



SUMMARY OF INFORMATION AND STATEMENT OF PROPOSAL

Draft Nelson City Council Local Alcohol Policy

Contents

This Summary of Information and Statement of Proposal is made for the purposes of Sections 83 and 87 of the Local Government Act 2002, and Sections 78 and 79 of the Sale and Supply of Alcohol Act 2012. It is divided into five parts as follows:

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

Summary of Information

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

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

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

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

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

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

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

The Draft LAP

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

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

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

- pubs/taverns/bars/nightclubs in the Inner City Zone (8am to 3am)
- pubs/taverns/bars/nightclubs in all other areas (8am to 1am)
- restaurants/cafes in all areas (8am to midnight with 1am closing on New Year's Eve)
- club licences (8am to 1am);
- a mandatory one-way door from 2am for pubs, taverns, bars and nightclubs in the Inner City Zone.
- Special licences – hours are discretionary up to 24 hours.
- various discretionary conditions for on-licences, off-licences, club licences and special licences, including a discretionary one-way door policy for pubs, bars, nightclubs and taverns outside the Inner City Zone.

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

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

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

Timeline for Consultation and Decision Making

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

Draft Local Alcohol Policy
Nelson City Council
PO Box 645
Nelson 7040.

Or emailed to submissions@ncc.govt.nz

Please note that only a person or agency that has made a submission as part of the special consultative procedure on a draft LAP will be able to appeal against any element of the resulting provisional LAP.

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

Statutory Processes

The following are the various statutes that have received consideration:

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

Obligations Imposed by the Sale and Supply of Alcohol Act 2012

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

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

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

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

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

- the objectives and policies of its district plan (Nelson Resource Management Plan);
- the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises;
- any areas in which bylaws prohibiting alcohol in public places are in force;
- the demography of the district's residents; and
- the demography of people who visit the district as tourists or holidaymakers; and
- the overall health indicators of the district's residents; and
- the nature and severity of the alcohol-related problems arising in the district.

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

Statement of Proposal

1. Background to the Proposal

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

The Draft LAP

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

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

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

Reasons for the Proposal

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

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

What Happens Next?

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

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

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

2. **Draft Local Alcohol Policy**

2.1. **Introduction and Explanatory Material**

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

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

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

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

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

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

2.1.5. Through a LAP the community is able to:

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

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

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

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

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

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

Criteria for Considering Licensing Applications

- 2.2. The purpose of the LAP is to provide local guidance for the Council’s District Licensing Committee in deciding whether to issue or renew a licence.
- 2.3. Under section 105 of the Act, the District Licensing Committee has to have regard to a range of matters in addition to “any relevant local alcohol policy” when considering a licence application. The types of matters include:
- the object of the Act;
 - the suitability of the applicant;
 - the design and layout of any proposed premises;
 - whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the licence;
 - whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences but -
 - it is nevertheless desirable not to issue any further licences.
- 2.4. The Act says that a licence may be refused if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108). (This requirement does not apply for the renewal of licences. However, where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed [section 133]). The Act also says that a licence may be made subject to conditions if the issue of the licence,

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

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

Goals of the LAP

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

Objectives of the LAP

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

Definitions used in this LAP

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

Types of Licences

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

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

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

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

Note:

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

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

Other Terms

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

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

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

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

Club - means a body that:

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

Grocery store - means a shop that:

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

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

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

Restaurant - means premises that:

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

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

Supermarket - means premises with a floor area of at least 1000 m² (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1))

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

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

3. **Licence Conditions**

3.1. **Off-Licences**

3.1.1. **Hours for off licences**

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

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

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

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

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

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

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

3.2. On-Licences

3.2.1. Hours for On-licences

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

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

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

The following maximum trading hours apply to all on-licensed premises that are taverns/bars/pubs/nightclubs in the Nelson CBD (Inner City Zone):

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

In all other areas the following maximum trading hours apply:

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

3.2.2. Discretionary Conditions for On-Licences

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

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

premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP;

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

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

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

3.3. **Special Licences**

3.3.1. **Hours for Special Licences**

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

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

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

3.3.2. **Discretionary Conditions for Special Licences**

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

- any special licence for a series of events should not be for a period exceeding 6 months;
- no premises should have more than 25 events in any special licence;
- one way door restriction to apply from a specified time;
- no glassware to be taken outside the building or onto grass or artificial grass surfaces;
- plastic containers or cans to be used for any event (except when it is being served and remains within the building);
- areas to be clearly defined/cordoned off/demarcated where liquor is being sold/consumed outside of the building eg. Beer tent. Where appropriate people are to remain within the defined area;

- wine to be sold by the glass only and no bottle sales shall occur;
- the holder of a manager's certificate to be present when alcohol is available for sale, or the number of manager's certificate holders required may be specified;
- the maximum number of alcoholic drinks per sale transaction may be specified.

3.4. **Club Licences**

3.4.1. **Hours for Club Licences**

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

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

3.4.2. **Discretionary conditions for club licences**

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

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

3.5. **Nelson Resource Management Plan and Building Code**

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

4. Other Policy Options Considered By Council

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

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

Reasons for rejecting this option:

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

4.1.2. **Local restrictions**

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

Reasons for not including this policy:

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

ii) Restrictions on the density of licensed premises.

Reasons for not including this policy:

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

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

Reasons for not including this policy, generally and specifically:

- Not generally supported in the community survey and preliminary consultation;
 - negative economic consequences need to be considered.
- iv) Less restrictive provisions than proposed in the LAP with regard to off-licensed premises.

Reasons for not including this policy:

- would not contribute to meeting the policy objective of reducing alcohol-related harm;
 - evidence/views presented by Police/Medical Officer of Health supported reducing trading hours;
 - preference for consistency between all off-licences' hours to ensure fair trading environment between types of off-licences (e.g. supermarkets and liquor stores);
 - not generally supported in the community survey.
- v) Much more restrictive provisions than proposed in the LAP with regard to off-licensed premises' hours, specifically.

Reasons for not including this policy:

- off licence hours have been reduced from the maximum default hours in the Act and hours permitted under the NRMP, in line with the survey results and information from Police and the Medical Officer of Health.
 - unreasonable restriction on shopping opportunities, lifestyle and commercial activity;
- vi) Less restrictive provisions than proposed in the LAP with regard to hours and location in general.

Reasons for not including this policy, generally:

- evidence from enforcement and emergency services of an increase in alcohol-related harm in the later hours;
 - little support in the community survey for a less restrictive trading environment;
 - no support for less restrictive provisions from the Police, Medical Officer of Health or licensing inspectors.
- vii) Mandatory one-way door policy across the entire City

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

- Evidence provided by Police and the Medical Officer of Health suggests that most of the alcohol-related harm is occurring in and around the central business district in the early hours of the morning.

- the Act already enables District Licensing Committees to include a one-way door policy as a condition of a licence in areas outside the city centre.
- no clear support for a city-wide one-way door policy in the community survey.