

Draft Local Alcohol Policy 2023

Summary of feedback

To support hearings 9 November 2023

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1. Summary of feedback received

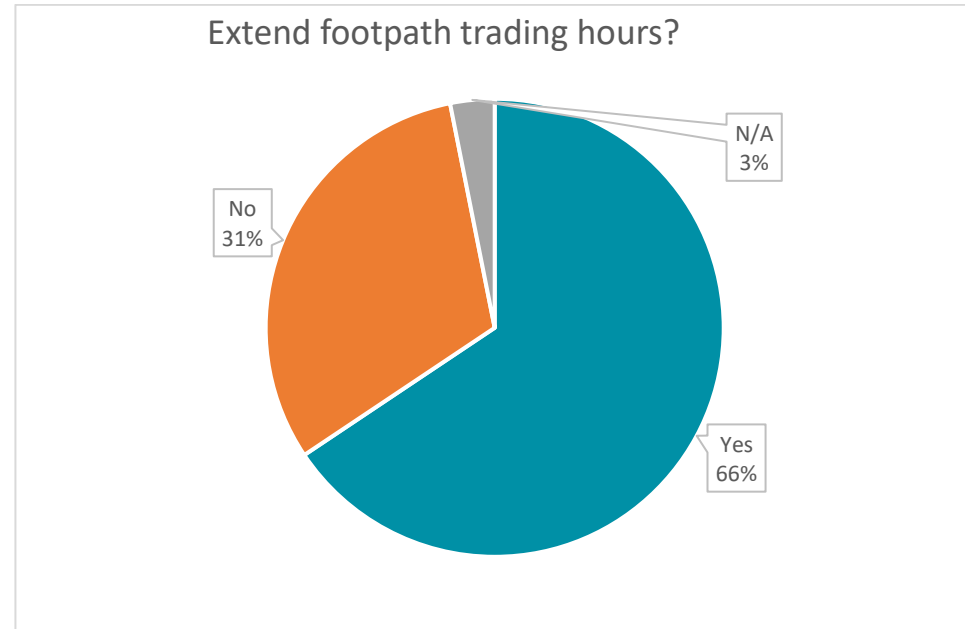
Public consultation on the Local Alcohol Policy was undertaken from Wednesday 27 September to Wednesday 25 October 2023.

- A total of 32 submissions were received.
- 3 submitters indicated they wanted to be heard on the submission form.

2. Feedback on extension of trading hours footpath area

Based on the question “Do you agree with the proposed change to extend the footpath trading hours from 12am(midnight) till 1am?”

	Number of people
Yes	21
No	10
N/A	1
Total	32



2.1 Comments on why submitter supports or does not support the extension of the footpath trading hours till 1am:

Submitter name	Page	Summary	Staff comments
Yes, in support			
OWEN, Richie	54	<ul style="list-style-type: none"> There are strict policies and procedures in place at all drinking establishments managing intoxication, abuse and the like. Better in a controlled environment than at a street party or private function. This will also align with the current alcohol policy many establishments must adhere to anyway, I cannot understand why they have conflicting times. 	
ALLEN, Peter	8	<ul style="list-style-type: none"> Streets very quiet around that time anyway 	
PEARSON, Kelly	56	<ul style="list-style-type: none"> Easier for owners to police, one time for everyone makes sense. 	
Anonymous 1	12	<ul style="list-style-type: none"> Good for businesses who are struggling at the moment 	
Anonymous 4	18	<ul style="list-style-type: none"> It's logical. Easier for venues to manage 	
BLAND, Tracy	30	<ul style="list-style-type: none"> As someone who vapes and this must be done outdoors then this allows us the ability to continue to socialise and it also means that it is less likely that customers who need to leave a group night out earlier than the rest of their group are not left waiting outside for pick on their own. 	
Beatrice	28	<ul style="list-style-type: none"> I agree because as I have observed there are quite a few at times that walks around after drinking yelling at the street. 	
TAYLOR, Deb	66	<ul style="list-style-type: none"> Too hard for premises to police 	
Sam	60	<ul style="list-style-type: none"> Methven needs night life during the winter season, bringing money into the community 	
POLLETT, Nick	58	<ul style="list-style-type: none"> More business, encourages a nightlife, makes the town more appealing to a younger demographic 	
BAKER, Stephanie	26	<ul style="list-style-type: none"> Fearniss 	

