

AGENDA/KAUPAPA



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MEMBERSHIP: Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble and Nick Tupara

COUNCIL/TE KAUNIHERA
DATE: Wednesday 24 April 2024
TIME: 9:00AM
AT: Te Ruma Kaunihera (Council Meeting Room), Awarua, Fitzherbert Street, Gisborne

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Council

Chairperson:	Mayor Rehette Stoltz
Deputy Chairperson:	Deputy Mayor Josh Wharehinga
Membership:	Mayor and all Councillors
Quorum:	Half of the members when the number is even and a majority when the number is uneven
Meeting Frequency:	Six weekly (or as required)

Terms of Reference:

The Council's terms of reference include the following powers which have not been delegated to committees, subcommittees, officers or any other subordinate decision-making body, and any other powers that are not legally able to be delegated:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
4. The power to adopt a Long Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement.
7. The power to adopt a remuneration and employment policy.
8. Committee Terms of Reference and Delegations for the 2019–2022 Triennium.
9. The power to approve or amend the Council's Standing Orders.
10. The power to approve or amend the Code of Conduct for elected members.
11. The power to appoint and discharge members of Committees.
12. The power to establish a joint committee with another local authority or other public body.
13. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.

14. The power to make any resolutions that must be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
15. Consider any matters referred to it from any of the Committees.
16. Authorise all expenditure not delegated to staff or other Committees.

Council's terms of reference also includes oversight of the organisation's compliance with health and safety obligations under the Health and Safety at Work Act 2015.

Note: For 1-7 see clause 32(1) Schedule 7 Local Government Act 2002 and for 8-13 see clauses 15, 27, 30 Schedule 7 of Local Government Act 2002

9. Reports of the Chief Executive and Staff for INFORMATION



24-112

Title: 24-112 Hearings Report - Local Alcohol Policy 2024
Section: Strategic Planning
Prepared by: Makarand Rodge - Policy Advisor
Meeting Date: Wednesday 24 April 2024

Legal: No

Financial: No

Significance: **Medium**

Report to COUNCIL/TE KAUNIHERA for information

PURPOSE - TE TAKE

The purpose of this report is for the Hearings Panel to receive and hear submissions on the draft Local Alcohol Policy 2024.

SUMMARY - HE WHAKARĀPOPOTOTANGA

The current Local Alcohol Policy aims to give effect to the Sale and Supply of Alcohol Act 2012 by maintaining the sale, supply, and consumption of alcohol in a safe and responsibly manner; and minimizing any harm caused because of excessive or inappropriate consumption of alcohol.

On 28 February 2024, Council adopted the Statement of Proposal (SOP), including draft Local Alcohol Policy (the draft policy), for consultation ([Report 24-35](#)). Consultation on the SOP commenced on Friday 1 March 2024 and ended on Monday 1 April 2024.

Council received **100** written submissions on the draft policy. Ten (10) submitters have indicated that they wish to speak to their submissions at the Hearing.

Attachments to this report include:

Attachment 1: Copy of all submissions

Attachment 2: Summary of Industry Hui on 25 March 2024

Part two of the Panel's process is to deliberate on the contents of the submissions and to make recommendations to Council. A separate Deliberations Report (date to be confirmed) will be provided that includes the submissions analysis and any further information requested by the Panel as a result of the Hearing and receiving the submissions. Recommendations from the Panel's deliberations will be considered by Council.

The decisions or matters in this report are considered to be of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

1. Notes the contents of this report.

Authorised by:

Joanna Noble - Director Sustainable Futures

Keywords: draft local alcohol policy, supply of alcohol act 2012

BACKGROUND - HE WHAKAMĀRAMA

1. The current Local Alcohol Policy aims to give effect to the Sale and Supply of Alcohol Act 2012 by maintaining the sale, supply, and consumption of alcohol in a safe and responsibly manner; and minimising any harm caused because of excessive or inappropriate consumption of alcohol.
2. The SOP, including the draft policy, were adopted for formal consultation at Council's 28 February meeting. The SOP included four (4) proposed changes to the current Local Alcohol Policy. The proposals were:
 - a) No new licences to be granted for Class 1 restaurants located within 150 meters of sensitive sites.
 - b) Reduce operating hours for on-licences Class 2 and 3 restaurants, cafes, and wineries from 10am to 12am instead of 10am to 2am.
 - c) Option to include a discretionary condition in liquor store licences that facilitates ceasing of external advertisements at liquor stores.
 - d) Include legal definition of Class 1, Class 2, and Class 3 Restaurants through footnotes for better readability.
3. Consultation occurred between Friday, 1 March and Monday, 1 April 2024. Council received a total of 100 written submissions. A copy of all the submissions is included in full in **Attachment 1**.
4. The public consultation process involved multiple channels, including but not limited to focus groups, a stakeholder meeting, leveraging an e-newsletter and written submissions. Each channel provided a unique opportunity for individuals and groups to voice their opinions, concerns, and suggestions regarding the subject matter under consideration.
5. During consultation, staff reached out to all the existing licensees via email inviting them to make a submission on the proposals and participate in the consultation process.
6. QR code flyers were distributed to various locations more commonly visited by our rangatahi population. Emails asking our existing licensees (if they wished to) to post these QR code flyers within their licensed premises were also sent out.
7. Staff attended a hui organised by Mr. Jared Johnstone on 25 March 2024 at Tahu, Gisborne, where several restaurant owners and existing license holders expressed their opinions on the draft policy and proposals. Staff have prepared notes to reflect the views expressed in relation to the proposals mentioned in the SOP document and these have been included in the present report at **Attachment 2**. Several attendees have already made submissions. The notes are not official meeting minutes or a submission and are attached for information.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long-Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: High Significance

This Report: Medium Significance

The effects on individuals or specific communities

Overall Process: High Significance

This Report: Medium Significance

The level or history of public interest in the matter or issue

Overall Process: Medium Significance

This Report: Medium Significance

8. The decisions or matters in this report are considered to be of **Medium** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

9. Staff have reached out to our tangata whenua partners via email inviting them to participate in the consultation process. However, staff have not received any response from our tangata whenua partners.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

10. Over the consultation period, Council sought feedback on the four proposals detailed in the SOP asking if submitters agreed/disagreed with the proposals, and if they had any comments on them.

11. Table 1 below provides an overview of the consultation approaches adopted by staff:

Table 1: Consultation steps / approach:

Target Audience	Consultation Approach/Mode of Communication	Consultation Reach (if Applicable/known)
Existing License Holders	Invitation to participate in the Consultation process sent via emails.	Total of 124 emails sent out to all existing License holders on Friday 8 March 2024.
Rangatahi	QR code flyers dropped off at various locations more commonly visited by our young population, such as Kiwa Pools, YMCA Gisborne, Eastern Institute of Technology (Tairāwhiti campus), Rangai and Tāiki e!	The precise level of engagement through use of the QR code is not known. All the organisations visited were happy to display the QR codes within their premises.
General public	QR code flyers dropped off at various locations frequently visited by our community such as: Trust Tairāwhiti, Petrol Stations, Midway Surf Rescue Community Hub, Gisborne isite Visitor Information Centre, Tairāwhiti Museum, Gisborne Community Vaccination Centre, Community Health Centre, Gizzy Local, Gisborne Volunteer centre.	The precise level of engagement through use of the QR code is not known. All the organisations visited were happy to display the QR codes within their premises.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

12. There are no climate change implications associated with the decision to receive and hear the submissions on the SOP and draft policy.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

13. There are no financial or budget implications arising from the matters discussed in this report.

Legal

14. [Section 97](#) of the Sale and Supply of Alcohol Act 2012 requires a Territorial Authority (TA) to review a Local Alcohol Policy by adopting the special consultative procedure.

15. [Section 83](#) of the Local Government Act 2002 (LGA) refers to the special consultative procedure to be followed by local authorities. Section 83(1)(d) of the requires local authorities to “provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives”.

16. Further, Section 83(1)(e) of the LGA, requires local authorities to ensure that person(s) presenting their views are given "reasonable opportunity" to register their views while also ensuring that such individuals are informed about how and when such opportunity may be available.
17. Submitters' details have been redacted from the attachments in accordance with Section 7(2)(a) of the Local Government Official Information and Meetings Act and Section 22 of the Privacy Act 2020.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

18. This present report has no implications for policy and planning.
19. However, adoption of the draft police may have implications on Council's [Tairāwhiti 2050 spatial plan](#). The spatial plan refers to opportunities to enhance our city to have vibrant centres and destinations for business, employment and tourism. The plan further aspires to create a vibrant city and township centres that attracts locals and visitors.
20. The proposed changes (Proposal 1 and Proposal 2) in the current policy may impact the aspirations of the spatial plan by limiting new licences to Class 1 restaurants which are open till late at night and further by reducing the trading hours for Class 2, 3 restaurants, cafés and wineries. However, this needs to be balanced against providing a safe environment for all the community.

RISKS - NGĀ TŪRARU

21. There are major risks associated with decisions sought in this report.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
Date TBC	Deliberations	
Mid 2024 (date TBC)	Council decision on adoption of the draft policy	Dependent on work needed post deliberations. Anticipated to be the 27 June 2023 meeting
TBC	The draft policy comes into effect.	Dependent on date adopted by Council and the date adopted for it to come into force.

