The Sale and Supply of Liquor Act 2012 (the Act) provides a new framework for the sale and supply of liquor in New Zealand. The Act provides opportunities to prevent and reduce harm and crime associated with the consumption of alcohol.

The object of the Act is contained in Section 4(1)(a), namely: The object of this Act is that (1)(a) the sale, supply and consumption of alcohol should be undertaken responsibly; and (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimized. (2)(a) the harm caused ... includes any crime, damage, death, disease, disorderly behavior, illness, or injury, directly or indirectly caused... by the inappropriate consumption of alcohol; and (b) any harm to society generally or the community, directly or indirectly caused... by any crime, damage, death, disease, disorderly behavior, illness, or injury.

While the Police accept it is necessary to have a vibrant city and economy, it is clear the Act was enacted to try and reduce some of the unnecessary and preventable harm caused by alcohol in our community. It is that position that Police takes as a starting point for submissions.

National statistics

Alcohol is a significant driver of crime in New Zealand. Approximately one third of all police apprehensions involve alcohol, half of all violence is alcohol related and alcohol related events account for 18% of the Police budget (Alcohol Joint Fact Sheets: 9 Nov 2010).



Geographical Background

The Nelson City Territorial Local Authority (Nelson TLA) has a land area of 445 km², with an estimated population of 46,600¹. This TLA has one Police station and has at least 90 Constabulary Officers and four civilian staff serving the area.

As of March 2013, Nelson TLA had 172 licensed premises with the following breakdown: 44 off-licenses; 107 on-licenses; and 21 club licenses. This equates to 23 licensed premises per 10,000 population and means the Nelson TLA is ranked within the 30 highest TLAs per capita for on-licenses and off-licenses. This indicates high alcohol availability and license premise density.

Local alcohol crime statistics²

Overview

The number of calls to Police typically related to alcohol related events has been trending upwards since 2008 in the Nelson TLA, with on average seven calls received per day (Table 1).

Table 1 Alcohol related events in the Nelson TLA.

Year	Alcohol-related events
2008	2670
2009	2570
2010	2736
2011	2561
2012	2826

In the Nelson TLA, at least 32% of offenders are apprehended per year having committed offences under the influence of alcohol. Over one third of offenders consumed their last drink at home/private residence, however almost one in four offenders consumed their last drink in a licensed premise. Public place drinking is also an increasing issue, with on average 19% of offenders apprehended under the influence of alcohol consuming their last drink in a public place (Table 2).³

Table 2 Place of last drink for apprehended offenders under the influence of alcohol in Nelson TLA.

	2009-2010	2010-2011	2011-2012	Three year average
Home/Private Residence	37%	35%	35%	36%
Licensed Premises	24%	25%	23%	24%
Not recorded on form	6%	7%	4%	6%
Public Place	16%	17%	23%	19%
Question not asked	3%	2%	1%	2%
Refused to Respond	9%	9%	9%	9%
Special License Venue	1%	1%	1%	1%
Unable/unfit to respond	4%	3%	4%	4%

¹ Statistics New Zealand. (June 2012). *Sub national population estimates: At 30 June 2012*. Statistics New Zealand.

² Methodology outlined in appendix 1.

³ This pulled information was retrieved using different methodology outlined in Appendix One. For methodology for this paragraph of information, refer to Appendix Two.

Temporal analysis

Between 2008 and 2012, most alcohol related events occurring within the Nelson TLA hotspots were during warmer weather months of November to March. The graph below highlights this temporal trend for 2012 (Figure 1).

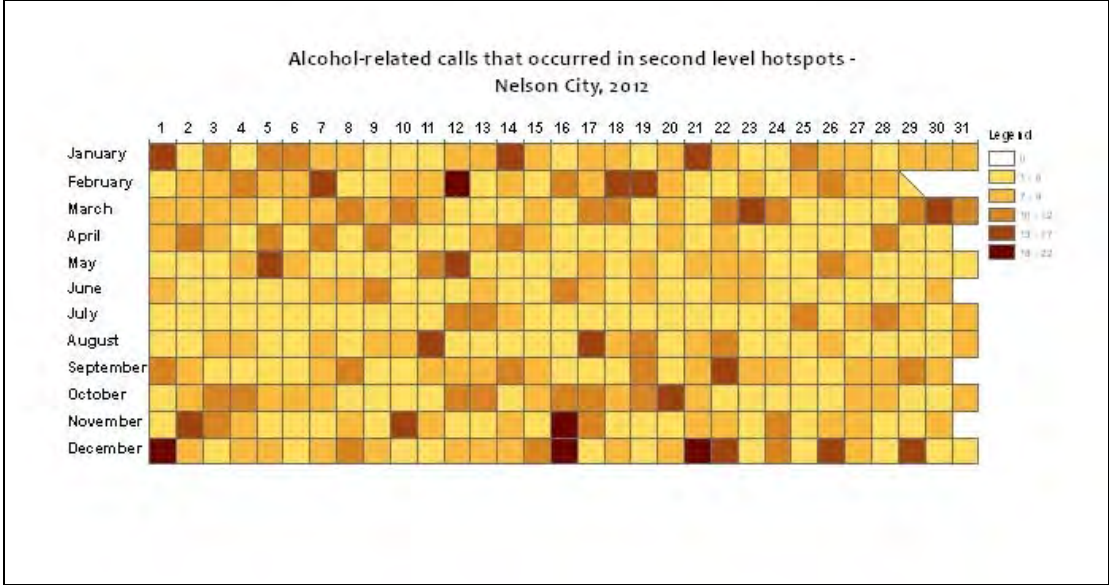


Figure 1 Alcohol related events by month of year in the Nelson TLA in 2012.

The highest risk days are:

- Fridays between 2000 and 2400 hours;
- Saturday mornings between 0000 and 0400 hours;
- Saturday evenings between 1900 and 2400 hours;
- Sunday mornings between 0000 and 0500 hours.

The graph below highlights this temporal trend for 2012 (Figure 2).

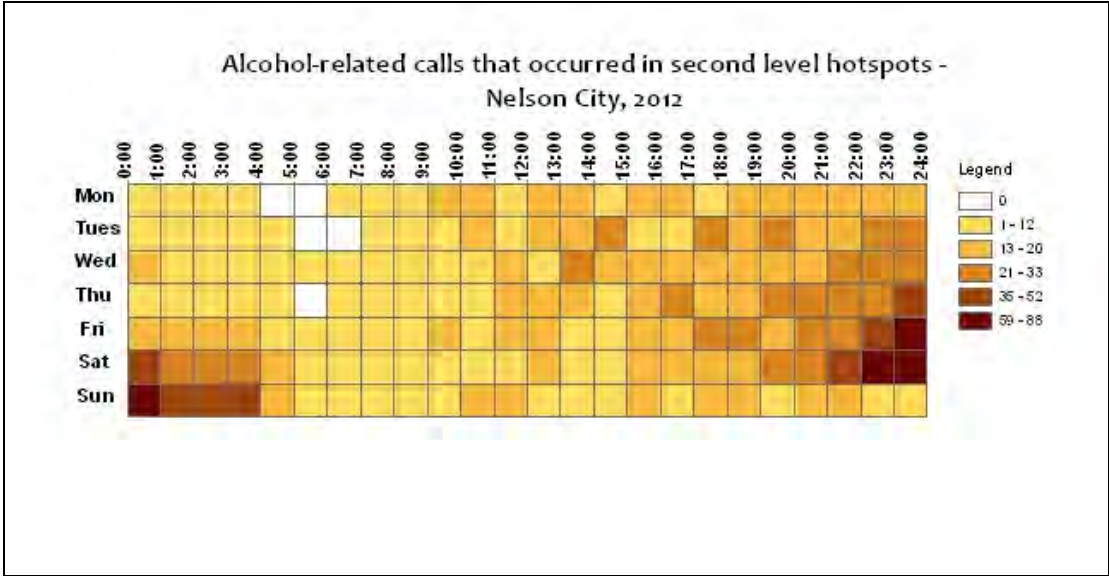


Figure 2 Alcohol related events by date and time in the Nelson TLA in 2012.

Spatial analysis

The map below shows the first level hotspots for alcohol-related events in 2012 using the Gi* technique⁴ for the Nelson TLA. These hotspots indicate locations with a higher than average number of calls for service for alcohol related incidents. These locations have changed little over the past five years (Figure 3).

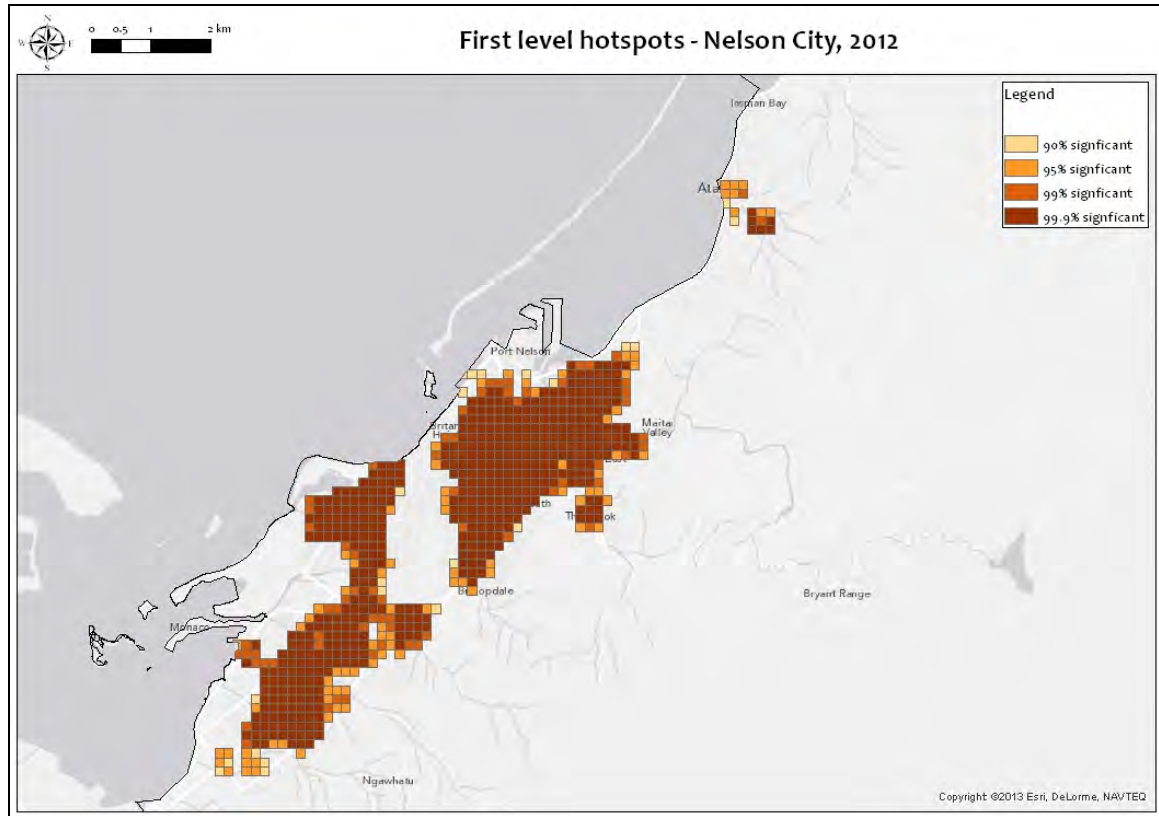


Figure 3 First level hotspots for the Nelson TLA in 2012.

