
MINUTES
of the
**EXTRAORDINARY ENVIRONMENT AND PLANNING
COMMITTEE MEETING**

to
**Hear Submissions on the
Draft Local Alcohol Policy**

held
9.30 am, Monday, 23 September 2013

at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Cr S G Bryant (Chair), Crs M L Bouillir, B F Dowler, B W Ensor, J L Inglis, C M Maling, Z S Mirfin, P F Sangster.

In Attendance: Co-ordinator Environmental Health (G Caradus)
Environmental Health officer (T Waddington)
Administration Officer (G Woodgate)

1 OPENING, WELCOME

2 APOLOGIES

Moved Cr Ensor/Cr Maling
EP13-09-1

That apologies from Mayor R G Kempthorne, Cr J L Edgar, G A Glover, T B King, T E Norriss, E J Wilkins for absence be accepted.

CARRIED

3 DECLARATIONS OF INTEREST

Nil.

4 LATE ITEMS

Nil.

5 REPORTS OF COMMITTEE

Nil.

6 PRESENTATIONS

Nil.

7 REPORTS

7.1 Hearing of Submissions on the Draft Local Alcohol Policy, Report REP13-09-11

The Co-ordinator Environmental Health, Graham Caradus, was in attendance to speak to his report.

The report facilitated the hearing of submissions received during the special consultative process conducted for the Tasman District Council Draft Local Alcohol Policy (DLAP), and subsequent deliberations to facilitate staff being provided with direction on the preparation of a Provisional Tasman District Local Alcohol Policy.

7.2 Submitters

7.2.1 Jeanette Swift [Submission 3356] Hospitality NZ

Key issues:-

- Safest place to drink alcohol is on licensed premises
- There is no justification to reduce the hours for On-Licence premises to 1.30am
- Wants the status quo in regards to trading hours
- House parties will increase in number if the trading hours are reduced
- Supports working with other agencies
- A successful Nelson Tasman Accord currently exists
- Avoid penalising licencees.

Questions & Answers

Cr Maling

Question: Should we have the same closing hours across the entire District?

Reply: Yes, the closing hours should be same right across the District. The 3.00am closing time should continue.

Cr Ensor

Question: Should doubles and shots be allowed to be sold in the last hour of trading?

Reply: This should be dealt with by each individual licensed premise.

7.2.2 David and Heather Hovenden [Submission 3112] Collingwood Tavern, Collingwood

Key issues:-

- 1.30 am closing time is too early for Taverns
- It takes one hour to organise courtesy vans
- If 1.30 am closing time comes in, effectively will have to close the Tavern at 1.00 am
- Staff monitor their customers' alcohol consumption
- Their customers are going home and not on to parties
- If 1.30am closing time comes in, customers will go to unsupervised parties in homes, camping grounds etc.
- Only open when there are customers to serve in the winter
- The Tavern serves food as well as alcohol
- The Tavern does an annual RSA breakfast and supplies rum for coffees – this may have to change.

Cr Mirfin

Question: Is 9.00pm closing for an off-licence too early?

Reply: We should have the same hours as those written on our licence. A compromise would be the Off-Licence closing at midnight. Daylight saving

hours affects the business.

Cr Mirfin

Question: Is 24 hour flexibility working well?

Reply: Yes – to have to get a Special licence will cost us more money making our business less economic.

7.2.3 Jane Dixon [Submission 2998]

The Mussel Inn, Takaka

Key issues:-

- Where is the community harm coming from and manifesting itself? – this needs to be looked at.
- Less than 7% of alcohol sales come from on-licences
- Home drinkers get their alcohol from off-licence premises or make their own as this costs less
- Tourism is a very important sector in the Tasman District
- The draft LAP proposes restaurants closing at 12.00am and bars closing at 1.00am – this impacts on staffing who will have a 12.5% reduction in their wages during the summer
- Early closing will affect the hiring of entertainment
- The sale of liquor has many existing conditions that we have to adhere to.

Cr Maling

Question: What time do you think restaurants should close?

Reply: Why should they close any earlier than a hotel or a bar?

7.2.4 Clare Davies [Submission 3479]

Grand Mercure Nelson Monaco Resort

Chair, Nelson Marlborough Tourism Industry Association

Key issues:-

- The draft LAP needs to target the problems
- Dissatisfied to see that On-Licence hours have been proposed to be reduced back to 1.30am
- The NCC draft LAP is proposing to maintain a 3.00am CBD close
- One Way Door restrictions for On-Licences do not work
- If Clubs are to maintain a 1.00am close, then restaurants should be afforded the same privilege
- Wants opening hours to be 8.00am to 1.00am for restaurants and 8.00am to 3.00am for Bars and Clubs.

Cr Bryant

Question: In urban areas, is there much demand for restaurant meals after 12.00am?

Reply: Yes.

