

Attachment 1

HEARINGS COMMITTEE REPORT ON THE PROPOSED LOCAL ALCOHOL POLICY 2013

Author:	Local Alcohol Policy Hearings Committee
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PURPOSE OF REPORT

1. This is the report of the Committee of the Council¹ (the Committee) that deliberated on submissions made on the draft Local Alcohol Policy (LAP). It outlines the processes undergone to develop the LAP, summarises submissions received on the draft LAP and the Committee's deliberations. It documents the Committee's decisions on the provisional LAP and recommends that after 18 December 2013 the Council publicly notifies the provisional LAP, to enable opportunity for appeals from submitters. It also recommends the Council undertakes a continued work programme to further minimise alcohol-related harm in the community. A final version of the provisional LAP, recommended for notification, is in Attachment 1.

EXECUTIVE SUMMARY

2. The purpose of a LAP is for local authorities, through alcohol licensing policies, to minimise alcohol-related harm in their community and ensure that the sale, supply and consumption of alcohol is undertaken safely and responsibly. A LAP can only deal with matters relating to licensing:
 - 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).
3. The Council resolved in February 2013 to develop a LAP for the district. A draft policy was developed, in consultation with the Police, Medical Officer of Health and Licensing inspectors, and following engagement with a range of key stakeholders. A survey of community views was carried out to assess community attitudes to alcohol; this was supplemented by a Facebook-based survey of younger people's views. These and other views gathered from stakeholders informed the development of the draft LAP, along with discussions and workshops with the Planning Committee, the Council and Community Boards.
4. The Council assessed the adoption of a LAP to have a medium to high level of significance. Given this level of significance, the Council considered that a full and robust consultation process was needed to meet the requirements of part 6 of the Local Government Act 2002. Section 79 of the Sale and Supply of Alcohol Act 2012 also required the Council to consult on the draft policy using a special consultative procedure before it produced a provisional LAP.
5. On 16 May 2013, the Council approved a draft LAP for consultation. The draft LAP attracted strong interest from stakeholders and the wider community. A total of 4,060 submissions were received, 1,053 from the standard Have your Say process and notably 3,000 received via social media-based processes. A Committee of the full Council was delegated to hear submitters, deliberate on those submissions and decide on the form of the provisional LAP.

¹ The Committee of the Council comprising the Mayor and all Councillors was appointed to hear and deliberate on submissions. The Committee was chaired by Councillor Wells and included Councillors Beck, Buck, Chen, Corbett, Gough, Johanson, Livingstone and Reid. The Mayor absented himself from the hearings and deliberations; Councillors Carter and Keown declared a conflict of interest and did not participate in the hearings nor deliberations; and Councillors Broughton and Button attended only a short part of the four-day hearings and therefore did not participate in the deliberations.

The Committee was chaired by Councillor Sue Wells. The Mayor absented himself from the Committee, along with Councillors Carter and Keown who declared conflicts of interest. Councillors Broughton and Button attended the hearings for only a short time each, and therefore did not participate in the deliberations.

6. The public hearings were held on 29, 30, 31 July and 2 August, with 161 of the 168 scheduled submitters appearing before the Committee. Submissions were received from 161 groups and organisations. They included statutory bodies such as the Police, Canterbury District Health Board and all eight Community Boards; business and industry groups on behalf of a range of hospitality venues, retail and tourism interests; health sector organisations; community and neighbourhood groups and organisations representing Māori and youth interests.
7. A large number of off- and on-licensees, hospitality staff and providers of live entertainment submitted, writing candidly about their business and work experiences, their contribution to the city's livelihood and lifestyle, and their vision for a rebuilt Central City, in particular. Many health and social service professionals and staff, residents and representatives of local neighbourhoods likewise made submissions, detailing their experiences in dealing with the incidence and aftermath of alcohol-related behaviour and harm.
8. There was a huge diversity of views expressed and also a breadth of manner in which these views were expressed, from detailed well-reasoned discussions to submissions which simply ticked the boxes for agree/disagree statements. A summary of all the submissions received was circulated to the Committee prior to the commencement of the Hearings and was made publicly available as part of the Hearings' agenda papers.
9. Following the Hearings, the Committee deliberated over several meetings during August – October 2013. Throughout the deliberations, the object of the Act and the goals of the draft LAP were at the forefront of the Committee members' minds. In discussions, they often referred back to the key legislative objectives of minimising alcohol-related harm and ensuring the safe and responsible sale, supply and consumption of alcohol.
10. The goals of the draft policy kept the Committee focussed on achieving a LAP that is the best balance between contributing to a safe, healthy city and encouraging licensed environments that foster positive, responsible drinking behaviours, while contributing to a liveable, attractive city with a LAP that reflects local communities' character and amenity, along with their values, preferences and needs.
11. The Committee decided that it wished to recommend a provisional LAP to the incoming Council. It resolved to make a number of changes to the draft LAP. In summary, these were:
 - Alteration of the definition of a night-club so that it must be an entertainment venue open only at night which provides music and space for dancing and/or other live entertainment and where the principal income is derived from activities other than the sale of alcohol.
 - Provision for night-club licences to be located only in Central Area A and have maximum trading hours of 5pm-4am the following day. Night-clubs must meet a range of specific conditions relating to patron and pedestrian safety, ensure protection of on-site and adjacent amenity, and comply with any of the discretionary conditions imposed by the DLC, along with meeting the criteria in sections 105 and 106 of the Sale and Supply of Alcohol Act 2012.
 - Alteration of the one-way door restriction in Central Area A to become applicable at discretion of DLC rather than a mandatory requirement.
 - Provision for lodgers at hotels to drink at their hotel bar at all hours of the day or night.
 - Amendment of the footprint of Central Area A by enlarging it to include areas not already within and bounded by the Eastern and Southern Frame and the Avon River, but excluding premises facing onto the Square and a section of Oxford Terrace facing north to the Avon River between Colombo and Madras Streets (with consequential amendment to Central Area A). Also, the enlarged Area A includes the area between St Asaph St, Moorhouse Ave, Durham and Madras St and the site on the east corner of Moorhouse Ave and Madras St.
 - Definition of Lyttelton as a suburban centre rather than a rural township, but with no change to trading hours for on-licensed premises there.

- Amendment of the definition of bottle store so that cellar doors premises (premises where the principal business carried on is the manufacture of wine) are excluded from location regulations in the LAP for the purpose of selling their own wine.
12. The following provisions remained unchanged, aside from either minor editorial corrections or for the purpose of adding additional clarification.
- Maximum trading hours of 9am-9pm for off-licensed premises (with corrective amendment changing hotels to on-licences) throughout the Christchurch City territorial area.
 - Maximum trading hours of 8am -1am the following day for cafes and restaurants throughout the Christchurch City territorial area.
 - Maximum trading hours of 8am-3am the following day for bars, pubs, taverns and clubs in Central Area A (note: footprint of the area was amended as above).
 - Maximum trading hours of 8am-1am the following day and a discretionary one-way door restriction for bars, pubs, taverns and clubs for Central Area B. (note: night-clubs were excluded from this area as part of resolution above).
 - Maximum trading hours of 8am-1am the following day and a discretionary one-way door restriction for bars, pubs, taverns and clubs in suburban centres and rural townships (note: night-clubs were excluded from this area as part of resolution above)
 - Location of premises (new bottle stores and taverns).
 - Discretionary conditions for on-licensed premises, off-licensed premises and special licences.
13. It is the view of the Legal Services Unit that the provisions of the provisional LAP, as recommended to the incoming Council for notification, come within the parameters of section 77(1) of the Act and that the draft LAP does not contain policies on any matter not relating to licensing.
14. The Committee recommends to the Council that it resolves to:
- a) Publicly notify the provisional Local Alcohol Policy, enabling the appeals process to commence, as set out in the Sale and Supply of Alcohol Act 2012.
 - b) Commence a review of the Local Alcohol Policy within two years (or within a suitable timeframe in recognition of the changing nature of the city) and that a review include consideration of matters such as:
 - The effectiveness of the LAP in minimising alcohol-related harm.
 - Location and density provisions for new off-licensed premises in suburban areas;
 - Appropriateness of the size and footprint of Christchurch Central Area A as the Central City rebuilds;
 - Rewards-based incentives for best practice licensees.
 - c) Immediately consider any appropriate regulatory policy or bylaw by which alcohol-related harm can be further minimised.
 - d) Undertake an Alcohol Strategy and/or other collaborative initiatives, as a wider means of minimising alcohol-related harm in the community, such as education programmes and inter-premise and precinct initiatives/accords.
 - e) Consider advocacy to central Government or other ways of addressing the community's preference for it being an offence to be drunk in a public place; and consider further advocacy to central government for a review of policies such as minimum pricing of alcohol.
 - f) Develop measures to monitor the effectiveness of the Local Alcohol Policy.

DEVELOPMENT OF THE PROPOSED LOCAL ALCOHOL POLICY (LAP)

Preliminary work with stakeholders

15. During 2012, the Planning Committee received briefings about the draft alcohol reform legislation and possible approaches to developing a LAP that the Council could take, should it be included as a provision. Following enactment in December 2012 of the Sale and Supply of Alcohol Act (the Act), the Council resolved unanimously on 14 February 2013 to commence development of a draft LAP. It agreed that addressing alcohol-related harm in the community is a priority for the Council and there is a need to act promptly to provide an appropriate local licensing environment to complement the implementation of the new Act.
16. A working group of Council and external stakeholder representatives met eight times during 2012 and early 2013 to canvass and share issues, views and expert knowledge about alcohol-related harm and licensing matters in the district. This group included Christchurch City Council staff from Inspections and Enforcement, Liquor Licensing Inspectors/District Licensing Agency, Legal Services, Communications, Community and Safety Team and Strategy and Planning, and external representatives from Medical Officer of Health for Canterbury, Police, Community and Public Health (CPH), Canterbury District Health Board (CDHB), ACC, Hospitality New Zealand (HNZ), BevIntel (hospitality industry business support), CERA, Health Promotion Agency (HPA), Progressive Enterprises Limited, Foodstuffs Limited, bottle stores/taverns, chartered clubs and Ngāi Tahu².
17. All key stakeholders were supportive of the Council developing a LAP promptly, urging the Council to address alcohol-related harm in the district as soon as possible, and to take the opportunity of what some called the 'perfect storm' created by the earthquakes to rebuild with a better environment for licensed premises in the Central City in particular. On-licensees emphasised the need for early certainty about the location and trading conditions that they would be able to operate in the Central City (especially hours and discretionary conditions), in particular. During development of a draft LAP stakeholders identified a range of issues about licensing of premises to sell alcohol. An underlying culture of pre- and side-loading and binge drinking was acknowledged by many stakeholders as the cause of much of the alcohol-related harm. Most stakeholders agreed that a LAP can include positive policy interventions that can mitigate the negative effects of this drinking culture.
18. Staff consulted beyond this group during the development of a draft LAP, in order to gauge the nature and severity of alcohol-related harm in the city. Staff hosted two forums with invited stakeholders on Friday 1 February 2013 and Tuesday 5 February 2013. Invitations were sent to a variety of stakeholder and community groups. The two forums were attended by over 140 representatives from the health sector and community organisations, hospitality and retail sectors, the Police and residents' associations. Throughout the development of the draft LAP staff sought the views of those with whom Council is required to consult: Police, Medical Officer of Health and Licensing Inspectors. They also sought the views of the community through a number of channels, including young people, Community Boards, tertiary institutions, Ngāi Tahu, and Christchurch Hospital clinicians.
19. A number of deputations were requested by stakeholders and made to the Planning Committee and Council meetings whenever the draft LAP was on the agenda. The generous commitment of time and input by all key stakeholders to the process of developing a draft LAP was noteworthy and greatly valued by the Committee. It is clearly based on effective and respectful working relationships between stakeholders, and reflects their strong, shared interest in achieving a LAP that addresses local issues.

