



Minutes

of the

Thames-Coromandel District Council

Local Alcohol Policy Deliberations

Date 2 December 2013
Venue Council Chamber
515 Mackay Street
Thames

Present

MK McLean JP (Chairperson)	HD Bartley	PA Brijevich
	DR Connors	LA Fox
	SA Goudie	

In Attendance

Staff

Christine Tye (Strategic Planner & Policy Analyst)
Katina Conomos (Strategic Planning Team Leader)
Erin Berry (Committee Advisor - Governance)
Marion Smith (Regulatory Manager)
Tanya O'Shannessey (Alcohol Licencing Inspector)
Allan Turner (Environmental Health Officer)

Item(s)

All Items
All Items
All Items
All Items
All Items
All Items

Meeting Commenced 13:30

Adjournments and Absences

Adjournment	Start	Finish	Reason
Chairperson	14:29	14:34	Break
Chairperson	15:11	15:18	Afternoon Tea

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1 Meeting Conduct

1.1 Apologies

1. The Chairperson invited notice from members of apologies.

Resolved

That the Thames-Coromandel District Council:

1. Received apologies from Mayor Leach and Deputy Mayor French.
2. Received an apology from Councillor Wells.
3. Received apologies from Community Board Chair Peters and Community Board Chair Walker.

Moved/Seconded By: Connors/Fox

1.3 Items not on the Agenda

Resolved

That:

1. No items were received.

1.4 Conflict of Interest

The Chairperson invited notice from members of:

1. Any interests that may create a conflict with their role as an elected member relating to the minutes item(s) for the meeting; and
2. Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

No conflicts of interest were declared.

2 Planning and Strategic Relationships

2.1 Draft Local Alcohol Policy Deliberations

A summary of all submissions received to the draft Local Alcohol Policy was presented for the Council's consideration and decisions sought for the content of the provisional Local Alcohol Policy.

Marion Smith, Regulatory Manager, gave an outline of the process of the draft Local Alcohol Policy to date.

- 417 responses to community survey.
- Staff met with industry in three areas of the District. Good feedback was received.
- Draft policy developed.
- 58 submissions received. Expressions of community support.
- The District Licensing Committee (DLC) will be in place by 18 December 2013.
- Unlikely to have a DLC meeting between 18 - 20 December 2013.
- Ready post 18 January.
- Believe the Council has done good consultation.

Christine Tye, Strategy Planner & Policy Analyst, gave an overview of the analysis of submissions undertaken and the Deliberations Decisions report.

- Although 58 submissions were received, 56 if exclude double-ups.
- Variety of submitters including health promoters, industry, and general public.
- To assist with the deliberations process staff have analysed submissions and sorted into submission points - as presented in the Deliberations Decisions report.

Decisions

1. Off-licences - Maximum Trading Hours

Discussion was divided on whether to restrict maximum trading hours further than the national default hours of 7am - 11pm. This resulted in even split votes on several moves of motion that therefore lapsed.

General discussion was had regarding the relationship between commercial pressures and trading hours and particularly the impact to supermarkets, that an LAP allows locally specific policies and difference between the sale and supply of alcohol in larger cities compared with smaller areas such as the Thames-Coromandel District.

Staff noted that Hauraki District Council is proposing hours of 7am-9pm all year.

Further comments from Councillors follow:

- Councillor Goudie was in favour of leaving the maximum trading hours at 7am - 11pm, reasons being: the data in the Research Report showing that reduction in harm is already occurring, the current operation of 7am - 11pm has been in place for a number of years and there is no rationale for change from current position, 7am - 11pm is consistent with national default hours.
- Councillor Bartley was also in favour with hours of 7am - 11pm as the full hours will not be observed very often.
- Councillor Brjevich noted agreement with the staff recommendation.

- Councillor Connors noted agreement with the staff recommendation and that the Act is about reducing harm.
- Councillor Fox questioned if consultation occurred with health promoters in formulating the Act. Staff responded.
- The Chair noted agreement with 10pm all year round.
- Councillor Goudie again noted that there is no good rationale for change, and that we don't have 24 hour policing.
- Councillor Bartley stated no problem with abiding by the national law in terms of national default hours.
- Councillor Fox note support to having an LAP.

Resolved

That the Thames-Coromandel District Council:

1. Adopt the default national maximum trading hours of 7am -11pm throughout the year.

Moved/Seconded By: Goudie/Bartley

For: Bartley, Fox, Goudie, McLean
Against: Brljevich, Connors

Reasons:

- There is a lack of information to suggest closing before 11pm would influence alcohol related harm.
- Desire to reduce commercial risk and vulnerability.

2. 2. On-licences - Maximum Trading Hours

There was a general agreement that 1am was an adequate closing time, with discussion regarding whether to allow an extension to 2am over summer months and if so, for what period.

Councillor Goudie moved a motion for 7am - 1am all year round, reasons being: consistency of 7am for all licences, appropriate for anything beyond 1am to require a special licence. Councillor Bartley seconded.

Special licences were discussed. Staff explained the process for a special - that under the new Act a special licence will be harder to get and cost approximately \$500. The number of special license applications were also discussed and staff noted that there were not generally a high number of applications around summer.

The rationale of changing the opening hours from 7am to 8am was also discussed, with a preference for 7am.

Several motions lapsed.

There was discussion regarding the exemption for mini bars and wording.