Cr Ensor

Question: How do you change young people from pre-loading?

Reply: It's an education process coupled with how readily available alcohol is.

Cr Sangster

Question: Why not have a 3.00am close for restaurants, bars and clubs?

Reply: We would prefer this.

7.2.5 Nigel Birse [Submission 3186]
Collingwood Resident

Key issues:-

- Objects to the draft LAP that alters the closing time of his local pub
- Does not see any need to change to earlier closing hours
- The draft LAP is restrictive and will affect small businesses
- The Community Survey was described as having 'self-selected participation' and is 'totally unreliable'
- Police and medical workers consulted would have influenced the draft LAP
- Keep the default closing hours outlined in the Sale and Supply of Alcohol Act 2012 (the Act).

Cr Bouillir

Question: How often have you seen violent, or problem, behaviour due to alcohol in Collingwood?

Reply: I haven't seen any.

7.2.6 Tim Donaldson [Submission 3187]
Foodstuffs South Island Ltd

Key issues:-

- The Act introduces changes for supermarkets, bottle stores and food stores selling alcohol
- The Act introduces changes in hours and restricts marketing and promotion of alcohol
- All Four Square stores will comply with the Act
- There is no evidence linking the hours of sale of alcohol to the time of consumption
- There is no evidence that supports restricting the hours of an off-licence reduces alcohol related harm
- Reducing the sale of alcohol hours will reduce the trading hours of supermarkets and this will affect the Community
- Wants 7.00am to 11.00pm sale of alcohol hours for supermarkets.

Cr Ensor

Question: Preloading by youth, drinking at home and cheap alcohol from supermarkets are all factors influencing alcohol related harm

Reply: I agree that beer and wine from supermarkets is cheaper than from bottlestores, bars and clubs.

Question: Why do you need opening hours to sell alcohol to begin at 7.00am?

Reply: During the 7.00 – 9.00am period a significant amount of business (that includes alcohol sales) is undertaken especially in rural areas. It is not pre or side-loading people who are purchasing alcohol at that time.

Cr Mirfin

Question: Shutting down a supermarket from liquor sales will be a nightmare won't it?

Reply: The real nightmare comes at the 9.00pm cut-off time. Customers who are part way through a transaction at 9.00pm will not be allowed to complete the purchase and will become irate.

Cr Maling

Question: What is the latest time supermarkets are currently open?

Reply: 10.00pm on Thursdays in Tasman.

Cr Dowler

Question: If off-licences are closed earlier, do you think a potential safety issue could arise with tourists buying alcohol at their point of departure and having this extra weight in their vehicles while on the road?

Reply: Potentially yes and this also stops money coming into the District.

10.30 – 10.45 am: Morning tea.

7.2.7 Ben Osmond [Submission 3184]
The Brigand Café & Bar, Takaka

Key issues:-

- With the recommended change in closing hours to 12.00am, the estimated loss to his business would be 10% pa.
- The hiring of entertainment will become an issue in the winter with profitability
- The change in closing hours will increase the number of local house parties with unsupervised alcohol consumption.

Cr Maling

Question: Have you seen any alcohol related violence at the Brigand Café & Bar?

Reply: No. We are currently licenced to be open until 3.00am. Changing this will affect our ability to host weddings, functions etc. and therefore our profitability.

7.2.8 Leigh Knowles [Submission 3191]
Hampden Hotel, Murchison

Key issues:-

- Concerned regarding the earlier closing time for the Hotel. Will create problems with youth who are supervised in their Hotel until the 3.00am closing time at present
- With less hours, staff will probably leave
- The Hotel provides food as well as alcohol.

Cr Maling

Question: Ever called the Police for disorder?

Reply: Not in recent times.

Cr Bouillir

Question: Do you put this down to good management?

Reply: Yes and the fact that we know everyone and their limits.

Cr Dowler

Question: Do you have an Off-Licence?

Reply: Yes, which is good for farmers, truck drivers etc. with their long hours.

7.2.9 Alana Clayton [Submission 3191]
Hampton Hotel, Murchison

Key issues:-

- Also concerned regarding the proposed cutback in closing time
- The Hotel is open until 2.30 – 3.00am on Saturdays in the winter
- Staff supervise the amount of alcohol that is consumed, expell underage drinkers, offer sober drivers – all of which are not offered at private parties

- Also offer free accommodation for those considered too intoxicated to drive home.

7.2.10 Belinda Symon [Submission 3004]

Super Liquor Holdings Ltd – Hospitality Licensing Ltd

Key issues:-

- Seeking the maximum trading hours of 7.00am to 10.00pm for Off-Licences
- Wants a New Licence definition for clarification in the draft LAP ie. New Licence – A new licence for premises that have previously been unlicensed.
- Agrees that all bottle stores have a supervised designation
- Agrees with the displaying of safe drinking messages / material.