Community views

20. As part of its information-gathering, the Council undertook a survey of community views on attitudes to alcohol-related harm and alcohol in the community. Research First was commissioned to conduct a randomised survey of community views about alcohol in the community (people aged 18 years and older). The final number of respondents was 1,700.

² Ngāi Tahu chose to support the policy's development through its own engagement processes with its Rūnanga and has facilitated engagement opportunities for staff to meet with iwi representatives.

This is a response rate of 41 per cent, which is comparatively very high for this type of survey, and indicates the strong community interest in alcohol-related matters. The survey asked a sample of residents for their views and perceptions about use, availability and negative effects of alcohol, location and trading hours of on- and off-licensed premises, one-way door restrictions and local alcohol bans. The survey also asked about the respondents' personal alcohol use and whether their use of alcohol had changed following the 2011 earthquakes.³

21. In order to find out the views of young people, a briefer, customised version of the survey was placed on Facebook and widely advertised through young peoples' groups. A total of 616 people completed the survey to the end, and a further 111 answered at least some of the questions.

Consideration of issues

22. The need for a wider, strategic approach to minimising alcohol-related harm in the community was repeatedly raised in discussions by stakeholders and elected members. It is well-recognised in the literature on alcohol-harm reduction that fully addressing the complex issues that contribute to the alcohol-related harm and a negative drinking culture requires multiple methods and interventions.
23. The Planning Committee discussed preliminary provisions of the draft LAP at a workshop on 6 March 2013, and subsequently at a Councillors' workshop on 26 March 2013, Planning Committee meeting on 3 April 2013, and at an additional Planning Committee workshop on 11 April 2013. To ensure clarity of purpose and its continued commitment, the Council agreed on 24 April 2013 that the Planning Committee should continue to work with staff and stakeholders to formally prepare a draft LAP. Following direction received at these workshops and meetings, staff prepared a draft LAP.

Development of a draft policy

24. A comprehensive report on the draft policy's development was presented by the Planning Committee to the Council meeting on 16 May 2013⁴. At this meeting the Council agreed to take a draft policy for consultation. It appointed a Committee of the Council comprising the Mayor and all Councillors to hear submissions, deliberate on those submissions and decide on the form of the provisional LAP. Councillor Wells was elected chairperson of the Committee.⁵

Policy context

25. The wide ranging impacts of the 2011 earthquakes on Christchurch have created a uniquely complex, and problematic context for the development of a LAP for Christchurch; decisions such as determining the appropriate location of late night premises are far more difficult in the absence of a functioning central city and uncertainty as to the form and timing of its recovery/rebuild. However the Committee is convinced of the benefits of a LAP including providing those with residential and commercial property interests in central Christchurch with much needed certainty and clarity. Given the ongoing changes to the city the Committee recommends that this LAP is reviewed within a significantly shorter time than the six yearly review required by the Act.
26. The Council has previously submitted its views and strong concerns about alcohol-related harm in this community to central government, through the Law Commission's review of alcohol issues and during the development of the alcohol reform legislation. The Council made submissions to the Law Commission following the publication of the *Alcohol in our lives* issues paper and to the Justice and Electoral Select Committee with regard to the

³ Research First (2012). Survey of community attitudes to alcohol. Available at: <http://www.ccc.govt.nz/thecouncil/policiesreportsstrategies/policies/groups/alcohol/alcoholpolicy.aspx>

⁴ Christchurch City Council (2013). Report from the Planning Committee to the Council, 14 May 2013. Available at page 205: <http://resources.ccc.govt.nz/files/TheCouncil/meetingsminutes/agendas/2013/May/Council16May2013OpenAgendaFull.pdf>

⁵ Christchurch City Council (2013). Minutes of the Christchurch City Council meeting held on 16 May 2013, item 26. Available at : <http://resources.ccc.govt.nz/files/TheCouncil/meetingsminutes/agendas/2013/May/CBCOUNCIL16MAY2013-minutes.pdf>

Alcohol Reform Bill. In its submissions, the Council has consistently supported the introduction of local alcohol policies that would enable local authorities to address licensing issues in locally appropriate ways. In its submission on the draft Alcohol Reform Bill the Council supported measures that will “strengthen the Council’s ability to manage or prevent alcohol-related problems arising from licensed premises. Alcohol-related problems have been a big issue for the city for a number of years.” It also supported “greater community involvement in managing alcohol in the district” and expressed particular support for the Bill’s allowance for local alcohol policies to provide differently for different parts of its district.⁶

27. The Council currently has an Alcohol Policy (2004) which addresses some licensing matters, but this policy is not legally enforceable and the new District Licensing Committee (DLC) will have no regard for it. However, the new Act gives legal standing to LAPs that are developed according to its requirements. The Council’s Alcohol Restrictions in Public Places Bylaw (2009) and its three amendments will continue to be enforced.

Legislative framework

28. The Act allows Councils such as the Christchurch 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 DLC and the national Alcohol Regulatory and Licensing Authority must have regard to the LAP when making decisions on licence applications.
29. 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).
30. In addition, a LAP may apply differently to different kinds of licensed premises. If a council does not have a LAP in place, licensing decisions will be directed by the criteria set out in the Act (s105) and the default maximum opening hours.

Legislative requirements

31. The Act sets out the process which the Council must use to adopt a LAP. First, the Council must produce a draft policy. When producing the draft policy, the Council must have regard to the following factors set out in section 78(2) of the Act:
- a) the objectives and policies of its district plan; and
 - b) the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises; and
 - c) any areas in which bylaws prohibiting alcohol in public places are in force; and
 - d) the demography of the district’s residents; and
 - e) the demography of people who visit the district as tourists or holidaymakers; and
 - f) the overall health indicators of the district’s residents; and
 - g) the nature and severity of the alcohol-related problems arising in the district.

⁶ Christchurch City Council (2009). Submission on the Alcohol Reform Bill to the Committee Secretariat, Justice and Electoral Select Committee. 15 February 2011. Available at: <http://www1.ccc.govt.nz/Council/proceedings/2009/October/CnclCover22nd/Clause12attachment.pdf>.

32. The Act requires that a territorial authority must not produce a draft policy without having consulted the Police, Licensing inspectors, and Medical Officers of Health. Under the Act, the Council is able to ask the Police, Licensing inspectors, and Medical Officers of Health for any information they hold relating to any of the matters in paragraphs (c) to (g) above, and those persons are to make reasonable efforts to provide the Council with that information. Consultation with the Police, Medical Officer of Health and Licensing Inspectors occurred through both the working party of key stakeholders described in paragraph 16 above and through separate meetings with these statutory partners.
33. The Council has undertaken the steps required by the Act. As outlined in paragraph 23, the Planning Committee considered key issues relating to licensing matters at several workshops during 2012 and 2013 and both Planning Committee and Council workshops considered preliminary policy provisions.

CONSULTATION AND SUBMISSIONS

34. The public consultation period for the draft Policy ran from 31 May 2013 to 1 July 2013. At the start of the consultation the Statement of Proposal and an accompanying letter were mailed out to 1,248 licensees and emailed to 322 of these whose email addresses were available. This information was also sent to approximately 150 other key stakeholders, and to all residents' associations and Community Boards. Christchurch City Council libraries and service centres had multiple copies of all consultation documents available.
35. Research First, the company contracted by the Council to carry out a Community Survey about attitudes to alcohol in 2012, posted out a flier and letter to 1,602 people who had completed the Survey and for whom they had correct postal addresses. This mail out was performed by Research First as the addresses of survey participants is confidential .
36. At the start of the consultation, all Christchurch high schools and a range of youth-focused organisations were sent the link to the Statement of Proposal, an email introduction and collateral material. They were asked to put a link to the CCC Facebook page on their respective Facebook pages and a set of prompt questions was included, for possible use in classroom discussions.
37. There was advertising about the consultation in The Press, local community newspapers (including ethnic papers), regular media releases to citywide and community newsletters and papers to sustain interest in the consultation, frequent advertisements on Facebook (specifically targeting Christchurch users in a younger demographic). The Press online site and radio advertisements; and posters were distributed to a wide range of over 60 public venues, including cafes and notice boards in community spaces.
38. In addition to the Have your Say website and printed consultation documents, staff attended 28 different information sessions that covered all wards. Three public information sessions were held, at CPIT Marae, Te Puna Wanaka; North City Church hall, Papanui, and the Cashmere Club, Beckenham. Three drop-in sessions were held at Malls: The Hub at Hornby, Eastgate and South City. Further drop-in sessions were held at the University of Canterbury, the Lyttelton Farmers Market, and Parklands and New Brighton Libraries. Organised sessions were held with the Riccarton Ilam Community Safety Joint Working Party, the Migrant Forum, and the Halswell Residents' Association. The remaining 15 organised sessions were a mixture of Network, Liaison, and Advisory Group meetings. Collateral materials were available at each session. Many organisations at the Network, Liaison, and Advisory Group meetings took a number of fliers and posters to distribute and display at their places of work.
39. The consultation document included the Summary of Information, the Statement of Proposal with the draft LAP provisions and a Central City map showing the proposed different opening and closing times for taverns, bars, pubs, clubs and night-clubs. It also included other policy options considered by the Council and reasons why these were not included in the draft Policy, Frequently Asked Questions and the Submission Form.
40. Submissions could be made through the Have your Say website, by email or in writing either on the submission form or on plain paper.

