

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

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

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

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

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

Apologies: Councillors L Acland, R Copeland and E Davy

**1. Apologies**

Resolved

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

Her Worship the Mayor/Barker

Carried

**2. Interests**

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

**3. Confirmation of Order of Business**

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

#### 4. Late Submissions

Resolved

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

Ward/Matheson

Carried

#### 5. Submissions

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

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

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

Attendance: Councillor Copeland joined the meeting at 9.10am.

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

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

Attendance: Councillor Rainey left the meeting at 9.16am.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Williams spoke to the submission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr McKenzie spoke to the submission.

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

Attendance: Councillor Copeland left the meeting at 1.45pm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **6. Special Consultative Procedure**

### **6.1 Procedural matters**

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

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

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

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

### **6.2 Additional information requested**

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

Councillors requested the following information:

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

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

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

Resolved

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

Matheson/McGurk

Carried

The meeting adjourned at 2.03pm.

Confirmed as a correct record of proceedings:

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