Submitter name	Page	Summary	Staff comments
Krystal	48	<ul style="list-style-type: none"> To make it one rule for all and to help these business run and make a profit 	
LYTTLE, Heath	50	<ul style="list-style-type: none"> Some nights are nice and would like to spend it outside drinking. It also aligns with the 1 way door policy at 1pm 	
Anonymous 6	22	<ul style="list-style-type: none"> In Methven after closing premises earlier there's nowhere else for the young community to go ! We need to support local and not drive elsewhere 	
Bri	32	<ul style="list-style-type: none"> It's keep intoxicated people in a premises which is set up for that rather than them wondering around town causing havoc because they're bored and the pub is closed 	
NZ POLICE (ROBERTSON, Dave)	52	<ul style="list-style-type: none"> Police are to a degree taking an ambivalent position on this but, in principle, support the Council proposal on this. The likely issues arising are primarily around 'noise' – and it is Council who administer, and would receive related complaints regarding, noise compliance. We also acknowledge the different hours for interior and exterior areas could be challenging for licensees as, particularly small premises who rely on footpath areas for smoking / vaping, likely experience conflict from patrons who want to continue to utilise the outside areas to do so. We encourage a pragmatic approach here and note that it is unlikely additional issues will arise from the extension. Should public order problems arise as a result of extension of hours the Agencies could address those individually at the renewal of the relevant on licences. 	
SAUER, Andrew	62	<ul style="list-style-type: none"> A great safe place to drink with friends. 	
Anonymous 5	20	<ul style="list-style-type: none"> Staff are supervising. People will walk home anyway does not hurt for them to be served outside. 	

Submitter name	Page	Summary	Staff comments
HOSPITALITY NZ (Rogers, Nikki)	46	<ul style="list-style-type: none"> Hospitality New Zealand members agree that extending these hours will be beneficial to licenced premises to align with their trading hours. 	
No, not in support			
TRAIL, Alexandra	71	<ul style="list-style-type: none"> The less people drink the better 	
BROWN, Philip	34	<ul style="list-style-type: none"> Alcohol is a dangerous drug and extending the hours of consumption only aggravates the problem. I believe Council's role is to reduce alcohol related harm. 	
TE WHATU ORA (McCall, Tanya)	69	<ul style="list-style-type: none"> Te Mana Ora does not support extending footpath trading hours. This change may not meet the policy purpose of minimising alcohol-related harm. Current problems with closing the trading hours for licensed footpath areas may indicate there are issues with managing licensed premises. Licence criteria under the Act requires effective systems and staff training to identify and establish ways of dealing with situations that could breach licence conditions and lead to an increase in alcohol-related harm. These systems should be in place under current LAP conditions. This proposed change does not align with evidence showing reducing trading hours is effective at reducing alcohol-related harm. 	
FLEMING, Alison	40	<ul style="list-style-type: none"> Footpaths are public accessways and to walk through a licensed footpath area can be unpleasant when patrons are affected by alcohol. Alcohol belongs in licensed premises, not on the street. Alcohol is the catalyst for harm and disorder. If licensees and Councillors find the present time limit of 12midnight "confusing", then lets make the time limit for both the licence conditions being reviewed as 12midnight. If licensees are finding it hard to manage their licensed footpath area, then perhaps they shouldn't have one. Interesting to see that Timaru/ Waimate/ McKenzie have the 12midnight hours for licensed footpath areas in their policies. As a Licensing Inspector for 15 years, I found that the saying "Nothing good happens after midnight" certainly rings true. 	
WALL, Nicola	1	<ul style="list-style-type: none"> 1am drinking on the footpath means more trouble outside the venues where the staff are unable to monitor it. 	