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - LAP - All submissions combined [24-112.1 - 45 pages]
2. Attachment 2 - Notes from Industry Hui [24-112.2 - 3 pages]

Draft Local Alcohol Policy 2024 - Submissions received via Participate									
Title/Question:		Proposed changes to the Local Alcohol Policy							
Tool Type:		Form							
Activity ID:		120							
Report Date Range:		2 Mar 2024 - 2 Apr 2024							
Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
1	Holly Tong	Disagree	I find this a bit ridiculous, we have very restaurants in our city why make it more restrictive? It's not broken, why change it.	Disagree		Disagree		Disagree	
2	Georgia Paulson	Disagree		Disagree		Disagree		Disagree	
3	Roy	Agree		Disagree		Disagree			Indifferent opinion
4	Renee Grant	Disagree	Should so called Sensitive sites such as Schools be permitted to be operating in a CBD where bars, cafes, restaurants etc typically are based for local tourism and business venues are. By not allowing new licenses how do you expect the local economy to th	Disagree		Disagree	Will you also be telling the supermarkets and bottleshops they can't advertise in the mail box flyers that go out.		
5	Ashleigh richards	Disagree		Disagree		Disagree		Disagree	
6	Mitch McCann	Disagree	Strongly disagree. What is the CBD for, if businesses can't operate properly, make a profit and provide jobs. The alcohol problem lies with people's ability to purchase alcohol from the many off licenses to drink in "uncontrolled" environments!	Disagree		Disagree		Agree	

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
7	Julie Utting	Disagree		Disagree		Agree		Agree	
8	Carl Carmody	Disagree		Disagree		Disagree		Disagree	
9	Sam Foster on behalf of Boutique on Maint Street	Disagree		Disagree		Disagree		Disagree	
10	Gareth	Disagree		Disagree		Agree		Disagree	
11	Zoe	Disagree		Disagree		Disagree		Disagree	
12	Amber Nikora	Agree		Agree		Agree		Agree	
13	Ingrid Spence	Disagree	There is already a Irish bar within this proximity with no threat	Disagree	see comment above	Disagree	They are excessively advertising	Disagree	By doing that option you are holding our city back - we are trying to keep up with the rest of NZ - not be left behind in some little hick town
14	Jay Papworth	Disagree		Disagree		Disagree		Agree	
15	Mel Berry	Disagree		Disagree		Agree		Agree	
16	Stacey	Disagree		Disagree		Disagree		Agree	
17	Jess Colebourne	Disagree	Option 3 is my preferred choice	Disagree		Disagree		Disagree	
18	Tiff	Disagree		Disagree					
19	Renee	Disagree		Disagree		Disagree		Disagree	
20	Fletcher								
21	Chloe Alyssa Biddles	Disagree		Disagree		Disagree		Disagree	
22	James Millton on behalf of Millton Vineyards and Winery	Disagree		Disagree		Agree		Agree	
23	Ashley Kirk	Disagree		Disagree		Disagree		Agree	
24	John Wells	Disagree		Disagree		Agree		Disagree	

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
25	Tamara Creswell-Wells		This would be calamitous to our CBD. We need to be encouraging new hospitality venues within the CBD and around the wider community, most certainly not deterring them. Having recently arrived back in Gisborne I have been shocked at what a ghost town it has become. I have seen a sharp decline in the vibrancy of the town in the last 5 years in particular and it's extremely sad to see these kinds of proposals which are only going to worsen the situation and further hinder the recovery of our beautiful kāinga. It takes a great deal of time effort and money to set up a hospitality business in a small centre such as ours and the last thing we should be doing is making it more difficult for those brave enough to take on such endeavours.	Disagree	This would only encourage an increase in uncontrolled house parties and push people to the remaining licensed premises which are gambling venues.		It wouldn't hurt to stop external advertisements, however the liquor stores don't advertise heavily as is.	Disagree	
26	Catherine McGreivy	Disagree		Disagree		Disagree			
27	Sarah Fergusson	Disagree	Keep cbd vibrant nr. We need restaurants and bars. Rethink sensitive site locations	Disagree		Disagree		Agree	
28	Karim Nepia on behalf of Rest Float Spa	Disagree	This is a great idea if you had rules in place defining where sensitive sites can be. How do you drive hospitality in town with so much red tape.	Disagree	Sadly, it feels like Gisborne's hospitality scene is on the brink of extinction. Over the past three years, I've seen numerous family-owned gems crumble, You are targeting the wrong people.	Agree	Here is your issue, Bottle stores in Gisborne.	Agree	
29	Radha Nejak	Disagree		Disagree		Agree		Agree	
30	James	Disagree	Not if within CBD or near key social hubs, wharf area, midway & waikanae surf clubs for example	Disagree	Cities need nightlife for locals & tourists, we don't need the council to tell us when it's our bedtime			Disagree	
31	Ben White	Disagree		Disagree		Disagree		Disagree	

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
32	Mel	Disagree		Disagree		Disagree		Agree	
33	Giv Smith	Disagree	The majority of issues from drinking come from people buying alcohol at liquor stores and drinking in excess at home. Controlled environments in the CBD should not be punished. What is the CBD for if not for business?	Disagree		Agree		Disagree	
34	Tamara Creswell-Wells		This would be calamitous to our CBD. We need to be encouraging new hospitality venues within the CBD and around the wider community, most certainly not deterring them. Having recently arrived back in Gisborne I have been shocked at what a ghost town it has become. I have seen a sharp decline in the vibrancy of the town in the last 5 years in particular and it's extremely sad to see these kinds of proposals which are only going to worsen the situation and further hinder the recovery of our beautiful kāinga. It takes a great deal of time effort and money to set up a hospitality business in a small centre such as ours and the last thing we should be doing is making it more difficult for those brave enough to take on such endeavours.	Disagree	Again, this would not help anyone in our community. By reducing operating hours it would encourage an increase of uncontrolled house parties and push people to go to the only remaining licensed sites which would be gambling venues.		This might be beneficial however most liquor stores don't advertise much as is.	Disagree	
35	Abby	Disagree							
36	Rebecca mcphail on behalf of LeaderBrand	Disagree		Disagree		Disagree		Disagree	
37	Rochelle Somerton	Disagree		Disagree		Disagree		Disagree	
38	Amy	Disagree		Disagree		Disagree		Disagree	
39	Keita Sides	Disagree		Disagree		Disagree		Disagree	

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
40	Lily Macpherson	Disagree	When "sensitive" sites are in town they should be disregarded town should be the centre for alcohol rather than outskirts of town which leads to drunk driving	Disagree		Agree		Disagree	
41	Emma	Disagree		Disagree		Disagree		Disagree	
42	Dani	Disagree		Disagree		Disagree		Disagree	
43	Waldo Horomia	Agree		Agree		Agree		Agree	(1) Cap on new liquor premises opening in Turanganui-a-kiwa (2) Are Marae, kohanga, community and rangatahi hubs classed as sensitive sites (3) Please take into consideration when consultation begins with local alcohol policy hapu/iwi representation.
44	Emily Borlase	Disagree		Disagree		Agree		Disagree	
45	Euan Nelson	Disagree	Supermarkets and bottle stores are more the cause of early onset drinking in youth. Not supervised licenced premises	Disagree		Disagree		Disagree	
46	Becky	Disagree		Disagree	Why?	Disagree	Again why?		Again why
47	Sian	Disagree		Disagree		Disagree		Disagree	
48	Zara Peck	Disagree	Gisborne is too small for a 150 m distance from sensitive sites to be feasible. GDC should be encouraging the development of Gisborne instead of hindering businesses from creating new social spaces.	Disagree		Disagree		Disagree	

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
49	Leah McCann on behalf of Neptunes Pizzeria	Disagree	Consider our community as a vibrant ecosystem where each business relies on one another. Hotels thrive due to the attractions our city offers, bringing in income, vital for the region. As our attractions dwindle, so does the influx of income, impacting bo	Disagree		Disagree		Disagree	
50	Kristine Peck	Disagree	ing after 8pm and the CBD is dying.	Disagree		Disagree		Disagree	Gisborne has serious issues trying to hold our young bright people here as there is nowhere to go
51	Ben McCann on behalf of Anjuna	Disagree		Disagree			-Who's advertising currently?	Agree	
52	Johannah	Disagree		Disagree		Disagree		Disagree	
53	Jessica	Disagree		Disagree		Disagree		Disagree	
54	Brendan Hiini on behalf of Lone Star Gisborne	Agree		Disagree	I will present my submission in person	Agree	This should be considered on a case by case basis	Agree	
55	Lesley Parker	Disagree	I can't find what a sensitive site is?? If there has previously been a class 1 restaurant on the site where someone wants to open or re-open a business there should be no objections at all	Disagree	No I don't agree, most people going out for dinner don't stay out late but there should be the option for the business to stay open if it is busy	Disagree		Disagree	As mentioned above if there has previously been a licensed business on a site previously at any time there should be no objections whether that business is currently operating or not. With the current economic climate we should be encouraging businesses.
56	Kaz	Disagree		Disagree		Agree		Disagree	This option does not make sense
57	Brett Parker	Disagree	What is a sensitive site? please explain	Disagree		Disagree		Disagree	
58	Robbie Mccann	Disagree	What is a sensitive site? If a sensitive site is within the Gisborne CBD it should co exist with hospitallaty venues as all the CBD WILL END UP A GHOST TOWN	Disagree	On licence are a controlled environment.	Disagree		Disagree	This does not make sense as in each proposal you. Ask do you agree with option 2 not the option above

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		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
59	Kylee	Disagree	How does this help our community grow in terms of new cafes/restaurants opening. Legislation like this puts road blocks in place for expansion. This is just another example of how the council contributes to the lack of business growth in our town.	Disagree	What's the actual problem here. Is this an issue with the current local businesses on these types of licenses.	Disagree	Why? Again what's the purpose of this. Why should they not have a simple marketing right. Alcohol is legal & we live in 2024.		
60	Karen Sutcliffe	Disagree		Disagree		Disagree		Disagree	
61	Raymond Garry Teutenberg on behalf of Verve Cafe & Bar	Disagree	Preference is for Option 3	Disagree		Agree		Disagree	

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
	Shane Phillips on behalf of 62 Hospitality NZ		We do not believe Council has provided enough rationale to justify refusing Class 1 restaurant licenses within 150m of a sensitive site. We note Council comments that 'The [Option 2] approach would reduce accessibility and availability of alcohol and offer protection for young people from exposure to alcohol promotion, helping to reduce the risk of early onset of drinking and problems developing.' It is incorrect to assume accessibility and availability of alcohol increases consumption of alcohol. Prior to the implementation of the Sale of Liquor Act in 1989 there were about 3000 licenses in NZ and since then the number of licenses has increased to just over 11,000. Conversely, liquor consumption in New Zealand has decreased 25% since 1986. Therefore, increased access (more licenses and more places to purchase alcohol) has not translated into higher consumption. Furthermore, it is clear that the vast majority of alcohol related harm in New Zealand occurs from alcohol consumed excessively off-premise, and by people who will buy alcohol regardless of how many or how few bottle stores operate in their neighbourhood. Licensed premises are supervised and controlled, and are comparatively safe. Despite this, licensed premises continue to be targeted for over-regulation, because they are an easy target, rather than because they are an appropriate target. Targeting on-premise environments in this case does not support Council's efforts to reduce alcohol-related harm. We support Option 1 – maintain the status quo and allow Class 1 restaurants applications for new licences to be assessed without consideration for sensitive sites located within 150 metres.						Agree