Resolved

That the Thames-Coromandel District Council:

1. Allow a start time for on-licences of 7am, but retain the proposed seasonal variance in trading hours to 2am however for a shorter period. The hours would therefore be:

From 06 January to 29 December – Monday to Sunday	7am to 1am the next day
From 30 December to 05 January – Monday to Sunday	7am to 2am the next day

Moved/Seconded By: McLean / Connors

For: McLean, Fox, Goudie, Brljevic, Connors

Against: Bartley

Reason:

- Consideration of the licence costs for a special licence over the holiday period.
- Police concerns regarding extension of trading hours for a prolonged period.

3. Club licences - Maximum Trading Hours

There was some discussion regarding consistency with on-licences.

Resolved

That the Thames-Coromandel District Council:

1. Allow a start time for club licences of 7am, but retain the proposed seasonal variance in trading hours to 2am however for a shorter period. The hours would therefore be:

From 06 January to 29 December – Monday to Sunday	7am to 1am the next day
From 30 December to 05 January – Monday to Sunday	7am to 2am the next day

Moved/Seconded By: Goudie/Fox

Reason:

- Maintain consistency of start time across all licence types.
- Consideration of the licence costs for a special licence over the holiday period.
- Police concerns regarding extension of trading hours for a prolonged period.

4. Special licences - Maximum Trading Hours

Staff mentioned that there were several submissions requested setting maximum hours for special licences.

Discussion was had around maintaining consistency between on-licences and special licences.

Resolved

That the Thames-Coromandel District Council:

1. Not specify maximum trading hours for special licences.

Reason:

- To maintain consistency across all licence types.
- The District Licensing Committee will consider licence applications on a case-by-case basis.

Moved/Seconded By: Fox/McLean

5. Density Restrictions

There was discussion regarding the Peninsula's population fluctuations and ratio of premises to population (usually resident and including visitors), and that many premises in holiday destinations close over winter. It was noted that concerns over density were mainly in the residential settlements.

It was discussed that density restrictions may act as a deterrent to economic development, such as by inhibiting the establishment of a new supermarket in Thames.

Councillor Goudie initiated a discussion around density being more of a District Plan concern than a LAP concern. Staff explained that it would be more effective and efficient to address density in the LAP.

Councillor Connors queried whether density restrictions as a section of the policy could be reviewed separate to the rest of the policy. Staff confirmed that part of the policy could be reviewed, however there would be implications relating to statutory obligations and efficiencies.

Staff noted that density had not been specifically consulted on as a policy area in the LAP and therefore representative views on the matter may not be known.

Resolved

That the Thames-Coromandel District Council:

1. Make no changes regarding density restrictions.
2. Notes it may review the LAP earlier than the statutory six year timeframe should it choose to do so.

Reasons:

- The reasons for not including density restrictions are still valid.
- Including any density restrictions at this stage is not preferable considering the breadth of feedback received and the potential implications if the Council were to do so.

Moved/Seconded By: Fox/Goudie

6. Proximity Restrictions

Staff noted that proximity has two prongs - in relation to kinds of facilities, and to other kinds of licensed premises.

Resolved

That the Thames-Coromandel District Council:

1. Make no changes regarding proximity restrictions as a policy area within the Local Alcohol Policy.

Reasons:

- The reasons for not having specific proximity restrictions are still valid.
- Having proximity restrictions as discretionary conditions is considered sufficient.

Moved/Seconded By: Goudie/Fox

7. One-Way Door Restrictions

There was discussion that a number of licence holders implement their own one-way door restrictions voluntarily on an as-needed basis.

Resolved

That the Thames-Coromandel District Council:

1. Make no changes regarding mandatory one-way door restrictions.

Moved/Seconded By: Fox/Goudie

Reasons:

- The reasons for not including one-way door restrictions are still valid, in light of feedback received.
- One-way door restrictions are included as a discretionary condition available to the District Licensing Committee.

8. Discretionary Conditions

OFF LICENSES - DISCRETIONARY CONDITIONS			
Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
9.	Alcohol Healthwatch request that the a further condition be included in the LAP to restrict the advertising of alcohol on licensed premises within a 100m radius of sensitive sites.	<p>That the Council make no changes on the basis of this submission.</p> <p>That this decision and reason apply for on-licenses also.</p> <p>Moved/Seconded By: Brljevich/Connors</p>	<ul style="list-style-type: none"> • Advertising restrictions already exist within the Act. • Further advertising restrictions are proposed already as a discretionary condition. • For this discretionary condition to be more specific is not considered pragmatic given the small size of our towns.
10.	<p>The Police request that the LAP require all off-licence premises to have an Alcohol Harm Reduction Plan, focussing on areas such as:</p> <ul style="list-style-type: none"> • preventing adults purchasing alcohol for minors • identifying and excluding problem drinkers • identifying and preventing sales to minors and intoxicated persons. 	<p>That the Council make no changes on the basis of this submission.</p> <p>Moved/Seconded By: Fox/Goudie</p>	<ul style="list-style-type: none"> • This would cause duplication with requirements under other regulation, including the Act, and with proposed discretionary conditions.
11.	<p>Lion NZ, The Mill Retail Holdings, Progressive Enterprises, and Super Liquor Holdings submitted requesting amendments to the discretionary condition 'Display of safe drinking messages', as follows:</p> <p>(34) That the design, content and placement</p>	<p>That the Council amend the discretionary condition regarding 'Display of safe drinking messages' to read: 'Display of safe drinking messages, provided the messages cannot be viewed externally'.</p> <p>Moved/Seconded By: Brljevich/Fox</p>	<ul style="list-style-type: none"> • The discretionary condition as proposed allows sufficient flexibility for retail brand consistency. • Displaying messages at point of sale and/or that can be viewed externally may have unintended 'reverse psychology' effect.