Hotspots identified as ‘99.9% significant’ using the Gi* technique are most likely to be locations that are generators, attractors, or enablers of alcohol related crime. Figure 3 indicates these locations for the Nelson TLA are: Nelson, Stoke and Tahunanui. Focusing on these locations is likely to reduce the level of crime across the overall area.

More detailed maps for the locations identified as 90% significant from Figure 3 (Nelson, Stoke, Tahunanui) are below for 2012 (Figure 4, 5, 6). These indicate the largest hotspots are typically in areas around licensed premises and public spaces close to licensed premises, including parks and beaches.

⁴ Methodology outlined in appendix 1.

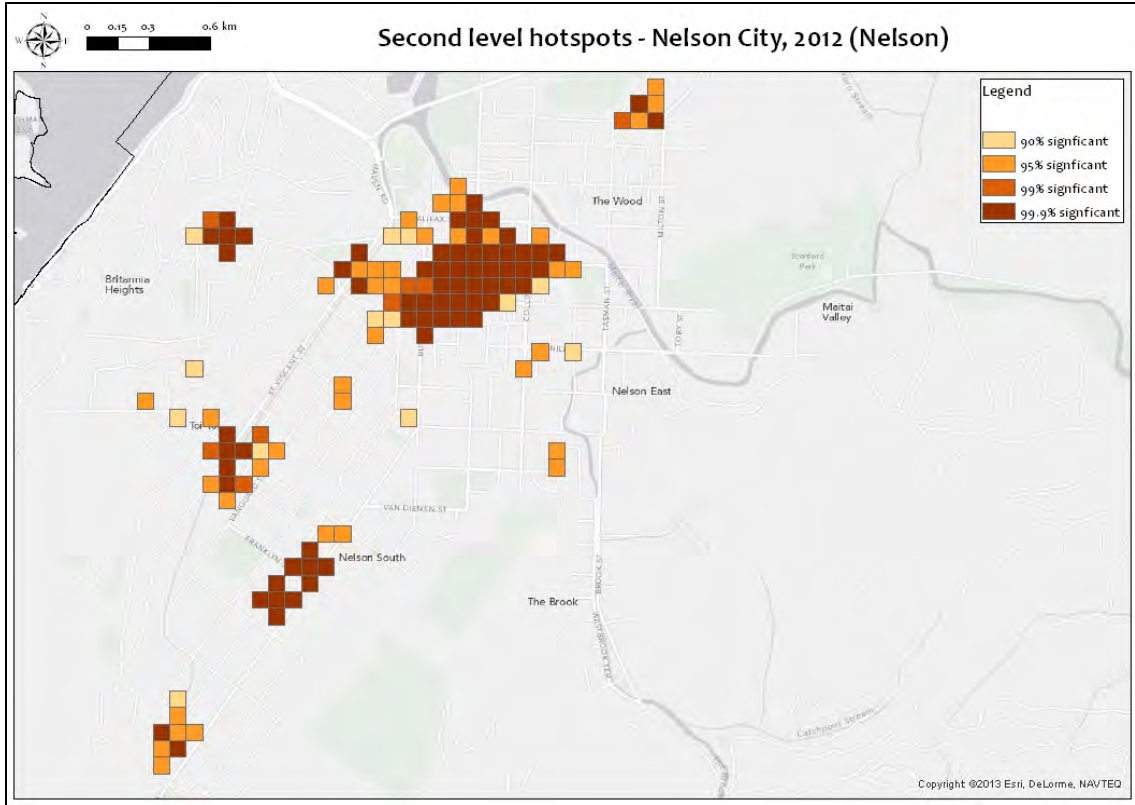


Figure 4 Second level hotspots for the Nelson in 2012.

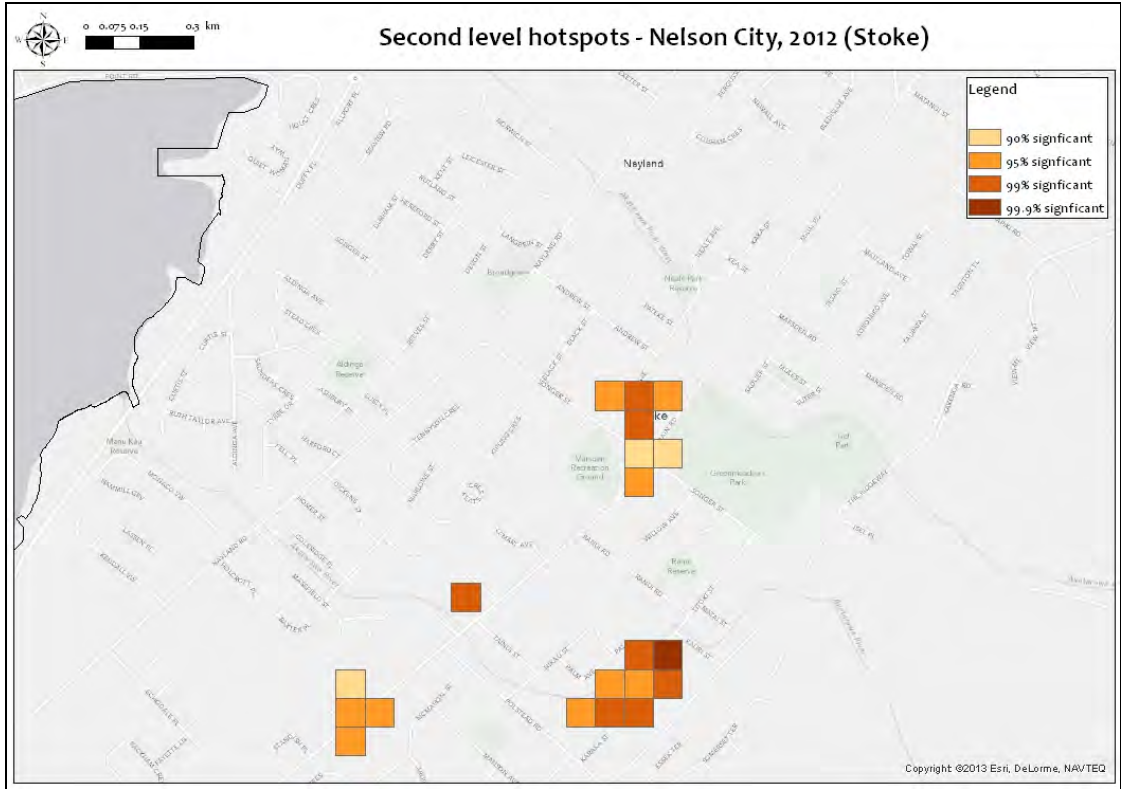


Figure 5 Second level hotspots for the Stoke in 2012.

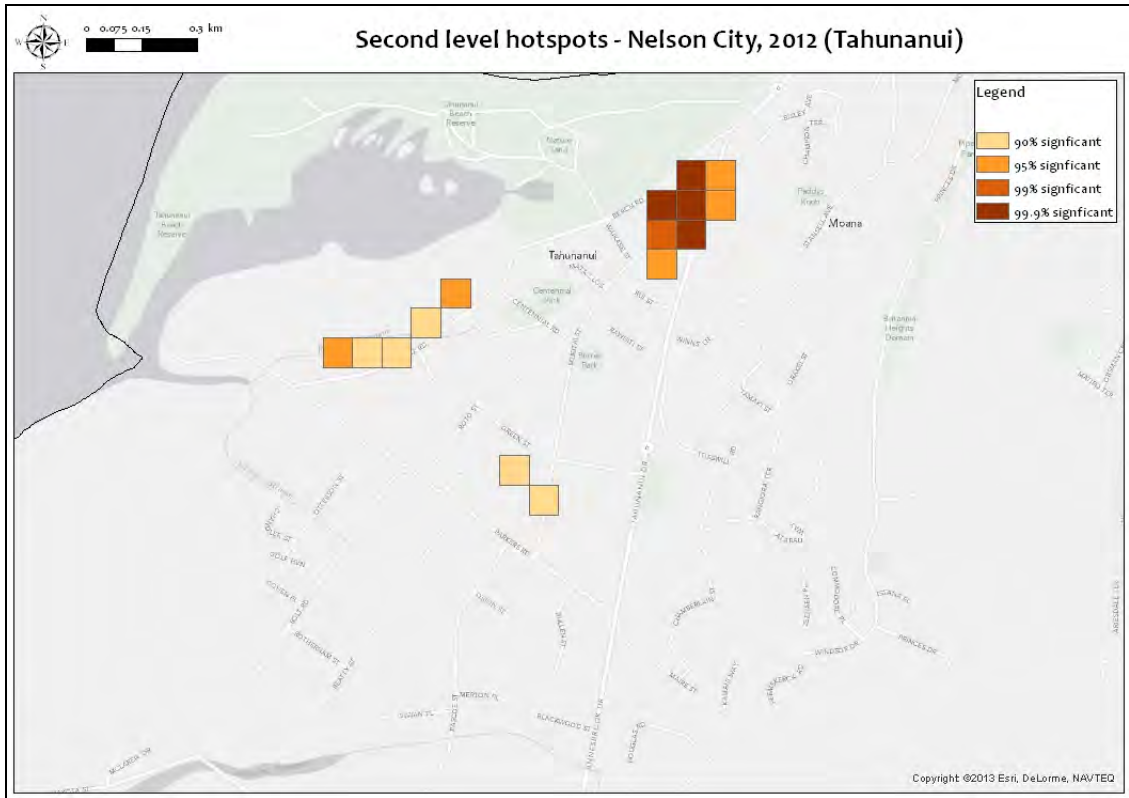


Figure 6 Second level hotspots for the Tahunanui in 2012.

The maps below are showing the distribution and number of on-license and off-license premises in the Nelson TLA that Massey University consider to contribute to alcohol-related harm, such as: supermarkets, bottle stores, grocery stores, night clubs, and taverns. The data is current to 2011 so there may have been changes to the licensed premises since then. These maps highlight that many premises potentially contributing to alcohol related harm are located in close proximity to each other (Figure 7, 8, 9, 10).

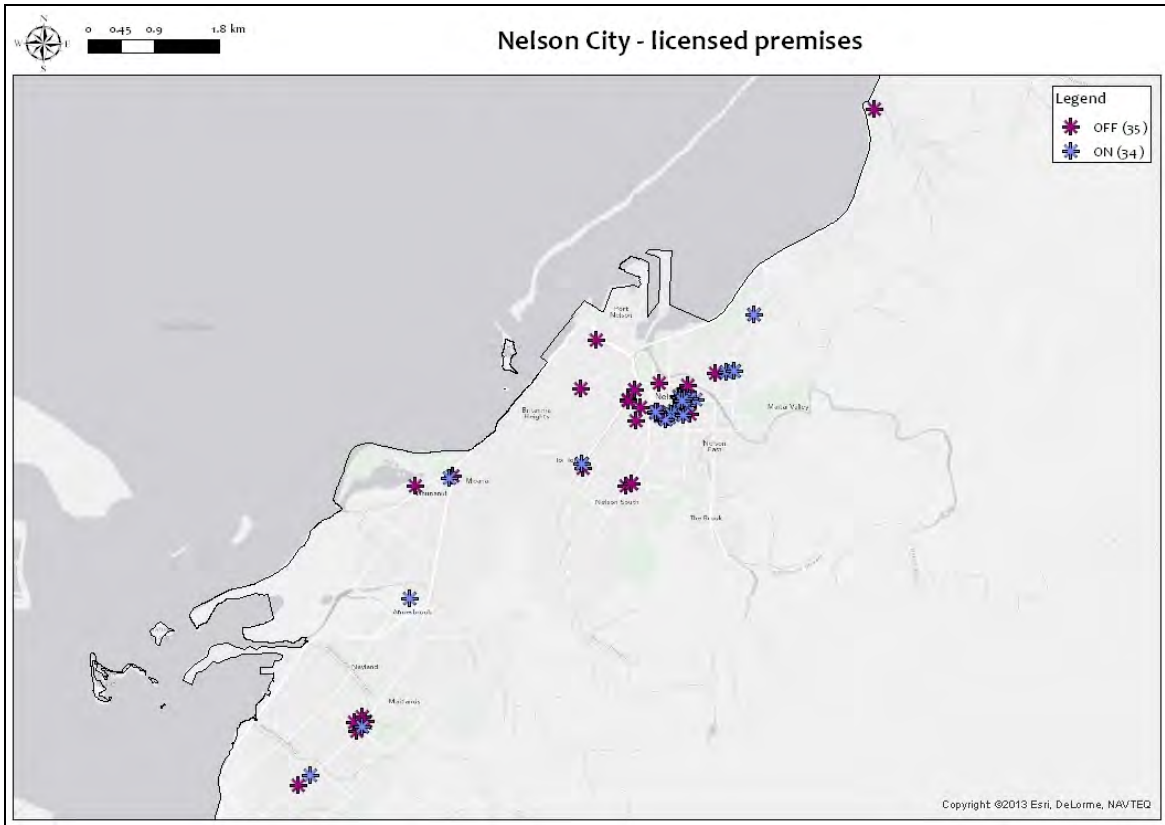


Figure 7 Licensed premises contributing to alcohol related harm in the Nelson TLA.