41. Have your Say submissions lodged:

Through the Council website or by email:	749
Hard copy submission form:	<u>304</u>
Total:	1,053

42. The Have your Say Submission Form provided submitters with five questions. The first question had eight subsections, each with a three-scale response option (Agree, Neither agree or disagree, Disagree), the opportunity to give reasons for their answers if they disagreed, as well as the opportunity to say what they would like the provisions to be changed to. Question 2 had the same three-scale response option. Questions 3 and 4 asked what submitters thought about the aspects of the draft LAP and Question 5 asked for any other comments.

43. The questions were:

- Q1 Please indicate your level of satisfaction with the following provisions in the draft LAP.
- (a) The proposed maximum trading hours for on-licensed premises such as bars, taverns, clubs and night-clubs in the Central City.
 - (b) The proposed maximum trading hours for on-licensed premises such as bars, taverns, clubs and night-clubs in other parts of the city, including Lyttelton, Akaroa and Victoria Street.
 - (c) The proposed maximum trading hours for on-licensed premises such as restaurants and cafes in all parts of the city.
 - (d) The proposed maximum trading hours for off-licensed premises such as supermarkets, bottle stores and grocery stores in all parts of the city.
 - (e) The proposed one-way door restrictions on bars and night-clubs in the Central City.
 - (f) The proposed controls on the location of new bottle stores.
 - (g) The proposed controls on the location of new taverns.
 - (h) The proposed special licence and discretionary conditions.
- Q2 Overall, do you support the direction of the draft Local Alcohol Policy?
- Q3 What are the best aspects of the draft Local Alcohol Policy?
- Q4 What aspects of the draft Local Alcohol Policy do you think need to be changed?
- Q5 Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters which you want included in the Local Alcohol Policy?

44. During the consultation submitters made wide use of social media to express their views. Hospitality New Zealand organised its own online submission form (Facebook-based) that was completed by 1,929 people. Submissions were based on responses to questions such as:

- Do you think other areas around Christchurch should also have later trading?
- What do you consider is an appropriate closing time for the Central Christchurch hospitality area?
- Would having earlier closing times for bars and a one-way door at 1am make you drink less?
- Do you believe that a one-way door in the Central City will assist in reducing alcohol-related issues?
- If the hours for off-licence sales were reduced, would you still purchase alcohol for the night prior to going out for a night or would you go to a bar/restaurant earlier instead?
- Do you believe that areas 'like Riccarton, Merivale, Shirley etc' should be addressed as specific precincts that are separate from the City and other suburban areas and what is an appropriate closing time for them?
- Based on what you know of the LAP, do you support the direction taken by the Council to reduce the hours of trading for bars, restaurants and night-clubs throughout Christchurch?
- Does restricting the nightlife in Christchurch and the Central City reduce your desirability to stay in Christchurch and recommend Christchurch to others?

45. The Save Christchurch Nightlife Facebook-based submission form attracted 1,078 responses. The form had a series of statements/questions with 'Yes' as the pre-filled answer (agreement with the statement), along with a final option for further comments. In the printed version of the submissions, these statements needed to be ticked to indicate support. The

focus of the statements was the proposed trading hours for on-licenses and the one-way restriction in the Central City area:

1. It is not fair to stop me from going out for a drink and a dance or to see a band or deejay after 1am just because a minority of people behave badly. Closing for night-clubs should be 5am.
2. It is not fair that I can only drink in a small part of the CBD – it will not provide enough variety of places to go nor cater for the diversity of cultures that a vibrant city should include. The same closing hours should apply throughout the entire city.
3. I do not think a one-way door is a bad idea in itself but 1am is too early.
4. If CCC and Police were to genuinely work in partnership with late night entertainment businesses they could find more effective ways of keeping troublemakers out of bars and clubs and away from the CBD, so the rest of us can have a social life.
5. A well thought out policy could include stricter standards for bars that open later and measures like electronic data sharing between bars/ID scanning.
6. Over-regulation and excessive control won't fix the city's issues and will only cause resentment.
7. If Council proceed with this policy it will make it very unattractive for me to stay here.
8. Christchurch once had a world-class reputation for its emerging and underground club scene; this will be no more.
9. I want to be heard.

SUMMARY OF SUBMISSIONS

46. The Council received 4,060 submissions on the LAP; 1,053 submissions through the Council's Have your Say process; 1,929 from submissions based on Hospitality New Zealand's Facebook survey and 1,078 submissions based on the Save Christchurch Nightlife Facebook form.
47. Submissions were received from 161 groups and organisations. They included statutory bodies such as the Police, Canterbury District Health Board and all eight Community Boards; business and industry groups on behalf of a range of hospitality venues, retail and tourism interests; health sector organisations; community and neighbourhood groups and organisations representing Māori and youth interests. All other submissions were assumed to be from individuals though, from the nature of their comments, quite a number of these were writing as individual licensees or business owners.
48. A large number of off- and on-licensees, hospitality staff and providers of live entertainment submitted, writing candidly about their business and work experiences, their contribution to the city's livelihood and lifestyle, and their vision for a rebuilt Central City, in particular. Many health and social service professionals and staff, residents and representatives of local neighbourhoods likewise made submissions, detailing their experiences in dealing with the incidence and aftermath of alcohol-related behaviour and harm.
49. Almost all submissions addressed the licensing matters that the Act says can be included in a LAP: trading hours, the location of premises, density and proximity to certain types of facilities; one-way door restrictions and discretionary conditions. There was a huge diversity of views expressed and also a breadth of manner in which these views were expressed, from detailed well-reasoned discussions to submissions which simply ticked the boxes for agree/disagree statements. As already noted, the submissions collated via the Hospitality New Zealand and Save Christchurch Nightlife social media had question and statement prompts different to those used in the Have your Say documentation.
50. One hundred and sixty eight individual submitters or organisations requested to be heard by the Committee appointed to hear from submitters. Of these, 161 appeared. Councillor Wells chaired the Committee, which met for four full days on 29, 30 and 31 July 2013 and 2 August 2013. The Mayor absented himself from the Committee, along with Councillors Carter and Keown who declared conflicts of interest. Councillors Broughton and Button attended the hearings for only a short time each, and therefore did not participate in the deliberations.

51. A summary of all the submissions received was circulated to the Committee prior to the commencement of the Hearings and was made available as part of the Hearings' agenda papers.⁷

COMMENTS ON THE POLICY AS A WHOLE, AND GENERAL COMMENTS

Have your Say submissions

52. Opinions on most provisions in the LAP were expressed strongly, reflecting diverse and committed views. In the case of several provisions, views were near evenly split between those in support and those opposed to the draft LAP. There was wide consensus that alcohol does cause harm in the community and that steps need to be taken to minimise it. However, there was little consensus as to the extent to which this is a matter for individuals, central government, local authorities, retail sector or hospitality providers to take responsibility for.
53. The Police, Medical Officer of Health and several other health-related organisations commended the Council for taking a firm stance in the draft LAP to thwart the harm caused by alcohol in the community. They see a mandatory one-way door as a crucial tool for reducing late-night harm in the Central City in particular, strongly support a reduction in off-licensed premises' maximum trading hours, along with endorsing the other provisions in the draft LAP. However, other submitters were critical that the draft LAP would harm and impede the city's recovery and the return of hospitality to the Central City, deter young people and tourists from living or visiting the city and the provisions would do nothing to reduce alcohol-related harm as it did not (and could not) tackle the underlying root causes – low price and easy availability.
54. Of the Have your Say submissions, 51 per cent gave overall support for the draft policy's direction, 44 per cent opposed it and 5 per cent neither agreed nor disagreed. The 'best aspects' of the draft LAP were identified as:
- Restrictions on off-licences' trading hours for selling alcohol.
 - One-way door restriction in Central Area A.
 - Restrictions on location of new bottle stores and taverns.
 - Distinction between on-licence trading hours in Central Area A and those in suburban/residential areas, including Victoria St.
 - A commendable first step in addressing alcohol-related harm and will contribute to reducing binge drinking, preloading and alcohol-related harm.
55. Whilst almost 15 per cent of Have your Say submitters wanted no changes to the draft LAP, the majority identified ways in which it needed improvement – most commonly:
- Fewer restrictions for on-licensed venues in the Central City and in some suburban areas, including a less restrictive, or removal of, the one-way door policy
 - More restrictions for off-licensed premises.
56. When asked for further comments about the draft LAP's content, almost half who responded criticised it for the following:
- The proposed on-licences' trading hours in the Central City (in particular) and one-way door restriction will drive young people from the city and turn it into an unattractive 'retirement village'
 - The provisions are ham-fisted and penalise the whole hospitality sector for the sake of curbing the behaviour of a minority and drinking behaviours for which they are not responsible (preloading and binge drinking fuelled by cheaper off-licence purchasing)
 - The provisions will have unintended consequences such as dumping dissatisfied drinkers en masse onto the streets earlier
 - The policy will encourage more, comparatively uncontrolled, drinking at home

⁷ Christchurch City Council (2013). Draft Local Alcohol Policy 2013. Summary and analysis of submissions received during the Special Consultative Procedure, from 31 May - 1 July 2013. Available at:
http://resources.ccc.govt.nz/files/TheCouncil/meetingsminutes/agendas/2013/July/DraftLAP_29-31July_2August2013_Agenda.pdf

- The proposed 1am one-way door in Central Area A will drain suburban premises' business by pushing drinkers into travelling into the Central City before the 1am close-off.

Submissions from the Police, Medical Officer of Health and Licensing Inspectors

57. These statutory bodies' submissions were strongly supportive of the draft LAP as an important tool to address alcohol-related harm in Christchurch. Specific matters in their submissions, e.g. relating to density of licensed premises, are addressed throughout the following sections of the report under subheadings 'Matters raised by submissions' and 'Committee discussion and response'. At the hearing these submitters reinforced their support for 'key' draft provisions relating to the maximum hours for on- and off-licences, the compulsory one-way door provision and for late night (3 am) licences to be allowed only within Central Area A.

