

29. 7. 2004

**ALCOHOL POLICY SUBCOMMITTEE
29 JUNE 2004**


**A meeting of the Alcohol Policy Subcommittee
was held on Tuesday 29 June 2004 at 12.10pm**

PRESENT: Councillor David Cox (Chair)
Councillors Ishwar Ganda, Gail Sheriff and Norm Withers.

The Subcommittee reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. ADOPTION OF CHRISTCHURCH CITY COUNCIL ALCOHOL POLICY



Officer responsible Environmental Health Policy Leader	Author Alcohol Policy Subcommittee
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The purpose of this report is to recommend the adoption of the Christchurch City Council Alcohol Policy with minor amendments. Attached to this report (Attachment 1) is a copy of the draft Alcohol Policy with highlighted amendments recommended by the Subcommittee.

BACKGROUND AND DISCUSSION DOCUMENT

In 2002 the Council considered the preparation of a Sale of Liquor Policy document. At that time a document was used which covered administrative matters associated with the Sale of Liquor Act. It was considered that this document needed to be updated as a result of the amendments to the Act in 1999 and to reflect a more holistic and community focused alcohol strategy.

The decision of the Council was that the Regulatory and Consents Committee consider sale of liquor documents from other local authorities and structure a timeline and process for further action following that review. Following the distribution of a number of such documents to Councillors, the Council at its meeting on 21 November 2002 approved the preparation of a discussion document on a proposed alcohol policy.

On 22 May 2003, the Council approved the release of this document. Over 1,000 copies of the discussion paper were sent to stakeholders, and it was also publicly notified and placed on the Council website.

An Alcohol Policy Subcommittee comprising four members of the Regulatory and Consents Committee was established to hear the submissions from stakeholder groups. Thirty-three submissions were received and nine oral submissions were heard by the Subcommittee.

The Subcommittee carefully considered all written and oral submissions. The Subcommittee considered that the Sale of Liquor Act 1989 had created a legislative role for local authorities and that this limited the Council's ability to take a holistic approach to addressing issues associated with alcohol consumption. It was considered that the Alcohol Policy should address a number of matters including the hours of operation for special licences. It was also agreed that a more detailed operational policy should be prepared by staff to accompany the Council policy once it was released.

THE DRAFT ALCOHOL POLICY SUBMISSION PROCESS

Following the hearing of submissions on the discussion document, the Subcommittee formulated a draft Alcohol Policy for further consultation. A similar consultation process to that used for the discussion document was undertaken for the Alcohol Policy involving public notification and the hearing of submissions. Thirty-two submissions were received with six oral submissions heard on 19 April 2004. A summary of the submissions is set out below.

General Comments on the Policy Document as a whole

Some submissions considered that the policy was not specific enough, and requested further detail on issues such as host responsibility, the use of liquor bans, and staff training. Conversely, other submitters supported the proposed policy as a whole with one suggesting it should be consistent with the Sale of Liquor Act and not to seek to prohibit conduct allowed by that Act.

Special Licences (Clause 1)

Issues that were frequently commented on in submissions regarding special licences included:

- support for the proposed policy containing minimum host responsibility requirements in areas such as signage and host responsibility that go beyond the requirements of the Sale of Liquor Act (3 submissions)
- support for the hours of operation associated with City Plan zoning (2 submissions)
- requests that the hours of operation in living zones be reduced from 7am and 1am (2 submissions)

A total of seven submitters made specific comments on the condition (under clause 1.2, a) that the Sale of Liquor Subcommittee would, *"in Business zones grant licensed hours appropriate to the location, and subject to that on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day except for persons living on the premises or a person present for the purposes of dining, grant licensed hours in the area bounded by the area defined in the attached map to 3am"*.

One submitter indicated that they supported the condition on the sale of liquor on special days. Conversely, three submitters commented that they opposed the condition on the sale of liquor on special days. These submitters were, however, in support of a relaxation on trading hours and suggested that trading hours be permitted to 3am on special days.

Three submitters commented on the condition (listed under clause 1.2, b) that the Sale of Liquor Subcommittee *"may grant special licences for up to 20 days in any 12 months period at any one venue, unless an increase in number can be justified to the DLA (Council Hearings Panel)"*. Two of these submitters opposed this condition and considered that restriction on the number of special licences that can be granted in one year was unnecessary and unreasonable and should be deleted from the policy. It was suggested that each application should be judged on its merits. Three submitters indicated that they supported the requirement under the Sale of Liquor Act 1989 and the proposed alcohol policy which allows special licences to be granted for up to 20 working days in a 12 month period.

Premises' Operating Hours (Clause 2)

A number of submitters commented on the condition listed under clause 2 that:

"It is to be a condition of on licences granted for the first time (and not being renewed) after the date of commencement of this policy that liquor shall not be sold after 3am and not before 7am on the same day other than to:

- (a) any person who is for the time being living on the premises, whether as a lodger or an employee of the holder, or otherwise; or*
- (b) any person who is present on the premises for the purpose of dining."*

The following points were raised in submissions regarding this section of the policy:

- requests that the policy clarify who would be classified as a new operator (2 submissions)
- support for the condition that licences granted for the first time should not be allowed to sell liquor after 3am (2 submissions) as this would reduce inner city violence and disorder
- opposition to first time licences not being able to sell liquor after 3am (8 submissions).

