



Hauraki District Council Local Alcohol Policy

2016*



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*The Hauraki District Council Local Alcohol Policy was approved by the Alcohol and Regulatory Licensing Authority on 1 July 2016. In accordance with section 90(1)(b) and 90(2)(b) of the Sale and Supply of Alcohol Act 2012 all elements of the Local Alcohol Policy 2016, but excluding those elements relating to maximum trading hours, will come into force on Monday, 8 August 2016. In accordance with sections 90(1)(b) and 90(2)(a) of the Sale and Supply of Alcohol Act 2012 all elements relating to maximum trading hours in the Local Alcohol Policy 2016 will come into force on Monday, 7 November 2016.

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1 INTRODUCTION

1.1 Scope of a Local Alcohol Policy

- 1.1.1 The Hauraki District Council Local Alcohol Policy was developed pursuant to the Sale and Supply of Alcohol Act, 2012, which enables Council to develop a local alcohol policy for its District.
- 1.1.2 A local alcohol policy (LAP) is a set of policy criteria and decisions made by a territorial authority in consultation with its community about the sale and supply of alcohol in its geographical area. A LAP provides licensing bodies with a policy framework which they must take into consideration when making decisions on licence applications, allowing licensing bodies to better meet the object of the Sale and Supply of Alcohol Act, 2012 (the Act). Under section 108 of the Act a licence may be refused if contrary to an applicable LAP.
- 1.1.3 Council's Local Alcohol Policy Development Research Document (#1036229) contains an analysis of the required information Council must have regard to when developing a LAP, as set out in section 78 of the Act.
- 1.1.4 Section 77 of the Act outlines what policy criteria a Council can include in a LAP, anything not listed in that section is outside its scope. Policies that may be included are:
- Location of licensed premises by reference to broad areas;
 - Location of licensed premises by reference to proximity to premises of a particular kind or kinds;
 - Location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
 - Whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;
 - Maximum trading hours;
 - The issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions;
 - One-way door restrictions.
- 1.1.5 Section 93 of the Act allows a LAP to contain a policy more restrictive than the relevant district plan, but a LAP cannot authorise anything forbidden by the relevant district plan.

1.2 Sale and Supply of Alcohol Act 2012

- 1.2.1 The purpose of the Sale and Supply of Alcohol Act is, *'for the benefit of the community as a whole, -*
(b) to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of the Act'.
- 1.2.2 The object of the Act is that:
'(a) the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
(b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised'.

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 Criteria for considering licensing applications

- 1.3.1 Under section 105 of the Act, the District Licensing Committee 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;
 - Suitability of the applicant;
 - 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, by more than a minor extent, by the effects 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 but - it is nevertheless desirable not to issue any further licences.
- 1.3.2 As outlined in section 106 of the Act when considering the effects of issuing or renewing a licence on amenity and good order of a locality the licensing authority must have regard to current and possible future noise levels, nuisance and vandalism, and the number of licences of the kind concerned already held.

1.4 Local Alcohol Policy goals

- To contribute to the Hauraki District being a safe and vibrant District.
- Reflect local communities' character and amenity and their values and preferences.
- Encourage licensed environments that foster positive, responsible drinking behaviour.
- To minimise alcohol related harm in the Hauraki District.

1.5 Local Alcohol Policy objectives

- To regulate the trading hours of club, on, off and special licences.
- To regulate the location of off-licensed premises.
- To ensure licensed premises take appropriate measures to minimise alcohol harm.
- To provide clear guidance to the District Licensing Committee.

1.6 Partnership principles

- 1.6.1 Council recognises that to achieve a reduction in alcohol abuse there needs to be a multifaceted and organisational response. This includes all stakeholders such as licensees, their patrons, the agencies recognised as having statutory reporting responsibilities, government and non-government agencies, and the general community of the District.
- 1.6.2 The Hauraki District Council involved the Police, Medical Officer of Health and Licensing Inspectors in the preliminary development of the draft LAP. The Hauraki District Council has also engaged with the District's community, licensees and various stakeholders to provide for their involvement in the policy development process.

2 APPLICATION OF THE POLICY

2.1 Transitional matters

- 2.1.1 This Policy will be applied on the issue of new licences and on the renewal of existing licences, unless stated otherwise.
- 2.1.2 Conditions under this Policy regarding maximum trading hours come into force three months after the day on which public notice is given of the adoption of this Policy (post appeals version) and apply to both existing and new licences.

2.2 New licence applications

- 2.2.1 Pursuant to section 108 of the Act the District Licensing Committee may refuse a licence if in its opinion, the issue of the licence, or the consequence of the issue of the licence, would be inconsistent with this Policy.

2.3 Renewal of licences

- 2.3.1 Pursuant to section 133 of the Act the District Licensing Committee or Alcohol Regulatory and Licensing Authority cannot take into account any inconsistency between this Policy and the renewal of a licence in the District; or the consequences of its renewal.
- 2.3.2 The District Licensing Committee or Alcohol Regulatory and Licensing Authority may however, under this Policy, impose particular conditions on any licence it renews in the District, if it considers that the renewal of the licence or the consequences of the renewal of the licence would otherwise be inconsistent with this Policy.