Hospitality New Zealand submissions

58. Most of the comments and responses by these submitters related to on-licensed premises' provisions and their perceived impacts on lifestyle, business viability and the reputation of the city as an attractive, vibrant place to live and visit. Over 1,100 submitters suggested a variety of areas for later trading, for example Riccarton, Merivale and Addington/Lincoln Rd. A large number of submitters thought that if there was a mandatory one-way door in the Central City, they would drink the same amount or more, just in a shorter time so that they can get to bars before the restriction commenced; others said that they would stay home or go to parties instead, as it would not be worth travelling into town.
59. The main points made in opposition to a mandatory one-way door were:
- People refused entry will cause problems on the streets
 - The proposed start time of 1am is too early and it will cause an outflux of patrons from suburban bars wanting to reach the Central City before 1am
 - It will encourage people to remain drinking in comparatively uncontrolled drinking environments at home/friends/parties in suburban areas rather than travelling into the Central City
 - It will inhibit people's movement between bars to meet people, listen to different music and visit different venues.
60. Views on appropriate trading hours for on-licensed premises ranged from 24-hour opening, to 4am or 5am closing, allowing longer hours for bars providing entertainment, and premises being able to determine their own hours or on a case-by-case basis. It was recognised that proximity to residential areas, noise issues and competency of premise management should be taken into account into granting trading hours.
61. Some submitters commented that they did support the draft LAP and others' partial support was tempered by comments about refinements e.g. the Central City late-closing area needs to be larger, and that some bars need to stay open longer.
62. However, a majority disagreed with the draft LAP, with common reasons being: it will not keep young people and tourists in the city; there will be more alcohol-related issues with the changes in hours of trade and the city will miss the chance to develop a vibrant nightlife. Earlier closing hours will cause disruption in residential areas with more house parties and will do nothing to address the alcohol-related problems of the city.
63. Music and entertainment venues are 'punished' by the policy. Musicians and hospitality workers said that they will think about moving from the city and that the draft LAP would make the city unattractive to rebuild workers. Students, graduates and young professionals said that nightlife is important in deciding where to study, live and work and the draft LAP would be a deterrent. Others commented that they no longer live in Christchurch and one of the reasons for leaving was the lack of nightlife in the city after the earthquakes.

Save Christchurch Nightlife submissions

64. Overall the Save Christchurch Nightlife-collated petition/submissions were strongly opposed to the provisions relating to on-licensed premises. Most submitters only completed the tick-box section of the submission form, without adding additional comments (see paragraph 44 for full text of questions):
- 1am closing punishes the majority for sake of a minority who misbehave. Closing for night-clubs should be 5am. *(More than 98 per cent agreed.)*
 - The same closing hours should apply throughout the entire city, to cater for diversity and create vibrancy. *(94 per cent agreed.)*
 - One-way door are not a bad idea but 1am is too early. *(More than 92 per cent agreed.)*
 - CCC and Police need to find more effective ways of dealing with troublemakers so the rest of us can have a social life. *(More than 94 per cent agreed)*
 - Include stricter standards for bars that open later and measures like electronic data sharing between bars/ID scanning. *(More than 90 per cent agreed.)*
 - Over-regulation and excessive control won't fix the issues. *(More than 93 per cent agreed.)*
 - The LAP will make it very unattractive for me to stay here. *(90 per cent agreed)*
 - The city's world-class reputation for its emerging/underground club scene will be lost *(More than 90 per cent agreed.)*
65. Additional comments were made by about 130 of the Save Christchurch Nightlife submitters. In summary:
- The drinking culture is the problem and changing the times that bars can be open will not change this. Better education, parenting and public awareness are needed.
 - The late night hours should apply to all the Central City within the Four Avenues, with some mention also of Lincoln Road, Riccarton and Lyttelton. Late licenses should depend on the history of responsibility of the bar, not on where it is located.
 - One-way doors are a good idea, but 1am is too early and it will deter some patrons from coming into the Central City at all. There will be an outflux of patrons at earlier-closing bars in order to get to others before 1am. People want to move between bars to listen to music and meet friends.
 - Without late night bars, there will be house parties which are less well-controlled than bars.
 - Young people and tourists are important to this city: it needs young people to rebuild, start future businesses and add vibrancy.
 - Shift workers and hospitality workers need somewhere to go after they finish work. The policy will negatively affect hours of employment, jobs and incomes of hospitality and food employees, taxis, transport operators, musicians and bands.
 - There is a need for night-clubs that can run later than 3am. Musicians and bands play late at night and the reputation that Christchurch once had for good music events will be damaged if all night events can't be hosted.

ADDITIONAL INFORMATION CONSIDERED BY THE COMMITTEE

- 66 The Committee had regard to following additional information and reports in making decisions:
- "Costs and Benefits of the draft Local Alcohol Policy", A report prepared for Christchurch City Council, Covec July 2013.
 - "Risk based licensing fees – Identifying risk factors for the New Zealand context", Ministry of Justice, 2013. Wellington.
 - "Off-licence purchasing and consumption patterns. Research conducted for the draft Local Alcohol Policy for Wellington City Council. June 2013.
 - A presentation to the Committee by Sue Ramsey, Christchurch City Council Team Leader Crime Prevention (Community & Safety Team.), on the appropriate size and location of a late night area for Christchurch addressing community safety concerns.

COMMENTS AND COMMITTEE RESPONSE TO SPECIFIC PROVISIONS IN THE DRAFT LAP

Note: The following sections of this report refer to the conclusions arrived at by the Committee on a range of issues raised in submissions on the LAP. In general the Committee tried to reach a consensus on each issue. For a number of issues this was not possible. The Committee's conclusion is therefore not necessarily supported by all members of the Committee in each case.

Deliberations process

67. The Committee deliberated on the submissions over five meetings during August and September 2013, with a final meeting in early October 2013. At the final meeting it reaffirmed the resolution to recommend to the incoming Council that a provisional LAP be publicly notified after 18 December 2013 and agreed to additional recommendations to the incoming Council for further work it may wish to consider.
68. Throughout the deliberations, the object of the Act and the goals of the draft LAP were at the forefront of the Committee members' minds. In discussions, they often referred back to the key legislative objectives of minimising alcohol-related harm and ensuring the safe and responsible sale, supply and consumption of alcohol.
69. The goals of the draft policy kept the Committee focussed on achieving a LAP that is the best balance between contributing to a safe, healthy city and encouraging licensed environments that foster positive, responsible drinking behaviours, while contributing to a liveable, attractive city with a LAP that reflects local communities' character and amenity, along with their values, preferences and needs.

HOURS FOR OFF-LICENCES

Proposal

70. The draft LAP (provision 2.1.1) proposed that off-licence premises be able to sell alcohol up to the maximum trading hours of 9am-9pm each day. The default maximum trading hours in the Act are 7am-11pm. Current trading practices vary between types of off-licences and specific premises but in general the proposal will reduce trading hours for sale of alcohol at supermarkets, in particular.

Matters raised in submissions

71. The Police, Medical Officer of Health and Licensing inspectors strongly supported this provision. They cited a body of evidence that shortening the hours when alcohol can be purchased from off-licensed premises has a significant effect on reducing harmful drinking behaviours. It can mitigate the prevalent binge drinking culture by reducing availability of alcohol for late-night consumption in uncontrolled environments such as house parties, home and side-loading locations. Availability is one of the key factors in determining patterns of alcohol consumption: reducing hours of sale at off-licences is the best tool available to local government authorities to contribute to the Act's objective of minimising alcohol-related harm.
72. Supermarkets and retail trade associations vigorously opposed this provision: they said it will have substantial negative impacts on business, employment and the convenience of shoppers and is not justified by empirical evidence. They referred to their experience and reputation as responsible retailers of alcohol and referred to data showing that less than two per cent of supermarket sales are for alcohol only and that few sales of alcohol to young people (18-24) occur between the hours of 7am-9am and 9pm-11pm.
73. The hospitality sector supported the provision, as an effective way of reducing pre- and side-loading and encouraging patrons to arrive earlier at the comparatively safe drinking environments of on-licensed premises (compared to less safe, uncontrolled environments at home and at house parties).
74. Of the Have your say submissions, 55 per cent agreed with the proposed provision, 36 per cent disagreed and 9 per cent indicated neither/nor. Many of those who supported the provision saw it as an effective way to reduce the availability of alcohol and reduce pre-

loading. Of the Hospitality New Zealand submissions, whilst there was some support for a reduction in the maximum trading hours for off-licensed premises and recognition that it is a 'good start' to changing drinking habits, other submitters thought that the hours would disadvantage people who need or prefer to purchase alcohol during their normal grocery shop which may be early morning or in the evening, and those who don't work standard hours. Others thought that a change in hours will not affect the amount purchased. The Save Christchurch Nightlife submission form did not include a question about off-licensed premises' hours and the additional comments did not refer to this provision.

Committee discussion and response

75. The Committee noted that the supermarket sector reports a low percentage of total alcohol sales occurring after 9pm so it does not believe it to be unreasonable to stop trading of alcohol after this time nor will it greatly affect many shoppers' opportunities to purchase alcohol. Any inconvenience will be outweighed by the benefit that reduced hours will have on inhibiting later-evening 'tipping point' purchases by drinkers unwisely topping up their supplies.
76. The Committee heeded the strong advice of the Medical Officer of Health, Police and Licensing inspectors that reduced trading hours for alcohol at off-licences is a key component in reducing alcohol-related harm and negative drinking behaviours. It was firm in its resolve that consistent trading hours were vital in order to stop unfair and undesirable trading-off between retailers, so the same provisions needed to apply across all off-licensed premises. It noted that adjacent and some other local authorities may choose different maximum trading hours but affirmed that it was reflecting Christchurch community's views by proposed hours that are less than the default maximum allowed. The Committee noted the weight of submissions in support of the proposed maximum trading hours. In deliberating on this provision, the Committee took into account that many submitters sought shortened trading hours as a positive step towards addressing the prevalence of binge drinking in uncontrolled environments. It saw the proposed 12 hours' trading each day as providing sufficient time for shoppers, in all work and lifestyle situations, to be able to purchase alcohol, and reflected the community's message that 'enough is enough'.
77. Some Committee members preferred earlier maximum trading hours of 9am-7pm on the grounds of sufficiency and further emphasising the policy's strong signal that the community is determined to reduce alcohol-related harm and change the way it drinks. The Committee resolved that provision 2.1.1 remain unchanged except for a correction, by amendment, relating to hotel in-bedroom mini-bars. This amendment was made on the advice of staff that hotel in-bedroom mini-bars fall within the on-licence category of the Sale and Supply of Alcohol Act 2012, rather than off-licence category.