Cr Mirfin

Question: Has anyone been caught out by the New Licence definition?

Reply: No, and we don't want it to happen.

Cr Sangster

Question: How inconvenient is a 9.00pm closing time to you?

Reply: We are seeking total consistency of the closing hours.

11.10 – 11.26 am: Meeting was adjourned.

7.2.11 Anne Barrett [Submission 3528] - Submission presented by Jeanette Swift

Plan B Café and Bar, Pohara

Key issues:-

- Concerned regarding Sections 2.2.3 and 2.2.4 – a commercial property with an On-Licence located next to residential properties and how this affected them in the draft LAP
- Requested an existing right of use and that it be transferable if the business was sold.

7.2.12 Nic Roland [Submission 3299]

Playhouse Café, Mapua

Key issues:-

- Decreased opening hours will mean staff losses, less entertainment hired
- There will be an increase in unsupervised house parties and pre-loading
- Everyone will leave bars and clubs at one time – this will lead to vandalism, taxi overruns, drink driving etc.
- Decreased opening hours will alienate younger people who will house party and this brings with it noise complaints, excessive drinking, no supervision, no security etc.
- There is no reason to change what exists at present – there is no problem to fix.

Cr Ensor

Question: Will young people change their drinking patterns with this draft LAP?

Reply: Yes, people my age will skip the food stage of an evening and just drink all night.

Cr Maling

Question: Licences will not allow pre-loaded people to enter their premises.

Reply: Lots of Tasman venues do not have security or bouncers due to cost.

Cr Mirfin

Question: Is there currently a one hour dispersal time with the 3.00am closing time?

Reply: Yes, at present. If earlier closing times come in, towns will be flooded with intoxicated people all at one time.

7.2.13 Kevin J Gilovitch [Submission 3078]

Key issues:-

- Decreased trading hours will see the loss of one full time worker
- There will be more work for the owners of licensed premises due to reduced staffing levels
- A smaller pool of casual workers will become available
- At 1.30am, people will simply drink somewhere else unsupervised.

Cr Maling

Question: Do unlicensed shed bars exist in your area?

Reply: Yes and the Police have been informed about them.

Cr Sangster

Question: What are you seeking?

Reply: The status quo.

7.2.14 Amy Robinson [Submission 3477]

Health Promotion Advisor

Alcohol Healthwatch

Ms Robinson's submission was read by the Co-ordinator Environmental Health.

12.15 – 1.10 pm: Lunch

7.2.16 Dr Mark Reeves [Submission 3314]

Senior Medical Officer – Alcohol & Drugs

Nelson Hospital

Key issues:-

- Vehemently anti harmful drinking behaviour
- There is a problem with teen and young adult binge drinking
- Drunk patients are often aggressive, belligerent and unco-operative
- More Central Government alcohol policies are required
- Wants the draft LAP to restrict the hours of sale of alcohol and from where it can be bought
- Tabled an article entitled 'What Works to reduce Alcohol-Related Harm and why aren't The Policies More Popular' and requested Committee members to read it.

Cr Sangster

Question: What age group do you deal with most?

Reply: 18 – 25 year olds.

Question: What is your busiest time period?

Reply: Between 12.00 – 4.00am.

7.2.17 Rosey Duncan [Submission 3352]

Health Action Trust, Nelson

Key issues:-

- Five + solutions outlined:-
 1. Increase the price of alcohol
 2. Increase the age for purchasing alcohol
 3. Decrease access to alcohol via adopting minimum trading hours
 4. Decrease alcohol marketing and advertising
 5. Increase drink driving limits.
- Wants 9.00am opening trading times for Off-Licences to minimise alcohol availability
- Supports the closing hours in the draft LAP
- Wants across the board 1.30am closing time for all restaurants, bars and clubs.

Cr Bouillir

Question: You want to increase the age for purchasing alcohol to what?

Reply: 20.

Cr Mirfin

Question: Are alcohol statistics better or worse than in the past?

Reply: Don't know.

Cr Ensor

Question: What are the long term health affects on young women drinkers?

Reply: Don't know.

Cr Sangster

Question: Are Richmond and Nelson statistics similar?

Reply: Don't know.

7.2.18 Ron Taylor [Submission 3476]
President, Hospitality NZ – Nelson branch
Little Rock Bar and Night Club, Nelson

Key issues:-

- Wants the current hours for On-Licensed premises to remain the status quo
- Better alcohol education and penalising people for what they do while intoxicated are a must
- The draft LAP seems to be all about stopping responsible people from doing what they should be allowed to do
- Barring those for alcohol related issues from the nearest 50 bars and hotels would send out a very strong message and it works
- The majority of alcohol related trouble comes from homes and not licensed premises
- The Nelson Tasman Protocol is working well ie. banning a person for 3 months for the first alcohol related issue and for 6 months for the second issue.
- Strong need to educate people on safe alcohol use.