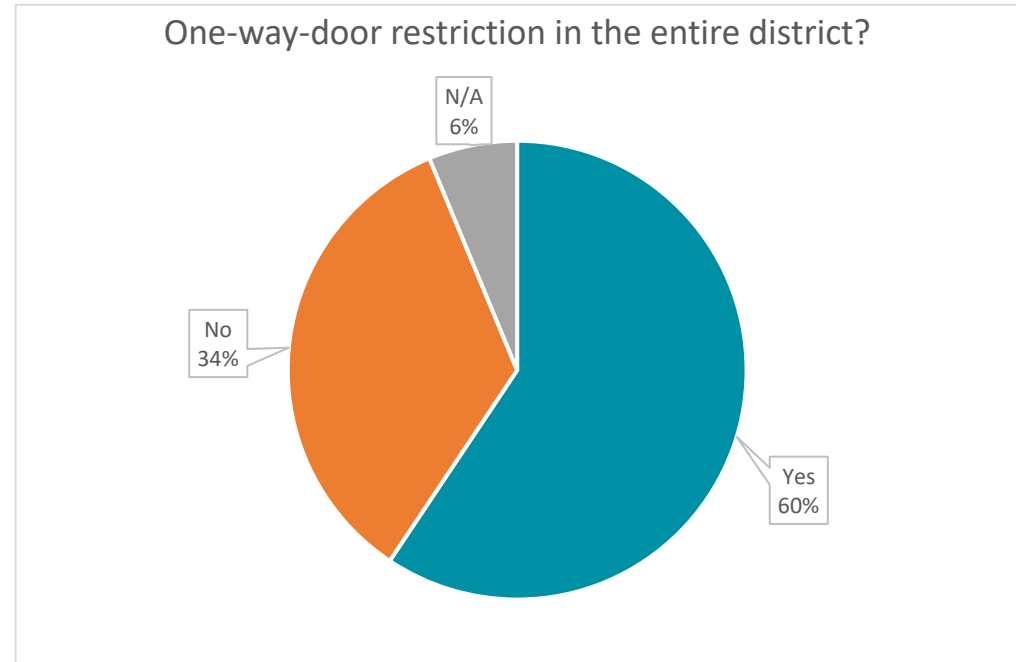
Submitter name	Page	Summary	Staff comments
CHAMBERLAIN, Bruce	36	<ul style="list-style-type: none"> Extending any hours regarding alcohol will cause more harm 	
AVNIT, Adi	24	<ul style="list-style-type: none"> I have been a member of the local community patrol for years and have seen the negative effects of longer alcohol trading hours on people. Extending the existing hours will only cause harm to young people. 	
ALCOHOL HEALTH WATCH (Lamm, Jennifer)	3	<ul style="list-style-type: none"> Alcohol Healthwatch does not support the Council’s proposal to extend footpath trading hours that would apply to all types of on-licences in all locations, not just where there is alfresco dining (refer Use of Footpaths for Alfresco Dining Policy). This proposed extension to a 1am closing time correspondingly extends the risk from alcohol-related harm. Also, rather than making it difficult for licensed premises to manage different trading hours, we understand that it would in practice be easier for duty managers and staff to control the footpath area if it is closed at an earlier time. We further note that Council LAPs generally have policies with differential trading hours, allowing for an earlier closing time for outdoor licensed areas. For example, under the Hurunui District Council draft LAP 2023-2029 (clause 1.3), the maximum trading hours for outdoor licensed areas is midnight – two hours before the maximum closing hour for an on-licence. The consultation documents did not demonstrate that the Council had given consideration to spatial arrangements in locations where this change in trading hours would apply, the volume of pedestrian traffic, the potential impact on amenity and good order the relationship with the Council’s alcohol control bylaw, the prospect of an increase in nuisance complaints and crime and the known views of the community. We note that both Te Whatu Ora -Health New Zealand (Medical Officer of Health) and the Licensing Inspector do not support this amendment to the LAP. Extending the trading hours to those of the underlying on-licence must be viewed in light of the object and purpose of the Act and ensure that both the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive consumption of alcohol should be minimised. It cannot be shown that extending footpath trading hours meets this standard. 	<p>There is no reference to trading hours in the Use of Footpath for Alfresco Dining Policy. Paragraph 8 - “Alcohol Licensing” - in the Use of Footpath for Alfresco Dining Policy refers to ‘applicants must comply with the ADC Local Alcohol Policy and Sale and Supply of Alcohol Act.</p> <p>Council Property staff consider various matters when processing applications for a Licence to Occupy the footpath for alfresco dining. If the footpath area will be used for the consumption of alcohol, a separate application to extend the licensed area will be required under the Sale & Supply of Alcohol Act. Potential impact on amenity and good order will be considered as part of that process. A further safeguard is a rule in the District Plan requiring resource consent if a premise (or its outdoor area) is in or adjacent to a residential zone, due to possible noise and amenity impacts.</p>