HOURS FOR ON-LICENCES – RESTAURANTS AND CAFES

Proposal

78. The draft LAP proposed maximum trading hours for restaurants and cafes in all Christchurch of 8am–1am the following day.

Matters raised in submissions

79. From Have your Say submitters, there was 53 per cent support for this provision (2.2.1), with 35 per cent opposing it and 12 per cent indicating neither/nor. Those in support considered the trading hours reasonable and encouraged food to be eaten with alcohol. Many thought that restaurants and cafes generally close earlier than 1am unless they are attached to a bar or night-club and do not cause noise and control problems, unless they become bars later in the evening. A few thought the closing time should be earlier, such as midnight.
80. Opponents felt that these hours were too restrictive, would stifle the economy and take away freedom of choice. They favoured later closing times and earlier opening times: early closing times would not contribute to a vibrant city and would deter young people and business investment.

Committee discussion and response

81. The Committee decided that the proposed 8am-1am maximum trading hours largely reflected current licensing conditions and there was neither the evidence to support nor strong community wish to warrant any alteration. Given the proximity of many cafes and restaurants to residential living areas, the hours were considered appropriate.

CHRISTCHURCH CENTRAL CITY AREA A – TRADING HOURS AND AREA DEFINED

Proposal

82. Provision 2.2.2 allowed maximum trading hours of 8am–3am the following day for on-licensed premises within a defined area, called Christchurch Central Area A (Area A). Area A was based on those areas identified as Entertainment Precincts (defined by noise control provisions), in the District Plan (revised as part of development of CERA's Christchurch Central Recovery Plan), with the exception of Victoria St.

Matters raised in submissions

83. This provision generated the most topic-specific submissions, both with regard to the size of Area A, its exclusion of Victoria St, and the hours of trading proposed. The Police and Medical Officer of Health, along with other health sector submitters supported a consolidated area and proposed trading hours in the draft LAP's Area A. However, the Police and Medical Officer of Health did suggest that Area A be enlarged to include all the area within and bounded by the Frame and Avon River – that being a legible area for people to recognise as the late night 'go to' area. They are keen to see any area where late-night hours are allowed kept contained within a single area, enabling manageable law enforcement by the Police and minimising migration issues between different strips or areas of late-night premises. They endorsed provision 2.2.2 but see a mandatory one-way door as a crucial, integral part of effective management of Area A (see more below, under discussion on one-way doors).
84. With regard to the footprint of Area A, many submitters - particularly from the hospitality sector - emphasised that it is far too small to accommodate the anticipated number of premises that will return to the Central City, and that land and lease costs within Area A will prohibit many from setting up there anyway. It was noted that Area A is indeed smaller than the pre-earthquake equivalent noise provisions area in the Central City. The effect of high land and leasing costs and delayed accessibility to red-zoned areas in the Central City has resulted in the set-up and/or morphing of cafes into bars in areas outside of here – particularly on Victoria Street, St Asaph St and Lincoln Rd. Submitters felt that these premises' initiative, in bringing an early return of bars in the wider Central City area, was being defeated and 'punished' now by provision 2.2.2. Licensees who have already invested in opening or re-opening premises in the Central City area reasoned that they did so on the assumption that they would be operating under the existing licensing framework: the proposed LAP would challenge the viability of their underlying business decisions and investment. Concerns were expressed that the smallness of Area A would put further pressure on land/lease costs within, making it unaffordable for smaller, boutique-style bars to set up, depleting the area of a vibrant mix of hospitality and choices for patrons.
85. The exclusion of Victoria St from Area A drew vigorous and opposing submissions. Individual residents and the local neighbourhood association strongly supported provision 2.2.2 as in their view it recognises the long-standing and highly-valued residential character of the area and the spatial unsuitability of it as a late night entertainment area (proximity of premises to residential living and the consequential negative behaviour and unpleasant effects, loss of sound buffers, inadequate space for public transport options). However, premises operating on Victoria St submitted that they operate very well-run premises and are working collaboratively with fellow licensees to address matters of amenity and good order. In their opinion, the inclusion of the area in the Christchurch Central Recovery Plan as an entertainment precinct, and resource consenting decisions to date, vindicate their location and current trading hours there. They felt that the presence of the Casino on Victoria St (with 24 hour opening) is a further endorsement of the area as appropriate for

late-night trading. Victoria St was seen by many submitters as a successful and popular late-night area to visit, offering a welcome bar scene for younger people post-earthquake.

86. Submitters representing the tourist industry requested that provision 2.2. be amended to allow hotels to sell alcohol to lodgers (i.e. guests staying in hotels) at any time of the day or night. They saw the proposed maximum trading hours (either in Area A or B, or suburban areas) as a deterrent to attracting visitors to the city. They cited examples such as business visitors or conferees who may want to continue interacting after the completion of a conference dinner or event, or musicians and support crews wanting to relax and socialise after a late-night entertainment gig.

Committee discussion and response

87. The Committee recognised the need to achieve a balance - between wanting to contain late-night trading in a manageable area, with stimulating a return of hospitality and night-life activity, encouraging licensees who have made an early return to the greater Central City area, supporting complementary residential and hospitality activities, and ensuring the rebuilt Central City is a safe place for visitors and residents where alcohol-related harm can be minimised. The Committee discussed at length where it thought appropriate to extend Area A. Some members of the Committee expressed opposing disquiet at the extent to which Area A was proposed to be enlarged: this ranged from believing it had 'crept' to being more than threefold its original footprint to concern that even enlarged it still constrained business opportunity and innovation.
88. The Committee concluded that the inclusion of the rest of the area within the Frame (bordered by the South and East Frame and the River) provided a legible and sensible extension that did not compromise aspirations to encourage the Central City as a liveable city for residents. However, it acknowledged concerns it had heard about the potential negative effects of later-night closing in the Square (undesirable mass congregating point and possible disruption to overlooking hotels and their guests). The inclusion of the area bounded by Moorhouse Ave, St Asaph, Madras and Durham Streets, and the eastern corner of Madras St and Moorhouse Ave corner was discussed in terms of its suitability and relative land/leasing affordability for enabling additional space for innovative hospitality to establish itself. The area was seen as more suitable for late-night trading as it has a mixed used zoning, than the area in the north-west around Victoria St and the cultural precinct, where there was residential living already well-established. The Committee queried whether it was favouring this area unevenly in comparison with Victoria Street. It agreed that the latter was distinguished by the close proximity of long-established residential neighbourhoods to entertainment premises and, despite the nearby location of the Casino with its 24/7 trading hours (exempt from the LAP), it was not in essence an area where late-night trading was favoured in the long-term. The Committee discussed whether the area around the proposed stadium anchor-project should be included in Area A. It was agreed that although this may be appropriate in the future, until the orientation and configuration of the stadium is better known it was not feasible to identify a desirable vicinity to where late-night activity would be safely undertaken, so deferred any decision.
89. It was decided that the area around the Arts Precinct and west of the Avon River was better suited to 1am than later 3am closing, based on the rationale that the river acted as a natural separation and retained the later night premises within a legible, manageable area (in terms of enforcement) and also that the area included residential living.
90. The Committee was resolute in staying with its proposal that Victoria St be excluded from Area A, on the grounds described above in paragraph 85, that it is more appropriately suited to earlier closing times due to the nearby proximity and density of long-established residential living, and it will encourage the desired concentration of late-night activity within a single area in or near the eastern and southern Frame.
91. The Committee concluded its detailed discussions on these matters by resolving that Area A needed to be bigger by enlarging it to include the area within the Frame that is east-of-the-Avon but excluding all sites facing onto the Square. It also extended Area A to include the area bounded by Moorhouse Ave, St Asaph, Madras and Durham Streets, and the eastern corner of Madras St and Moorhouse Ave.

92. The Committee recognised the potential benefit to the city's tourism industry of enabling late-night in-house entertaining for hotels' own lodgers. Travellers should be able to treat their hotel like their home by enjoying a convivial drink in a lounge area rather than just in a hotel bedroom. Therefore, the Committee thought it reasonable to amend provision 2.2 and that it was unlikely to diminish the overall provision's intent to reduce alcohol-related harm. Therefore, it resolved to allow hotels (citywide) to sell alcohol to their lodgers 24 hours per day.

NIGHT CLUBS IN THE CENTRAL CITY

Proposal

93. The draft LAP treated night-clubs in the same way as bars, taverns, clubs and pubs, with regard to respective trading hours and one way door restrictions in Areas A and B and the rest of the city. The latest a night-club could remain open was therefore 3am.

Matters raised in submissions

94. Many submitters wrote and spoke vigorously about the value of, and their preference for, late-night entertainment premises, particularly for hosting live music, dance and DJ entertainment. Pre-earthquake Christchurch had a strong reputation for fostering new talent, hosting local and international new and renowned music performers, and for a lively late-night club scene. Loss of venues and access to the Central City has severely quelled this. Night-clubs provide a comparatively well-controlled environment for young people, in particular, to party, dance and socialise until early morning. Entertainment at night-clubs take the focus off drinking alcohol.

Committee discussion and response

95. The Committee was greatly impressed by the submissions of young people who spoke passionately about wanting to stay in Christchurch, but for whom an active late-night social scene was an important ingredient of their decision to stay. Committee members were heartened by these submitters' strong commitment to make the city once again a fun place to socialise, study and live. However, they were also conscious of both the experience and evidence of the Police and health professionals of the clear connection between later trading hours and increased alcohol-related harm.
96. The Committee struck a balance in the decision that they reached. They amended the definition of a night-club to stipulate that it must only open at night, provide music and space for dancing and/or other live entertainment and the principal income (i.e. more than 50 per cent) is derived from activities other than the sale of alcohol. Night-club licences would only be granted in Central Area A and with maximum trading hours up to 5pm–4am the following day. A 4am maximum closing time was considered sufficient and intermittent need for later trading (for an international act, for example) could be managed through application for a special licence. Limiting night-clubs to location only within the commerce-dominant Central Area A was intended to minimise potential negative impacts on residential neighbourhoods. The Committee also agreed that night-club licensees must meet a number of specific conditions (safety and amenity-related) detailed in the LAP and any of the policy's discretionary conditions imposed by the DLC.