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
	<p>of safe drinking messages/material be the responsibility of the outlet.</p> <p>(35, 50) That it be re-worded to read: 'Appropriate signage should be displayed at the point of sale or as close as practical to the point of sale, in relation to safe drinking messages'.</p> <p>(38) That it be re-worded to read: 'Display of safe drinking messages. The form and content of the messages and material to be displayed must be sufficiently flexible so that licensees can display nationally consistent safe drinking messages and material that are consistent with good practice.'</p>		<ul style="list-style-type: none"> The amendment further clarifies placement, consistent with requirements under the Act. <p><u>Note:</u></p> <ul style="list-style-type: none"> Discussion arose around the risk of reverse psychology associated with safe drinking messages displayed in public.
12.	Lion NZ request that the discretionary condition regarding 'More restrictive trading hours relative to the location of the premises and proximity to sensitive facilities' be removed from the LAP.	<p>That the Council make no changes on the basis of this submission.</p> <p>Moved/Seconded By: Fox/Goudie</p>	<ul style="list-style-type: none"> This discretionary condition reflects community feedback, therefore to remove it would be inconsistent with local views. Its inclusion provides further guidance to the DLC beyond the good order and amenity provisions in the Act.
13.	Lion NZ request that the discretionary condition regarding 'More restrictive hours taking into account neighbouring land use' be removed from the LAP.	<p>That the Council make no changes on the basis of this submission.</p> <p>Moved/Seconded By: Fox/Connors</p>	<ul style="list-style-type: none"> This discretionary condition reflects community feedback, therefore to remove it would be inconsistent with local views. Its inclusion provides further guidance to the DLC beyond the good order and amenity provisions in the Act.

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
14.	Progressive Enterprises considers that supermarkets and grocery stores should be exempt from the proposed discretionary condition regarding 'More restrictive hours taking into account neighbouring land use...', and suggest the following be added at the end: '(with the exception of supermarkets and grocery stores)'.	That the Council make no changes on the basis of this submission. Moved/Seconded By: Brljevich/ Connors	<ul style="list-style-type: none"> • While the concerns are noted, each licence application will be considered by the DLC on a case-by-case basis.
15.	Lion NZ request that the inclusion of any discretionary conditions should be evidence-based in terms of their harm minimisation benefit, and that consideration be given to commercial equity.	That the Council make no changes on the basis of this submission. Moved/Seconded By: Bartley/Brljevich	<ul style="list-style-type: none"> • The discretionary conditions were included on the basis of pre-consultation and guidance from other councils. • Ensuring a level playing field as a higher priority than harm minimisation is inconsistent with the intent of the Act. • The DLC has the discretion to apply tighter controls for specific premises, should it be considered necessary in order to minimise harm.
16.	The Mill Retail Holdings and Super Liquor Holdings requested that any restriction on signage numbers and location needs to be made in line with CPTED guidelines. Also that any restriction not extend to the products advertised, but instead to where they are located (ensuring a maximum 50% of window frontage remains unimpeded). Council staff request that the discretionary condition regarding 'Restrictions on	That the Council amend the discretionary condition regarding 'Restrictions on advertisement or display of alcohol' to be reworded as follows: 'Restrictions on advertisement or display of alcohol that is visible from outside and/or the entrance to the premises.' That Council include the following additional discretionary condition: 'Advertisements, signage and display of alcohol must be consistent with CPTED	<ul style="list-style-type: none"> • CPTED stands for Crime Prevention through Environmental Design. It is a National Guideline recommended by the Ministry of Justice for territorial authorities to implement where appropriate.

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	advertisement...' be re-worded to read: 'Restrictions on advertisement or display of alcohol that is visible from the outside and/or the entrance to the premises'.	guidelines.' Moved/Seconded By: Bartley/Brljevich	
17.	Both Progressive Enterprises and Foodstuffs (North Island) request that supermarkets and grocery be exempt from the discretionary condition regarding 'Restrictions on advertisement or display of alcohol.'	That the Council make no changes on the basis of this submission. Moved/Seconded By: Brljevich/Connors	<ul style="list-style-type: none"> • While the concerns are noted and are valid to an extent, each licence application will be considered by the DLC on a case-by-case basis. • Given the provisions for supermarkets and grocery stores within the Act, it is considered unlikely that applying this discretionary condition on a supermarket or grocery store would be necessary, however, that should be considered on a case-by-case basis.
18.	The Mill Retail Holdings and Super Liquor Holdings request that the LAP clearly states all of the discretionary conditions that could apply.	That the Council make no changes on the basis of this submission. Moved/Seconded By: Bartley/Brljevich	<ul style="list-style-type: none"> • The discretionary conditions are intended to provide guidance to the DLC in terms of conditions that may be appropriate. • The DLC has discretion beyond these that will be considered on a case-by-case basis.
19.	The Hauraki Family Violence Intervention Network (HFVIN) request that there be increased restrictions on the advertising and visual impact of advertising on off-licence premises.	That the Council make no changes on the basis of this submission. Moved/Seconded By: Bartley/Brljevich	<ul style="list-style-type: none"> • The DLC has the ability to apply greater restrictions, if it considers necessary. • The submitter has not defined explicitly what further restrictions they would prefer.
20.	Progressive Enterprises considers that	That the Council make no changes on the	<ul style="list-style-type: none"> • While the concerns are noted, each