Submitter name	Page	Summary	Staff comments
Anonymous 2	14	<ul style="list-style-type: none"> <li data-bbox="710 252 1630 448">• Hi there, we have had our say with this and I voted against it. I feel at this time it is a total waste of money - we actually don't have an issue at present but spending money on something that is not actually required right now. The money could be spent elsewhere. This is just like the governments willy nilly spending on things that are not necessary. I guess rates will go up to pay for this? 	Councils are required by law to review Local Alcohol Policies every 6 years.

3. One-way door restriction

Based on the question “Do you agree with the proposed change of making the one-way door restriction applicable to the whole district?”

Location	Number of people
Yes	19
No	11
N/A	2
Total	32



3.1 Comments on why the submitter agrees or does not agree with the one-way door restriction being applied to the whole district:

Submitter name	Page	Summary	Staff comments
Yes, in support			
OWEN, Richie	54	<ul style="list-style-type: none"> This helps establishments manage late night trade. 	
ALLAN, Peter	8	<ul style="list-style-type: none"> One rule for all 	
TRAIL, Alexandra	71	<ul style="list-style-type: none"> It's fair for everyone and safer everywhere in the district 	
Anonymous 4	18	<ul style="list-style-type: none"> People need to get to bed :) 	
BLAND, Tracy	30	<ul style="list-style-type: none"> I believe that this type of regulations should be consistent for a whole region rather than just specific areas or bars. 	
Beatrice	28	<ul style="list-style-type: none"> So the attendants of the drinking premises will have less attention to put on for 2 doors and can focus more on other important things in the premises such as the customer's behaviours and just the entire happenings inside the area. 	
Super Liquor Holdings (Hoar, Greg)	64	<ul style="list-style-type: none"> I believe that it is important to treat all license holders in the district equally. 	
BAKER, Stephanie	26	<ul style="list-style-type: none"> Fearniss 	
Anonymous 1	12	<ul style="list-style-type: none"> It won't have much effect on other venues outside of the CBD any way 	
Krystal	48	<ul style="list-style-type: none"> Makes sense for it to be the same for all, easier and less confusion 	
TE WHATU ORA (McCall, Tanya)	69	<ul style="list-style-type: none"> Te Mana Ora supports extending the one-way door restriction to apply to all licensed premises in the district. If applied in conjunction with other measures one-way door policies can work to reduce alcohol-related harm, however, evidence shows that stopping the sale of alcohol earlier is a more effective harm reduction measure. 	
WALL, Nicola	1	<ul style="list-style-type: none"> The rules should apply to all the district for clarity. 	
NZ POLICE (ROBERTSON, Dave)	52	<ul style="list-style-type: none"> Police would fully support the extension of this policy to all On-licence premises – albeit this tool is primarily aimed at premises operating as Taverns (rather than restaurants etc). The experience in that regard across Canterbury District is that a consistent policy both reduces public order problems AND positively influences patron behaviour. It also assists licensees and Duty Managers in 	