CHRISTCHURCH CENTRAL CITY AREA B – TRADING HOURS AND AREA DEFINED

Proposal

97. Provision 2.2.3 of the draft LAP proposed that all parts of the Central City that is zoned for business and mixed use, except for those parts included in Area A, be classed as Christchurch Central City Area B (Area B), with maximum trading hours of 8am–1am on the following day. (The one-way door restriction within this provision is discussed separately below).

Matters raised in submissions

98. Submissions relating to Area B tended to be made within the context of comments about Area A's relative smallness and inadequacy. Regarding the maximum trading hours for on-licensed premises in the Central City, the overall level of satisfaction with the provision 2.2 from Have your Say submitters was evenly split, with 48 per cent each supporting and opposing, and 4 per cent neither supporting nor opposing them. There were few submissions about Area B specifically: they tended to either support in principle the differentiation in closing times between Area A and B or opposed it on the grounds that the earlier hours were an unreasonable curbing of late-night activities and would diminish the Central City's appeal. Submissions on the inclusion of Victoria St in Area B have been summarised in paragraph 82, as part of the discussion on Area A.

Committee discussion and response

99. The Committee sought to reinforce the Council's commitment to a strong, vital Central City core re-establishing. It therefore retained provision 2.2.3 unchanged - in effect reinforcing Area A as the heart of the late-night area and encouraging diverse mixed use and residential uses outside of that, by allowing earlier, more appropriate closing times for bars, taverns and clubs. The footprint of Area B was amended to include the Frame area west-of-the-Avon, and the premises facing onto the Square. As described above, the area bounded by St Asaph, Madras and Durham Streets and Moorhouse Ave, and the eastern corner of Moorhouse Ave and Madras St were altered to become part of Area A.

MAXIMUM TRADING HOURS AND ONE-WAY DOOR RESTRICTIONS IN SUBURBAN CENTRES AND TOWN CENTRES

Proposal

100. Provision 2.2.4 allows taverns, bars, pubs, night-clubs and clubs in suburban centres and rural townships maximum trading hours of 8am-1am the following day and for a one-way door restriction to be imposed at the discretion of the DLC.

Matters raised in submissions

101. Many submitters supported provision 2.2.4, because they thought it provided appropriate trading hours in areas where there is residential living and that suburban areas did not need late-night activities. However, there were also many other submitters who thought it was unreasonable to limit premises' hours in local areas: it discouraged local socialising and would severely impact on some suburban premises' viability. This latter concern was often made in conjunction with objections to the proposed mandatory one-way door in the Central City (causing suburban outflux).
102. There was wide agreement that premises in close proximity to residential living should not have later hours (such as 3am). But there was strong feeling by some that there was little harm caused by premises that were located away from residential areas so they could have later hours - particularly in those areas that have started-up or become popular post-earthquake (e.g. parts of Riccarton, parts of Lincoln Rd/Addington).

Committee discussion and response

103. The Committee debated the range of views they had heard about this provision - from broad agreement in principle to the differentiated hours in suburban/ town centres to Central City, to strong disagreement with regard to specific areas and premises. It recognised that there were instances where local on-licensed premises act as a strong, valued focal point in local communities, particularly post-earthquake where there is a shortage of community meeting places or facilities. The Committee also acknowledged the sense and safety in neighbourhood premises being able to provide for people's socialising/entertainment needs close to home and local connections. Some Committee members did not think that one-size-fits-all approach in provision 2.2.4 was appropriate across the city because it failed to recognise that some suburban bars operate more like late-night central venues and offer an appreciated diversity to suburban socialising. Also, it did not take into account the changed operating style or establishment of numerous premises in the likes of Addington, Merivale, Woolston and Riccarton following post-earthquake displacement from the Central City.

Conversely, concerns were voiced that allowing later trading hours in some or all suburban areas threatened the “residential fabric” of the city.

104. However, the Committee was cognisant of the Police concerns about the difficulties in providing law enforcement across dispersed late-night areas/premises, and the higher vision of focussing late-night entertainment in a single, Central City area. Also, it was keen to avoid the perpetuation of a ‘donut effect’ post-earthquake, where late night activity has shifted to outside the Central City. Therefore, it resolved to accept provision 2.2.4 unchanged. The Committee decided to amend the policy’s definition of a ‘township’ to exclude Lyttelton, in recognition of its different character to that of the rural township of Akaroa. Therefore Lyttelton falls within the definition of a Suburban Centre (i.e. maximum trading hours of 8am until 1am the following day and a discretionary one-way door restriction where appropriate).

ONE-WAY DOOR RESTRICTIONS

Proposal

105. The draft LAP (provision 2.2.2) proposed a mandatory 1am one-way door restriction for on-licensed taverns/bars/pubs/night-clubs/clubs in the Christchurch Central Area A where they may have maximum trading hours up to 3am. A discretionary one-way door restriction was proposed for taverns/bars/pubs/night-clubs/clubs in Christchurch Central Area B (provision 2.2.3) where premises may have maximum trading hours up to 1am. A discretionary one-way door was proposed for elsewhere in the city, as part of the discretionary conditions (2.5.1).

Matters raised in submissions

106. The Police, Medical Officer of Health and Licensing inspectors all supported these provisions. They argued the one-way door was a successful tool in pre-2011 Central City Christchurch, albeit voluntary, to reduce alcohol-related harm and serious crime in the “Strip” area. Most effective as a mandatory tool, they see it as an essential ingredient to safe management of patrons and pedestrians in the early hours of the morning, by reducing migration and encouraging patrons to reach their last drinking place earlier. They cited evidence in support of the effectiveness of the mandatory one-way door policy, particularly combined with other harm-reducing tools, in places such as Newcastle, Australia.
107. Overall the mandatory one-way door was one of the most-opposed provisions in the draft LAP. Of the Have your Say submissions, 49 per cent supported the provision, 43 per cent opposed it and 8 per cent neither supported nor opposed it. However, there was widely-shared opposition to a mandatory one-way door provision by the 1,929 Hospitality New Zealand-gathered submissions and opposition to a 1am one-way-door in the 1,078 Save Christchurch Nightlife-gathered submissions. Typically these submitters commented that the 1am one-way door was far too restrictive, would ‘kill the night life’ and was not an effective tool for reducing harm. It unfairly punished on-licensed premises by excluding later-arriving patrons and would have the consequence of draining suburban premises unreasonably early in the night, so that drinkers could get to the Central City in time for the 1am restriction on entry. Some submitters challenged the conclusion that the pre-2011 Central City one-way door was sufficiently successful in reducing harm and crime.

Committee discussion and response

108. The Committee supported the concept of one-way door restrictions.. However, it recognised a complex mix of intended and unintended consequences that a mandatory one-way door can impose on late night drinking behaviours and hospitality premises’ activity. It was cognisant of the views expressed by many younger people that a mandatory one-way door will curtail their social life considerably and make the city unattractive to them, and the hospitality sector’s concerns that it will diminish their revenue, business viability and patronage, and cause an outflux of patrons from the suburbs around midnight. The Committee was worried about the potential for disturbances caused by migrating drinkers from suburb to Central City.
109. As described above the Committee was ambivalent about the effects of compulsory one-way door controls, concerned that the evidence presented on one-way door controls

revealed both intended and unintended consequences; the desire to reduce barriers to the Central City's recovery as an entertainment area led the Committee to prefer to allow the DLC's application of a discretionary one-way door on a case-by-case basis. The Committee is confident that, in this first LAP the additional assessment criteria given to the DLC in the Act and the range of discretionary conditions in the LAP will provide for flexibility in granting licensing conditions: an effective package of measures can be put in place to mitigate specific issues at a premise or cluster or premises.

110. However the Committee recognised that a review of the one-way door provision may be needed as the Central City recovers and a different policy response required. The Committee was keen to signal to on-licensees that participation in a voluntary one-way door, for example, as part of area or precinct accord would be a positive way for them to demonstrate industry best practice and be a factor in their being granted maximum trading hours.

SPECIAL LICENCES

Proposal

111. Provision 2.3.1 of the draft LAP proposed that a one-way door restriction could be applied where appropriate, at the discretion of the DLC. A note described the general way in which hours for special licences are granted for on- and off-site applications.

Matters raised in submissions

112. No submissions were received that specifically referred to provision 2.3.1. Submissions on other discretionary conditions as they relate to special licences are discussed in paragraph 124 below.

Committee discussion and response

113. The Committee accepted provision 2.3.1 and the accompanying note unchanged, but on staff advice added an amendment (clause 2.3.2) to explicitly clarify that the maximum trading hours that could be granted for a special licence could be up to 24 hours per day, Monday to Sunday – as is current practice.

LOCATION OF PREMISES

Proposal

114. Provisions 2.4.1 and 2.4.2 of the draft LAP restricted the opening of new off-licence bottle stores and on-licensed taverns as follows: no further licences will be issued unless the bottle store or tavern is located on land zoned 'Business' or 'Town Centre', or, in the case of a green-fields growth area, located on land zoned 'Living G' provided that the Living G zoned site of the proposed bottle store is within a business area shown on an Outline Development Plan approved by the Council'.

Matters raised in submissions

115. Of the Have your Say submissions, 59 per cent agreed with provision 2.4.1 (new bottle stores) and 52 per cent agreed with provision 2.4.2 (new taverns). Respectively, 22 per cent and 26 per cent opposed these provisions and 19 per cent and 22 per cent neither supported nor opposed them. Those submitting in agreement thought there were sufficient bottle stores and taverns already. Some recommended that a check should be kept on density, especially in lower socioeconomic areas and near schools, and there were too many in residential areas (most references were to bottle stores). Opposing submitters considered that location should be decided on a case-by-case basis, and restrictions would inhibit business growth. Others opposed provisions 2.4.1 and 2.4.2 as they do not go far enough to reduce density of premises and there should not be any bottle stores or taverns in residential areas or within given suggested distances from schools or churches (e.g. 0.5km and 3km).

116. One winery noted there was no separate definition for winery off-licences (cellar doors) and thus these are categorised with taverns and bottle stores. Since there is no mention of rural zones they said this could adversely affect new vineyards trying to set up a cellar door operation on their sites in a way that is not the case in neighbouring districts.
117. Some submitters said the views of local schools and communities should be taken into account when issuing licences in their area, citing recent examples where local communities have had mixed success in having their views taken into account in licensing decisions on new bottle stores. Neither the Hospitality New Zealand nor the Save Christchurch Nightlife submission forms asked a specific question about location matters, so did not attract individual comments.

