

LOCAL ALCOHOL POLICY

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HOROWHENUA DISTRICT COUNCIL LOCAL ALCOHOL POLICY

1. INTRODUCTION AND EXPLANATORY MATERIAL

- 1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objectives:
- (a) that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- 1.2 Alcohol related harm is defined very widely and includes any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.
- 1.3 The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Horowhenua District Council has decided to develop a LAP for its district and to set restrictions and conditions for licensed premises within the district.
- 1.4 Once the LAP comes into force, Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.
- 1.5 Once adopted, the LAP will enable the District Licensing Committee to:
- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
 - Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular areas;
 - Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
 - Recommend discretionary conditions for licences;
 - Restrict or extend the default maximum trading hours set in the Act, which are:
 - 8.00 am – 4.00 am for on-licences (such as hotels and restaurants)
 - 7.00 am - 11.00 pm for off-licences (such as bottle stores and supermarkets).
- 1.6 Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.
- 1.7 The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Horowhenua District Plan provides for entertainment activities (including licensed premises) within the commercial zone, or by resource consent.
- 1.8 Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to "any reasonable conditions not inconsistent with this Act". The LAP includes policies to guide the District Licensing Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

2. CRITERIA FOR CONSIDERING LICENSING APPLICATIONS

2.1 The purpose of the LAP is to provide local guidance to the Council's District Licensing Committee in deciding whether to issue or renew a licence.

2.2 Under section 105 of the Act, the DLC has to have regard to a range of matters in addition to any relevant local alcohol policy when considering a licence application. The types of matters include:

- the object of the Act;
- the suitability of the applicant;
- the design and layout of any proposed premises;
- whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;
- whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
 - they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - it is nevertheless desirable not to issue any further licences.

2.3 The Act says that a licence may be refused or conditions applied if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108 and 109). Where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed (section 133).

3. GOALS OF THIS LAP

The LAP provides direction for the DLC so that licensing decisions:

- contribute to Horowhenua being a safe and healthy District;
- reflect local communities' character and amenity and their values, preferences and needs;
- encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

4. OBJECTIVES OF THE LAP

The objectives of the LAP are to provide a policy which:

- reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
- provides certainty and clarity for applicants and the public as to whether a proposed license application will meet the criteria of the LAP;
- provides effective guidance for the decisions of the DLC and ARLA.

5. DEFINITIONS

5.1 When reading this LAP, the following words and phrases have been used. For further details refer to the section of the Act referenced.

5.2 Types of Licences

- **on-licences** where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);
- **off-licences** where the licensee sells alcohol from a premises for consumption somewhere else (see section 17 of the Act);
- **club licences** where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises to authorised customers (see section 21 of the Act); and
- **special licences** which can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol for consumption there to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).

Notes:

Some premises hold more than one licence – for example, a tavern will hold an on-licence and may also hold an off-licence and be able to sell alcohol which is consumed off the premises.

The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence, special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day. Special licenses are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "Club", "on" or "off" licence.

5.3 Other terms

bottle store means retail premises where (in the opinion of the DLC) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(1) of the Act).

bar in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1) of the Act).

café has the same meaning as restaurant in terms of the licence.

club means a body that –

- (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
- (b) is a body corporate whose object is not (or none of whose objects is) gain; or
- (c) holds a permanent club charter (refer section 5(1) of the Act).

grocery store grocery store means a shop that –

- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
- (b) comprises premises where –
 - (i) a range of food products and other household items is sold; but
 - (ii) the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1) of the Act).

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

- (c) From the date this LAP comes into force there will be a temporary cap placed on the total number of off-licensed bottle store premises in each town or township in the district. The caps will remain in place for a period of 2 years, or until such earlier time as this policy is reviewed. The number of permitted licences for bottle stores for each town or township in the district will be determined by the number of operative licences for bottle stores issued at the time this policy is enacted. This provision does not apply to supermarket or grocery store premises.

Note: The temporary cap for each town or township does not restrict an application for an off-licence for a business that has relocated within the same town or township from existing licensed premises or an application for an off-licence for premises that has traded pursuant to a licence of the same kind within the previous 6 months.

6.3 Discretionary Conditions

Conditions relating to the following matters may be appropriate for off licences:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores;
- Display of safe drinking messages/; Supermarkets and grocery stores seeking maximum off-licensed hours of 10.15pm should take reasonable steps with the aim of ensuring that only customers who have entered the relevant store before 10pm are able to purchase alcohol between 10pm and 10.15pm.
- Supermarkets, grocery stores and bottle stores will give effect to the principles of Crime Prevention Through Environmental Design with regards to the following outcomes:
 - Lighting
 - internal lighting inside the premises enables passive surveillance by staff and active surveillance by CCTV
 - lighting allows customers to be seen as they enter the premises
 - lighting allows staff to check IDs
 - external areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or a district plan rule.
 - Internal Layout
 - general points of sale are positioned near the main entrance.
 - CCTV
 - CCTV is installed in suitable locations to monitor vulnerable areas (areas which are not easily or not continuously monitored by staff).
 - Staff
 - customers are aware of the CCTV system.
 - relevant staff understand how to operate the CCTV system.
 - there are sufficient numbers of staff to ensure control of the premises during trading hours.

7. ON-LICENCES

7.1 Hours

The following maximum trading hours apply to all on-licensed premises in the Horowhenua District territorial area (other than hotel in-bedroom (mini-bar) sales):

Monday to Sunday 9.00 am to until 1.00 am the following day

The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday 24 hours per day

7.2 Locations

- (a) From the date this LAP comes into force no on-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.
- (b) No new on-licences shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, Marae, health care facility, public park or reserve, urupa, or cemetery, existing at the time the licence application is made.

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

7.3 Discretionary Conditions

Conditions relating to the following matters may be considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- 'One-way door' restrictions;
- The time entertainment finishes;
- Provision of additional security (staff) after 'x' hour, as determined by the DLC;
- The installation and operation of CCTV cameras on the exterior of, and within a premises;
- Provision of effective exterior lighting;
- Restrictions on the size of servings (e.g. 'doubles') and time of 'last orders';
- Management of patrons queuing to enter the licensed premises;
- Restriction on the use of outdoor areas after 'x' hour, as determined by the DLC;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours may be more restrictive than the maximum trading hours contained in this LAP;
- Application of the principles of Crime Prevention Through Environmental Design;
- The display of advertising signage will be considered as part of the effect on the amenity and good order of the locality during the application consideration process.

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- The holder of a manager's certificate to be on duty during busy periods, e.g. Thursday, Friday and Saturday nights;

9.2 Discretionary Conditions

Conditions relating to the following matters may be appropriate for Club licensed premises depending on the size and nature of the club:

- a requirement for the holder of a manager's certificate to be present when alcohol is available for sale during busy periods, e.g. more than 100 people are on the Club premises.

10. POLICY REVIEW

Pursuant to section 97 of the Act Council must review its LAP using the Special Consultative Procedure no later than six (6) years after it comes into force and no later than six (6) years after the most recent review of it was completed. The first review is to be conducted within 2 years of the operative date of this policy – see clause 6.2(c).