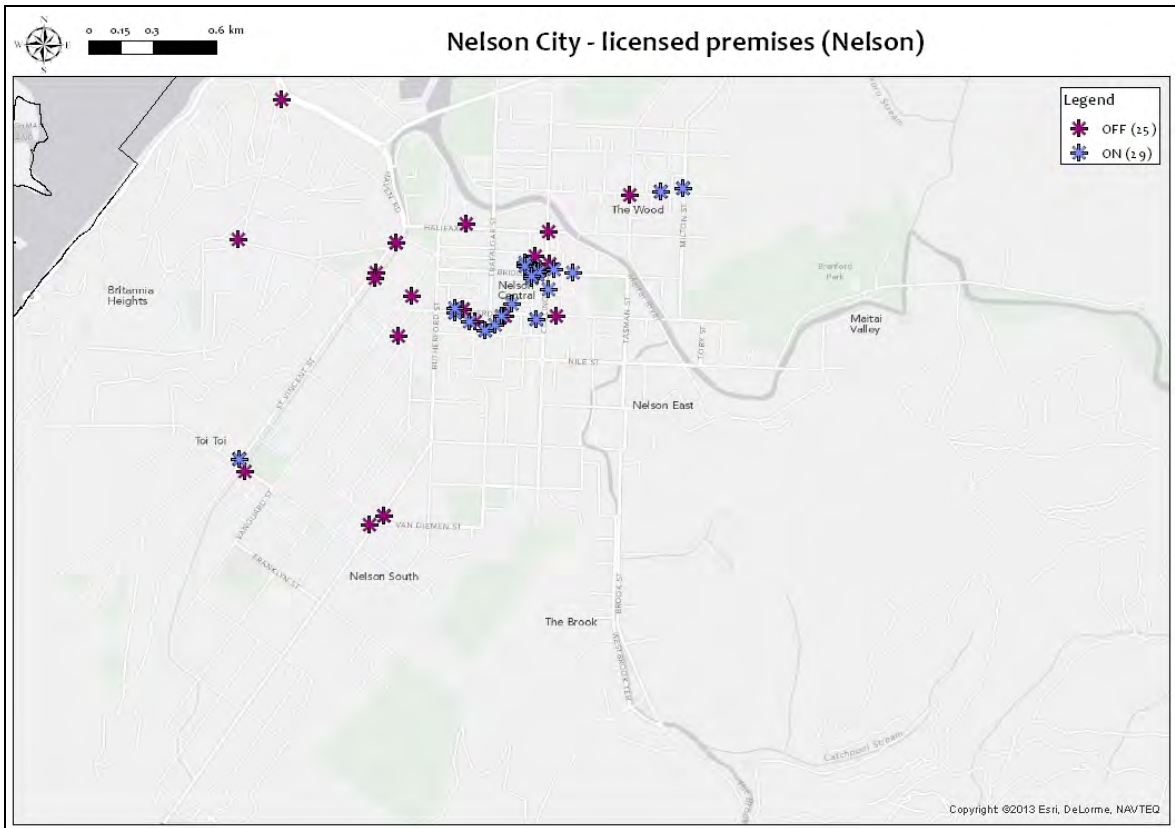


Figure 8 Licensed premises contributing to alcohol related harm in Nelson.

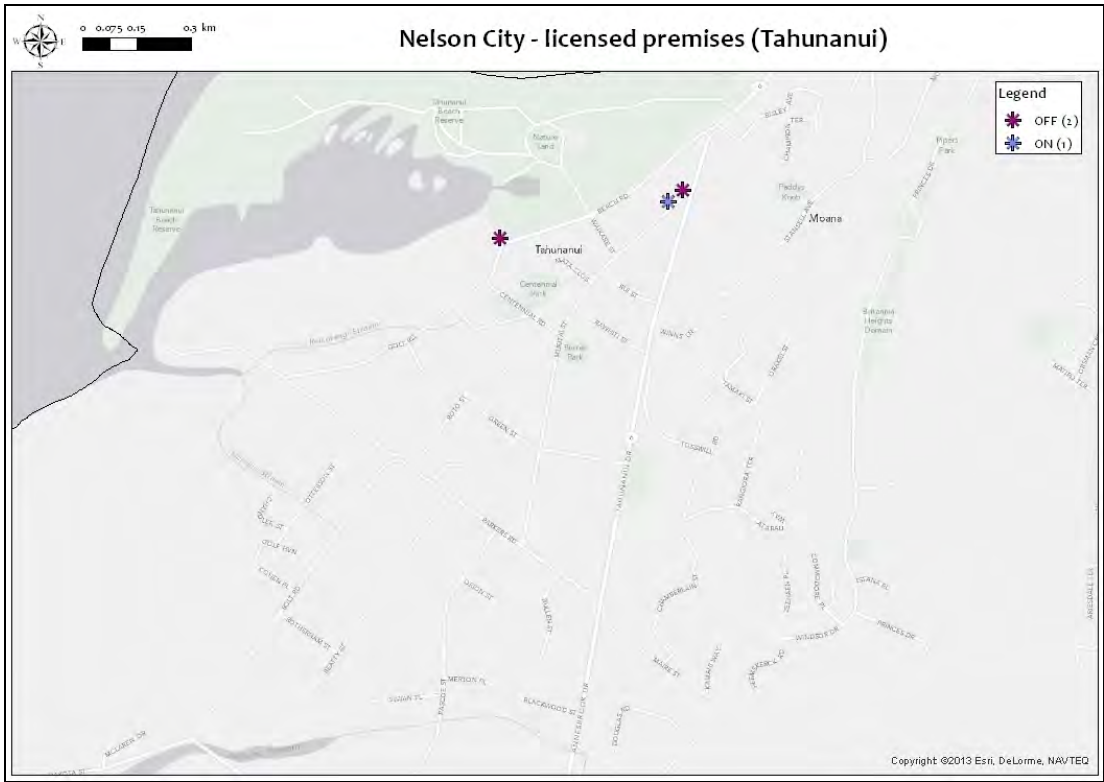


Figure 9 Licensed premises contributing to alcohol related harm in the Tahunanui.

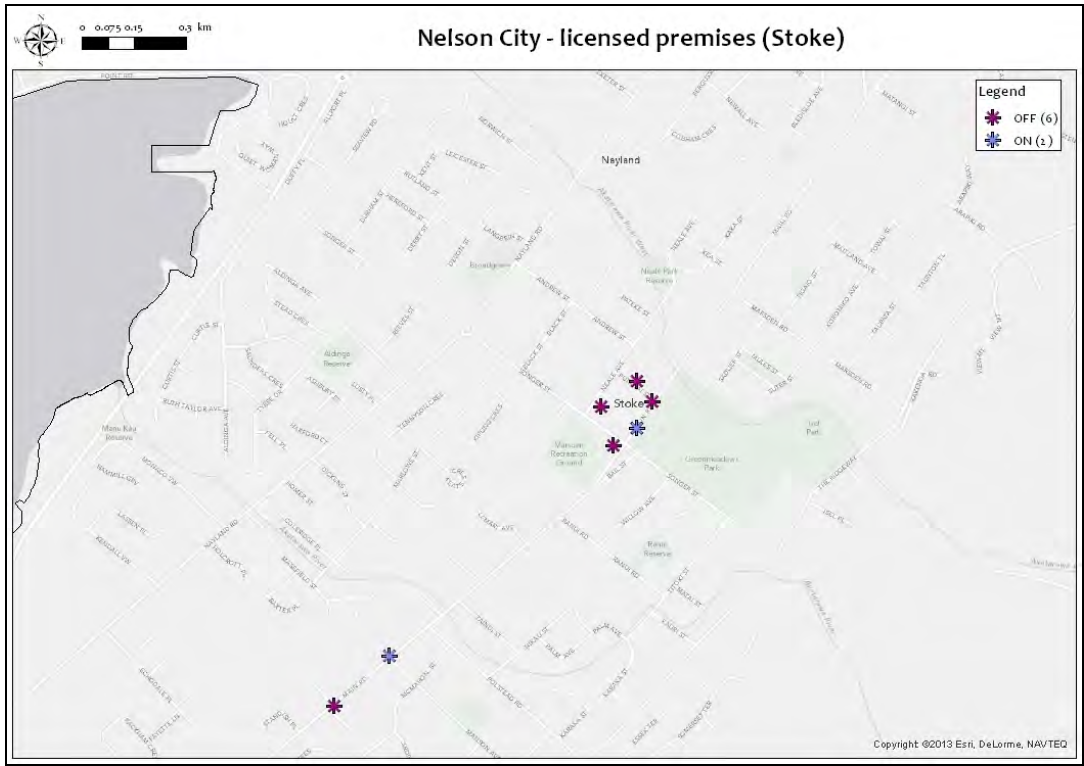


Figure 10 Licensed premises contributing to alcohol related harm in Stoke.

Criteria Sought Mixture

Trading Hours

Rationale

There is strong international and domestic evidence that supports the proposition that the longer licensed premises are open, the more alcohol related harm that can be attributed to them. Recent research from the Ministry of Justice (Ministry of Justice 2012) shows that the offending associated with licensed premises goes up exponentially the longer the premises is open after midnight with a premises which closes between 3am and 5 am being linked with nine times the number of offences associated with a premises that closes before midnight.

Police believe that off licenses contribute to alcohol related harm by facilitating pre and side loading. Reducing the hours of trading for off licenses will reduce the availability of alcohol and consequent alcohol related harm associated with pre and side loading.

Local Reasons/conditions - On licences

Currently on licences in the Nelson area run as late as 3am. Police recognize the need for a vibrant and healthy nightlife and would like to see that closing time continue in a smaller area of the Nelson CBD.

Local Reasons/conditions - Off licences

Police have noticed the trend for people to 'pre load' and 'side load' over recent years. This problem has also been identified by the licensees of on licences who report customers going outside to drink alcohol that is hidden in carparks or in their cars.

This creates a huge risk for licensees as these customers are drinking unsupervised and often consuming alcohol at faster than normal rates therefore becoming intoxicated quickly and sometimes with little warning when they return into licenced premises.

This is not a problem only restricted to the CBD, it is evident by the number of empty liquor bottles in public places, gardens and carparks.