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
	<p>supermarkets and grocery stores should be exempt from the proposed discretionary condition regarding 'More restrictive trading hours (within maximum limits) relative to the location of the premises and proximity to sensitive facilities', and suggest the following be added at the end: '(with the exception of supermarkets and grocery stores)'.</p> <p>Foodstuffs (North Island) submit that it is not necessary for reduced hours due to proximity to sensitive locations to be referenced in the LAP at all, and that this be removed OR if removing is not palatable to Council, requests that the LAP contain further guidance about what should be considered 'proximate'.</p>	<p>basis of these submissions. Moved/Seconded By: Brljevich/Bartley</p>	<p>licence application will be considered by the DLC on a case-by-case basis.</p>
21.	<p>The Waikato DHB advocates that restrictions on the visual impact of off-licences be included, and more stringent visual impact limitations for those near schools.</p>	<p>That the Council make no changes on the basis of this submission. Moved/Seconded By: Connors/Fox</p>	<ul style="list-style-type: none"> Both the Act and the discretionary conditions with the LAP provide scope for advertising to be restricted, to be considered on a case-by-case basis.
22.	<p>Council staff request that the discretionary condition regarding 'Supervised designation to ensure unaccompanied minors...' be re-worded to read: 'Conditions that prohibit the access to the premises (bottle stores) by unaccompanied minors.'</p>	<p>That the Council amend the discretionary condition regarding 'Supervised designation to ensure unaccompanied minors...' to read 'Conditions that prohibit the access to the premises (bottle stores) by unaccompanied minors.' Moved/Seconded By: Bartley/Fox</p>	<ul style="list-style-type: none"> The change would provide further clarification regarding this discretionary condition.
23.	<p>Council staff request that the discretionary condition regarding 'The licensee is required</p>	<p>That the Council amend the discretionary condition regarding 'The licensee is</p>	<ul style="list-style-type: none"> The change would provide further clarification regarding this discretionary

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	to maintain a register...' be re-worded to read: 'The licensee is required to maintain a register of violent incidents that occur on the premises'.	required to maintain a register...' to read: 'The licensee is required to maintain a register of violent incidents that occur on the premises'. That this discretionary condition apply to club and special licences also. Moved/Seconded By: Brljevich/Connors	condition.

ON LICENSES - DISCRETIONARY CONDITIONS

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
24.	Alcohol Healthwatch want an additional discretionary condition included that would require premises to control the number, type and size of drinks sold after a certain time (e.g. 12am) and types of promotions such as two-for-one offers and happy hours in the final LAP.	That the Council make no changes on the basis of this submission. Moved/Seconded By: Goudie/Fox	<ul style="list-style-type: none"> • This would place undue requirements and burden on licence holders given the requirements they already operate under.
25.	The Police recommend that the LAP require all on-licence premises to have an Alcohol Harm Reduction Plan, focusing on issues such as: <ul style="list-style-type: none"> • preventing the supply of alcohol to minors • identifying and excluding problem drinkers 	That the Council make no changes on the basis of this submission. Moved/Seconded By: Goudie/Fox	<ul style="list-style-type: none"> • This would cause duplication with requirements under the Act.

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	<ul style="list-style-type: none"> preventing intoxication encouraging the use of alternative transport. 		
26.	Hospitality New Zealand, Thames Branch requests that the discretionary condition regarding 'Application of a one-way door restriction' be removed from the LAP.	<p>That the Council make no changes on the basis of this submission.</p> <p>Moved/Seconded By: Bartley/Brljevich Contra: Goudie</p>	<ul style="list-style-type: none"> The inclusion of this discretionary condition is to provide guidance to the DLC to be considered case-by-case basis. It is consistent with legislation rather than duplication. <p><u>Note:</u></p> <ul style="list-style-type: none"> Discussion arose around whether to include this matter as a discretionary condition or a voluntary condition.
27.	Hospitality New Zealand, Thames Branch requests that the following discretionary conditions be removed from the LAP: <ul style="list-style-type: none"> More restrictive trading hours relative to the location of the premises and proximity to sensitive sites; and More restrictive hours taking into account neighbouring land use. 	<p>That the Council make no changes on the basis of this submission.</p> <p>Moved/Seconded By: Connors/Fox</p>	<ul style="list-style-type: none"> This discretionary condition reflects community feedback, therefore to remove it would be inconsistent with local views. Its inclusion provides further guidance to the DLC beyond the good order and amenity provisions in the Act. It is consistent with legislation rather than duplication. <p><u>Note:</u></p> <ul style="list-style-type: none"> Concerns were raised around the number of individuals present in an alfresco area, particularly for special events.
28.	Hospitality New Zealand, Thames Branch requests that the discretionary condition regarding separate point of sale, for those that hold both an on and off licence be removed from the LAP.	<p>That the Council make no changes on the basis of these submissions.</p> <p>Moved/Seconded By: Fox/Bartley</p>	<ul style="list-style-type: none"> This discretionary condition has been included so as to be considered by the DLC on a case-by-case basis, in the interests of harm-minimisation. This discretionary condition is perhaps