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
63	Andrew Galloway on behalf of Alcohol Healthwatch	Agree	Refer full submission sent to service@gdc.govt.nz	Agree	Refer full submission sent to service@gdc.govt.nz	Agree	Refer full submission sent to service@gdc.govt.nz	Agree	Refer full submission sent to service@gdc.govt.nz
64	Andrew Sutcliffe	Disagree	We do not need additional medieval, antiquated laws that will stifle business and tourism, just another law in becoming a nanny state, and another nail in the coffin for Gisborne town	Disagree	See previous comments	Disagree	See previous comments	Disagree	We should not be implementing additional laws for a small minority of religious fanatics
65	Ben Toon	Disagree		Disagree		Agree		Disagree	
66	Scott Cranswick	Disagree	Just leave it as it is and stop trying to hinder businesses from an already hard economic environment!	Disagree	Just leave it as it is and stop trying to hinder businesses from an already hard economic environment!	Disagree		Disagree	
67	Richard Owen on behalf of The Tav	Disagree		Disagree		Disagree		Disagree	
68	Kristen Maynard	Agree		Agree		Agree		Agree	
69	Lily	Disagree	Sensitive sites in small towns are often in the CBD limiting options for business owners	Disagree	Loss of income?	Disagree	How are businesses supposed to compete in a saturated market?	Disagree	
70	Ric Harrison	Agree		Disagree		Agree		Agree	
71	Jo Bennett	Disagree		Disagree		Disagree		Agree	
72	Nathan Cowie on behalf of Communities Against Alcohol Harm	Agree	We have provided a more thorough submission via service@gdc.govt.nz	Agree	We have provided a more thorough submission via service@gdc.govt.nz	Agree	We have provided a more thorough submission via service@gdc.govt.nz	Agree	We have provided a more thorough submission via service@gdc.govt.nz

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
73	Darryl Monteith	Disagree	There then needs to be a reciprocal law against sensitive activity starting within 150 metres of a licensed premises.	Disagree	Licensed premises are the safest place to socialise with a few drinks. If the operator is abiding by the rules, they should be able to be open the existing hours.	Disagree	There is very little, if any, of this happening. Not a problem.		This whole process was supposed to be a review of the LAP after 6 years and there has been no consultation with the industry or community about anything other than these very limited additions. The scope of this review is much too narrow and should've included community and sector consultation from the start, rather than at the end of the process. How do we know whether the LAP is working for the community? It seems that the only input has been from those who wish rules to be tightened as they have insufficient resourcing. How does any of this reduce alcohol harm (which is the sole purpose of the LAP and the Act)? Rather it comes down in those who are trying to lift the nighttime economy and to provide places for our community to meet, celebrate etc safely. More regulation will only turn Gisborne into a ghost town.

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		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
74	Stu Blair	Disagree	What is a sensitive site?	Disagree	What are you trying to do. Your turning Gisborne into a absolute ghost town. Our main street is already full of empty shops, more restaurants about to close down. Gisborne, once the best place in the world has now become a shithole.	Agree			As Above. Gisborne is going backwards at full pace!!!!
75	Tony on behalf of The Wharf Bar and Grill	Disagree	Its a ridiculous idea many families rely on the hours of employment to survive now you want to take that away from them.	Disagree	What about the staff working to live	Disagree	Why it wont change anything	Disagree	People don't read that stuff anyway and if they do they take on notice of it.
76	Tony Kirk	Disagree	What is a sensitive site? The CBD should not have a school on the main street	Disagree	These are controlled areas. Alcohol harm incidents do not happen here. They happen in home environments. Reducing these hours will put alcohol onto the streets	Disagree		Disagree	
77	Moki Raroa on behalf of CAYAD Hicks Bay and Ruatoria	Agree		Agree		Agree		Agree	
78	Lisa	Disagree		Disagree		Disagree		Disagree	No change
79	Kevin Mastrovich	Disagree	A proposed bar has was to open a short distant from a temporary school . The hours for school will differ from the bar .	Disagree		Disagree			

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
80	Ashley Fisher	Disagree	Sensitive sites are subjective, laws should be designed to be fair and able to be applied equally, not subject to someone’s opinion of what constitutes a “sensitive site”.	Disagree	If we want to attract youth, talent, and vibrancy to our region, then needs to be venues that can cater to that market, if you want Gisborne to be one big retirement village then do this.	Disagree	This removes the rights of retailers to market their products, impacting commerce and profitability.	Agree	
81	Kris Clayton	Disagree	I prefer Option 3. The CBD shouldn't have such a requirement.	Disagree	You will just send people back to their neighbourhoods at 12am to be annoying instead of 2am. That's two extra hours of being annoying. They can stay at the pub. No one can afford to drink at a pub anyway.	Agree		Agree	It's always helpful to understand what you're talking about. There's no further comment field, so I would just ask that council look into doing a custom set of fees under the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013 so we can recoup
82	Lois Easton	Disagree	I am concerned that this will effectively mean that many parts of the CBD - which is where these outlets should be located, will become off limits. That seems just stupid to me. We don't need to do more to kill the CBD.	Disagree	Again let's focus on the problem areas - it's not cafes selling alcohol - its people buying cheap booze from liquor outlets. This seems to be a policy completely aimed at the wrong part of the sector. We need to support our cafes and restaurants.	Agree	yes - this is a sensible idea.	Agree	Why are you even consulting on this? To distract us from the major changes you are proposing?

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
83	Brendan Hiini on behalf of Lone Star Gisborne	Disagree		Disagree					
84	Kasey Lancaster	Disagree	Sensitive sites don't coincide regularly with drinking hours	Disagree	That will decrease the vibe of this town that is already dying. Not that long ago there were loads more bars & social venues & it was wonderful fun vibrant town. The vast majority of people are genuinely sensible socialises.	Agree			
85	Tomairangi on behalf of Healthy Families East Cape	Agree		Agree		Agree		Agree	
86	Johnny Gibbs on behalf of Hitman Enterprises Ltd	Disagree	We are already seeing a shrinking entertainment and hospitality industry in Gisborne, and some venues have already struggled to get their licenses across the line while taking over existing or formerly existing businesses in the CBD.	Disagree	Reducing operating hours for these establishments will maintain a monopoly type of situation for the very few tavern or night club establishments Gisborne currently has	Disagree		Agree	
87	Niki Foster	Agree	Should be a wider area	Agree		Agree		Agree	Alcohol causes too much trouble in our society & is too normalised
88	Yvonne Wruck	Disagree	People should be able to go out and enjoy Gisborne. Enriching social life with small bars instead of night clubs might get more people out.	Disagree	If a winery sets up an event till past midnight they need to be able to accommodate for customers. Just because they have the option doesn't mean they'll abuse it every night	Agree		Agree	

Sr. No	Submitter Name	Proposal 1		Proposal 2		Proposal 3		Proposal 4	
		Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment	Agree / Disagree	Comment
89	Joanne Austin	Disagree	Select option 3. Need a good cbd area at night. This would avoid a repeat of the farcical drama regarding a new license for the old scottys bar. Sensitive sites are often not operating at night so are less likely to suffer adverse effects	Disagree		Agree	If customers need to know about an alcohol product there are other ways of finding out. Advertising should not be allowed in public spaces	Agree	Logical
90	terry duncan	Agree		Agree			have no opinion on changes	Agree	
91	Shannon	Disagree		Disagree		Disagree		Disagree	
92	Kurt adams	Agree		Agree	Include class 1 in reduced operating hours	Agree		Agree	
93	Scott fussell on behalf of The Tav	Disagree	Option 3 is my choice as I believe sensitive site have no place being within the cbd . The CBD is the ideal location for licensed premises.	Disagree		Agree		Agree	
94	Hineani Campbell- Collier	Agree		Agree		Agree		Agree	
95	Kassandra Walker	Agree		Agree		Agree		Agree	
96	Grant Fussell on behalf of The Wharf Bar & Grill	Disagree	We have enough empty shops in our city and we are now placing schools on Gladstone Road. I'm sure this is not the look we want when our visitors come to town (cruise ships etc). Hospitality brings atmosphere to a city	Disagree		Agree		Agree	
97	Jack Marshall	Disagree	I don't find this document convincing. Firstly, I could not find what "sensitive sites" referred to. In the past, council staff and the police tried to stop a new bar opening in the CBD. I don't trust the ambiguity in this document.	Disagree	The council has said it wants to promote Gisborne as a "24 hour city". This does the opposite.	Agree		Agree	



**Submission on the Gisborne District Council
Kaupapa Waipiro ā rohe o Te Tairāwhiti 2024
(Draft Tairāwhiti Local Alcohol Policy 2024)
1 April 2024**

Tēnā koutou

Thank you for the opportunity to provide feedback on the Draft Kaupapa Waipiro-Local Alcohol Policy 2024.

We would like the opportunity to speak (virtually) to our submission.

If you have any questions on the comments we have included in our submission, please contact:

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Alcohol Healthwatch

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About Alcohol Healthwatch

Alcohol Healthwatch is an independent national charity working to reduce alcohol-related harm and inequities. We are contracted by Health New Zealand-Te Whatu Ora to provide a range of regional and national health promotion services. These include: providing evidence-based information and advice on policy and planning matters; coordinating networks and projects to address alcohol-related harms, such as alcohol-related injury and fetal alcohol spectrum disorder; and coordinating or otherwise supporting community action projects.

General Comments

1. Alcohol Healthwatch commends the Gisborne District Council-Te Kaunihera o Te Tairāwhiti on its commitment to reviewing the District's Local Alcohol Policy (LAP).
2. We wish to acknowledge the efforts of Council members and staff generally in reviewing the LAP on behalf of their communities.

3. We strongly believe that a LAP is a package of measures which, when used comprehensively, can significantly minimise rates of hazardous drinking and subsequent alcohol-related harm. For this reason, we recommend that LAPs are considered not just as a collection of isolated elements but as a cohesive package to reduce alcohol-related harm, insofar as can be achieved with measures relating to licensing.
4. A LAP which has the effect of reducing the overall availability of alcohol has significant potential to further minimise alcohol-related harm and improve community well-being. Measures that reduce accessibility and availability of alcohol have particular benefits for those who experience significant inequities in harm (i.e. Māori and those socio-economically disadvantaged). To date, alcohol outlets in Aotearoa New Zealand have been inequitably distributed to the most deprived neighbourhoods and the unequal harms from this must be addressed.¹
5. By incorporating evidence-based measures to address both the physical (location) and temporal (operating hours) availability of alcohol, a LAP can support other harm reduction interventions in the local area and assist in sending a strong signal to communities regarding the harms associated with alcohol use.
6. Alcohol Healthwatch supports provisions in the LAP that are aligned to the object of the Sale and Supply of Alcohol Act 2012, that reflect the needs of the community and are supported by evidence for reducing alcohol-related harm.
7. We are aware that the public, licensing bodies and regulatory agencies as well as licensees see the benefits of a LAP as it provides greater certainty and clarity and supports a consistent approach across the district/rohe and statutory agencies and between licensees.
8. We believe that the review of the LAP is timely, and provides an opportunity for the LAP to reflect:
 - The Supreme Court decision on the Auckland Council Provisional LAP,²
 - The Sale and Supply of Alcohol (Community Participation) Amendment Act 2023,³
 - The desirability of ensuring greater consistency and synergy with LAPs (and proposed LAPs) in Aotearoa New Zealand, and
 - The changing environment and emerging issues in the district/region since 2018.
9. In summary **we support**:
 - Clarifying the class of restaurant that can be exempted from the proximity rule in 3.1.1 (Class 2 or 3) and removing the exemption for Class 1 restaurants located within 150 meters of sensitive sites – option 2.