Police believe that restricting the off licence hours to 9pm will reduce side loading in particular as the alcohol purchased for side loading is often purchased on the way to the bars they intend to visit. Observations backing up this have been made by Police Officers in the Nelson area.

An example of this occurred at 9.30pm on a Saturday night. A 20 year old man was observed loading a large box of RTD drinks into his car at a bottle store in the CBD. He was stopped for breath testing as he left the premises and was found to have no alcohol in his system. Around three hours later the same male was spotted in a club on Bridge Street, he was loud and antisocial and was exhibiting signs of drinking a significant amount of alcohol. Within a further half hour the same male was arrested

for disorderly behaviour after he was observed yelling verbal abuse at Police Officers who were walking the beat. It was clear that he had consumed a considerable amount of alcohol in a short period of time.

It is our belief that by restricting off licence sales to 9pm it will significantly reduce the amount of alcohol purchased for preloading and sideloading which will reduce the amount of uncontrolled drinking and will assist in the reduction of alcohol related harm. Restricting off licences to 9pm still enables alcohol to be sold for 14 hours each day which Police submit is ample time.

Discretionary Conditions

Rationale

There is strong international and domestic research that supports the adoption of specific restrictions to address particular local problems. Most recently a study of the statutory conditions applied in Newcastle, Australia (Kypri 2012) revealed that a combination of conditions to regulate the availability of alcohol (such as no shots after midnight) combined with shortened hours and a one way door policy, reduced assaults by over 30%. A menu of possible conditions is:

- CCTV
- Prescribed ratio of security staff to patrons
- No shots served after midnight
- No glass containers after midnight
- Glow vests, paisley shirts or jerkins for security staff
- Ten minutes of non alcohol service every hour
- Free non alcoholic and soft drinks to designated drivers

Local Reasons/conditions

Police support the introduction of discretionary conditions such as

- 'One-way door' restrictions for areas out of the CBD;
- The time entertainment finishes;
- Provision of additional security (staff) after 'x' hour;
- 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 (CPTED).

The discretionary conditions would be a useful tool to improve any problem premises that are identified with a view to getting them operating to a high standard. This would mean that issues could first be dealt with at a local level through the licencing committee.

One Way Door Policy

Rationale

There is international and domestic evidence to support the effectiveness of a one way door policy to mitigate migration and hard closing times in entertainment precincts containing higher densities of on licensed premises. Recent research of the statutory conditions applied in Newcastle, Australia (Kypri 2012) revealed that a combination of conditions to regulate the availability of alcohol combined with shortened hours and a one way door policy reduced assaults by over 30%.

Local Reasons/conditions

Police believe that a one way door policy in Nelson would best be used in the inner city for premises which stay open past 2am. We are aware that there is opinion on both sides as to the effectiveness of one way door policies however we are of the opinion that it is well worth trialing as another tool to make headway in our long term goal of making Nelson a safer place for all. A trial would need to be for at least one year to 18 months so that the policy has time to become effective and change drinkers' behavior.

Having spoken to members of the public who lived in Australian cities which had one way door policies it is apparent that they can have a positive effect on drinkers' behavior.

Having a one way door policy operating for the last hour will be of great use to the licensees. It is clear that every hour that a premises is open the chances of problems occurring with drunks gets higher and higher.

An example of the proposed benefits of a one way door policy in regards to monitoring behaviour and intoxication would be where one licensed premises removes a patron for either intoxication or poor behaviour. If this was after 2am when the one way door was operating that person would not be able to get into any other bars. Currently it is a very real problem that these people often straighten themselves up a bit and enter another premises further along the street. The one way door has the potential to save licensees from problems with intoxication.

Appendix One

Methodology

Police data examined in this report is drawn from a dynamic operational database and is subject to change as new information is continually recorded. It is only as accurate as the information contained in the databases at the time that it is sourced. Statistics from provisional data are counted differently than official statistics and should not be compared.

This report analyses calls made by the public to police. In each case the Police employee who takes the call, categorises the incident based on what the caller tells them into basic event types such as violence, disorder, etc. These calls are then recorded in the Police Communications and Resource Deployment database (CARD). An event can be re-categorised into different types throughout the life of a call, so for the purposes of this analysis, event types are considered at the time of call closure.

Although CARD does not hold information on whether alcohol was consumed by the offender or by the victim, certain types of events are typically considered to be related to alcohol. These are:

Grievous Assaults	Sexual Affronts	Disorder
Serious Assaults	Abduction For Sex	Breach Of The Peace
Minor Assaults	Sexual Attacks	Obstructing/Hindering/Resisting
Intimidation/Threats	Rape	Unlawful Assembly
Crimes Against Personal Privacy	Domestic Dispute	Breach Of Local Council Liquor Ban
Drunk Custody/Detox Centre	Domestic Violence	Sale of Liquor offences (old Act)
Drunk Home	(Sale and Supply of Alcohol offences – new Act)	

The calls analysed in this report were made between 1 January 2008 and 31 December 2012 and fall into the categories listed above. They are presented visually in the attached maps by individual years. In the future, yearly updates will be provided. The calls do not include those initiated by Police (ie, officer-discovered contact with the Communications Centre) and exclude duplicate calls.

In this analysis, the calls to Police were spatially analysed using a hotspotting technique called Gi*. The Gi* technique aggregates events to a grid, the size of which depends on the area of analysis. The totals within each grid square are then compared with each other across the entire study area.

Gi* compares local averages with global averages, identifying those areas where the local averages (eg, concentrations of crime) are significantly different from the global averages (ie, in comparison to what is generally observed across the whole study area).

Gi* identifies if the local pattern of crime is different from what is generally observed across the whole study area, and produces a level of significance. The areas identified as not significant are those where clustering would likely have occurred due

to chance and not due to the location itself. As G_i^* adds statistical significance to hotspot analysis, it shows which hotspots are significant, and alerts to something unusual occurring at specific locations.

Hotspots identified as 99.9% significant using the G_i^* technique are most likely to be locations that are generators, attractors, or enablers of crime. Focusing on these locations and determining the underlying causes of crime happening there is likely to reduce the level of crime across the overall study area.

Appendix Two

Methodology

Police data examined in this report is drawn from a dynamic operational database and is subject to change as new information is continually recorded. It is only as accurate as the information contained in the databases at the time that it is sourced. Statistics from provisional data are counted differently than official statistics and should not be compared.

Caution must be exercised on these statistics as they are based solely on the data received and recorded in police systems. The interpretations and conclusions drawn in this report are made on the balance of probability on information available at the time of preparation.

This section of the report uses information from the Alco-link database. While the Alco-link database collates alcohol related crime intelligence information, it has limitations:

- It is designed for identifying places where offenders last drank alcohol, not for counting the type of offences committed by people affected by alcohol. This means that statistics from the Alco-Link database cannot be broken down by offence type.
- Police can only determine the involvement of alcohol in most offences if an offender is apprehended. Not all offences recorded by Police result in an apprehension and not all offences come to the attention of Police.
- 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.
- 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 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.

Bev McShea

From: Submissions
Sent: Friday, 13 September 2013 4:19 p.m.
To: Administration Support
Subject: FW: Local Alcohol Policy
Attachments: NCC LAP 13 (F).pdf; ATT00001.htm; PastedGraphic-6.pdf; ATT00002.htm

Categories: Blue Category

From: Safe at the Top[SMTP:INFO@SAFEATTHETOP.ORG.NZ]
Sent: Friday, September 13, 2013 4:18:53 PM
To: Submissions
Subject: Local Alcohol Policy
Auto forwarded by a Rule

Good afternoon,

Please find attached the submission to Nelson City Council's Draft Local Alcohol Policy from Safe at the Top, the Nelson Tasman International Safer Communities programme.

Kind regards,

Barbara



Safe at the Top
Submission to Nelson City Council's Local Alcohol Policy
16th September 2013

Thank you for the opportunity to make a submission on the Local Alcohol Policy (LAP). The work that Nelson City Council has done to promote community safety and reduce alcohol related harm is to be commended and demonstrates criteria 3 of the International Safe Communities Agreement, which Nelson City Council signed up to in 2011:

'Programmes that target high-risk groups and environments, and programmes that promote safety for vulnerable groups'.

Safe at the Top would also like to commend Nelson City Council on the level of community engagement and partnership work involved in preparing this key document, which takes a proactive approach to addressing issues of alcohol related harm for its residents.

Safe at the Top supports the goals and objectives of the LAP (sections 2.6 and 2.7) as these are consistent with the International Safe Communities framework.

Licence Conditions:

Safe at the Top supports the proposed changes to trading hours for both off and on-licenses. Controlling the supply of alcohol, and in particular discouraging the practice of pre-loading, could help reduce the level of binge drinking, particularly with young people in the community. Implementing a one-way door policy is supported, but with the proviso that an evaluation plan for this policy is established and the community and stakeholders are involved in reviewing the outcomes.

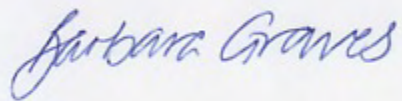
The use of Crime Prevention Through Environmental Design (CPTED) principles is also supported, to improve perceptions of safety and deter criminal activity.

The use of discretionary conditions for granting licenses is supported and the District Licensing Committee (DLC) should explore a wide range of options to apply where needed.

The granting of special licenses and club licenses should be cognisant of other on-license conditions but also take into consideration the venue, event and likely customers and the impact that the provision of alcohol may have.

Safe at the Top also encourages the new DLC to ensure that limits and controls on the location and density of on-licenses and the issuing of new off-licenses are in line with the recommendations made by the Medical Officer of Health.

Safe at the Top does not want to speak in support of this submission, but again would like to congratulate NCC for demonstrating its commitment to reducing alcohol related harm.

A handwritten signature in blue ink that reads "Barbara Graves". The signature is written in a cursive, flowing style.

Barbara Graves
(on behalf of the Safe at the Top Coalition Group)

Bev McShea

From: Submissions
Sent: Friday, 13 September 2013 6:45 p.m.
To: Administration Support
Subject: FW: Alcohol Policy

Categories: Blue Category

From: Alexander Browne[SMTP:ALEXJODI@ME.COM]
Sent: Friday, September 13, 2013 6:44:46 PM
To: Submissions
Subject: Alcohol Policy
Auto forwarded by a Rule

Dear Council

I am a Specialist working at Nelson Hospital. I have previously worked in places in Australia that have had policies that work in curbing alcohol related harm.

They are:

No shots served. The modus of shots is to get drunk as fast as possible

Closed door policy at 1am, once you left you could not get into another bar.

Bars closed at 2am when there were a certain number of alcohol related arrests, and then a thermometer would be placed in the street, otherwise the bars could close at 3am.

This reduced the alcohol related harm through the Dubbo Emergency Department (NSW) by 20-25%.

Lobbyists will scream hardship. Think of the cost to the country.

Kindest Regards,

Dr Alexander Browne
ICU Specialist, Emergency Medical Officer
Emergency Department,
Nelson Hospital
+64 21 078 0655
alexjodi@me.com

Bev McShea

From: Submissions
Sent: Sunday, 15 September 2013 7:15 p.m.
To: Administration Support
Subject: FW: Submission on draft local alcohol policy

Categories: Blue Category

From: Web Maintenance Shared Mailbox
Sent: Sunday, September 15, 2013 7:14:51 PM
To: Submissions
Subject: Submission on draft local alcohol policy
Auto forwarded by a Rule

Submission on draft local alcohol policy

Your name

Eelco Boswijk

Organisation represented (if applicable)

The Free House

Your address

95 Collingwood Street
Nelson

Your email address

eelco@thefreehouse.co.nz

Your phone number

0274163452

Your submission

The LAP is a complicated issue, one that I believe is not easily understood by the general public. Many consequences of the policy will not be immediately obvious and in my opinion will have a negative impact on Nelson.