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
	Industry submitters in Coromandel request that premises that have both off and on licences should be able to sell alcohol over the counter according to on-licence hours.		appropriate given the way that licence types operate in the District, i.e. small community pubs holding both on and off licences.
29.	<p>Hospitality New Zealand, Thames Branch requests that the discretionary condition regarding 'Specific maximum number of patrons to be permitted on the premises' be removed from the LAP.</p> <p>If included, Council staff request that the discretionary condition be re-worded to read: 'Define specific number of patrons to be permitted on the premises'.</p>	<p>That the Council amend the discretionary condition regarding 'Specific number of patron...' to read: 'Define specific number of patrons to be permitted on the premises'.</p> <p>That this discretionary condition also apply to club licences.</p> <p>Moved/Seconded By: Brljevich/Bartley Contrary: Goudie</p>	<ul style="list-style-type: none"> • The concern raised regarding duplication is valid. The LAP has a principle of simplicity, whereby not duplicating other regulatory tools. • However, current regulation only covers buildings, whereas alcohol may be served in alfresco dining areas, therefore including this discretionary conditions is appropriate for these instances.
30.	<p>Hospitality New Zealand, Thames Branch requests that that discretionary condition regarding 'No glass drinking vessels permitted in any outside area past a specified trading hour' be removed from the LAP.</p> <p>Council staff request that this discretionary condition be re-worded to read: 'Restricting or prohibiting glass drinking vessels in any outside area past a specific time.'</p> <p>Council staff request that this discretionary</p>	<p>That the Council amend the discretionary condition regarding 'No glass drinking vessels...' to read: 'Restricting or prohibiting glass drinking vessels in any outside area past a specific time.'</p> <p>That this discretionary condition apply to special licences only.</p> <p>Moved/Seconded By: Brljevich/Bartley Contrary: Goudie</p>	<ul style="list-style-type: none"> • This discretionary condition has been included so as to be considered by the DLC on a case-by-case basis, in the interests of harm-minimisation. • The change would provide further clarification regarding this discretionary condition. • Discussion arose around the need for consistency between licences.

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
	condition be included for club and special licences also.		
31.	Hospitality New Zealand, Thames Branch requests that the following discretionary conditions be removed from the LAP: <ul style="list-style-type: none"> 'Provision of interior/exterior lighting' 'The installation and operations of CCTV cameras'. 	That the Council make no changes on the basis of this submission. Moved/Seconded By: Fox/Connors Contrary: Goudie	<ul style="list-style-type: none"> This discretionary condition has been included so as to be considered by the DLC on a case-by-case basis, in the interests of harm-minimisation.
32.	Council staff request that the discretionary condition regarding 'Details for the management of patrons in outdoor areas, to minimise impacts on the amenity of nearby properties' be re-worded to read: 'Require a management plan for the management of patrons in outdoor areas, to minimise impacts on the amenity of nearby properties'. Council staff request that this discretionary condition be included for club licences also.	That the Council amend the discretionary condition regarding 'Details for the management of patrons...' to read: 'Require a management plan for the management of patrons in outdoor areas, to minimise impacts on the amenity of nearby properties'. That this discretionary condition apply to on, club and special licences. Moved/Seconded By: Fox/Brljevich	<ul style="list-style-type: none"> The change would provide further clarification regarding this discretionary condition. Including for club licences also is on the basis of relevance. Note: this would apply for the same discretionary condition for special licenses.
33.	Council staff request that the discretionary condition regarding 'Outside areas are to be monitored at all times' be re-worded to read: 'Licensed outside areas are to be monitored at all times.' Council staff request that this discretionary condition be included for club and special licences also.	That the Council amend the discretionary condition regarding 'Outside areas are to be monitored at all times' to read: 'Licensed outside areas are to be monitored at all times.' That this discretionary condition apply to club and special licences. Moved/Seconded By: Connors/Bartley	<ul style="list-style-type: none"> The change would provide further clarification regarding this discretionary condition. Note: this would apply for the same discretionary condition for club and special licenses.
34.	Council staff request that the discretionary	That this discretionary condition be	<ul style="list-style-type: none"> Removing litter is covered under other

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
	<p>condition regarding 'Before closing the premises, the licensee will ensure all litter is removed from outside the premises in a specific defined area' be re-worded to read: 'Before closing the premises, the licensee will ensure all litter is removed from licensed outside areas.'</p> <p>Council staff request that this discretionary condition be included for club and special licences also.</p>	<p>removed from the Local Alcohol Policy for all licence types. Moved/Seconded By: Connors/Brljevich</p>	<p>Council processes and policies</p> <p><u>Note:</u></p> <ul style="list-style-type: none"> • This would apply for the same discretionary condition for club and special licences. • Discussion was had around the use of public space and the ability to monitor special events within these areas.
35.	<p>Council staff request that the discretionary condition regarding 'At a specified time the licensee will remove all temporary outside furniture' be re-worded to read: 'At a specified time the licensee will remove all temporary outside furniture from outside licensed outside areas.'</p> <p>Council staff request that this discretionary condition be included for club licences also.</p>	<p>That this discretionary condition be removed from the Local Alcohol Policy for all licence types. Moved/Seconded By: Fox/Connors</p>	<ul style="list-style-type: none"> • The change would provide further clarification regarding this discretionary condition. • This requirement is covered under other Council processes and policies.