Cr Mirfin

Question: How can you ban someone from 50 clubs and bars?

Reply: It is done in-house and is not known by the public. Those banned have their details emailed out and a picture and their names are placed behind bars. Mellow Yellow assist the Police in Nelson.

Cr Ensor

Question: How can you tell those who have pre-loaded not to continue to drink?

Reply: Security vets them first. If they then attempt to break the law, they should be punished.

1.34 pm: Cr Bryant vacated the Chair and left the Chamber. Cr Ensor assumed the Chair.

7.2.19 Kate Porter [Submission 3473]
Progressive Enterprises Ltd

Key issues:-

- Supports the national default hours. The impact of these need to be assessed before changing them in LAP.

Cr Dowler

Question: Should rural Off-Licences such as hotels etc. be treated the same as urban restaurants with regards to the opening hours?

Reply: No. You should be looking at the maximums in each local area.

1.42 pm: Cr Bryant returned and assumed the Chair.

7.2.20 Ed Kibble [Submission 3485]
Nelson Marlborough District Health Board

Key issues:-

- Tabled a list of thirteen Key Points
- Alcohol is a drug and not an everyday commodity.

Cr Mirfin

Question: Are you aware of the Nelson Tasman cross boundary affects?

Reply: Nelson and Tasman should align and have 9.00am – 9.00pm Off-Licence hours. On-Licence premises could vary depending on what type of establishment it is and where it is.

Cr Ensor

Question: Is there security in Emergency wards?

Reply: Don't know.

Question: What is the percentage cost to Health Boards of alcohol related issues?

Reply: There is a final cost and an opportunity cost.

2.00 – 2.35 pm: Meeting was adjourned.

7.2.21 Stephen Greally [Submission 3484]
Area Commander Nelson Bays
NZ Police

- Accompanied by Sgt Steve Savage

Key issues:-

- Alcohol is a driver of crime
- One third of all apprehensions is alcohol related
- Want a 2.00am closing time for On-Licensed premises
- During 3.00 – 5.00am, nine times more alcohol related crime is committed
- Pre and side-loading are serious issues
- Wants 9.00pm closure for all Off-Licences
- Glass bottles and glasses become dangerous projectiles

- Supports the Discretionary Conditions in the draft LAP
- The One Way Door policy is supported if 2.00am closing is adopted
- The Police have no financial considerations in the draft LAP whatsoever
- We need to protect young people from themselves
- Nothing good happens on the streets after 3.00am.

Cr Maling

Question: Any analysis available on alcohol related offenders coming from Richmond?

Reply: None.

Question: Any violence problems relating to alcohol in Takaka?

Reply: Takaka does not stand out.

Cr Bouillir

Question: Is the Nelson Tasman Protocol helping Police?

Reply: It is one tool in our arsenal.

Cr Ensor

Question: Is a 1.30am alignment with Nelson recommended by Police?

Reply: NCC is putting in a One Way Door policy. We can be more strategic here. If Tasman has a 3.00am closing time, then Richmond will become the new Nelson problem area.

Cr Mirfin

Question: What is the a difference between a 9.00pm or 11.00pm Off-License closing time?

Reply: Side loading from 9.00pm will make the difference.

7.2.22 Tony Crosbie [Submission 3550]

- Star & Garter Tavern

- Motty Malones Irish Bar

- Post Office Hotel (2008) Ltd

Key issues:-

- The alcohol related tools already exist for good operators – such tools include licensed security, courtesy vans and entertainment
- Licence fees are soon to increase dramatically so this will require venues to be open to their maximum limit to be economically viable
- A 2.00am closure will put alcohol affected people on the streets and this will need to be dealt with
- Liquor bans need more enforcement
- Wants the existing opening hours at all three venues
- With a 2.00am closing at the Star & Garter Tavern, this will mean a 15% drop in turnover and a cutback on entertainment
- Cost cutting will include no security at venues
- Currently employs 40 staff and with earlier closing, will need to reduce by 5 or 6 staff
- Why change what is working?

The Meeting was then closed to the public.

The Co-ordinator Environmental Health then outlined the process and timeline from this point onwards.

It was recommended that proceedings be adjourned until 26 September 2013, at which time the hearing is re-convened and the information obtained during the submission round receives

appropriate deliberation from Councillors. After due deliberation staff can be instructed on any changes necessary to the DLAP in order that a provisional LAP can be developed.

The Provisional LAP would be presented to the Environment and Planning Committee meeting proposed for 28 November 2013 and could then be ready for the adoption process prescribed in the Sale and Supply of Alcohol Act 2012 to occur after 18 December 2013.

The meeting was adjourned at 3.10 pm.

Date Confirmed:

Chair:

Unconfirmed