Committee discussion and response

118. The Committee accepted the provisions unchanged in this version of the LAP, albeit tempered by dissatisfaction and disappointment. It was recognised by all the Committee that provisions 2.4.1 and 2.4.2 do not adequately reflect the evidence, concerns and issues that many submitters raised regarding the links between the incidence of alcohol-related harm and the density and location of licensed premises in local areas. The Committee acknowledged that there is community support - from individuals, neighbourhood groups and Community Boards in particular - for greater input into licensing decisions about bottle stores in local neighbourhoods. The committee's concern is that the Act's restrictions, as to who may object to licence applications, can lead to community views not being heard or taken sufficiently into account in licensing decisions. The committee initially supported the inclusion of a policy in a LAP providing for community representatives to have increased input to licensing decisions. The committee concluded however, after receiving further legal advice not to include such a provision as it was unlikely to be within the legal scope of a LAP; moreover even if such a provision is appropriate, a further SCP would be required to bring this LAP in line with those submissions.
119. On legal advice but following much discussion, the Committee concluded that its ability to introduce greater density and location provisions to this LAP at this stage of the process was therefore very limited. The addition of any such provisions, not included in the Statement of Proposal, may be challenged on the grounds of being unreasonable in terms of not having followed a fair consultative process. The Committee was reassured by the criteria in sections 105 and 106 of the Act that the DLC must take into account in deciding whether or not to approve or renew a licence (i.e. the extent of the effects on the amenity and good order of a locality of a new or renewed licence).
120. The Committee will recommend to the Council that further work be undertaken on understanding the links between density of licensed premises in local areas, particularly where there is lower socio-economic demographic and higher deprivation and their proximity to 'sensitive' facilities (e.g. schools) and alcohol-related harm in the community, and ways in which local communities can have an effective 'say' in local licensing decisions be explored further. This further research should inform a subsequent review of the LAP. Controlling and limiting density of off-licensed premises in some suburban areas was seen by the Committee as a very important tool for reducing alcohol-related harm, especially in vulnerable communities, and all members expressed a strong hope that a subsequent LAP would be able to better address these matters.
121. An alteration was made to the draft LAP's definition of a bottle store so that it excluded cellar doors. This was in recognition of matters raised in relation to wineries' cellar door sales operations, which would be unreasonably disadvantaged by the constraint in location to business-zoned land.

DISCRETIONARY CONDITIONS – ON-LICENCES, OFF-LICENCES AND SPECIAL LICENCES

Proposal

122. A range of discretionary conditions were proposed in the draft LAP for on-licence premises (2.5.1), off-licensed premises (2.5.2) and special licences (2.5.3). These measures aimed to protect amenity and good order and improve the safety of patrons and visitors in and near premises, encourage responsible drinking behaviours, ensure licensees have sufficient

industry experience to be best practice operators before they are given later trading hours, and provide for adequate management of premises at busy times. A cap on the number and duration of special licence applications by a premise was proposed.

Matters raised in submissions

123. Comparatively few submissions were received on the proposed discretionary conditions. Fifty per cent of Have your Say submitters agreed with the proposed provisions 2.5.1, 2.5.2 and 2.5.3; 21 per cent opposed and [a high] 29 per cent said they neither supported nor opposed them. Submitters opposing the conditions noted the following:
- The discretionary conditions are too restrictive, unnecessary and place too great a cost and onus on the premise owner. For example, providing additional security staff late at night should be made at the bar or club owner's discretion – they understand their business needs.
 - The restricted trading hours placed on first time licensees will inhibit their ability to establish a reasonable market share and would deter new entrepreneurs from setting up business at all. A three-month trial period instead was suggested.
 - Discretionary conditions should include restrictions on signage relating to special prices and offers such as 'happy hours'.
 - The Accident Compensation Corporation (ACC) recommended that discretionary conditions include a requirement for training for staff across all licence types.
124. The special licence provision 2.5.3. drew some submissions in relation to discretionary conditions:
- The proposed limit on special licence applications per year would inhibit the live music/entertainment scene: it would mean that entrepreneurs could not get enough special licences to serve all their gigs and events. This would diminish their business opportunities and profitability.
 - The limited number of venues (especially post-earthquake) available for such events would further exacerbate this – a smaller number of venues are running a greater number of events. Similarly, clubs and suburban hotels would be disadvantaged – they are helping to fill a large gap in need for community-style venues and should not be thwarted by limits on special licence applications.
 - The limits on special licences would do nothing to reduce alcohol-related harm.

Committee discussion and response

125. The Committee thought that judicious application of discretionary conditions to premises was an effective and responsive way to improve purchasing and drinking environments, so it chose not to alter any of the conditions proposed, despite concerns expressed by some submitters about the undue cost they could place on licensees.
126. Guided by legal advice, it did not recommend adding additional conditions to the provisions that may be deemed unreasonable and outside the scope of a LAP. The Committee envisaged that some of the submitted suggestions for further discretionary conditions would be usefully investigated and hopefully progressed as part of a wider, strategic approach to reducing alcohol-related harm in the future.

MATTERS NOT INCLUDED IN THE PROPOSED POLICY

127. The introduction to the LAP's Statement of Proposal invited submissions on precincts and precinct-based accords. Although these are out of the scope of a LAP they may be appropriate for consideration as part of, for example, an alcohol strategy.

Submissions about Precincts

128. Precincts, or identified areas where late night or a particular type of hospitality/entertainment activity can be carried out in an identifiable and cohesive way, were specifically commented on by almost 10 per cent of submitters, including many licensees and providers of late night entertainment. There was a range of positive comments about the appeal of precincts and the opportunity they provide for enriching hospitality and entertainment activities.

Submitters using the Hospitality New Zealand and Save Christchurch Nightlife's process were particularly supportive of providing areas where late night entertainment, night-clubs and music gigs could thrive. Many spoke of the great reputation the Christchurch live music scene once had and how that was threatened by the proposed 3am maximum closing time in Central Area A and 1am closing elsewhere (the latter being where suitable, affordable premises or land is more likely located to cater for late night entertainment venues).

129. Submitters saw advantages of hospitality or entertainment-focused precincts. They would:
- Enable purpose-designed amenity e.g. crime prevention and crowd management techniques
 - Foster collaborative licensees' initiatives to manage patron behaviour through, for example, sector accords, initiatives such as ID-scanning, CCTV
 - Allow attractive growth of clusters of activity in appropriate areas that can reflect diverse types of hospitality
 - Create suitable space for late night night-clubs and music venues to operate – the need for an area/areas where night clubs and live music gigs can happen is urgently needed.
130. Areas noted by submitters as potentially suitable for development into precincts included St Asaph Street, Riccarton Road, Addington, Merivale and the Palms. Victoria Street was mentioned by a number of submitters (both licensees and users of the area) as a successful precinct, albeit problems relating to its adjacency to residential living were strongly noted in representative and individual submissions from nearby residents.
131. Later trading hours, aligned with Central Area A, were seen as a crucial point of difference essential for precincts in suburban areas such as Merivale, Riccarton, Addington and Victoria Street. Licensees from the likes of former SOL Square and Victoria Street commented on the popularity of their prior/existing precinct approach with patrons, and their significant contribution to the Central City's vitality. Though not recommending precinct development, other submissions advocated for later trading hours for premises in suburban areas such as Lyttelton and Hornby. Such areas are seen to be important centres or hubs for local socialising and later hours are a sensible way to provide residents with accessible, neighbourhood social venues without the need for late night cross-town travel.

Submissions about Accords

132. The effectiveness of local, sector accords between licensees and supported by the Police, Council and inspectors was favoured by 19 premises in two submissions. They were seen as an effective tool for developing positive collaboration between premises in a local area and a means of working together to pro-actively manage patron behaviour both inside, outside and nearby to premises. Numerous examples of collaborative initiatives achieved and planned were detailed in the Victoria Street Precinct Accord Group's submission.
133. The Victoria Street Precinct Accord Group recommended that its active precinct accord be formally recognised in the LAP and regard be given to it in licensing decisions. Similarly, the collective of Addington/Riccarton-licensees submitted that an accord could be developed in their area and recognised in the LAP, with regard being to it in resource consent and licensing decisions. The effectiveness of such accords was, however, challenged by others such as the Victoria Neighbourhood Association. On legal advice, the Committee decided that although it had asked for submissions on matters relating to accords, and it was supportive in principle of their development, it should not include any provision relating to participation in or establishment of precincts in this LAP, as it could be seen as being outside its legal scope.

Submissions about other matters outside the scope of this LAP

134. The following matters raised by submitters were out of scope of this LAP but could be included within an alcohol strategy, or in some cases included in a subsequent LAP:
- Development of local area or precinct accords between licensees (as discussed above)
 - Co-ordination and improvements to late-night transportation options especially taxi services with regard to availability, price and better security
 - Sharing of information with and between licensees

- Additional alcohol ban areas and better enforcement of alcohol ban areas
- Citywide alcohol ban in public places.
- Provision or support of late-night activities and entertainment which are not focussed on alcohol
- Improved street cleaning and rubbish collection in entertainment precincts
- Advocacy to the Government e.g. on alcohol minimum pricing and advertising
- Better police enforcement of existing laws and bylaws regulating on-premise and off-premise behaviour
- Education initiatives e.g. social marketing campaigns about preloading
- Collaboration with venue managers and event organisers to continuously improve alcohol management.

135. There were a number of submissions which sought policies/actions which could not be included in either the LAP or in an alcohol strategy as they would require changes to the current law. They included:

- Price restrictions (minimum price at off-licences, maximum price at on-licences)
- Additional opportunities for people to comment on or object to applications for licences
- Removal of alcohol from sale at supermarkets
- A raised drinking age
- Changes to the drink-driving limit
- Laws against being intoxicated in public
- Limits on the amount of alcohol sold
- RTD (ready-to-drink) sales' restrictions
- Restrictions on the advertising and marketing of alcohol.