- Reducing the operating hours of Class 2 and 3 restaurants, cafes and wineries (clause 3.2) – option 2
 - Including a discretionary condition preventing external alcohol advertising at liquor stores (clause 3.4.3.1) – option 2
 - Including a legal definition for Class 1,2,3 restaurants for clarity – option 2.
10. **We recommend** that the Council take the opportunity to include the following policies in the revised LAP:
- Location of premises – broad areas (s77(1)(a) Sale and Supply of Alcohol Act)
 - Location of premises – proximity to other premises (s77(1)(b))
 - Issuing of further licences – cap or maximum limit/sinking lid (s77(1)(d))
 - Discretionary conditions – additional conditions (s77(1)(f))
 - One-way door – mandatory policy (s77(1)(g)).

Specific Comments

Location of Premises

11. **We support** the continuation of the presumption against licences being granted for new premises within 150 meters from sensitive sites, and support removing the exemption for Class 1 restaurants (option 2). This would effectively mean a sinking lid would apply to existing Class 1 restaurants in proximity to sensitive sites. We also suggest that additional examples could be included in clause 3.1.3 such as drug and alcohol treatment centres.
12. **We support** the inclusion of a legal definition for Class 1, 2, 3 restaurants for clarity (option 2).
13. **We recommend** that a mandatory policy on the location of new on-, off- and club licences be included in the LAP (“broad areas”) and the areas/zones clearly defined.
14. **We recommend** that a mandatory policy on proximity to other premises be included, together with a specified distance/radius from other premises.⁴ This would address the increasing harm in Gisborne-Tairāwhiti associated with the clustering of premises.
15. **We recommend** a mandatory policy on the issuing of further licences with the presumption that no new licences will be issued in certain areas. Section 77(1)(d) of the Sale and Supply of Alcohol Act enables Councils to consider whether further licences (on, off and club licences) should be issued for licensed premises, or whether there should be a cap/maximum limit or sinking lid policy to halt or reduce the existing numbers of outlets, particularly in areas where licensed premises have reached saturation levels or are in areas of high socio-economic deprivation, where there is high

number of children and young people, where there is high crime rate, or where there would generally be an impact on the amenity and good order of the area.

Maximum Trading Hours

16. **We support** reducing the operating hours of Class 2 and 3 restaurants, cafes and wineries (clause 3.2) to better reflect usual operating hours for these licensed premises (option 2). Reducing trading hours is a key strategy for reducing alcohol-related harms.⁵ International and national studies have shown that hazardous drinking increases with longer hours and greater availability, and that extended trading hours at on-licence premises was typically followed by increases in the incidence of assault, unintentional injury or drink driving offences.^{6 7}

One-way door restrictions

17. **We recommend** the inclusion of a *mandatory* one-way door restriction for all premises including where there are more than 100 people attending an event. One-way door restrictions would help prevent a large number of people coming out of licensed premises at the same time (as would be the case with a universal maximum closing time) and the potential for intoxicated patrons migrating between venues or interacting with others with an increased likelihood of disorder and crime. These conditions also have the potential to reduce the burden on Police, ambulance and hospital services and can have a positive benefit for not only the patrons of premises but the community generally.
18. **We recommend** that (as is the case with most council LAPs with a mandatory one-way door policy) the restriction should be for every night of the week and district/rohe-wide, which recognises that patrons are mobile and can move around to other licensed venues.

Discretionary Conditions

19. **We support** the inclusion of discretionary conditions but **recommend** that a number of these be mandatory conditions (such as the one-way door policy).
20. **We support** the additional condition that could see external alcohol advertising at liquor stores prohibited.⁸ The effect of alcohol marketing on youth alcohol initiation and heavy drinking is established as causal.^{9 10} In New Zealand, there is evidence that alcohol advertising is prevalent in urban settings, with tamariki Māori and Pasifika children disproportionately exposed.^{11 12} Research also shows that heavy or problem drinkers can be more responsive to alcohol advertising and imagery, placing them at risk of triggering alcohol use in relapse and maintaining alcohol dependence.^{13 14} The pervasiveness of alcohol signs and advertising at liquor stores is also likely to have a negative impact on

community well-being and can significantly lower the aesthetic value of an area, which in turn has flow-on effects for the community through reduced amenity values and community welfare.

21. **We support** the reference to Crime Prevention Through Environmental Design (CPTED) principles in the LAP, as these principles can provide additional guidance for a District Licensing Committee (DLC) and can provide a further reason for prohibiting external signage that obscures the view into/out of the premises.
22. **We recommend** additional discretionary conditions be included in the LAP, such as those prohibiting the use of Buy Now Pay Later payment schemes for the purchase of alcohol from off-licensed premises and prohibiting single sales.
23. **We recommend** the LAP include provisions that protect children and youth in the district, by not allowing special licences to be granted for family-focussed events, namely those events where a significant proportion of attendees are aged under 18 years.

Conclusion

24. Alcohol Healthwatch supports many of the provisions in the LAP, but recommends some additional protections to be put in place for the duration of the policy to address availability and associated alcohol-related harm.
25. Strengthened measures can be effective in meeting the object of the Sale and Supply of Alcohol Act 2012 and reduce the significant burden placed on communities from alcohol-related harm.

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3. Sale and Supply of Alcohol (Community Participation) Amendment Act 2023, No. 60. Available from: [Sale and Supply of Alcohol \(Community Participation\) Amendment Act 2023 No 60, Public Act – New Zealand Legislation](#).
4. For example, see Waikato District's LAP 2017:
 - 4.3.2. *No new on-licence for a new tavern, not being located in an area zoned under the Waikato District Plan to allow commercial activities, shall be located within five (5) kilometres of any existing tavern or hotel that holds an on-licence.*
 - 5.3.2 *No new off-licence in respect of a bottle store shall be issued for any premises located within one (1) kilometre of the legal site boundary of any existing bottle store, licensed supermarket or grocery store...*
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8. See Auckland District Licensing Committee Practice Note: Off-Licence Premises External Advertising, 13 March 2023, available at

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29 March 2024
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service@gdc.govt.nz



Submission – Gisborne Local Alcohol Policy 2024

Tēnā koe,

1. Communities Against Alcohol Harm provides advice and support to local community organisations, members of the public, Māori and other stakeholders who are seeking to reduce alcohol-related harm in their communities (especially harm or potential harm arising from applications for alcohol licences).
2. Communities Against Alcohol Harm broadly supports the proposed review of the Gisborne Local Alcohol Policy, recognising the strong protections in place from the 2018 policy, commends proposed improvements, and recommends further measures to protect Tairāwhiti communities from alcohol harm.
3. In this submission, we will first comment on the proposed changes to the 2018 Local Alcohol Policy, before proposing further measures. It can be noted that we support the preferred option indicated for each of the four proposals.
4. We support the preferred option two associated with proposal one, to include Class 1 restaurants in the wider group of licence types that are not to be issued within 150 metres of a sensitive site.
5. Class 1 restaurants can at times have the effect of operating as de facto taverns or nightclubs, and are less suitable to be issued near sensitive sites than cafes and restaurants, operating primarily as dining establishments. We commend Gisborne District Council for being alert to this distinction and strengthening protections.
6. We support the preferred option two of proposal two, to reduce the closing hours of certain types of on-licences (Class 2 & 3 restaurants, cafes, wineries) from 2am to 12am.
7. These types of premises are usually associated with the provision of food and dining experiences, while occasional special events such as weddings can be catered for with special licences. We support the retention of 10am as the opening hour for all on-licence types.
8. We support the preferred option two associated with proposal three, to include a discretionary condition in off-licences to facilitate cessation of external advertising at liquor stores.
9. Communities Against Alcohol Harm has extensive experience supporting community objectors opposing liquor stores in District Licensing Committee hearings.
10. A key battleground is in controlling external advertising, of alcohol brand advertising, alcohol-related lifestyle images, and increasingly aggressive franchise branding, colour schemes and livery. We will outline detailed proposals to protect community amenity from the negative appearance of liquor stores.
11. We support the preferred option two associated with proposal four, to include the legal definition of Class 1, 2, and 3 restaurant licences through footnotes for readability.
12. Improving readability in this way will reduce the need for users of the Local Alcohol Policy to cross reference other materials, and help streamline the application of these parts of the Local Alcohol Policy for stakeholders.

13. We support controls on the location and density of licensed premises, and note that District Licensing Committees must have regard to a Local Alcohol Policy, but it is the committee which has the discretion to make the decisions, subject to appeal to higher authorities.
14. We recommend the protection afforded to sensitive sites in 3.1 of the policy be extended from 150 metres to 300 metres.
15. We recognise that many local alcohol policies do not provide protections for sensitive sites, and of those that do, the protection can be limited. However, it is highly likely that experience of the harms from the sale of alcohol extend to sensitive sites that are located beyond 150 metres from a licenced premises.
16. We recommend paragraph 3.1.2 of the policy be deleted as it provides a large loophole allowing the introduction of off-licences near sensitive sites. There is no need to render the protection provided by paragraph 3.1.1 nugatory with such a broad exemption.
17. A new off-licenced supermarket may wish to open near a sensitive site in an application inconsistent with paragraph 3.1. If so, it would be up to the District Licensing Committee to *have regard to* any relevant local alcohol policy, as is the practice for other section 105 criteria in the Sale and Supply of Alcohol Act 2012.
18. To support the deletion of paragraph 3.1.1, Gisborne District Council may wish to consider if it is appropriate to add supermarkets, but not grocery stores to the list of licence types (restaurants, cafes, special licences) exempted from paragraph 3.1.1 of the local alcohol policy, as they are already not permitted to display external alcohol advertising, and are highly likely to have an ID 25 policy that is in place.
19. While we support proposal three to include a discretionary condition for liquor stores to cease external advertising at liquor stores, we are concerned that such a condition would be weak if limited only to alcohol brand advertising.
20. Our extensive experience shows that restrictions on signage in bylaws and in district plans are routinely ignored by licensees, licensing committees, and territorial authority compliance officers, despite widespread community concern regarding the obstreperous nature of advertising and signage at liquor stores, particularly in residential settings.
21. While alcohol brand and price advertising has been mitigated to an extent, a real concern for communities is the alcohol-related lifestyle signage, and in particular the very aggressive store branding that has developed. Franchise branding consists of the store name, the franchise name, logos and symbols, colours and livery, and signal words (e.g. Beers Wines, Spirits, RTDs). Often combined with alcohol-related lifestyle signage (e.g. vines, barrels, people socialising with alcohol, bottles on ice, wine in glasses etc.), the effect is an assault on the senses, a normalisation of alcohol, and a veneration of alcohol's place in community life.
22. The following images are screenshots of Gisborne liquor stores from Google street view, and are exemplary of the kinds of aggressive franchise branding that characterises contemporary liquor stores:



23. We propose strengthening any discretionary condition on external advertising at liquor stores so that it provides comprehensive protection to communities. The following conditions we think represents best practice in this area:
- No external or external facing alcohol product, price or alcohol-related lifestyle or brand advertising is to be displayed on the facade of the building or on any portable signs outside the premises (including not limited to flags, sandwich boards and bollard sleeves)*
 - Premises identification (including store name, franchise name, logos, colours, and livery) and signal words (e.g. Beers, Wines, Spirits, RTDs) must not exceed 20% of the facade of the premises*
 - Window signs to cover no more than 50% height or 50% width of window*
 - Wall mounted signs to be no larger than 3 square metres, with no more than 1 wall mounted sign per 5 metres of premises frontage*
 - No above veranda or roof signs*
 - Maximum of 1 portable sign per premises (including flags, sandwich boards and bollard sleeves)*
24. We also propose as a discretionary condition the mandating of pregnancy warning signs at points of sale and various other locations in off-licence premises, so as to be easily seen and read by people using the premises.
25. New Zealand and Australia have mandated pregnancy warning labels on all alcohol products produced and labelled after 31 July 2023. However older stock is not required to carry the label. Further, the label itself is quite small and is usually located on the rear rather than the front of alcohol products, so as to be easily ignored by people using licensed premises.



26. We propose to *reformat the pregnancy warning label to create a pregnancy warning sign* for use in licenced premises, at point of sale, and in single alcohol areas of supermarkets and grocery stores. An easily printable, and easily readable sign could increase awareness and salience of the warnings.
27. We propose reformatting the signs to an A4 size, with a portrait and a landscape option that can easily be printed and displayed by staff at licensed premises.



28. The Sale and Supply of Alcohol Act mandates display of a range of signage so as to be easily read by people. These signs include trading hours (s56, at each principal entrance), the licence itself (s57, at each principal entrance, see also s150 special licences). The full name of a manager on Duty at a premises *must be prominently displayed inside the premises so as to be easily read by people using the premises* (s214).
29. We propose that display of an A4 pregnancy warning sign be made a condition of licences, particularly off-licences. We see four potential routes of this occurring, through:
 - a. inclusion of discretionary conditions in Local Alcohol Policies;
 - b. licence conditions imposed by District Licensing Committees or the Alcohol Regulatory and Licensing Authority (ARLA);
 - c. practice notes issued by District Licensing Committees;
 - d. regulations developed under s401(b) of the Sale and Supply of Alcohol Act.
30. We recommend Gisborne District Council include a discretionary condition to require off-licensed premises to display of A4 pregnancy warning signs at point of sale and other prominent locations throughout the premises so as to be easily read by people using the premises.
31. The Sale and Supply of Alcohol Act allows territorial authorities to develop a local alcohol policy, allowing the issue of licences subject to discretionary conditions under s77(f). These conditions are to be imposed at the discretion of District Licensing Committees, but in turn District Licensing Committees may be expected to include conditions and give effect to policy decisions, unless there is a good reason not to do so.
32. Gisborne District Council's 2018 local alcohol policy already includes a number of discretionary conditions, so introducing new discretionary conditions to protect the community is well precedented.
33. We would welcome the opportunity to support our submission with an oral presentation.

Noho ora mai,

Communities Against Alcohol Harm



SUBMISSION ON THE GISBORNE DISTRICT COUNCIL LOCAL ALCOHOL POLICY

To: Gisborne District Council ("**Council**")

Submitter: General Distributors Limited ("**GDL**")

Summary

1. GDL welcomes the opportunity to submit on the Gisborne District Council Draft Local Alcohol Policy ("**Draft LAP**"). As an off-licence holder in the Gisborne region, GDL has an interest in the matters raised in the Draft LAP. GDL supports the objectives of minimising alcohol-related harm in the district and the general use of local alcohol policies as a tool for Council to assist with the safe consumption of alcohol.
2. GDL supports the Draft LAP on the basis it does not seek any changes to Policies 3.1.2, 3.2, and 3.4.3, as it relates to supermarkets.

GDL as an off-licence holder

3. GDL is a wholly owned subsidiary of Woolworths and is responsible for operating Woolworths stores nationwide. GDL owns and operates 190 supermarkets under the Woolworths (formally known as Countdown) and Metro banners, and 4 "eStores" across New Zealand. Another subsidiary of Woolworths, Wholesale Distributors Limited, is the franchisor for over 70 SuperValue and FreshChoice supermarkets, which are locally owned and operated businesses.
4. GDL has been part of New Zealand communities for more than 90 years. GDL's purpose across its business is to make Kiwis' lives a little better every day. GDL is committed to contributing positively to New Zealand communities, and our team of more than 20,000 people work hard to deliver safe, fresh and affordable groceries to New Zealanders.
5. As a holder of over 175 off-licences in New Zealand, GDL is an experienced licence holder and is committed to being a responsible retailer of alcohol. GDL acknowledges that it has a shared responsibility to prevent alcohol-related harm and ensure that consumption of alcohol is undertaken safely and responsibly.
6. In the Gisborne region, GDL holds one off-licence for Woolworths Gisborne. Woolworths Gisborne trades to the maximum trading hours are 7:00am to 9:00pm, the same maximum off-licence hours stipulated in the Draft LAP.

Reason for submission

7. GDL supports the Draft LAP, as it relates to supermarkets. Policies 3.1.2, 3.2, and 3.4.3 will continue to enable Woolworths Gisborne to continue to trade in an efficient and responsible manner.

8. If the Committee proposes any additional amendments to the Draft LAP, as it relates to supermarkets, GDL seeks the opportunity to consider these amendments and submit further on them.

Signature: **GENERAL DISTRIBUTORS LIMITED**

National Alcohol Responsibility Manager

Date: 27 March 2024

Address for Service: /
†

Makarand Rodge

From: David Steed
Sent: Monday, 1 April 2024 9:19 pm
To: Makarand Rodge
Subject: Submission 1 - Sensitive sites
Attachments: 2024-31-03 LAP comparisons.pdf; 2014_Draft_Local_Alcohol_Plan - Marlborough.pdf

Submission 1

Failure to communicate: Sensitive Sites

I refer to the Report to Sustainable Tairāwhiti regarding the 24-35 Local Alcohol Policy dated 28 February 2024 (“the Report”).

The Report repeatedly asserts the importance and relevance of sensitive sites, but the Report makes no effort to explain why those sensitive sites should be prioritised above all else. The report makes no effort to explain how the prioritisation of sensitive sites promotes the objectives of the Gisborne Local Alcohol Policy (“LAP”), being:

- *Balance a healthy and safe Tairāwhiti with a vibrant and prosperous Tairāwhiti;*
- *Encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm; and*
- *Reflect the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities.*

The Report repeatedly infers the evils of alcohol, but does not explain why the mere existence of well managed venues, which may feature alcohol among their offerings, represent significant harm or are otherwise fundamentally incompatible with sensitive sites in all almost circumstances. Members of our communities who are employed within the hospitality sector and members of our communities who appreciate the services offered by well managed venues, are ignored in favour of stars on a map.

No effort has been made to consult with our communities regarding the relevance of the continued inclusion of sensitive sites in the Gisborne LAP. This is peculiar given the recent disagreements, where the GDC and Police efforts to oppose a new business on a site of a former hospitality venue were thwarted by the application of common sense by the Gisborne Districting Licensing Committee.

Due to the absence of any decision useful information on sensitive sites being included in the Report, I did a high-level (i.e. rough) review of the LAPs of those Councils mentioned within the Report and added a few neighbouring Councils.

Of the 12 LAPs reviewed:

- 6 had no sensitive sites policy;
- 3 required consultation for new businesses within 100 metres of a sensitive site;
- 2 required consultation for new businesses within 50 metres of a sensitive site; and
- 1 banned new taverns and off-licenses within 50 metres of a sensitive sites

From the above we can conclude the Gisborne LAP approach to sensitive sites of banning new businesses within 150 metres of any sensitive site is extreme when compared to similar jurisdictions. Coupled with some very public dissatisfaction of the enforcement of the existing policy, seeking to expand the existing influence of sensitive sites further, without proper explanation or public consultation comes across as extraordinarily arrogant.

For your reference, I attach a copy of the Marlborough District Council draft LAP, which includes some reasons why sensitive site considerations were excluded (after extensive consultation). I also include a summary of the review of comparable LAPs.

If you have any questions or require additional information, please do not hesitate to contact me.

Yours sincerely

David Steed

Review of comparable Local Alcohol Policies (LAPs)

	Policy	Sensitive Sites Incl	Range	Requirement
Waimakariri District Council	2018	No	n/a	n/a
Southland District Council	2019	Yes	50 metres	Evidence of consultati
Invercargill City Council	2019	Yes	50 metres	Evidence of consultati
Selwyn District Council	2017	No	n/a	n/a
Marlborough District Council	Draft	No	n/a	n/a
Kawerau District Council	2023	Yes	100 metres	Demonstrate no signif
Ōpōtiki District Council	2023	Yes	100 metres	Demonstrate no signif
Whakatāne District Council	2023	Yes	100 metres	Demonstrate no signif
Wairoa District Council	2020	Yes	50 metres	Ban on bars and off lic
Napier City Council	2019	No	n/a	n/a
Hastings District Council	2019	No	n/a	n/a
Hutt City	2018	No	n/a	n/a

Makarand Rodge

From: David Steed ✓
Sent: Monday, 1 April 2024 9:22 pm
To: Makarand Rodge
Subject: Submission 2 - statistics
Attachments: HPA Outlets Report January 2017.pdf

Submission 2

The density in statistics

“Statistics are used much like a drunk uses a lamppost: for support, not illumination.” Vin Scully

Alcohol Density

I refer to the Report to Sustainable Tairāwhiti regarding the 24-35 Local Alcohol Policy dated 28 February 2024 (“the Report”).

The Report states:

23. National trends suggest that alcohol outlet density correlates with levels of drinking and alcohol related harm, supported by recent New Zealand-based research. When compared to the New Zealand average, Gisborne has more on - and off-licence alcohol retailers per 10,000 of population.

The Report proceeds to repeatedly use the above statistics to instil a sense of moral panic and provide rationale for proposed changes to the GLAP. The communication downplays the actual facts, where Gisborne hospital presentations and admissions related to alcohol have continued to trend downward over the past decade, to the extent they are now below the national average.