One Way Doors.

I strongly disagree with the proposed one way door policy for these reasons.

- Relationships between Licencees and Police, that have been developed over the past few years, would be undermined or destroyed.
- Postive industry initiatives like Mellow Yellow and the Protocol would breakdown leaving Police to cope with any issues on their own.
- Increased violent behaviour due to bottlenecks at venue entrances.
- Increase in unsafe drinking patterns as customers "drink up" to change venues before the cut off or extra loading for the queue.
- Less safe for tourists who may not understand the rules, go outside for some reason, cannot get back in and are left separated from their friends and vulnerable.

Off Licence Sales hours

I think these hours should be 8am till 10pm as is supported by the NMDHB in their "Position

Statement on Alcohol"

Restaurant Alcohol Sales hours

A restaurant should have the flexibility available to it to sell alcohol till 2am. In practice very few restaurants will need this but for special occasions it offers the flexibility needed to operate a small business in Nelson. If any business selling alcohol meets the criteria of host responsibility it is a restaurant.

Would you like to include a file in support of your submission?

Would you like to speak at the hearing in support of your submission?

No

Bev McShea

From: Submissions
Sent: Sunday, 15 September 2013 8:10 p.m.
To: Administration Support
Subject: FW: Submission on draft local alcohol policy
Attachments: What-Works-to-Reduce-Alcohol-Related-Harm.docx

Categories: Blue Category

From: Web Maintenance Shared Mailbox
Sent: Sunday, September 15, 2013 8:09:30 PM
To: Submissions
Subject: Submission on draft local alcohol policy
Auto forwarded by a Rule

Submission on draft local alcohol policy

Your name

Dr Mark Reeves

Organisation represented (if applicable)

Nelson Emergency Department

Your address

Nelson Emergency Department
Nelson Hospital
Waimea Road
Nelson 7010

Your email address

mark.reeves@nmhs.govt.nz

Your phone number

03 5461800

Your submission

My name is Mark Reeves. I am a Senior Medical Officer working at Nelson Emergency Department. Part of my portfolio is Alcohol and Drugs.

Let me say this off the bat, I am not anti-alcohol. I am, however, vehemently anti harmful drinking behaviour.

Locally here in the Nelson region, as in many places in New Zealand, we have a problem with teen and young adult binge drinking.

Harmful drinking contributes greatly to our workload here in the Emergency Department. As well as intoxication (obviously), harmful drinking has a role in a proportion of the trauma, self-harm, mental illness, depression, attempted suicide, sexual assault, sexually transmitted disease, unwanted pregnancy, non-accidental injury of children, family violence and general illness that we have to deal with.

Drunk patients are often aggressive, belligerent, uncooperative and generally not the kind of people you would choose to be around if you weren't being paid for doing so. In the Emergency

Submission 86

Department they take up a disproportionate amount of time and resources which impacts markedly on our ability to treat other patients, and on the functionality of our department as a whole.

We can't just assume that an apparently inebriated patient is just "drunk". The real question is "are they drunk and injured, are they drunk and ill, or are they drunk, injured and ill?", both illness and injury being more prevalent in the inebriated patient. Sometimes it's pretty difficult trying to unpick what is really going on, especially when the noise to signal ratio is often challengingly raised by alcohol. It's only a matter of time before patient inebriation contributes to one of us Nelson Emergency Doctors having to wear a serious, and perhaps catastrophic "miss" for the rest of our careers. Believe me; I've come terrifyingly close myself a few times.

Perhaps most concerning of all to me is that we undeniably have a serious problem with alcohol related violence in our region. I am informed by Tasman Police District Commander Richard Chambers that we have the second highest per capita rate of alcohol related assaults in the country (first being the West Coast). Unfortunately, with the amount and degree of injury I see at the Emergency Department through alcohol related assaults, I am truly saddened by my complete lack of surprise at our national ranking. This is a statistic of which we should be rightly appalled and ashamed.

I REALLY don't want to jinx it but all in all I think the "tide" is turning nationally, and maybe even here in our hospitality and alcohol-production dependant region. I don't want to speak too soon, but I get the feeling as a result of increased Police measures, together with the ongoing efforts of lots of other local and national organizations and individuals, a line has been drawn in the sand as to what is positive and acceptable drinking behavior, and what is harmful and unacceptable drinking behaviour. Sure there's at times some pretty robust dialogue about where that line should be, but there seems to be an increasing acceptance that the line exists and needs to be there. Harmful drinking behaviour has been raised in people's consciousness and this is a good thing. I am both pleased and proud to be playing a part in this process.

As a practising Emergency Department doctor I urge every Council member to do anything and everything they can to minimise the societal damage from harmful drinking behaviour, and to promote the responsible enjoyment of alcohol. Please take the time to read the Ministry of Social Development document published in 2005 titled "What Works to Reduce Alcohol-Related Harm and why aren't The Policies More Popular?" (link attached).

Would you like to include a file in support of your submission?

What-Works-to-Reduce-Alcohol-Related-Harm.docx - [Download File](#)

Would you like to speak at the hearing in support of your submission?

Yes

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 9:23 a.m.
To: Administration Support
Subject: FW: Submission on draft local alcohol policy

Categories: Blue Category

From: Web Maintenance Shared Mailbox
Sent: Monday, September 16, 2013 9:22:43 AM
To: Submissions
Subject: Submission on draft local alcohol policy
Auto forwarded by a Rule

Submission on draft local alcohol policy

Your name

Dr Andrew Munro

Organisation represented (if applicable)

NMDHB

Your address

Nelson Emergency Department

Your email address

andrew.munro@nmdhb.govt.nz

Your phone number

0272460187

Your submission

I'm an Emergency Physician I see results of poor attitudes to a freely available highly toxic drug every day of my career.

You are all aware of the level of alcohol related harm we are burdened with in today's society. If somehow you haven't in some way been touched by alcohol related physical damage or psycho-social harm (dependence, personality alteration, corruption of families, economic burden), - spend a weekend of evening shifts in any ED in the country.

Do something that can have a positive influence.

Don't allow liquor outlets in low decile areas, enforce the one way door turn away pre-loaded young, increase the financial penalties of use some of the your rates take to provide in -school education, advocate to Government the strategies that have been shown to really work- increasing the unit price, curbing advertising targeting the young , raising minimum age.

Would you like to include a file in support of your submission?

Would you like to speak at the hearing in support of your submission?

No

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 9:26 a.m.
To: Administration Support
Subject: FW: Submission on draft local alcohol policy
Attachments: Nelson-City-Submission.docx

Categories: Blue Category

From: Web Maintenance Shared Mailbox
Sent: Monday, September 16, 2013 9:26:23 AM
To: Submissions
Subject: Submission on draft local alcohol policy
Auto forwarded by a Rule

Submission on draft local alcohol policy

Your name

Clare Davies

Organisation represented (if applicable)

TIA/ Hospitality NZ / Grand Mercure Nelson Monaco

Your address

8 Point Road
Monaco
Stoke 7011
Nelson

Your email address

clare@monacoresort.co.nz

Your phone number

03 5478233

Your submission

Submission attached

Would you like to include a file in support of your submission?

Nelson-City-Submission.docx - [Download File](#)

Would you like to speak at the hearing in support of your submission?

Yes



My name is Clare Davies I am Managing Director and owner of the Grand Mercure Nelson Monaco Resort based in Nelson and owner of Raetihi lodge in the Marlborough sounds.

I currently sit as regional chair for the hotel sector of the Nelson Marlborough region for the Tourism Industry Association which represents 1,500 tourism businesses. I also sit on the National board of Hospitality New Zealand and hold the position of vice president for the regional branch; Hospitality New Zealand is a membership based trade association that represents over 2,400 businesses nationwide.

BACKGROUND

Tourism for New Zealand is big business as the country's second largest export sector. It is a major contributor to the New Zealand economy that will always be here – and won't easily go offshore. Tourism takes the lead in promoting New Zealand to the world. The brand positioning built by a vibrant tourism industry has become an important source of national confidence and identity and a front window for "Brand New Zealand". Indeed, the clean, green, pure offer that is synonymous with New Zealand tourism has been widely adopted and used to promote New Zealand exports in a range of other industries as well.

The tourism industry delivers the following value to New Zealand's economy:

- Tourism in New Zealand is a \$64 million per day and \$23.4 billion a year industry
- The tourism industry directly and indirectly supports more than 185,000 full-time jobs, or about one in ten people in the workforce
- Domestic tourism contributes \$37 million in economic activity every day or \$13 billion per annum
- International tourism contributes \$27 million in economic activity every day or \$10 billion per annum
- International tourism represents 8.6% of GDP as New Zealand's second largest export industry

The visitor industry in Nelson City generates income, creates jobs and brings vibrancy to the area. This council plays a huge role in determining the level and quality of visitor services, the infrastructure that is available, the events and festivals that take place and the way hospitality operators such as hotels, cafes, restaurants and bars operate to create a safe and social visitor environment. The Hospitality & Tourism sector plays a major contribution to the region's economy.

I appreciate the opportunity to make a submission on the draft Local Alcohol Policy (LAP). I am committed to working with Nelson City Council in order to develop a practical and effective LAP. ***I would like to speak to my submission.***

RECOMMENDATIONS

1. I recommend that provision be made in the Nelson City Council Draft Local Alcohol Policy that allows hotels to lawfully operate minibars and serve hotel guests at all times. We understand this can be addressed in the Local Alcohol Policy by allowing hotels to provide alcohol to lodgers 24 hours a day 7 days a week.
2. I support the provisions made for hotels of 24 hours per day (Monday to Sunday) trading hours for hotels in-bedroom (minibar) sales. However we recommend that minibars are not classified as off-licence (Section 3.1) and that this service sits within the provisions of the hotels licenced premise as an on licence. I understand that hotels in Nelson currently operate under an on-license with no requirement for an off-license for minibar provision.
3. I would like to recommend that Section 3.2 Clause 3.2.1 - Hours of On-Licenses be clarified to include the maximum trading hours for hotels. Currently this clause only references restaurants, cafes, taverns, bars, pubs and nightclubs.
4. I would also like to recommend in section 3.2 Clause 3.2.1 Hours that On Licences for Restaurant and café are able to operate until 1am, to allow for private functions, such as conferences, Weddings and late summer dining trade.
Nelson has long been regarded as a significant visitor destination for domestic and international visitors. As the city continually evolves and new visitor markets are developed it is vital that its appeal as a vibrant city with a lively, social and safe food and beverage culture is maintained and where possible enhanced.
5. I would also like to recommend that the trading hour start time for hotels, regardless of location within Nelson, is set at 7.00am instead of the Act default of 8.00am, as 7.00am is a more usual time that hotels start food and beverage service including breakfasts, in-room dining and conference functions such as champagne breakfasts, which can have non-residential guests in attendance.
6. I recommend in Section 3.2.3 Maximum trading hours for Taverns/bars/pubs/nightclubs Monday – Sunday 8am – 3am that a mandatory one way door policy is not put in place at 2am. The Hospitality Association in conjunction with the accord and in particular Ron Taylor from the Little Rock have put huge efforts in the introduction of Mellow Yellow and the alcohol accord to ensure that the streets of Nelson are safe after closing hours. One way door policy will inflict even further costs on establishments which are currently running their businesses responsibly; there is no evidence at all which shows that a one way door policy works. I would also like to hours of 7am - 3am across the board for bars/tavern in and out of the CBD (except restaurants 7am - 1am)

As mentioned previously, the visitor industry in Nelson city generates income, creates jobs and brings vibrancy to the area. The council plays a huge role in determining the level and quality of visitor services, the infrastructure that is available, the events and festivals that take place and the way hospitality operators such as hotels, cafes, restaurants and bars

operate to create a safe and social visitor environment. I firmly believe that Bars and licenced premises are currently operating with great operators who take their role in the community very seriously and have done so for many years in the region, and the changes currently under the LAP will have damaging financial implications to business owners and the region if these tighter regulations are put in place.