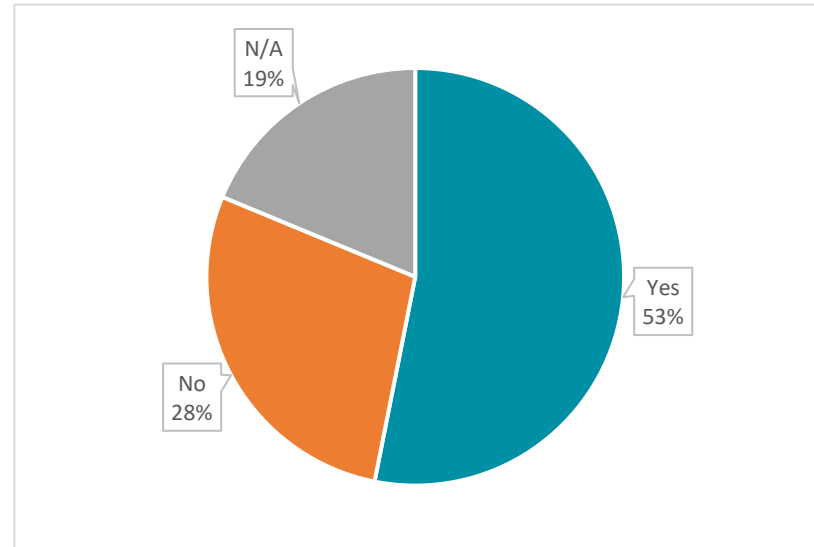
Submitter name	Page	Summary	Staff comments
		<p>terms of them having a greater ability for the ongoing monitoring of individual patron or group consumption and reduces conflict arising from patrons being refused entry when moving between venues.</p> <ul style="list-style-type: none"> • There may be some initial patron resistance to such a change but, especially if it is publicly notified and advertised by licensees, they will come to accept it as standard. 	
CHAMBERLAIN, Bruce	36	<ul style="list-style-type: none"> • One policy for all 	
ALCOHOL HEALTHWATCH (Lamm, Jennifer)	3	<ul style="list-style-type: none"> • Alcohol Healthwatch supports the inclusion of a mandatory one-way door restriction for all on-licences in the district. These restrictions would help prevent a large number of people coming out of licensed premises at the same time (as would be the case with a universal maximum closing time) and the potential for intoxicated patrons migrating between venues or interacting with others with an increased likelihood of disorder and crime. One-way door conditions also have the potential to reduce the burden on Police, ambulance and hospital services and can have a positive benefit for not only the patrons of premises but the community generally. • A number of Councils have a mandatory one-way door policy as part of their LAP and most of these policies cover the whole district and every night of the week. The Council's rationale for extending the current restrictions by applying a mandatory one-way door policy to on-licences across the whole district is that it treats all licence holders equally. It also recognises that patrons are mobile and can move out of the city centre to other licensed venues. 	
No, not in support			
PEARSON, Kelly	56	<ul style="list-style-type: none"> • I think just controlling the urban Ashburton area is fine but extending it to the whole district is to controlling, how would that effect wedding venues and Methven..... 	
TAYLOR, Deb	66	<ul style="list-style-type: none"> • Each premise is different, and with fire escape doors having to remain open you need too many security for the one hour for the one way doors. 	
BROWN, Philip	34	<ul style="list-style-type: none"> • All areas have different aspects that would affect the outcome. 	

Submitter name	Page	Summary	Staff comments
LYTTLE, Heath	50	<ul style="list-style-type: none"> CBD is different to other areas 	
Anonymous 6	22	<ul style="list-style-type: none"> You can't treat Ashburton the same as Methven 	
Bri	32	<ul style="list-style-type: none"> It's not necessary 	
SAUER, Andrew	62	<ul style="list-style-type: none"> That's not fair if yah can't get back in. 	
Anonymous 5	20	<ul style="list-style-type: none"> I don't think it is necessary 	
HOSPITALITY NZ (Rogers, Nikki)	47	<ul style="list-style-type: none"> Members of Hospitality New Zealand have raised concerns about the LAP conditions being more restrictive than the national settings, particularly where one-way door policies are introduced. One-way door policies are typically implemented in an effort to curb alcohol-related violence and crime. However, they often have an adverse impact on the viability of businesses in a precinct. Reference to Sydney research (<i>see full submission</i>) referring to 'crime did drop in the areas covered by the lockouts, there were corresponding increases in other areas and a drop in foot traffic and patronage'. We have noted that this is consistent in a number of cases. While the number of incidents may drop, there is limited empirical evidence to suggest one-way door policies notably reduces alcohol-related harm because overall foot-traffic in restricted areas reduces, and more consumption occurs in other areas outside of the area impacted by lockdowns. What is evident is the reduction in sales and subsequent impact on businesses in a lockout area as foot traffic falls. We do not see one-way door policies as an effective way to minimise alcohol harm. In addition to potentially encouraging more off-premise drinking without restrictions, they can present safety issues where punters are left to congregate outside a premise if they can't get in, or are waiting for friends still to leave. We recommend one-way doors are removed. 	
Later than 1am			
Anonymous 3	16	<ul style="list-style-type: none"> I believe it needs to be 2am. 	