With reference to the statistics used in the Report to justify changes to the GLAP, the 2017 report regarding *The Relationship Between Alcohol Outlets and harm* (“the 2017 Cameron Report”) states:

“However, despite the fact that we have used density measures (in terms of outlets per 10,000 population) in our own previous work (e.g. see Cameron et al., 2012c; 2012d; 2013a; 2016a), we argue that the focus on density measured in this way is theoretically flawed, and leads to measures that may not accurately capture the effects of an additional outlet on social harms.”

From my understanding, the impact of density is better measured by the access to alcohol determined by geography, such as alcohol venue proximity to housing. Accordingly, in a sparsely populated region such as the Gisborne territory, a greater number of outlets may not necessarily provide greater access to alcohol than a more condensed population with fewer outlets.

Based on third party methodologies, the Report’s use of alcoholic outlet density is flawed and the moral panic can be deferred until Council can manufacture a more credible set of statistics. In the interim, the positive trends and outcomes from the hospital alcohol related admissions (i.e. facts) are a more reliable measure of performance.

The 2017 Cameron Report

The Report cites a 2011 research report headed by Jennie L Connor in its assertion that alcohol density correlates with levels of drinking and alcohol related harm. The 2017 Cameron Report also cites this 2011 research report, observing:

Using a cross-sectional design, they found a significant positive association between binge drinking (defined as consuming more than five drinks on a single occasion once a month or more) and the density of off-licence

outlets and bars and clubs, but not for restaurants. No significant associations were found between outlet density and the average amount of alcohol consumed per year, or risky drinking.

Based on the above, the authoritative support cited by the Report (i.e. Council) concludes there is no statistical nexus between the number of licensed restaurants and alcohol related harm.

Further, the 2017 Cameron Report generally observes the magnitude of the effects observed from earlier reports on the subject are greatly diminished. For example, earlier reports from the same author cite an increase of 6% in alcohol related incidents arising from an additional bar or night club were reassessed to an increase of 0.5%. I attach a copy of The 2017 Cameron Report for your records.

In summary, the statistical evidence available does not support the assertions made by the Report, nor the proposed changes to the Gisborne LAP therein.

“If your experiment needs statistics, you ought to have done a better experiment” Ernest Rutherford

If you have any questions or require additional information, please do not hesitate to contact me.

Yours sincerely

David Steed

Makarand Rodge

From: David Steed ·
Sent: Monday, 1 April 2024 9:24 pm
To: Makarand Rodge
Subject: Submission 3 - hospital presentations
Attachments: NZ Alcohol Supply and Demand Structure Research Report FEB2018-Final.pdf

Submission 3

Hospital presentations:

I refer to the Report to Sustainable Tairāwhiti regarding the 24-35 Local Alcohol Policy dated 28 February 2024 (“the Report”).

The Report states:

22. While there were the expected troughs during mid-morning and peaks towards the end of the evening, 41% of all alcohol-related ED presentations in Tairāwhiti last year, first presented between 3:00am and 4:00am. Having clearly identified a time of day associated with hazardous drinking behaviours requiring healthcare assistance, a proposed change (Proposal 2 below) to the hours for certain on-licence premises has been considered to best mitigate alcohol related harms.

I refer to the New Zealand Alcohol Supply and Demand Structures, research report, dated February 2018 (“NZ Supply Report”).

Page 34 of the NZ Supply Report states “e) Supermarkets account for an estimated 31% of national alcohol sales by total beverage volume, bottle stores an estimated 33%, taverns 6% and restaurants 4%. Combined these four types of premises account for 74% of total alcohol sold (2014);”

Page 52 of the NZ Supply Report states: “Across all days, 16% of (alcohol and non-alcohol related) spending in on-licence premises nationally occurs between 7am and noon (and not before 8am) compared to 19% of spending in off-licence premises. A further 26% of on-licencing spending nationally occurs between noon and 4pm compared to 37% in off-licence premises. A further 20% of on-licencing spending nationally occurs between 4pm and 7pm compared to 31% in off-licence premises. Last, 35% of on-licencing spending nationally occurs between 7pm and midnight compared to 12% in off-licence premises (which stop selling alcohol at 11pm or earlier). Just 3% of total spending in on-licences occurs after midnight and before 4am in 2014.”

Using the above 2014 New Zealand sales averages, if we multiple the restaurant share of total alcohol sales of 4%, with the proportion of on-license sales made after midnight of 3%, we arrive at 0.12% being the estimated total Gisborne alcohol sales by restaurants made after midnight, if indeed any restaurants are open after midnight in Gisborne. If you then extend the above calculation to all on-licenses (i.e. taverns and nightclubs), you still only get on-premise alcohol sales after midnight being 0.30% of total Gisborne alcohol sales.

I submit the Report’s rational for harassing licensed restaurants (be-it Proposal 1 or 2) as the best way to mitigate alcohol related harms at the hospital after 3am is absurd.

I attach a copy of the NZ Supply Report for your records.

If you have any questions or require additional information, please do not hesitate to contact me.

Yours sincerely

Makarand Rodge

From: David Steed
Sent: Monday, 1 April 2024 9:53 pm
To: Makarand Rodge
Subject: Submission 4 - Proposal One

Proposal One: No new licences to be granted for Class 1 premises located within 150 meters of sensitive sites

I refer to the Report to Sustainable Tairāwhiti regarding the 24-35 Local Alcohol Policy dated 28 February 2024 (“the Report”).

The Report states:

58. Under the current LAP no new licences can be provided to taverns located within 150 meters of sensitive sites while all restaurants (including Class 1) and cafes can be provided new licences.

With reference to Submission 1, a review of LAPs from comparable Councils, confirmed the Gisborne LAP is extreme in relation to the definition of sensitive sites, the areas impacted by the sensitive sites and the outright ban of new business in the areas impacted by those sensitive sites. No explanation has been offered in the Report as to why this extreme approach is appropriate, nor has any effort of consultation with the local communities been made regarding the extent of the impact of the sensitive sites.

The Report states:

59. The primary reason for this proposal is to provide clarity and consistency in terms of operational realities between taverns and Class 1 restaurants.

The distinction between Taverns and Class 1 Restaurants is already clearly set out under section 5(6) of the Sale and Supply of Alcohol (Fees) Regulations 2013. There is no ambiguity to clarify.

The Report appears to seek to obscure the real intent and effect of the proposal, which is to further extend the influence of sensitive sites without meaningful consultation.

The Report states:

*60. Staff note that based on their experiences when dealing with various Class 1 license restaurants, such premises often use their legal classification under the Sale and Supply of Alcohol (Fees) Regulations 2013 to function as a tavern most nights of the week, where the **purpose of the business is to principally provide alcohol to the public.***

The Report appears to convey a grievance of the tri-agencies (TDH, Police, Inspectorate), regarding their inability to use the sensitive sites parts of the Gisborne LAP against Class 1 restaurants, which appear to be consistently operating within the scope of legislation and the Gisborne LAP. The Report does not attempt to suggest this proposal would reduce harm from alcohol, nor does the Report suggest the proposal would promote the objectives of the Gisborne LAP in any way. Essentially the proposal is a deeming provision, enabling the tri-agencies to ignore the statutory definition of restaurant and instead treat those businesses as taverns, without meaningful consultation.

The Report refers to the purpose of a business, yet the Supply of Alcohol Act 2012 does not feature a principal purpose test. The Report may be conflating the principle purpose requirements within Gambling legislation and has also incorporated the use of gambling jargon such as “sinking lid” in its proposal. A key difference is Class 4 gaming is a permitted activity, but does not necessarily enjoy the support of the wider community. Conversely, responsible alcohol consumption is supported by a significant majority of the New Zealand population, especially in controlled environments such as restaurants (1, 2 or 3) or cafés.

The Report states:

61. Data provided by TDH reveals higher-than-average density of alcohol outlets around sensitive sites. Therefore, staff propose including the option of denying alcohol licences to Class 1 restaurants in addition to taverns located within 150 meters of sensitive sites (educational institutions¹³, spiritual facilities¹⁴, marae and recreational facilities¹⁵).

A more accurate description is that sensitive sites, as defined by the current LAP, encompass the entirety of Gisborne, including areas that have been the centres of hospitality for over a hundred years. As outlined above, the Report does not attempt to explain why every sensitive site is also *deemed* more important and fundamentally incompatible with any businesses that features alcohol in some way, shape or form.

The Report states:

62. If this proposal is accepted then a case-by-case approach will be adopted when dealing with new licences required for Class 1 restaurants due to a change of ownership, provided the licence type and scope of the new licence are the same as the existing licence for the premise.

I do not believe this to be realistic. As a former petty bureaucrat, I believe it is almost certain the tri-agencies would seek to shut down such venues using whatever means necessary. For example, if the business closes during handover, there would be claims there is no longer an existing business. If the business fails, there would again be no existing business. If an existing operator scales back operations due to health reasons or similar, the tri-agencies would use those diminished hours as the benchmark for the new operators. Alternatively, minority members of the public with temperance tendencies could pursue legal action regarding the same.

The Report states:

63. The proposed change would further allow Council to reduce accessibility and availability of alcohol for longer periods near sensitive sites.

The current Gisborne LAP prohibits new taverns or off-licenses within 150 metres of sensitive sites, but makes no reference to sensitive sites in relation to the restriction of alcohol consumed in restaurants or cafes. The reason for this is likely because a significant majority of the New Zealand population supports the ability to drink responsibly in a controlled environment such as licensed restaurants. At best the above statement in the Report is irrelevant, at worst it highlights a bias within the tri-agencies.

Restricting access to licensed restaurants is scarcely meaningful, if there remain a plethora of class 4 gaming venues within walking distance.

Risks/ costs of new proposal

- The Report has not considered the impact of potential loss of employment to members of the community;
- The Report has not considered the impact of loss of dining options to members of the community, but I guess those who like a drink with their meal only deserve to have pies, chips and supermarket pizzas; and
- The Report has not considered the impact on vulnerable people in terms of gambling, since the only venues routinely available in the CBD after 10pm are often class 4 gambling venues.

I submit Proposal 1 would result in inevitable outcomes that are contrary to the stated objectives of the Gisborne LAP, while having no impact on alcohol related harm.

If you have any questions or require additional information, please do not hesitate to contact me.

Yours sincerely

Makarand Rodge

From: David Steer¹
Sent: Monday, 1 April 2024 9:40 pm
To: Makarand Rodge
Subject: Submission 5 - Proposal 2

Proposal Two: Reduce operating hours for on-licences Class 2 and 3 restaurants, cafes, and wineries from 10am to 12am instead of 10am to 2am

I refer to the Report to Sustainable Tairāwhiti regarding the 24-35 Local Alcohol Policy dated 28 February 2024 (“the Report”).