I would like to thank Nelson City Council for the opportunity to submit on the proposal. Myself and the industry want to see a sensible and effective Local Alcohol Policy that reflects the Council's responsibilities to the community and to ensure that local businesses are viable along with a vibrant Hospitality sector.

Clare Davies
Managing Director
Monaco Management Ltd
Email: clare@monacoresort.co.nz
Mobile: 0274 476386
Address: PO Box 2369, Stoke, Nelson 7011

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 10:37 a.m.
To: Administration Support
Subject: FW: Nelson City Council Draft Local Alcohol Policy Submission
Attachments: Nelson City Council Draft Local Alcohol Policy Submission.pdf

From: Rachael Shadbolt[SMTP:RACHAEL.SHADBOLT@TIANZ.ORG.NZ]
Sent: Monday, September 16, 2013 10:36:51 AM
To: Submissions
Cc: Clare Davies
Subject: Nelson City Council Draft Local Alcohol Policy Submission
Auto forwarded by a Rule

Please find attached the submission from the Tourism Industry Association on the Nelson City Council Draft Local Alcohol Policy.

Please do not hesitate to contact me should anything require clarification.

Kind regards

Rachael

Rachael Shadbolt | Sector Manager - Hotels | rachael.shadbolt@tianz.org.nz
DDI: +64 4 495 0814 | **T:** +64 4 499 0104 | **M:** 021 679 664 | **W:** www.tianz.org.nz | **Hotel Stats W:** www.nzhcstats.co.nz
Lvl 4, Tourism & Travel House, 79 Boulcott St, Wellington 6140, New Zealand | PO Box 1697, Wellington



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tourism
INDUSTRY

ASSOCIATION NEW ZEALAND

**Submission to the
Nelson City Council
on the
Draft Local Alcohol Policy**



EXECUTIVE SUMMARY

- i. The Tourism Industry Association (TIA) is the lead association that represents the interests of about 1,500 tourism businesses in New Zealand. In Nelson, TIA represents a range of tourism-related activities including hospitality, accommodation, adventure and activities, attractions and retail as well as related tourism services.
- ii. TIA also represents the interests of over 130 large scale hotels throughout New Zealand and is concerned about the impact certain aspects of the new Sale and Supply of Alcohol Act 2012 will have on hotels and how they operate.
- iii. The visitor industry in Nelson generates income, creates jobs and brings vibrancy to the city. Your council plays a huge role in determining the level and quality of visitor services, the infrastructure that is available, the events and festivals that take place and the way hospitality operators such as hotels, cafes, restaurants and bars operate to create a safe and social visitor environment.
- iv. While the impact of the Act is relatively small for hotels when put in context with the wider hospitality industry it is important to make you aware of provisions within the Act that would limit the level of service hotels could offer in your community and ultimately impact on the visitor experience. In extreme cases this may even impact on the number of quality star rated hotels operating in Nelson.

RECOMMENDATIONS

1. TIA recommends that provision be made in the Nelson City Council Draft Local Alcohol Policy that allows hotels to lawfully operate minibars and serve hotel guests at all times. We understand this can be addressed in the Local Alcohol Policy by allowing hotels to provide alcohol to lodgers 24 hours a day 7 days a week.
2. TIA supports the provisions made for hotels of 24 hours per day (Monday to Sunday) trading hours for hotels in-bedroom (minibar) sales. However we recommend that minibars are not classified as off-licence (Section 3.1) and that this service sits within the provisions of the hotels licenced premise as an on licence. TIA understands that hotels in Nelson currently operate under an on-license with no requirement for an off-license for minibar provision.
3. TIA recommends that Section 3.2 Clause 3.2.1 - Hours of On-Licenses be clarified to include the maximum trading hours for hotels. Currently this clause only references restaurants, cafes, taverns, bars, pubs and nightclubs.
4. TIA recommends that the trading hour start time for hotels, regardless of location within Nelson, is set at 7.00am instead of the Act default of 8.00am. The time of 7.00am is a more usual time that hotels start food and beverage service including breakfasts, in-room dining and conference functions such as champagne breakfasts, which can have non-residential guests in attendance.

INTRODUCTION

5. TIA is the lead association that represents the interests of about 1,500 tourism businesses in New Zealand. The Association was first established in 1955 and the businesses TIA represents cover a range of tourism-related activities.
6. The primary role of TIA is as the voice of the tourism industry which includes working for members on advocacy, policy, communications, events, membership and business services. The Association has a small Wellington based team led by CEO Martin Snedden.
7. Enquiries relating to this paper should in the first instance be referred to Rachael Shadbolt, Sector Manager- Hotels rachael.shadbolt@tianza.org.nz 021 679 664.
8. TIA is happy for this written submission to be acknowledged by the Council and will not need to appear in person.

COMMENT

9. TIA is grateful for the opportunity to comment on the Nelson City Council Draft Local Alcohol Policy. While TIA is a national association it works collaboratively on a number of fronts with your local regional tourism organisation, Nelson Tasman Tourism and many of TIA's members are Nelson based tourism businesses.
10. Nelson has long been regarded as a significant visitor destination for domestic and international visitors. As the city continually evolves and new visitor markets are developed it is vital that its appeal as a vibrant city with a lively, social and safe food and beverage culture is maintained and where possible enhanced.
11. Hotels provide critical high quality infrastructure to accommodate these visitors and TIA hotel members are well represented with over 95% of large scale hotels being members of TIA. Within Nelson the Grand Mercure Nelson Monaco is an active TIA member and General Manager Clare Davies is the TIA Hotels Regional Chair for the Nelson/Marlborough region.
12. The impact of the Sale and Supply of Alcohol Act is relatively small for hotels when put in context with the wider hospitality industry. However there are provisions within the Act that would limit the level of service hotels could offer in your community and ultimately impact on the visitor experience. In extreme cases this may even impact the number of high quality star rated hotels operating in Nelson.
13. When the new Sale and Supply of Alcohol Act 2012 comes into effect in December 2013, there will be no facility allowing hotels to sell or supply anyone, even hotel guests, alcohol outside of the default licensing hours of 8am – 4am. This would likely include in-room mini-bars.

14. The amount of alcohol served in a hotel outside the default hours is minimal, however it does happen and hotels pride themselves on being able to offer a full guest service, i.e. if a guest rings Room Service at 6.00am requesting a champagne breakfast to be delivered to their room at 7.00am a hotel would like to be able to do this. Under the new Act a hotel would not be able to provide this service until 8.00am.
15. Of greater concern is how the Act deals with minibars as these are located in guest rooms, making it impossible to monitor the sale or supply of alcohol outside the default hours. There is an argument that the sale and supply of alcohol in the mini-bar happens at the time of check-in, however Section 46 (1) of the Sale and Supply of Alcohol Act is quite specific in its wording:

The holder of a licence must ensure that no alcohol is sold or supplied on the premises outside the permitted trading hours.

This wording suggests that 'sold or supplied' are two different actions and hoteliers would not be able to guarantee alcohol was not consumed (supplied) outside the default hours.

16. In a worst case scenario if hotels could not guarantee they could continue to operate legally with minibars in guest rooms they may choose to remove them completely. This would then have implications for a hotel's Qualmark star rating as the provision of well stocked minibars, particularly at the 4.5-5 star level is expected within the Qualmark grading system. Not providing a minibar could result in a hotel dropping a star grade. This is not a good look for a hotel and unlikely the desired outcome for a region wanting to promote itself as a quality destination for visitors.
17. Hotel guests and restaurant diners may be served alcohol on special days but this must still be within the default hours. Again, this is likely to cause minimal disruption, however by nature hotels are there to look after their guests and being restricted in this way is not desirable.
18. Hotels would need to apply for a Special Licence to serve alcohol outside the default hours.

As an example: Champagne Breakfasts for conference groups, while not a regular weekly occurrence in hotels, do still happen and the requirement to apply for a Special Licence if the breakfast falls outside the default licensing hours is onerous and not the best use of a hotel's or the District Licensing Authority's time. Decisions like providing champagne at a special conference breakfast are often a last minute decision by a conference organiser and a hotel is unlikely to be able to secure a Special Licence within a 24 hour period.

19. The Draft LAP provision of trading from 8.00am for hotels (clause 3.2.1) is workable however 7.00am would be preferred as this is a more usual time that hotels start food and beverage service including breakfasts, in-room dining and conference functions such as champagne breakfasts, which can have non-residential guests in attendance.

20. TIA would like to thank Nelson City Council for taking our concerns on board. It is important to note however that without these hotel provisions being included in your LAP it will be very difficult for hotels to continue to provide the level of service guests expect and hoteliers pride themselves on.

BACKGROUND

21. Tourism for New Zealand is big business as the country's second largest export sector. It is a major contributor to the New Zealand economy that will always be here – and won't easily go offshore. Tourism takes the lead in promoting New Zealand to the world. The brand positioning built by a vibrant tourism industry has become an important source of national confidence and identity and a front window for "Brand New Zealand". Indeed, the clean, green, pure offer that is synonymous with New Zealand tourism has been widely adopted and used to promote New Zealand exports in a range of other industries as well.

22. The tourism industry delivers the following value to New Zealand's economy:

- Tourism in New Zealand is a \$64 million per day and \$23.4 billion a year industry
- The tourism industry directly and indirectly supports more than 185,000 full-time jobs, or about one in ten people in the workforce
- Domestic tourism contributes \$37 million in economic activity every day or \$13 billion per annum
- International tourism contributes \$27 million in economic activity every day or \$10 billion per annum
- International tourism represents 8.6% of GDP as New Zealand's second largest export industry

Local Government and the Visitor Industry

23. Together with the Department of Conservation (DOC), local governments in New Zealand play a critical role in the development of the visitor industry, principally through their investment in core utilities and infrastructure and through their management of the country's natural resources.

24. By default, local governments are arguably the largest tourism operators in New Zealand which is why TIA believes it is important that Council plans and policy include such things as the provision of infrastructure to support visitors and locals alike and help marketing of the regions through investment in regional tourism bodies.

End
Rachael Shadbolt
TIA Hotels Sector Manager
Tourism Industry Association (TIA)

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 11:27 a.m.
To: Administration Support
Subject: FW: Submission - Draft LAP - Nelson
Attachments: Submission - Draft LAP - Nelson.docx

From: Mark Unsworth[SMTP:MARK@SUL.CO.NZ]
Sent: Monday, September 16, 2013 11:25:43 AM
To: Submissions
Subject: Submission - Draft LAP - Nelson
Auto forwarded by a Rule

Hi Independent Liquor submission attached .

Cheers

Mark Unsworth
Corporate Affairs Director
04 9141755

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>>>
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>

INDEPENDENT LIQUOR (NZ) LTD

SUBMISSION ON THE DRAFT NELSON LOCAL ALCOHOL POLICY

(September 2013)

Introduction

Independent Liquor NZ Ltd

Independent Liquor NZ Ltd is a multibrand liquor company with its headquarters in Papakura. It is the number one player in Ready to Drink (RTD) beverages, number two in spirits and liquors combined and number three in beer. With the recent acquisition of The Mill Liquorsave bottle store chain, which has two outlets in Nelson, Independent Liquor employs over 500 staff across the country and is also a significant exporter. Independent Liquor is part of Asahi Group Holdings Ltd.