4. Other provisions in policy working well?

Based on the question “Do you think the other provisions in the current Local Alcohol Policy are working well?”

Location	Number of people
Yes	17
No	9
N/A	6
Total	32



4.1 Comments on other provisions working well in the policy:

Submitter name	Page	Summary	Staff comments
Yes, working well			
ALLAN, Peter	8	<ul style="list-style-type: none"> Very little public drunkenness on the streets in town 	
BLAND, Tracy	30	<ul style="list-style-type: none"> I don't have any other issues with the current provisions. 	
SUPER LIQUOR HOLDINGS (Hoar, Greg)	64	<ul style="list-style-type: none"> As per our earlier submission, we believe that the current LAP is working well and support the effective 'rolling over' of the current LAP for a further next 6 years. The two suggested changes regarding the footpath hours and one way door restriction does not concern our business (being off premise), however, we do believe that was is ever decided is fair for all licence holders and meets the object of the SSAA 2012 Act. 	
CHAMBERLAIN, Bruce	36	<ul style="list-style-type: none"> Don't hear about down town issues related to alcohol in recent times 	
Anonymous 5	20	<ul style="list-style-type: none"> I see no problems. 	
AVNIT, Adi	24	<ul style="list-style-type: none"> Since the reduction of the one way for clubs from 2am to 1am and closure from 3am to 2am there have been fewer drunk young people walking around during the weekend. 	
No, not working well			
TAYLOR, Deb	66	<ul style="list-style-type: none"> It's like the fun police have taken over 	
BAKER, Stephanie	26	<ul style="list-style-type: none"> The wrong people are in charge 	
SAUER, Andrew	62	<ul style="list-style-type: none"> No as un fear blue pub have shut at 12 and other places 1pm 	
TE WHATU ORA (McCall, Tanya)	68	<ul style="list-style-type: none"> Te Mana Ora supports Ashburton District Council continuing to have a LAP and note that Council have now proposed to make changes to the policy. However, Te Mana Ora submits that the proposed changes do not go far enough to strengthen the current LAP in ways which are consistent with national and international evidence on reducing harm from alcohol. Te Mana Ora supports Option Three – Make further/other changes to the Policy. 	

Submitter name	Page	Summary	Staff comments
GLENDINNING, Helen	42	<ul style="list-style-type: none"> One local drinking place (Ashburton club & MSA) are quite happy to still serve well over intoxicated people their use of drugs before their shift and on break times is getting ignored by the manager on many occasions random drug testing has been mentioned to the committee but never enforced as they would all test positive not a good look for the club. 	
BROWN, Philip	34	<ul style="list-style-type: none"> There are still problems with certain age groups and their consumption of alcohol. Ask the police what causes the most problems 	
WALL, Nicola	1	<ul style="list-style-type: none"> I want to see a ban on off licence alcohol sales within 500 metres of schools 	<p>Restricting off-licensed premises in certain neighbourhoods, or near “sensitive sites” such as schools is currently not included in the Local Alcohol policy but is an option the Sale and Supply of Alcohol Act allows for.</p> <p>During the initial consultation a range of views from submitters on these options were received. Council carefully considered the additional restrictions and the feedback the community provided, but considered the current restrictions were sufficient.</p>