The Report states:

64. The current policy allows Class 2 and 3 restaurants, cafes and wineries to operate between 10am to 2am similar to that of Class 1 restaurants, Taverns, Night clubs and BYO entertainment centres. However, the present hours do not reflect the reality of the business commercial operations. The current operating hours (10am to 2am) open up the possibility for certain businesses to provide alcohol in a time frame that is outside the framework of their scope of operation (for example, cafés operating at 2 am).

Prima facie, this Proposal 2 appears to be contrary to section 41 of Sale and Supply of Alcohol Act 2012 (“the Act”).

Restrictions on issue of special licences

41 No special licence where permanent licence or variation of permanent licence more appropriate

A special licence must not be issued in circumstances where (in the opinion of the licensing committee concerned) it would have been more appropriate for the applicant to apply for—

- (a) an on-licence, off-licence, or club licence; or
- (b) the variation of an existing on-licence, off-licence, or club licence.

By way of example, I own a small restaurant permitted to serve alcohol until 11:30pm, but we are ordinarily closing up around 9pm. The Report would suggest we should only have an alcohol license until say 10pm. However, we often have private functions that routinely extend to 11:30pm. If we were to follow to model suggested in the Report, we would be required to secure a multitude of special licenses over the year (probably until 2am), which subject to the proclivities of the Licencing Committee, would be contrary to section 41 of the Act.

My assumption would be other class 2 and class 3 restaurants would from time-to-time have private functions that extend beyond midnight. As part of a robust consultation process, I would expect the Report to provide a detailed outline of those affected businesses with the actual and planned private functions extending beyond midnight. A robust consultation process would also seek confirmation of an opinion from the Licensing Committee that the scale of the private functions would all be best served by restaurant owners applying for multiple special licences over the foreseeable future.

From a legal perspective, I suspect Gisborne District Council can steamroll over the above statutory requirements, but such extreme measures should only be contemplated where it can be demonstrated there is a strong nexus with the objectives of the Gisborne LAP, not because of some vague virtue signalling.

The Report states:

65. In the current setup the provisions of food and free water is sufficient to allow these types of businesses to legally operate until late.

Really? I had previously understood all licensed premises needed to abide by the appropriate Alcohol legislation, including duty managers and appropriate host responsibility obligations, such as checking for

underage patrons and intoxication. If there is no requirement for such operations to abide by the appropriate legislation, then I can certainly understand the concern expressed in the Report.

Alternatively, the Report would be extraordinarily churlish if it was being trite and referring to hypothetical business operations that were instead abiding by the appropriate Alcohol legislation and there was no demonstrable alcohol relating harm resulting.

The Report states:

66. Cafes, wineries, Class 2 and 3 restaurants, are known to operate well within the operating hours mentioned under the current LAP (10am to 2am). Staff note that the usual operating hours for such type of premises is between 10am to 10pm.

As outlined above, from time to time such operations might hold functions that extend beyond their ordinary hours of business and beyond midnight. In those circumstances, this proposal would require those businesses to obtain temporary licenses for such functions. As outlined above, this would be inconsistent with the Act, unless the Licensing committee thought it was a good idea. Aside from staff hunches, have the tri-entities sought input from the affected businesses and/or the licensing committee?

The Report states:

67. Moreso, as captured in the data provided by TDH, a higher number of ED presentations have been observed related to hazardous alcohol behaviours between 2am to 5am.

In the preceding paragraph (66), the Report states the usual operating hours Cafes, wineries, Class 2 and 3 restaurants conclude at 10pm, yet in this paragraph (67) the Report infers a nexus to hazardous drinking activity after 2am, over four hours after those businesses have purportedly closed their doors. This makes no sense.

Further, as outlined in submission 3, the theoretical volume of alcohol consumed where restaurants are active after midnight would be 0.12% of total alcohol consumption. The Report is simply not credible.

The Report states:

68. Adoption of this proposal would also allow reduction in effects of alcohol caused by premises that fall within 150 meters of sensitive sites.

As previously stated, the current Gisborne LAP prohibits new taverns or off-licenses within 150 metres of sensitive sites, but makes no reference to sensitive sites in relation to the restriction of alcohol consumed in restaurants or cafes. The reason for this is likely because a significant majority of the New Zealand population supports the ability to drink responsibly in a controlled environment. At best, the above statement in the Report is irrelevant, at worst it highlights a bias within the tri-agencies.

As outlined in the New Zealand Alcohol Supply and Demand Structures, the restaurant share of alcohol consumption by volume is approximately 4%. On-premise alcohol consumption after midnight represents approximately 3% of total on-premise alcohol consumption. If we extrapolate the above, we end up with restaurant alcohol consumption after midnight of 0.12% of total alcohol consumption. Further, Proposal 2 focuses on restaurants that are not ordinarily open after 10pm, so alcohol consumption in respect of Proposal 2 would be negligible.

Given the above, it is difficult for me to believe the Report has been prepared in good faith.

Risks/ costs of new proposal

- The Report has not considered the impact of potential loss venues for non-profit gatherings within the CBD;
- The Report has not considered the impact of loss of venues for private or staff functions within the CBD;

- The Report has not recognised the fact the Proposal is contrary to the intent of the Act (Section 41)
- The Report does not address the fact the Proposal is internally inconsistent (i.e. states those premises are not currently open during those hours, but then claims the Proposal will meaningfully reduce alcohol consumption). I suspect the Report is wrong on both accounts, with venues being open a meaningful number of days for the purposes of section 41, but those occasions not resulting in the consumption of a meaningful amount of alcohol.
- The Report has not addressed the fact insufficient consultation has been completed for Council to make an informed decision, unless that decision is no.

Makarand Rodge

I

From: David Steed
Sent: Monday, April 1, 2024 10:55 PM
To: 'Makarand Rodge'
Subject: Submission 6 - Proposal 3

Proposal Three: Option to seize external advertisements at liquor stores

I refer to the Report to Sustainable Tairāwhiti regarding the 24-35 Local Alcohol Policy dated 28 February 2024 (“the Report”).

The Report states:

69. At present, liquor stores can advertise alcohol outside their licenced premises unless regulated through means of discretionary conditions in the alcohol licencing process. TDH have provided advise that our region is leading in the number of liquor stores per capita in the nation. Therefore, the tri-agencies (TDH, Police, Inspectorate) strongly recommend adding this proposed change in the new LAP to cease external advertisements outside liquor stores to reduce exposure.

I disagree with the rationale for the above proposal due to the following reasons:

1. The Report’s approach to outlet density (being liquor stores per capita) is flawed, according to the 2017 Cameron Report (refer submission 2). Further, the NZ Supply Report observed in 2014 Gisborne had a disproportionate number of off licenses, yet the TDH data shows a steady improvement of alcohol related outcomes at the hospital since that date.
2. Aside from unsubstantiated rhetoric, I am not aware of any reputable report demonstrating mere ‘exposure’ to alcohol related signage results in any alcohol related harm. In context, the 2017 Cameron Report (refer submission 2) found an entire tavern within one km of a residence *might* expect to increase in alcohol related harm of up to 0.5%. My assumption is a couple of posters outside an existing [off-license](#) is not going to move the needle.
3. I did not perceive there was prominent alcohol advertising on off-licences in Gisborne and I believed I would have noticed. So, around midday on Saturday 30 March 2024 I went for a drive around Gisborne to find examples of exterior advertising (refer attached). I had a look at 10 off-licenses and found no examples of meaningful external advertising.

Given the above, it is curious the tri-agencies **strongly** recommended this proposal, since its impact on alcohol related harm would be trivial. I suspect the underlying rationale for the proposal was developed or copied from outside Gisborne. I think it highlights the fact the representations from the tri-agencies do not necessarily reflect the views of our local community, even if they might have the best of intentions.

Notwithstanding the above concerns, I don't have a problem with underlying proposal, so long the term *advertising* is limited to alcoholic promotion and pricing – not colour schemes, livery, branding or non-alcoholic products/services such as Farmlands or Fly buys etc.

If you have any questions or require additional information, please do not hesitate to contact me.

Yours sincerely

David Steed

Makarand Rodge

From: David Steec
Sent: Sunday, 7 April 2024 2:28 pm
To: Makarand Rodge
Subject: References / Hyperlinks with relevant quotes and page numbers

As requested

[Part 4 Draft Local Alcohol Policy \(marlborough.govt.nz\)](#)

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Location restrictions (i) Restrictions on the location of licensed premises e.g. on bottle stores close to schools
Reasons for not including this policy: - Whilst some restriction to appropriately zoned land is included in the draft LAP, the provisions of the Act are considered adequate to address such issues of location. Under the Act the District Licensing Committee is required to consider the effects of a proposed licensed premises e.g. the effects of a bottle store on the amenity and good order of 'the locality' and consider also the purposes for which land near the premises concerned is used. - General restrictions on the location of premises may lead to unintended and undesirable consequences such as a 'cluster' of licensed premises located just outside an area where premises are not permitted. - There may also be considerable difficulties in establishing a robust and workable definition of 'proximity' particularly given the relatively small size of many communities and the close proximity of sensitive sites to areas appropriately zoned for bottle stores in Marlborough District.

[HPA Outlets Report January 2017.pdf](#)

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Connor et al. (2011) conducted a national survey of 1,925 18-70 year olds in 2007 looking at alcohol consumption and drinking consequences. Outlet density was defined as the number of alcohol outlets within one kilometre of each survey respondent's home address. Using a cross-sectional design, they found a significant positive association between binge drinking (defined as consuming more than five drinks on a single occasion once a month or more) and the density of off-licence outlets and bars and clubs, but not for restaurants. No significant associations were found between outlet density and the average amount of alcohol consumed per year, or risky drinking.

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Where drinking is one of the main activities (as in clubs and bars) the marginal effects are likely to be different to on-licence outlets where drinking is incidental to another activity (such as restaurants and cafés). Similar logic applies to off-licences, where the type of customer catered for by supermarkets and grocery stores may be different from that of other off-licence outlets. Previous research has shown that the relationships between alcohol outlets and social harms are different for different types of outlets (and hence, different licence types) (Cameron et al., 2012c, 2012d).