Independent Liquor is the proud owner of one of New Zealand's oldest running breweries, Nelson's Founders Brewery. The Duncan family have been brewing beer in Nelson for nearly 160 years and with new capital provided by the Boundary Road brewing division, the company is expanding its range of innovation and award winning beers. Although owned by Independent Liquor since December 2012, the brewery and attached café will remain in operation in the Founders Historic Park.

Independent Liquor's beverages are sold through a wide range of off licence premises throughout the Nelson district. As well, Independent Liquor's beers are sold in supermarkets, bars and restaurants.

Specific Issues

Independent Liquor NZ would like to focus specifically on just four of the policy areas noted in the draft LAP. These are:

1. Trading Hours.
2. Local Restrictions
3. Discretionary Conditions for off-Licences

Trading hours for off-licenced premises

The draft Nelson LAP proposes moving from the default option of 7am - 11pm to 7am – 9pm.

Striking a balance

We wholeheartedly support the development of a Nelson Local Alcohol Policy (LAP) and the sensible actions taken to ensure that the sale, supply and consumption of alcohol be undertaken safely and responsibly.

At the same time we are keen to remind the Council that the first quoted objective of the LAP is to

‘reflect the views of local communities as to the appropriate location, number, hours and conditions that should apply to licenced premises within their communities’.

The Council needs to ensure that the rules it sets don’t penalise the vast majority who don’t behave badly. Tougher rules should be targeted where they will make a difference not make buying or consuming alcohol much harder for those who cause no harm.

The Council’s decision to restrict off-licence hours obviously does not ‘reflect the views of local communities’. Your own survey noted that only 39% of those polled wanted earlier closing hours. The Council has ignored the views of those who pay rates in Nelson and instead have succumbed to the suggestions of the Police, who have made the same identical recommendation to every Local Authority in New Zealand. Yes, the Police do a great job and they have to front up to the harm caused by the abuse of alcohol but, the Council needs to consider the whole community not just propose restrictions which can make life easier for the police force.

We remain very sceptical that this move will actually reduce harm as past experience around the world indicated that consumers will shift their purchasing times and probably the overall consumption levels will not change. As the Police have noted themselves, the majority of offending relating to alcohol occurs in the early hours of the morning in weekends. This is well past when off licence premises have already closed.

At the same time ordinary New Zealanders, wanting to perhaps buy a beer or a bottle of wine on their way home at night, or early in the morning on the way out will be inconvenienced. Does New Zealand really want to return to the era when we have to cover up alcohol with a tarpaulin at certain times of the day?

For these reasons, we still support the default option of 7am – 11pm as operating now but would not be uncomfortable with a 10pm limit.

If however the Council decided on restricted hours then it is vital that these apply across the board.

Our core business is RTD’s and these cannot be sold through supermarkets. Allowing a policy which allowed low priced but high strength wines (13% ABV on average) to be sold in supermarkets until 11pm when a more expensive and lower strength (7% ABV on average) RTD sales outlet has to shut at 9pm ,would be manifestly unfair.

Local Restrictions

We support the Councils decision not to include location and density restrictions on licenced premises for the reasons noted by the Council.

Discretionary Conditions for Off-Licences

The proposed policy is too vague and open to interpretation in its current form. Noting that “conditions relating to the following matters may be appropriate” could open the door to all licences being required to conform. In reality some will be appropriate for certain off-licenced premises and some not. The wording should either be amended to ‘may or may not’ or “if solid evidence is presented then the following conditions may be appropriate for certain off-licences”.

Thank you for the opportunity to submit.

Yours Sincerely



Julian Davidson
General Manager NZ
Independent Liquor (NZ) Ltd

Contact person:

Mark Unsworth
Corporate Affairs Director
M: 021 359 258

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 12:10 p.m.
To: Administration Support
Subject: FW: Submission to NCC LAP
Attachments: Submission to NCC Draft LAP from Health Action Trust - FINAL as PDF.pdf

From: Rosey Duncan[SMTP:ROSEYD@HEALTHACTION.ORG.NZ]
Sent: Monday, September 16, 2013 12:09:46 PM
To: Submissions
Cc: Mary Ellis; Pauline; Suzanne Bateup; Dee Creswell; penny@victory.school.nz
Subject: Submission to NCC LAP
Auto forwarded by a Rule

Hi there,
Please find submission to NCC LAP attached.
Kind regards, - Rosey.



Health Promoter – **Community Action on Youth and Drugs** – [CAYAD] – Nelson [03 548 2798 xtn 3](tel:035482798) Like our page: [facebook.com/CAYADNelson.thePAGE](https://www.facebook.com/CAYADNelson.thePAGE)
Health Action Trust - 26 New Street Nelson 7010. Postal: PO Box 691 Nelson 7040 www.healthaction.org.nz

"It's not WHAT we're drinking, it's WHY we're drinking" - Emma Hart

Submission to Nelson City Council Draft Local Alcohol Policy

Your name	Rosey Duncan, (Drug Health Promoter)
Organisation represented (if applicable)	Health Action Trust
Your address	26 New Street, Nelson 7010
Your email address	roseyd@healthaction.org.nz
Your phone number	03 548 2798 xtn 3

Other signatories in support of this submission:

Mary Ellis	Health Action Trust (& Street Ambassadors) – Manager
Suzanne Bateup	Health Action Trust - Mental Health Promoter
Pauline Nevin	Health Action Trust – COMPASS Coordinator
Dee Cresswell	SVS-Living Safe, Nelson - Manager
Penny Molnar	Victory Community Health Centre - BeWell Nurse

Your submission

Would you like to include a file in support of your submission? No

Would you like to speak at the hearing in support of your submission? Yes

OVERVIEW:

Thank you for developing a Local Alcohol Policy which allows local community members to have a say in licensing decisions.

We have two main changes to suggest:

Firstly: we RECOMMEND **aligning the trading hours for cafes/restaurants** with those of bars/pubs. We note that:

“Most weekend Emergency Department (ED) presentations occur between 0200 and 0600.”¹

and

“the more alcohol is made available to a population... the more excess (i.e. hazardous levels of) alcohol will be consumed and the more harm will be experienced by that population regardless of the time of day that alcohol is sold...”²

We therefore appreciate that Nelson City Council has proposed trading hours that close earlier than the default hours proposed in the Act.

However we are unsure why NCC has suggested that café’s/restaurants which are the types of venue which generally provide environments that are food-oriented, family-friendly, pro-social and rarely associated with harmful alcohol-related behaviours, should close earlier than others. Attracting more people into the central city at night also contributes informally to increasing safety, as well as helping to meet NCC’s focus on developing vibrancy within the heart of the city.

Secondly: we RECOMMEND **later morning opening times** of 9am for all types of licenses; we do not see the necessity for alcohol outlets to open early in the mornings.

¹ Public Health Service of NMDHB (June 2013) *Medical Officer of Health Report for Nelson City Council Regarding Local Alcohol Policies*

² (See Appendix 2 of the CDHB submission for an overview of that evidence here:

http://www.healthychristchurch.org.nz/media/108373/cdhbsubmissioncccdraftlap_june2013.pdf).

With regard to NCC's following proposals, our comments and further recommendations are bulleted below.

Off Licences

3.1. Trading Hours for Off-Licences

3.1.1. Hours for off licences - Maximum trading hours Monday to Sunday

NCC Proposes 7am – 9pm

DISAGREE

- We RECOMMEND restricting Off-License trading hours to **9am to 9pm**, as per the Medical Officer of Health's report. While we are pleased to see that NCC has proposed fewer maximum trading hours than the Act default hours, we do not support 7am opening for Off Licences. This concept is supported by the Canterbury District Health Board (CDHB) who wrote in their submission to their local council's LAP:

*“the more alcohol is made available to a population...
the more excess (i.e. hazardous levels of) alcohol will be consumed and,
the more harm will be experienced by that population
regardless of the time of day that alcohol is sold,
and that evidence exists for both on- and off-licensed premises.”³*

We also support CDHB's reasons for later opening hours of off-licenses, particularly the following reasons:

“... we support the earliest alcohol sales in off-licenses being after 9am because:

- *It will send out a message to impressionable young people that alcohol (being a psychoactive substance, etc.) is no ordinary commodity ...*
- *It will prevent the purchase of alcohol before the school day starts and therefore go some way to protecting minors*
- *It will provide a barrier to access for people at risk of dependent/harmful drinking “*

3.1.2. Discretionary Conditions for Off-Licences

- We AGREE with the proposed points under 3.1.2
- We RECOMMEND that the term **“supervised designation” and its definition** be included in the List of Definitions at 2.8. or expanded here at 3.1.2.
- We RECOMMEND the following **additional wording** may be clearer for the second point:
 - ➔ display of ~~safe~~ **safer** drinking messages and current alcohol health promotion material relevant to the specific populations that frequent the particular Off Licence; (eg youth, Maori, elderly, sports players etc). Health promotion messages and materials must be clearly visible to customers at both the entrance and the point of sale.

³ (See Appendix 2 of the CDHB submission for an overview of that evidence here:
http://www.healthychristchurch.org.nz/media/108373/cdhbsubmissioncccdraftlap_june2013.pdf).

On-Licences

3.2.1. Trading Hours for On-licences

Maximum trading hours Restaurants/cafes Monday to Sunday

NCC Proposes 8am to midnight except NYE to 1am

DISAGREE

- We RECOMMEND aligning the trading hours for cafes/restaurants with those of bars/pubs, as per our recommendation below: to a maximum of **9am until 3am**. As stated in our overview, café's/restaurants are the types of venue which generally provide environments that are food-oriented, family-friendly, and rarely associated with alcohol-related anti-social behaviours. It is inconsistent that bars etc retain opportunity to trade until 3am while café/restaurants do not.
- We RECOMMEND **clarification of currently ambiguous wording** which allows "*sale, supply or consumption*" to a certain time. Wording should ensure permissible time for consumption of 30 minutes after the final permissible sale time.

Maximum trading hours Taverns/bars/pubs/nightclubs in Nelson CBD (Inner City Zone): Monday to Sunday

NCC Proposes 8am to 3am

DISAGREE

- We RECOMMEND a more restricted maximum of **9am until 3am** to more effectively reduce alcohol-related harm.
- We **AGREE** with the proposed mandatory one-way door policy to apply from at least 1 hour prior to closing, for taverns/bars/pubs/nightclubs in the CBD.

Maximum trading hours Taverns/bars/pubs/nightclubs in all other areas

Monday to Sunday

NCC Proposes 8am to 1am

DISAGREE

- We RECOMMEND maximum trading hours of **9am to 1am** Monday to Sunday for Taverns/bars/pubs/night-clubs in other areas.

3.2.2 Discretionary Conditions for On-Licences

- We **AGREE** with the points for consideration proposed under 3.2.2.

3.2.3 Conditions for premises such as BYO restaurants

- We **AGREE** with the points proposed under 3.2.3.

Special Licences

3.3.2 Discretionary Conditions for Special Licences

- We **AGREE** with the points proposed under 3.3.2.
- We also **RECOMMEND** the **addition of the following two points**:
 - ➔ No special licences should be granted for school premises.
 - ➔ We would also like NCC to ensure as per section 147 2.3.b of the Act, that every Special Licence must ensure pro-active provision of free drinking water.