1. CLUB LICENCES - DISCRETIONARY CONDITIONS

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
36.	<p>Alcohol Healthwatch request a discretionary condition be included for one-way door restrictions from 11pm (i.e. one hour prior to the submitters preferred closing time of</p>	<p>That the Council make no changes on the basis of this submission. Moved/Seconded By: Fox/Bartley</p>	<ul style="list-style-type: none"> • The current wording suggests that the DLC has discretion to set the hour from which the one-way door restriction could apply, in consideration to the closing

	midnight).		time. <ul style="list-style-type: none"> This discretionary condition has been included so as to be considered by the DLC on a case-by-case basis.
37.	Hospitality New Zealand, Thames Branch requests that all club licences should be subject to the same discretionary conditions as other on-licence premises and that they are not exempt from any.	That the Council make no changes on the basis of this submission. Moved/Seconded By: Fox/Brljevich	<ul style="list-style-type: none"> The purpose of discretionary conditions is to provide guidance to the DLC regarding the range of tools that they can apply to an application. These decisions will be made by the DLC on a case-by-case basis. To apply all the discretionary conditions as mandatory would not be appropriate or practical as they are designed to be able to be tailored to licence as needed.

SPECIAL LICENCES - DISCRETIONARY CONDITIONS

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
38.	<p>The Police request that the Council develop a Special Event template for all special licences.</p> <p>Council staff request that the discretionary condition regarding 'Require an alcohol risk management plan' to be re-worded to read: 'Require an alcohol risk management plan in a form acceptable to the Council.'</p>	<p>That the Council direct staff to work with the Police and Ministry of Health to develop an appropriate Special Event Template for Council's approval and that this be known as an Event Alcohol Risk Management Plan.</p> <p>That the Council include a discretionary condition as follows: 'Events over 1,000 attendees, or as otherwise considered appropriate, require an Event Alcohol Risk Management Plan in a form acceptable to the Council.'</p>	<ul style="list-style-type: none"> This ensures safe parameters are set for applicable special licences granted in the area. A template would ensure uniformity. For staff to work with the Police and Ministry of Health would ensure that an agreed template is determined. 1,000 event attendees is consistent with the Council's threshold for event concessions.

		Moved/Seconded By: Bartley/Brljevich	
39.	<p>The Police consider that special licenses should have a comprehensive list of discretionary conditions - see full submission for 35 points.</p> <p>The Cancer Society requests that the context of the location and possible influence of alcohol upon children and youth present be considered when granting special licences (especially school event licences).</p> <p>The Cancer Society further requests that those applying for special licences should have to adhere to responsible hosting for the event.</p>	<p>That the Council make no changes on the basis of this submission.</p> <p>That Council direct staff to work with the Police in development of the Alcohol Risk Management Plan and that suggestions from the Cancer Society be considered.</p> <p style="text-align: center;">Moved/Seconded By: Fox/Brljevich</p>	<ul style="list-style-type: none"> The suggestions from Police and the Cancer Society would be better considered for inclusion in the Event Alcohol Management Plan template.

40. Other Submission Points

Christine Tye, Strategic Planner & Policy Analyst noted that of the 56 submissions received, **12** submitters responded regarding other areas of the Local Alcohol Policy.

OTHER SUBMISSION POINTS			
Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
41.	Industry submitters request that supermarkets should be subject to the same restrictions as any other off-licence in the LAP, in all areas of the LAP.	<p>That the Council makes no changes on the basis of this submission.</p> <p style="text-align: center;">Moved/Seconded By: Fox/Bartley Contrary: Connors</p>	<ul style="list-style-type: none"> The LAP makes no exemptions for supermarkets.

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42.	The Distilled Spirits Association of New Zealand requests that the provision of on and off licences should apply equitably and consistently across all licence types and categories.	That the Council makes no changes on the basis of this submission. Moved/Seconded By: Fox/Brljevich	<ul style="list-style-type: none"> • Consideration has been given to consistency within the Policy by type of licence, however, it is not considered appropriate to apply consistency across all licences, regardless of type.
43.	The Distilled Spirits Association of New Zealand requests Council clarify both the metrics it intends to use to measure 'harm' and how it intends to support behaviour modification for the minority of drinkers who drink to excess on a regular basis.	That the Council note that annual reports will be provided to Council's Judicial Committee from Police and the Medical Officer of Health regarding alcohol-related issues. Moved/Seconded By: Connors/Brljevich	<ul style="list-style-type: none"> • The draft LAP does not specify how its effectiveness will be measured. • Council expects reports from Police and Medical Officer of Health to assist with monitoring the policy effectiveness.
44.	The New Zealand Retailers Association requests the Council reconsider the proposed reforms, including whether they are necessary to begin with.	That the Council makes no changes on the basis of this submission. Moved/Seconded By: Fox/Connors	<ul style="list-style-type: none"> • Having a LAP is not mandatory, however, it is a mechanism to help reduce alcohol-related harm in the area concerned. • The Council considers it worthwhile to develop a LAP that is locally specific and takes into account community views and other research to inform the LAP. • The Council has met its statutory obligations in the development of the LAP.
45.	Lion NZ consider that restrictions on the supply and sale of alcohol cannot and will not, on their own, reduce alcohol harm.	That the Council makes no changes on the basis of this submission. Moved/Seconded By: Fox/Connors	<ul style="list-style-type: none"> • The LAP is but one mechanism to reduce alcohol-related harm, not the only mechanism. • The LAP is however within Council's mandate, whereas other matters such as the legal drinking age are not.
46.	Alcohol Healthwatch requests that the LAP principle regarding 'Appropriate Balance' be removed or appropriately re-worded to better reflect the goal of reducing alcohol-	That the Council makes no changes to the principles of the Local Alcohol Policy on the basis of this submission.	<ul style="list-style-type: none"> • The purpose of the LAP is to be locally specific. Locally specific for TCDC includes consideration to economic activity,