Various reasons were cited by submitters for opposing this section of the policy. These reasons included the possibility of 3am closing for these premises resulting in disorder or transport problems from the mass dispersal of patrons, and this closing time having an adverse effect on businesses. Some submitters proposed alternative rules controlling operating hours which included allowing for 24 hour licences or assessing applications for operating hours according to the merit of their application under sections 13 and 35 of the Sale of Liquor Act 1989.

Several submitters indicated that they disagreed with the Police having input into decisions on whether first time licences would be permitted to sell liquor after 3am. A further issue that was raised through submissions was that it appeared that there was no ability in the policy to prove that a new licensee was a good operator and that there were already existing enforcement mechanisms to deal with poor operators which are seldom used.

Liquor Bans (Clause 4)

A total of 13 submitters indicated that they supported the existing liquor ban and wanted it to continue. Seven of these submitters that supported the liquor ban suggested that either the times or areas the ban was in force should be expanded. The suggestions made by submitters to amend the liquor ban include:

- introduce the ban 7 days a week
- extend the ban to cover all of Colombo Street
- extend the ban to cover Sumner
- extend the ban to cover Sydenham
- extend the ban to cover Cashmere and Dyers Pass Road
- extend the ban to cover the whole city
- extend the ban if it is able to be adequately enforced.

Alternatively, two submitters commented that the ban should be reduced. In particular, it was suggested that the ban should only apply to the Central Business District, and the Cathedral Square where according to one submitter, youth should be centralised.

Seven submitters considered that more information on the liquor ban should be included in the proposed alcohol policy, including information on when and where an alcohol ban is appropriate. It was also suggested that the Council defer any introduction of a liquor ban until the final alcohol policy has been determined. Furthermore, two submitters indicated that they considered that people are not well informed about the liquor ban and that more signage indicating where and when the liquor ban was in force was necessary. Other comments by submitters indicated that they considered greater Police presence was needed to enforce the ban.

Off Licence Premises (Clause 6)

Two submitters indicated that they supported the Subcommittee's view that "*stand alone bottle stores trading hours be limited to between 7am and 11pm, and that a supervised area designation be placed on such stores/premises*".

One submitter commented that they do not regard their company's premises (supermarkets) as being a stand-alone off licence and would make a submission on this point if the Council's proposed alcohol policy differed in opinion.

Other Matters (Clauses 5 and 6)

One submitter indicated that they supported the Council's present approach to advertising and sponsorship on Council property.

The original Alcohol Policy consulted on included comments that the Subcommittee considered that the inclusion of goals related to alcohol use in the Long Term Council Community Plan should be left to future discussions on the plan. The original draft also referred to the fact that certain issues raised by submissions were part of the DLA's role and should not therefore be included in the policy.

Two submitters made specific comments on the discussion point regarding the LTCCP (Long Term Council Community Plan). These submitters indicated that the Alcohol Policy should be better aligned with the LTCCP and City Plan by including comment on the management of the location and density of licensed premises through the planning, and that goals related to reducing alcohol related harm should be included in the LTCCP.

One submitter supported the Subcommittee's consideration "... *that a number of matters raised by submitters were more appropriately DLA administrative management issues and should not form a part of a Council Alcohol Policy ...*". Another submitter requested that the DLA administrative instructions should be made available to the public on request for consideration and comment.

CONSIDERATION OF SUBMISSIONS AND SUBCOMMITTEE RECOMMENDATIONS

The Subcommittee considered that the Alcohol Policy was constrained by the Council's legal responsibilities under the Sale of Liquor Act. The Subcommittee considered that the Council should not focus its resources on alcohol-related education, as this was part of the role of other bodies such as the Canterbury District Health Board and the Ministry of Health.

Special Licences (Clause 1)

The Subcommittee took note of the submission from Clubs New Zealand indicating that Clubs could be adversely affected if the policy were to assess whether or not a supervised or restricted area was designated when assessing special licence applications, as Clubs often did not have such supervised or restricted areas.

As a result of the submission from Clubs New Zealand the Subcommittee endorsed an amendment to the draft policy (under clause 1.1) which would allow the District Licensing Agency to consider, *"the areas of the premises that the applicant proposes should be designated as restricted areas, supervised areas, or undesignated areas depending upon the circumstances of the application"* when granting special licences.

As mentioned previously, some submissions requested that the hours of operation for special licences in Living zones be reduced from the proposed hours of 7am and 1am due to the potential for noise problems to arise (see clause 1.2, a). Advice was provided that over 500 special licences were issued annually and it was very rare for problems to arise. The 1am closing time had been the practice for many years and in some cases the delegated officers subcommittee had granted an extension beyond that time where valid reasons existed.