Club Licences

3.4 Trading Hours for Club Licences

NCC Proposes 8am until 1am

DISAGREE

- We **RECOMMEND** maximum trading hours of **9am to 1am** for Club Licences.
- We **AGREE** with the discretionary conditions for Club Licences proposed under 3.4.

Other Policy Options

4.1.2 Local Restrictions

- Although various restrictions have not been included in this draft policy we know that location and density and hours of access in particular are important determinants in the incidence of alcohol-related harm, so it is important not to forget that these things have been discussed, and why decisions were made to exclude them.
- We therefore **RECOMMEND** that this **final section of the draft be included as an Appendix** to the final version of the policy.
- We also **RECOMMEND banning alcohol advertising** from any council-owned property or buildings or facilities and from any location where it could be seen by minors.

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 12:40 p.m.
To: Administration Support
Subject: FW: Submission on Nelson City Council Draft Local Alcohol Policy
Attachments: Submission to NCC Draft LAP.docx

From: Sharyn Croft[SMTP:GREENFERALS@XTRA.CO.NZ]
Sent: Monday, September 16, 2013 12:39:52 PM
To: Submissions
Subject: Submission on Nelson City Council Draft Local Alcohol Policy
Auto forwarded by a Rule

Submission to Nelson City Council Draft Local Alcohol Policy

Your name Sharyn Croft – Nelson Certified Bar Manager
 Your address 11 Murphy Street, Toi Toi, Nelson 7010
 Your email address greenferals@xtra.co.nz
 Your phone number 03 54 58024

Your submission

Would you like to include a file in support of your submission? No

Would you like to speak at the hearing in support of your submission? No

OVERVIEW:

This submission is identical to that submitted by Health Action Trust.

Thank you for developing a Local Alcohol Policy which allows local community members to have a say in licensing decisions.

We have two main changes to suggest:

Firstly: I RECOMMEND **aligning the trading hours for cafes/restaurants** with those of bars/pubs. I note that:

“Most weekend Emergency Department (ED) presentations occur between 0200 and 0600.”¹

and

“the more alcohol is made available to a population... the more excess (i.e. hazardous levels of) alcohol will be consumed and the more harm will be experienced by that population regardless of the time of day that alcohol is sold...”²

I therefore appreciate that Nelson City Council has proposed trading hours that close earlier than the default hours proposed in the Act.

However I am unsure why NCC has suggested that café’s/restaurants which are the types of venue which generally provide environments that are food-oriented, family-friendly, pro-social and rarely associated with harmful alcohol-related behaviours, should close earlier than others. Attracting more people into the central city at night also contributes informally to increasing safety, as well as helping to meet NCC’s focus on developing vibrancy within the heart of the city.

Secondly: I RECOMMEND **later morning opening times** of 9am for all types of licenses; I do not see the necessity for alcohol outlets to open early in the mornings.

With regard to NCC’s following proposals, our comments and further recommendations are bulleted below.

Off Licences
3.1. Trading Hours for Off-Licences
3.1.1. Hours for off licences - Maximum trading hours Monday to Sunday

¹ Public Health Service of NMDHB (June 2013) *Medical Officer of Health Report for Nelson City Council Regarding Local Alcohol Policies*

² (See Appendix 2 of the CDHB submission for an overview of that evidence here: http://www.healthychristchurch.org.nz/media/108373/cdhbsubmissioncccdraftlap_june2013.pdf).

- I RECOMMEND restricting Off-License trading hours to **9am to 9pm**, as per the Medical Officer of Health's report. While I am pleased to see that NCC has proposed fewer maximum trading hours than the Act default hours, I do not support 7am opening for Off Licences. This concept is supported by the Canterbury District Health Board (CDHB) who wrote in their submission to their local council's LAP:

*“the more alcohol is made available to a population...
the more excess (i.e. hazardous levels of) alcohol will be consumed and,
the more harm will be experienced by that population
regardless of the time of day that alcohol is sold,
and that evidence exists for both on- and off-licensed premises.”³*

I also support CDHB's reasons for later opening hours of off-licenses, particularly the following reasons:

- “... we support the earliest alcohol sales in off-licenses being after 9am because:*
- *It will send out a message to impressionable young people that alcohol (being a psychoactive substance, etc.) is no ordinary commodity ...*
 - *It will prevent the purchase of alcohol before the school day starts and therefore go some way to protecting minors*
 - *It will provide a barrier to access for people at risk of dependent/harmful drinking “*

3.1.2. Discretionary Conditions for Off-Licences

- I AGREE with the proposed points under 3.1.2
- I RECOMMEND that the term **“supervised designation” and its definition** be included in the List of Definitions at 2.8. or expanded here at 3.1.2.
- I RECOMMEND the following **additional wording** may be clearer for the second point:
 - ➔ display of ~~safe~~ **safer** drinking messages and current alcohol health promotion material relevant to the specific populations that frequent the particular Off Licence; (eg youth, Maori, elderly, sports players etc). Health promotion messages and materials must be clearly visible to customers at both the entrance and the point of sale.

³ (See Appendix 2 of the CDHB submission for an overview of that evidence here:
http://www.healthychristchurch.org.nz/media/108373/cdhbsubmissioncccdraftlap_june2013.pdf).

On-Licences

3.2.1. Trading Hours for On-licences

**Maximum trading hours Restaurants/cafes Monday to Sunday
NCC Proposes 8am to midnight except NYE to 1am**

DISAGREE

- I RECOMMEND aligning the trading hours for cafes/restaurants with those of bars/pubs, as per our recommendation below: to a maximum of **9am until 3am**.
As stated in my overview, café's/restaurants are the types of venue which generally provide environments that are food-oriented, family-friendly, and rarely associated with alcohol-related anti-social behaviours. It is inconsistent that bars etc retain opportunity to trade until 3am while café/restaurants do not.
- I RECOMMEND **clarification of currently ambiguous wording** which allows "*sale, supply or consumption*" to a certain time. Wording should ensure permissible time for consumption of 30 minutes after the final permissible sale time.

**Maximum trading hours Taverns/bars/pubs/nightclubs in Nelson CBD (Inner City Zone): Monday to Sunday
NCC Proposes 8am to 3am**

DISAGREE

- I RECOMMEND a more restricted maximum of **9am until 3am** to more effectively reduce alcohol-related harm.
- I **AGREE** with the proposed mandatory one-way door policy to apply from at least 1 hour prior to closing, for taverns/bars/pubs/nightclubs in the CBD.

**Maximum trading hours Taverns/bars/pubs/nightclubs in all other areas
Monday to Sunday
NCC Proposes 8am to 1am**

DISAGREE

- I RECOMMEND maximum trading hours of **9am to 1am** Monday to Sunday for Taverns/bars/pubs/night-clubs in other areas.

3.2.2 Discretionary Conditions for On-Licences

- I **AGREE** with the points for consideration proposed under 3.2.2.

3.2.3 Conditions for premises such as BYO restaurants

- I **AGREE** with the points proposed under 3.2.3.

Special Licences

3.3.2 Discretionary Conditions for Special Licences

- I **AGREE** with the points proposed under 3.3.2.
- I also **RECOMMEND** the **addition of the following two points**:
 - ➔ No special licences should be granted for school premises.
 - ➔ We would also like NCC to ensure as per section 147 2.3.b of the Act, that every Special Licence must ensure pro-active provision of free drinking water.

Club Licences

3.4 Trading Hours for Club Licences

NCC Proposes 8am until 1am

DISAGREE

- I **RECOMMEND** maximum trading hours of **9am to 1am** for Club Licences.
- I **AGREE** with the discretionary conditions for Club Licences proposed under 3.4.

Other Policy Options

4.1.2 Local Restrictions

- Although various restrictions have not been included in this draft policy I know that location and density and hours of access in particular are important determinants in the incidence of alcohol-related harm, so it is important not to forget that these things have been discussed, and why decisions were made to exclude them.
- I therefore **RECOMMEND** that this **final section of the draft be included as an Appendix** to the final version of the policy.
- I also **RECOMMEND banning alcohol advertising** from any council-owned property or buildings or facilities and from any location where it could be seen by minors.

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 2:50 p.m.
To: Administration Support
Subject: FW: LAP Submission
Attachments: 2650 2013 Nelson LAP submission.pdf

Categories: Blue Category

From: Georgie Robertson[SMTP:GEORGIE@LICENCEME.CO.NZ]
Sent: Monday, September 16, 2013 2:51:18 PM
To: Submissions
Subject: LAP Submission
Auto forwarded by a Rule

Hello

Please find attached a submission made by The Mill Retail Holdings Ltd in relation to the draft LAP.

Many thanks
Georgie Robertson

PO Box 681 Oneroa
Waiheke Island 1840 New Zealand
p: 09 372 6107
f: 09 372 6187 m: 021 611 844
georgie@LicenceMe.co.nz
www.LicenceMe.co.nz
Georgie Robertson LICENSING CONSULTANT

hospitality
licensing
limited

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SUBMISSION TO THE DRAFT NELSON LOCAL ALCOHOL POLICY (LAP)

Submitter Details:

Name: The Mill Retail Holdings Ltd
Agent: Hospitality Licensing Ltd
Postal Address: P O Box 681
Oneroa
Waiheke Island
Contact: Georgie Robertson
Phone: 09-372-6107
Mobile: 021-611-844
Email: georgie@LicenceMe.co.nz

I ~~do/do not~~ wish to be heard at the committee of the full Council.

I request my written submission be considered by the full Council.

Signed:



Date: 16th Sept 2013

Background

As announced to the market in late May, Independent Liquor NZ, via its new subsidiary The Mill Retail Holdings, has recently purchased the existing business of The Mill Liquorsave Limited. This submission is being lodged on behalf of The Mill retail business. Independent Liquor NZ reserves the right to lodge separate submissions to the various regional LAP processes.

2.8 Definitions

We seek the inclusion of the following:

"New Licence A new licence for premises that have previously been unlicensed"

The aim of this is to remove any ambiguity with the intention of the LAP.

The Council is aware that when licensed premises change hands a 'new' licence must be applied for. It is therefore imperative that these existing licensed premises are not disadvantaged, and have the ability to sell their businesses with the safety that the existing terms and conditions of licence can be maintained.

This is in keeping with the provisions in SSAA in terms of public objections for existing licensed premises.¹

We seek the inclusion of a reference to other default definitions as set out in section 5 of the Sale & Supply of Alcohol Act 2012.

3.1 Off-Licence Conditions

3.1.1 Hours for Off Licenses

States that no off licence shall be issued or renewed with trading hours exceeding:

Monday to Sunday 7am to 9pm

We **disagree** with these proposed hours.

We seek the maximum hours to be:

Monday to Sunday 9am to 10pm

We wish the following to be included in this section:

"The maximum trading hours will apply to all forms of off-licenses. This includes bottle stores, grocery stores, and supermarkets."

¹ SSAA Section 102(4) – A public objection can only be made on suitability when the applicant applies for the same terms and conditions of a licence already in force.

This will ensure that no new or existing off-licence holder will be put at a commercial disadvantage in terms of operating hours.² It offers a fair playing field for all operators and is considered to be a consistent and appropriate approach to be taken by Council.

3.1.2 Discretionary Conditions for Off Licenses

Gives examples of 'other' conditions that may be imposed on an off-licence should the DLC see fit. This includes

- a) Supervised designation of all bottle stores.

We **agree** with this policy.

- b) Display of safe drinking messages and material. This needs to read:

"Appropriate signage should be displayed at the point of sale or as close as practical to the point of sale, in relation to safe drinking messages"

- c) Application of the principles of Crime Prevention Through Environmental Design.

We **agree** with this policy.

² [2011] NZ LLA PH 244 Para 10.