5. Any other Comments

Submitter name	Page	Summary	Staff comments
Other			
OWEN, Richie	55	<ul style="list-style-type: none"> The LDC and the licence officer need to have a more consultive or third party intervention into the application process. There is too much personal discretion from licence officer. It should be there to help businesses, who in the end take all the risk and must adhere to the strict policies and procedures already enforced on them by the sales of alcohol policies. 	
SUPER LIQUOR HOLDINGS (Hoar, Greg)	65	<ul style="list-style-type: none"> We request that if there are changes made to the current Draft LAP (other than the one way door restriction and footpath hours), that whatever is proposed (for example; Trading hours, restriction of product, discretionary conditions etc) should apply to all premises that hold an off-licence. We seek a level playing field. 	
POLLETT, Nick	58	<ul style="list-style-type: none"> Anything and everything should be done to make it easier for bars and restaurants to operate at all hours 	
BROWN, Philip	35	<ul style="list-style-type: none"> Alcohol is an additive drug and the way I see Council as managing the problem is rearranging the deck chairs on the Titanic. 	
WALL, Nicola	2	<ul style="list-style-type: none"> Alcohol should be treated like smoking ie advertising banned, because it is at least as harmful as smoking 	
ALCOHOL HEALTHWATCH (Lamm, Jennifer)	4	<ul style="list-style-type: none"> Alcohol Healthwatch is pleased to see that Ashburton District Council is not only committed to reviewing the 2017 LAP, but has also decided to include some changes, rather than just rolling over the current LAP with no revision. However, we were hopeful that the LAP would be revised and strengthened to reflect the object and purpose of the Sale and Supply of Alcohol Act 2012 (the Act) and the needs of the community. It would also be based on current evidence/data and the overall health indicators for the district, particularly where they have changed since the LAP was first adopted six years ago. In addition to the proposal to extend footpath trading hours and imposing a one-way door restriction in all areas, we feel that the Council could have used 	<p>During the initial consultation on the Local Alcohol Policy a range of views from submitters on the additional restrictions the Act allows for were received.</p> <p>Council carefully considered the additional restrictions and the feedback the community provided, but considered the current restrictions were sufficient.</p>

Submitter name	Page	Summary	Staff comments
		<p>this opportunity to add further measures to address alcohol-related harm, particularly in light of:</p> <ul style="list-style-type: none"> ☒ The Supreme Court decision on the Auckland Council Proposed LAP2 ☒ The Sale and Supply of Alcohol (Community Participation) Amendment Act 2023,3 and ☒ The desirability of ensuring greater consistency and synergy with LAPs (and proposed LAPs) in Canterbury and Aotearoa New Zealand. <ul style="list-style-type: none"> • Alcohol Healthwatch’s submission of 14 July 2023 outlined our recommendations that focused on key elements namely, location and proximity to other licensed premises and sensitive sites, restrictions on further licences (e.g. caps or sinking lids), amending maximum trading hours and discretionary conditions. The suggested changes to the LAP were aimed at giving the community greater protection from alcohol-related harm – not increasing the harm. 	
CHAMBERLAIN, Bruce	37	<ul style="list-style-type: none"> • We don't want alcohol related issues like larger centres connected to extended trading hours. So keep Ashburton a safe place to access by day and night 	
TE WHATU ORA (McCall, Tanya)	69	<ul style="list-style-type: none"> • As per our previous submission and appearance to Council, Te Mana Ora continues to recommend the following changes to the draft LAP in line with evidence of measures that reduce alcohol harm in our communities: <ul style="list-style-type: none"> a) Reducing trading hours of licensed premises, specifically amending the opening of trading for on-licenses and off-licenses to 8:00 am from 7:00 am. A start time of 8:00 am would bring the LAP in line with default maximum trading hours for on-licences set out in the Act. b) Reducing outlet density through the introduction of a cap on the number of licensed premises in the District. c) Introducing proximity controls (through setbacks or buffer zones) around sensitive sites for any new licensed premises. d) Adding a discretionary condition under Section 3.2 of the LAP that prohibits the use of ‘buy now, pay later’ (BNPL) services at off-licences. e) Amending the first discretionary condition under Section 6.2.3 (Restriction on the number of drinks that can be ordered after a specified time, and time of last 	See staff comment above (page 17)

Submitter name	Page	Summary	Staff comments
		<p>orders) by removing “after a specified time” to read “Restriction on the number of drinks that can be ordered and time of last orders”.</p> <p>f) Adding a discretionary condition under Section 6.2 of the LAP that restricts the size or alcohol percentage of the drinks, such as prohibiting the sale of wine by the bottle at special licensed events.</p>	
HOSPITALITY NZ (Rogers, Nikki)	46	<ul style="list-style-type: none"> • Hospitality New Zealand believes that the current Local Alcohol Policy suitably addresses the objectives of the Act with regards to restrictions on on-licensed premises. • We note that the current joint LAP contains more restrictive conditions than the National Default settings prescribed in the act which cover the vast majority of licensed premises in New Zealand. 	
Club Licenses			
Anonymous 1	12	<ul style="list-style-type: none"> • I still think the way club licences are handled are far too strict for clubs who are run by volunteers only. Clubs offer so much community wellbeing they should not be scrutinised the way they are at the moment. 	