In regard to Business Zones, in general special licence hours granted would be permitted appropriate to the location. Many premises already had 24 hour licences without significant problems. It was recognised that the issue of special licences for the days of Good Friday, Easter Sunday, Christmas Day and Anzac Day before 1pm ("Special Days") had been an issue over recent years and needed to be addressed. The Subcommittee noted that the Liquor Licensing Authority 2002 Annual Report to Parliament commented that hours on those days should be reviewed through the Sale of Liquor Act 1989, and that the Police considered that some extension to these hours was acceptable and had generally accepted a policy of permitting special licences on these "Special Days" to 3am for premises within the central city area. The amendment to the policy proposed by the Subcommittee under clause 1.2 (a) would allow the Sale of Liquor Subcommittee to:

- "(ii) in Business Zones grant licensed hours appropriate to the location.*
- (iii) subject to that on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day, except for persons living on the premises or a person present for the purposes of dining, grant licensed hours in the area defined in the attached map to 3am."*

The matter of restricting the delegated officers subcommittee to being able to grant special licences for up to 20 days in any 12 month period (under clause 1.2, b) was discussed at length by the Subcommittee. It was considered that allowing unlimited numbers of special licences could be viewed as extending trading hours in some cases, particularly where restrictions are placed on operating hours by either the Sale of Liquor licence or District Plan requirements. It was clear, however, that the Sale of Liquor Act did not place any such limitation if the applications were legitimate. There was some opposition from submitters who claimed this limitation was unnecessary and applications should be treated on their merits. These were rejected on the grounds that the District Licensing Agency (Council's Hearing Panel) may, if adequate justification was provided, issue special licences above the number specified.

The Subcommittee considered that there is sufficient ability within the policy to deal with occasions where it would be appropriate to grant additional special licence, as the delegated officers subcommittee has some discretion and these instances could also be referred to the Council's Hearings Panel for a determination. It was agreed that consistency across the city is desirable, and this would be accomplished by the adoption of the policy without alteration to this provision.

The inclusion of a requirement that special licence applications be received 20 working days prior to date sought was not considered necessary. It was considered a statement could be included to the effect that it is recommended that applications should be received 20 working days prior to the date sought, as outlined under clause 1.3.

Operating Hours for On-Licences (Clause 2)

This was a contentious issue with wide ranging views expressed. The Subcommittee was mindful that for Living zones (and adjacent to Living zones) limits on operating hours exist under the District Plan. It was also noted that no limits under the District Plan exist for Business zones.

The Subcommittee accepted that concerns about disorderly behaviour in the central business area were valid and that a greater Police presence after 3am would help address this problem. The Subcommittee received advice that many 24 hour licensed premises do not operate at all hours and was aware of the concern of the effects of having some premises open later than others in the same area. Discussion occurred on whether limiting operating hours would reduce alcohol-related disorder or whether this would cause the problem to move elsewhere.

There was some uncertainty about whether operating hours could legally be reduced retrospectively for premises operating responsibly. It was noted that the Sale of Liquor Act 1989 does not, itself, place any restrictions on hours of trade but enforcement provisions for poor operators already existed and could be used to restrict hours if this was necessary.

The Subcommittee considered that some restrictions on the hours operated by new premises should be included. Such licences would be issued with a closing time of 3am and an opening time not before 7am. As new licences would be issued for one year initially this would allow for the operation of the premise to date to be considered when licences were renewed. The attached Policy reflects the addition of a definition of licences granted for the first time recommended by the Subcommittee.

Use of Liquor Bans/Bylaws (Clause 4)

The Subcommittee supports the implementation of liquor ban bylaws. It was noted that the issue of liquor bans was being considered by the Regulatory and Consents Committee and the Council through a separate consultation process.

Advertising and Sponsorship on Council Property (Clause 5)

The Subcommittee noted a number of submitters indicated support for the policy, although some concern was expressed regarding its implementation. No evidence was provided to support such concerns but specific concerns could be referred to Council management. The Subcommittee supports the existing policy and has also recommended that the Council's Policy on Alcohol Related Harm at Public Events be included in the Alcohol Policy as outlined under clause 5 of the Policy.

Off Licence Premises (Clause 6)

The Subcommittee considered that "stand-alone bottle stores" trading hours should be limited to between 7am and 11pm, and that a supervised area designation be required in these premises, which would restrict the access of minors to specified areas.

Other Matters

The Subcommittee recommends that the inclusion of goals related to alcohol use in the LTCCP be given further consideration in the future.

The Subcommittee considered that a number of matters raised by submitters were more appropriately District Licensing Agency administrative management issues and should not form part of a Council Alcohol Policy. It recommended that a more detailed operational policy document be prepared to deal with such matters. Such a document had been prepared by staff and would be available at the time of release of the policy.

The Subcommittee recommends that the reference to the role of the LTCCP and DLA previously included under clause 6 of the Policy be removed as outlined in Attachment 1.

Subcommittee

Recommendation: That the Alcohol Policy as attached be adopted by the Council.

Note: Councillor Ganda abstained from voting on this item.