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
	related harm and to promote the health and social well-being of the district.	That the Council include explanation from 1.3 of the draft Local Alcohol Policy regarding considerations applied in development of the draft Local Alcohol Policy. Moved/Seconded By: Goudie/Connors	therefore, it is valid that this be a consideration in the development of the LAP. <u>Note:</u> <ul style="list-style-type: none"> Councillor Goudie identified the importance of other influential factors that may increase alcohol related harm.
47.	Progressive Enterprises considers that the following be included as new LAP objectives: <ul style="list-style-type: none"> 'Provide an efficient regulatory framework through promoting a decision making framework that is integrated with the district plan and the resource consent and building consent processes.' 'Facilitate the early processing of licence applications in conjunction with the resource consent applications or building consent applications in so far as is possible.' 	That the Council note the submission but does not include the 'objective' statements as proposed. Moved/Seconded By: Connors/Fox	<ul style="list-style-type: none"> The purpose of the LAP is to be locally specific and the purpose and principles have been developed from that perspective. The principle of 'simplicity' is explained as "the Policy will be simple to understand and will not duplicate other regulatory tools' which address the first point raised by this submitter. The second point is more of an internal process matter than an appropriate objective for the policy. <u>Note:</u> <ul style="list-style-type: none"> Discussion was had around the timeframes for liquor licence applications and resource consent applications.
48.	Two submitters have requested that the discretionary conditions be 'mandatory', as follows: <ul style="list-style-type: none"> The Cancer Society request that the discretionary conditions be made a requirement of the policy itself, in particular reduction in trading hours and display of safe drinking messages and restrictions on advertising. 	That the Council makes no changes on the basis of this submission. Moved/Seconded By: Goudie/Bartley	<ul style="list-style-type: none"> The purpose of the discretionary conditions is to provide guidance to the DLC regarding the range of tools that they can apply to a licence application. These decisions will be made by the DLC on a case-by-case basis. To apply all the discretionary conditions as 'mandatory' would not be appropriate or practical as they are designed to be able to

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	<ul style="list-style-type: none"> Alcohol Healthwatch wants a suite of mandatory conditions applied to all on-licences. 		<ul style="list-style-type: none"> be tailored to the licence, as needed. Furthermore, the Act stipulates the policy areas that a LAP may contain. Many of the discretionary conditions are not able to be specific policy areas in their own right, therefore must sit within discretionary conditions.
49.	The Distilled Spirits Association of New Zealand requests that LAPs should be harmonised across territorial authority boundaries.	<p>That the Council makes no changes on the basis of this submission.</p> <p>Moved/Seconded By: Goudie/Bartley</p>	<ul style="list-style-type: none"> The Council has worked with Hauraki District Council in particular regarding maximum trading hours across the Districts. Although this has been considered, especially from a harm-minimisation perspective, the LAP has been developed to be locally specific to the Thames-Coromandel District.
50.	<p>Council staff request the following changes be made:</p> <p>Revision to 1.1, first sentence - replace 'purpose' with 'objective'.</p> <p>Revision to 1.2, third paragraph - Remove stated '1.1' from sentence 'The object of the Act is that-'</p> <p>Revision to 1.2, fifth paragraph - Reword as follows: From: 'For the purpose of the object of the Act...' To: 'To give effect to the object of the Act...'</p>	<p>That the Council makes the amendments as requested.</p> <p>Moved/Seconded By: Brljevich/Fox</p>	<ul style="list-style-type: none"> For clarification, statutory accuracy and to correct technical errors.

Decision #	Matter for Council to Consider	Council Decision	Reason for Decision
	<p>Revision to 3.5, second paragraph - Reword as follows: From: 'The exception being clubs...' To: 'The exception to this is....'</p> <p>Revision to 3.5, second paragraph - Reword as follows: From: 'Exception...unless it has held an off-licence...' To: 'Exception...unless it has continuously held an off licence...'</p> <p>Revision to explanatory note (4.1.2, 4.2.2, 4.3.2) regarding sensitive facilities and existing premises, to revise starting words and insert words, as follows:</p> <ul style="list-style-type: none"> • Start: From: 'In the case that a sensitive facility...' To: 'Where a sensitive facility...' • Insertions: From: '...exempt from discretionary conditions...' To: '...exempt from the discretionary conditions...' The word 'licensed' before each mention of 'premises'. 		
51.	The Distilled Spirits Association of New Zealand bring to the attention of Council the recent development of a voluntary industry code relating to the production and distribution of ready-to-drink spirit-based	That the Council note the submission but do not adopt the industry code relating to the production and distribution of ready-to-drink spirit-based beverages.	<ul style="list-style-type: none"> • The LAP addresses the availability of alcohol in general, not specific types of alcohol, such as RTDs.