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Many previous studies have often used alcohol outlet density, measured as the number of outlets per unit of population, the number of outlets per unit of area, or the number of outlets per roadway mile, as the key variable of interest in the analysis. The hypothesis is that an increase in the 16 measure of accessibility (alcohol outlet density, however measured) is associated with increased social harms (however measured). However, despite the fact that we have used density measures (in terms of outlets per 10,000 population) in our own previous work (e.g. see Cameron et al., 2012c; 2012d; 2013a; 2016a), we argue that the focus on density measured in this way is theoretically flawed, and leads to measures that may not accurately capture the effects of an additional outlet on social harms

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In Model I, only bars and night clubs, and off-licence outlets are statistically significantly associated with greater levels of violence events, holding all else constant, though we note that off-licence outlets are only statistically significant at the 10% level of significance. An additional bar or night club is associated with 0.9 percent more violence events, and an additional off-licence is associated with 2.3 percent more violence events. In contrast, licensed clubs and other on-licence outlets (e.g. restaurants, cafés, and accommodation providers) show no statistically significant relationship with violence events.

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Finally, Model V adds spatial lags of the outlets (by type) and population. 14 Only licensed clubs and other on-licence outlets demonstrate statistically significant spatial lags. Both spatial lags are negative, suggesting that an additional licensed club or other on-licence outlet in surrounding areas is associated with significantly less violence.

Page 29

Bars and night clubs have a significant and positive un-mediated relationship with antisocial behaviour events, where an additional bar or night club in an area is associated with a 0.4 percent higher incidence of antisocial behaviour.

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Our results are broadly similar to those from the earlier literature. However, the effects are generally much smaller in magnitude than those estimated in earlier research. For instance, Cameron et al. (2012d) estimated that an additional bar or night club was associated with 2.1 additional violence events in 2008/09 in Manukau City. This represented an increase of about 6 percent. Cameron et al. (2016a) found that an additional bar or night club was associated with an additional 5.3 violence events per year, using data from 2006-2011 for the entire North Island. However, in this report we find that an additional bar or night club is associated with a statistically insignificant 0.5 percent higher incidence of violence events. The smaller magnitude of effects arises because the panel data allows us to control for unobserved characteristics of the areas that are associated with both additional crime, and the location of alcohol outlets.

[NZ Alcohol Supply and Demand Structure Research Report FEB2018-Final.PDF \(hpa.org.nz\)](#)

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Within the Other Regional City TAs, Gisborne District stands out with a greater than average share of off-licences (35%, also driven by the addition of the winemaker licences) and an associated lower than average share of club licences (20%).

Page 34

e) Supermarkets account for an estimated 31% of national alcohol sales by total beverage volume, bottle stores an estimated 33%, taverns 6% and restaurants 4%. Combined these four types of premises account for 74% of total alcohol sold (2014);

Page 52

Across all days, 16% of (alcohol and non-alcohol related) spending in on-licence premises nationally occurs between 7am and noon (and not before 8am) compared to 19% of spending in off-licence premises. A further 26% of on-licencing spending nationally occurs between noon and 4pm compared to 37% in off-licence premises. A further 20% of on-licencing spending nationally occurs between 4pm and 7pm compared to 31% in off-licence premises. Last, 35% of on-licencing spending nationally occurs between 7pm and midnight compared to 12% in off-licence premises (which stop selling alcohol at 11pm or earlier). Just 3% of total spending in on-licences occurs after midnight and before 4am in 2014.

Links / Hyperlinks for Submission from **Mr. David Steed**:

[Part 4 Draft Local Alcohol Policy \(marlborough.govt.nz\)](#)

[HPA Outlets Report January 2017.pdf](#)

[NZ Alcohol Supply and Demand Structure Research Report FEB2018-Final.PDF \(hpa.org.nz\)](#)

Makarand Rodge

From: Alcohol Licensing
Sent: Tuesday, 2 April 2024 9:45 am
To: Makarand Rodge
Subject: LAP feedback

From: Janet Willson
Sent: Thursday, March 28, 2024 1:29 PM
To: Services <Service@gdc.govt.nz>
Cc: Alcohol Licensing <Alcohol.Licensing@gdc.govt.nz>
Subject: LAP feedback

To Whom it May Concern

Thank you for the opportunity to comment on the upcoming review of the Local Alcohol Policy (LAP)

The Gisborne Bowling Club Board met this week and discussed this.

We believe none of the proposed changes will impact on our club.

Regarding Special Licences: We recommend that Special Licences for a series of events, like our annual Mercantile tournament, be counted as one licence. The Board fully support this recommendation.

Sincerely

Janet Willson
Secretary
Gisborne Bowling Club

20-3-24

To whom it may concern.

on behalf of Gisborne Orphans Club Incorporated
 a small entertainment club I take this opportunity
 to query why when obtaining a special liquor
 licence class 2 (3-12 events) why should we
 pay \$207.00 when ours is only a six month
 season but require a licence for eight nights
 as that covers Best of the Best and AGM also.
 Nothing is on the licences check list regarding
 months it is only when reading the local GDC
 Alcohol policy anything is said about the licence
 not exceeding six months. As a small club to
 go to a class one licence would financially cripple
 us, note we are all pensioners so do you
 not think it is time this was reviewed as I
 am sure there must be other small clubs
 in this position, Thank you

Michael Scarellly.



ATTACHMENT 2: SUMMARY OF INDUSTRY HUI

Meeting: **Industry Meeting on the GDC's proposed Local Alcohol Policy 2024**

Location: **Tahu, 40 Centennial Marine Drive**

Date and Time: **Monday 25 March 2024, 3PM – 4.30PM.**

Gisborne District Council staff attended a hui organised by Mr. Jared Johnstone on 25 March 2024 along with several other restaurant owners / alcohol license holders. The following notes reflect the views and sentiments expressed by the attendees at the hui in relation to Council's proposed changes:

1. **Proposal 1: No new licenses to be granted for Class 1 restaurants located within 150 meters of sensitive sites: -**

DISAGREE

- i. **Classes of premises:**
 - a. Interpretation of Classes of premises by Licensing authority is very different to other regions. Especially interpretation of Class 1 restaurants.
 - b. Several licensees have had to appoint consultants to complete the licensing process because of the difference in interpretation of classes.

- ii. **Sensitive sites:**
 - a. There has been no consultation on the interpretation of what constitutes as a sensitive site as part of reviewing the policy. The current definitions of sensitive sites do not involve and represent the views of the community.
 - b. There has always been a strong prioritisation towards sensitive sites. Sensitive sites are allowed to set up within 150 meters of a licensed premise which is affecting licence renewal processes. Sensitive sites should in fact not be permitted to set up near licensed premises or if necessary, should at least have a recall with the relevant licensees.
 - c. Sensitive sites are often closed when licensed premises are operating which should be considered as part of assessing impacts.

- iii. **Revitalizing our CBD:**
 - a. There is a need to revitalize our CBD region by allowing more freedom for licensed premises and not be more restrictive.
 - b. Proposing more restrictions shows lack of understanding of hospitality operators. There is a need to diversify operations to make business and create more revenue streams and not be restrictive about this. Only providing food or just drinks is not beneficial for any operation.
 - c. If CBD is restricted, then there will not be enough options for visitors and locals. Half of the visitors that come via cruise are observed to head back post lunch. Visitor economy is very crucial for the hospitality sector, without visitors, local businesses revenue would be heavily impacted.
 - d. Vibrancy for the city and region is necessary. It is depressing to watch the CBD die; these proposals are another dagger for the hospitality sector.

- e. It gets harder for visitors or even locals to connect with the community because of restrictions around CBD zone. A unique value proposition would be to maintain Gisborne's culture – Manaakitanga.
 - f. If this proposal is adopted, this could potentially replicate what has happened in Dunedin as an example – Police ended up with more issues to deal with when restrictions were applied within CBD area and students ended up getting alcohol from off licences and drinking out in the suburbs.
 - g. Hospitality sector would lose a large proportion of customers if alcohol were not available at a venue. Owners need diverse means of revenue.
 - h. We should look to replicate Rotorua's policy around alcohol which allows a vibrant CBD. Perhaps we can look at the area around Peel Street, as a no restriction zone.
- iv. **Regulatory concerns:**
- a. Common sense is required to be applied while considering application for existing / new licenses.
 - b. Decisions are steam rolled and therefore a case-to-case basis approach is not suitable.
 - c. There is a need to build a partnership with Council with the hospitality sector to ensure vibrancy is maintained in town. We need to create a region and work with people on a high value hospitality sector.
2. **Proposal 2: Reduce operating hours for on-licences Class 2 and 3 restaurants, cafes, and wineries from 10am to 12am instead of 10am to 2am: -**

DISAGREE

- i. **Reducing operating hours will not reduce alcohol consumption, flexibility in operating hours is necessary:**
 - a. Adopting this proposal would mean more restrictions. Which would impact speed of service with high number of people lining up outside premises. They pre-load and do drugs. People find a way to do it anyways.
 - b. Even if a venue closes, people still carry on.
 - c. Moreso, operators are unable to take up events (for example champagne breakfast) that take place in the morning because of restricted start time of operating hours.
- ii. **Night-time economy is essential:**
 - a. Nighttime economy is struggling and not getting attention it needs, just getting sticks. This is very essential to maintain vibrancy of the city.
 - b. Experts say if you can buy an aubergine at 3am in a city it means the region has a healthy nighttime economy.
 - c. Nighttime not where all the bad things happen - having people around reduces poor social behaviour.
 - d. The only things that seem to remain open after 10 pm are gaming venues at the moment which is a bad sign for our economy.
 - e. Moreso, a lot of people are employed in the industry. Adding more restrictions makes it difficult for businesses to thrive.
 - f. Major issues at the end of night have been observed to be when 2000 or so people are trying to get home with taxis, creating an unsafe situation. Can't expect private companies to do something about it. This increases more incidences of drink driving; people are chancing it. Walk home in poor state.

We perhaps need a Hamilton model where a travel bus / van regularly visits CBD area / Town to pick people up drop them at various parts of the town.

- iii. **Alcohol consumed at licensed premises is controlled and so, always safer:**
 - a. Licensed premises are not the villains -in fact people drink in a safe manner and are cared for in a licensed premises. There is controlled consumption of alcohol on licensed premises where limits are used to stop people from over drinking.
 - b. Drinking off premises is where alcohol harm is more prevalent as consumption is uncontrolled.

3. **Proposal 3: Option to seize external advertisements at liquor stores: -**

DISAGREE

- i. **Proposal may be too restrictive:**
 - a. Have been for a drive around town and couldn't see a whole lot of signage / advertising – so don't see this as a problem.
 - b. Problem is that alcohol is being treated like smoking and gaming venues when alcohol harm has in fact reduced over the years in Gisborne.
 - c. Appears like this change has been proposed to make it look like someone is doing something but has no real base.
 - d. A recent study by University of Waikato done in 2013 found that the effect of off license premises is based on the population density and geographical set up of each region and not on the number of off licensed premises in the region.

4. **Proposal 4: Include legal definition of Class 1, Class 2, and Class 3 Restaurants through footnotes for better readability: -**

NO COMMENTS