Range of evidence and views presented to the Committee

136 Before summarising the recommended changes to the proposed LAP below the Committee wishes to comment on the very wide range of views and supporting information provided by submitters in their written material and at the hearings. While there was almost universal agreement about the significant nature of the problems associated with alcohol-related harm and support for the development of a local policy of some kind, there the consensus ended. The divergence of views and evidence as to the appropriate policies for the LAP was such that one submitter's evidence was on occasion directly contradicted by that of another. Nor was there any consensus as to where the blame/responsibility should lie for the level of alcohol-related harm in the city. Without exception all licensees were at pains to point out how seriously they took their responsibilities and how well they operated within the licensing framework (including in many cases doing more than was required). A common theme from submitters was that the problems of alcohol-related harm were caused by someone else. Submitters who held on-licences referred repeatedly to the effects of off-licences in fuelling a drinking culture of pre- and side-loading outside controlled (licensed) premises while those representing off-licences pointed only to their own excellent record as licensees and highlighted the police data which showed high levels of alcohol-related offending associated with late night (on-licence) premises.

SUMMARY OF CHANGES TO THE PROPOSED POLICY

137. Following deliberations on the 4,060 submissions, the Committee decided that it wished to recommend a provisional LAP to the incoming Council. It resolved to make the following changes to the draft LAP. The draft LAP, with the changes made by the Hearings Committee highlighted is attached to this report as Attachment 2. In summary, these were:

- Alteration of the definition of a night-club so that it must be an entertainment venue open only at night which provides music and space for dancing and/or other live entertainment and where the principal income is derived from activities other than the sale of alcohol.
- Provision for night-club licences to be located only in Central Area A and have maximum trading hours of up to 5pm-4am the following day. Night-clubs must meet a range of specific conditions relating to patron and pedestrian safety, ensure protection of on-site and adjacent amenity, and comply with any of the discretionary conditions imposed by the DLC, along with meeting the criteria in sections 105 and 106 of the Sale and Supply of Alcohol Act 2012.

- Alteration of the one-way door restriction in Central Area A applicable at discretion of DLC rather than a mandatory requirement.
 - Provision for lodgers at hotels to drink at their hotel bar/mini-bar at all hours of the day or night.
 - Amendment of the footprint of Central Area A by enlarging it. Area A is to include additional areas within and bounded by the Eastern and Southern Frame and the Avon River, but excluding sites facing onto the Square and a section of Oxford Terrace facing north to the Avon River between Colombo and Madras Streets. Also, that Area A include an area outside the Southern Frame between St Asaph St, Moorhouse Ave, Durham and Madras St and including the site on the east corner of Moorhouse Ave and Madras St.
 - Definition of Lyttelton as a suburban centre rather than a rural township, but with no change to trading hours for on-licensed premises there.
 - Amendment of the definition of bottle store so that it excludes cellar doors (premises where the principal business carried on is the manufacture of wine).
138. The following provisions remained unchanged, aside from either minor editorial corrections or for the purpose of adding additional clarification:
- Maximum trading hours of 9am-9pm for off-licensed premises (with corrective amendment changing hotels to on-licences) throughout the Christchurch City territorial area.
 - Maximum trading hours of 8am-1am the following day for cafes and restaurants throughout the Christchurch City territorial area.
 - Maximum trading hours of 8am-3am the following day for bars, pubs, taverns and clubs in Central Area A (note: footprint of the area was amended as above).
 - Maximum trading hours of 8am-1am the following day and a discretionary one-way door restriction for bars, pubs, taverns and clubs for Central Area B. (Note: night-clubs were excluded from this area as part of resolution above.)
 - Maximum trading hours of 8am-1am the following day and a discretionary one-way door restriction for bars, pubs, taverns and clubs in suburban centres and rural townships (Note: night-clubs were excluded from this area as part of resolution above.).
 - Location of premises (new bottle stores and taverns).
 - Discretionary conditions for on-licensed premises, off-licensed premises and special licences.

LEGAL CONSIDERATIONS

Process to date

139. The Sale and Supply of Alcohol Act 2012 allows territorial authorities to make LAPs which relate to the sale, supply, or consumption of alcohol within their districts. It is not mandatory to have such a policy.
140. Under section 77(1), a LAP may include policies on any or all of the following matters relating to licensing (and no others):
- a) location of licensed premises by reference to broad areas:
 - b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
 - c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
 - d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district:
 - e) maximum trading hours:
 - f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions:
 - g) one-way door restrictions.
141. A LAP must not include policies on any matter not relating to licensing, and paragraphs (a) to (d) of subsection (1) do not apply to special licences, or premises for which a special licence is held or has been applied for.

142. The Act states that a LAP may provide differently for different parts of its district, may apply to only part (or two or more parts) of its district, and may apply differently to premises for which licences of different kinds are held or have been applied for.
143. The Act sets out the process which the Council must use to adopt a LAP. First, the Council must produce a draft policy. (The Council produced a draft policy in May 2013.) When producing the draft policy, the Council was required to have regard to the following factors set out in section 78(2) of the Act:
- the objectives and policies of its district plan; and
 - the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises; and
 - any areas in which bylaws prohibiting alcohol in public places are in force; and
 - the demography of the district's residents⁸; 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.
144. Furthermore, the Act also provides that a territorial authority must not produce a draft policy without having consulted the Police, inspectors, and Medical Officers of Health. Under the Act, the Council is able to ask the Police, inspectors, and Medical Officers of Health for any information they hold relating to any of the matters in paragraphs (c) to (g) of section 77(1), and those persons are to make reasonable efforts to provide the Council with that information. The Council carried out this consultation. A summary of their views was included in the report from the Planning Committee to the Council received on 16 May 2013. The Council requested and was provided with information relating to the matters in paragraphs (c) to (g) of section 77 (1).
145. Once the Council has produced a draft LAP, and it decides to continue to have a LAP, it must produce a provisional LAP by using the special consultative procedure to consult on the draft LAP. Again, when producing the provisional LAP, the Council must have regard to the matters stated in section 78(2) of the Act. The legal requirements for conducting a special consultative procedure are set out in sections 83 and 87 of the Local Government Act 2002. Paragraphs 33 to 50 above detail the conduct of the special consultative procedure. The Committee, having given due regard to the matters in section 78(2) of the Act, and having given due consideration to all written submissions received and all oral submissions presented, resolved to produce a provisional LAP.
146. It is the view of the Legal Services Unit that the elements of the provisional LAP, as recommended to the incoming Council for notification, come within the parameters of section 77(1) of the Act, and that the draft LAP does not contain policies on any matter not relating to licensing.

Next steps

147. The next step in the process is for the incoming Council to give public notice of the provisional LAP, the rights of appeal against it, and the ground on which the appeal may be made. The sections in the Act dealing with the notification of a provisional LAP and subsequent appeals do not come into force until 18 December 2013.
148. It is noted that a person or agency that made submissions as part of the special consultative procedure on a draft LAP, has 30 days after its public notification to appeal to the licensing authority against any element of the provisional LAP. (The Police or Medical Office of Health have a right to appeal an element whether or not they made a submission.) Persons who do not make submissions do not have a right of appeal. The only ground on which an element of a provisional LAP can be appealed against, in terms of the Sale and Supply of Alcohol Act, is that it is unreasonable in light of the object of the Act.
149. The object of the Act is set out in section 4 and provides as follows:

⁸ Note that a district's residents include people who have holiday homes there.

⁹ Christchurch City Council (2013). Report from the Planning Committee to the Council, 14 May 2013. *Op cit*.

- “(1) *The object of this Act is that—*
- (a) *the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
 - (b) *the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*
- (2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—*
- (a) *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*
 - (b) *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 in paragraph (a).”*

150. The Legal Services Unit considers that the elements of the provisional LAP are not unreasonable in light of the object of the Act. The Committee has reached a view on the elements of the LAP with regard to all information presented to it. The elements are considered reasonable in that they aim to promote the safe and responsible sale, supply, and consumption of alcohol, as well as minimising the harm caused by the excessive or inappropriate consumption of alcohol.

Significance assessment

151. As noted above, the Council assessed the adoption of a LAP to have a medium to high level of significance for the Council in terms of the Council’s Significance Policy¹⁰ and the definition of significance in the Local Government Act 2002. This was because of the likely consequences for the district. (For example, if adopted it will set the maximum trading hours for licensed premises in the city). It will potentially directly and indirectly affect a large number of persons being licensees, patrons of licensed premises, enforcement authorities, and health providers. In due course, the Council in performing its role as a DLC will need to have regard to the LAP for each decision it makes on any licensing application.
152. Given this level of significance, the Council considered that a full and robust consultation process was needed to meet the requirements of part 6 of the Local Government Act 2002. Section 79 of the Sale and Supply of Alcohol Act 2012 also required the Council to consult on the draft policy using a special consultative procedure before it produced a provisional LAP.
153. It is the view of the Legal Services Unit that the Council has, to date, met the requirements of the Sale and Supply of Alcohol Act 2012 and the Local Government Act 2002 with regards to the formulation and production of the provisional LAP.

COMMITTEE OF THE COUNCIL’S RECOMMENDATIONS TO THE COUNCIL

154. The Committee recommends to the Council that it resolves to:
- a) Publicly notify the provisional Local Alcohol Policy, enabling the appeals process to commence, as set out in the Sale and Supply of Alcohol Act 2012.
 - b) Commence a review of the Local Alcohol Policy within two years (or within a suitable timeframe in recognition of the changing nature of the city) and that a review include consideration of matters such as:
 - The effectiveness of the LAP in minimising alcohol-related harm;

¹⁰ The significance of any issue, proposal, decision, or any other matter that concerns or is before Council, its Committees, or Community Boards, will be determined on a case by case basis in terms of its likely impact on, and likely consequences for: a) the current and future social, economic, environmental or cultural wellbeing of Christchurch; b) any persons who are likely to be particularly affected by, or interested in the issue, proposal, decision or matter; c) the capacity of the Council to perform its role, and the financial and other costs of doing so. (<http://resources.ccc.govt.nz/files/ttccp2009-19volume2-policyondeterminingsignificance-docs.pdf>)

- Revisiting location and density provisions for new off-licensed premises in suburban areas;
 - Appropriateness of the size and footprint of Christchurch Central Area A as the Central City rebuilds;
 - Rewards-based incentives for best practice licensees.
- c) Immediately consider any appropriate regulatory policy or bylaw by which alcohol-related harm can be further minimised.
- d) Undertake an Alcohol Strategy and/or other collaborative initiatives, as a wider means of minimising alcohol-related harm in the community, such as education programmes and inter-premise and precinct initiatives/accords.
- e) Consider advocacy to central Government or other ways of addressing the community's preference for it being an offence to be drunk in a public place; and consider further advocacy to central government for a review of policies such as minimum pricing of alcohol.
- f) Develop measures to monitor the effectiveness of the Local Alcohol Policy.