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	beverages. The code is attached to the submission. The submitter would welcome Council's adoption of the code as a special licencing provision, or to form part of the guidelines to the DLC.	Moved/Seconded By: Brljevich/Fox	
52.	Alcohol Healthwatch requests that facilities within a specified buffer zone (eg. 100m radius) of new or renewal applications should be notified of the application around the process to object.	That the Council makes no changes on the basis of this submission. Moved/Seconded By: Fox/Bartley	<ul style="list-style-type: none"> • All applications are publically notified. • Police and Medical Officer of Health should consider location implications when assessing applications. <p><u>Note:</u></p> <ul style="list-style-type: none"> • Discussion was had around the differences between the new Act and the old Act, with particular regard to community participation and licence renewals.
53.	Alcohol Healthwatch requests that the definition for 'sensitive facilities' be extended to include facilities such as alcohol and drug treatment services, urupa, prisons, hospitals/medical centres, youth centres, transport hubs, playground and parks, places of worship and rest homes.	That the Council makes no changes on the basis of this submission. Moved/Seconded By: Fox/Bartley	<ul style="list-style-type: none"> • The definition of 'sensitive facilities' in the LAP reflects community views. • Furthermore, some of the facilities suggested by the submitter are irrelevant to our District.

54. Outside Scope of LAP

Christine Tye, Strategic Planner & Policy Analyst, noted that 11 submitters made comments which are not able to be addressed within the scope of the LAP.

Staff asked that Council note these submissions, and note that staff will follow-up with an explanation to each submitter as to why their submission point is outside the scope of the LAP.

Moved/Seconded By: Connors/Fox

Decision #	Matter for Council to Consider	Reason for Decision
55.	These submitters request that it should be mandatory that all club licences should have a fully Certified Manager is on duty at all times.	<ul style="list-style-type: none"> • This is matter outside the scope of the LAP, and is covered under the Act. • The requirement to have a manager on duty at all times when alcohol is being sold or supplied to the public does not apply to premises for which a club licence is held (s.215(a))
56.	The Punters Sports Bar in Thames requests that if there are going to be club licences issued, then those clubs should have to operate more strictly within those licence parameters, especially in relation to only members or signed in guests being allowed in.	<ul style="list-style-type: none"> • This is a matter regarding clubs' constitutions, and enforcement, rather than an issue that can be addressed through the LAP. • It has been referred to the Alcohol Licencing Inspector for follow up.
57.	Lion NZ encourage territorial authorities to consider adopting measures outside of the LAP that can help to reflect community expectation around safe and responsible drinking and impose harsh penalties for anti-social behaviour.	<ul style="list-style-type: none"> • Beyond the LAP, the Council's mechanisms for dealing with anti-social behaviour are through the setting of bylaws. • Council currently has a number of bylaws which relate to public order, including the Public Places bylaw. • The Police also have a role to play in this regard as does the community at large. • Council's bylaws can be reviewed at any time should there be a need to.
58.	Alcohol Healthwatch suggest that the Council request GIS files for North Island Density research from the Health Promotion Agency.	<ul style="list-style-type: none"> • The LAP does not proposed density or proximity restrictions and it is not clear what value this submitter's suggestion would add at this stage.
59.	The Distilled Spirits Association of New Zealand requests that Council inform stakeholders as to how it will ensure that the development of a joint LAP will be coordinated.	<ul style="list-style-type: none"> • A joint approach with neighbouring territorial authorities was considered, however there were several reasons why a joint approach was not pursued. These can be outlined to the submitter by way of response.
60.	The Cancer Society urges Council to consider restrictions on the size and proliferation of promotional displays particularly relating to the RTD / youth market.	<ul style="list-style-type: none"> • The LAP addresses the availability of alcohol in general, not specific types of alcohol, such as RTDs.

Decision #	Matter for Council to Consider	Reason for Decision
61.	The Cancer Society urges Council to consider further measures to reduce access to RTDs.	<ul style="list-style-type: none"> The LAP addresses the availability of alcohol in general, not specific types of alcohol, such as RTDs.
62.	The submitter requests the ability to trade on Easter Sunday.	<ul style="list-style-type: none"> This matter is outside the scope of the LAP. Matters relating to trading on Easter Sunday is set by the Act and is outside Council's control.
63.	The Cancer Society requests that specific limits be placed on the size of billboard and the amount of advertising.	<ul style="list-style-type: none"> The LAP makes provision for restrictions on advertising within and around the premises, but not the control of other advertising matters. This matter is dealt with by other policies and plans, such as the District Plan.
64.	The Cancer Society requests that schools should be asked to consider the impact of alcohol on young people and be supported to choose alcohol free events as much as possible.	<ul style="list-style-type: none"> This matter is outside the scope of the LAP. The Council has recently adopted a Youth Strategy and this concern is better addressed through that work stream. An invitation to participate, as appropriate, will be extended to the Cancer Society.

1 Suggested Resolution(s)

That the Thames-Coromandel District Council:

1. Received the report.
2. Noted that it has considered all submissions to the Council's draft Local Alcohol Policy.
3. Made decisions as a result of the matters raised in submissions, and notes its reasons for such decisions.

Moved/Seconded By: Fox/Connors

4. Instructed staff to make changes arising from the above decisions that relate to the draft Local Alcohol Policy, and bring a provisional Local Alcohol Policy to the Council for adoption at its meeting on 18 December 2013.
5. Determined that it has followed the required Special Consultative Procedure as set out in the Local Government Act 2002.

Moved/Seconded By: Connors/Fox

Meeting Closed at 16:48

The foregoing Minutes were certified as being a true and correct record of the meeting of the Thames-Coromandel District Council held on 2 December 2013.

Chairperson

Date _____