2.4 Issue of second licence for premises already licensed

- 2.4.1 Pursuant to section 25 of the Act, a licence of one kind can be issued for premises, or for part of a premises, for which a licence of another kind is (or licences of other kinds are) already held.
- 2.4.2 Exception being clubs, where pursuant to section 29 of the Act, a club cannot hold an on-licence, or an off-licence unless it has continuously held an off-licence since before the commencement of the Act.
- 2.4.3 Pursuant to section 36 of the Act off-licences cannot be held for petrol stations, certain garages, dairies, convenience stores, conveyances, or shops within shops.

2.5 Special licences

- 2.5.1 Pursuant to section 145 of the Act a special licence may be refused if contrary to a relevant LAP.
- 2.5.2 Pursuant to section 77 of the Act any LAP policy criteria relating to restrictions on the location of licensed premises and the further issuing of particular licences in the District cannot apply to special licences.

3 ON-LICENCE POLICIES

3.1 Introduction

- 3.1.1 An on-licence premises is one where consumption of alcohol is authorised on the premises from which it is sold. Common examples include hotels, taverns and restaurants.
- 3.1.2 Section 14 of the Act states that:
'on any premises an on-licence (other than an on-licence endorsed under section 37 of the Act) is held for, the licensee- can sell and supply alcohol for consumption there; and can allow people to consume alcohol'.
- 3.1.3 Polices in this LAP relating to on-licences also apply to:
- BYO restaurants (endorsed under section 37 of the Act)
 - Caterers (endorsed under section 38 of the Act)

3.2 Maximum trading hours for premises holding on-licences

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

Maximum trading hours	All on-licence premises
Monday to Sunday	7am to 1am the following day

- 3.2.2 The following maximum trading hours apply to hotel in-bedroom mini-bar sales:

Maximum trading hours	Hotel in-bedroom mini-bar sales
Monday to Sunday	24 hours per day

- 3.2.3 The District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in this Policy.

3.3 Discretionary conditions of on-licences

- 3.3.1 In accordance with section 110(1) and 117 of the Act the District Licensing Committee may impose discretionary conditions (in addition to those required by section 110(2)) on any new club and on-licence or renewed licence. These may include conditions related to the following, or any other reasonable condition:
- Prohibited persons.
 - Management of premises.
 - People or kinds of people to be served.
 - Application of a one-way door restriction after a specified trading hour (section 111 of the Act).
 - More restrictive trading hours taking into account neighbouring land use (section 110 (3) of the Act).
 - Requiring a manager to be on duty in the case of a on-licence endorsed under section 37 (as set out under section 37(2)(a) and (b) of the Act).
 - Management of patrons in outdoor areas to minimise impacts on the amenity of nearby properties.
 - No glass drinking vessels permitted in any outside area past a specified trading hour.

- i) Exclusion of the public.
- j) Display of nationally consistent safe drinking messages and material.
- k) Crime Prevention Through Environmental Design criteria e.g.
 - Provision of interior and/or exterior lighting
 - The installation and operation of CCTV cameras
 - Visibility of the interior of the premises from the street
 - Internal layout
 - Layout of outdoor drinking areas

3.3.2 External signage must comply with the signage requirements outlined in the Hauraki District Council District Plan.

4 OFF-LICENCE POLICIES

4.1 Introduction

4.1.1 An off-licence premises is one where consumption of alcohol is authorised away from the premises on which it is sold. Common examples include supermarkets and bottle-stores.

4.1.2 Section 17 of the Act states:

'On the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else. While the premises an off-licence is held for is open for the sale of alcohol for consumption somewhere else, the licensee can also supply alcohol free, as a sample, for consumption on the premises'.

4.1.3 This section of the LAP does not apply to premises for which a remote-sale off-licence is held or for off-licences for auctioneers.

4.2 Location of premises holding off-licences by reference to proximity to premises or facilities of a particular kind or kinds

4.2.1 From the date this LAP comes into force, no further off-licence is to be issued for any premises which is located within 50 metres of the legal site boundary of an existing off-licensed premises.

4.2.2 From the date this LAP comes into force, no further off-licences are to be issued for any premises which is located within 50 metres of the legal site boundary of a school, early childhood education centre, or Council administered playground.

4.2.3 The above policies 4.2.1 and 4.2.2 do not apply to supermarkets or grocery stores¹.

4.2.4 The above policies 4.2.1 and 4.2.2 do not apply to licence applications for premises that are subject to an off-licence at the date of application.

4.3 Further issuing of off-licences in the District

4.3.1 There is a presumption that new licences will not be issued in Paeroa, Ngatea and Waihi if, in the opinion of the District Licensing Committee, 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.

4.3.2 The above policy 4.3.1 does not apply to licence applications for premises that are subject to an off-licence at the date of application or where the existing off-licensed business has to relocate.

¹ Policy 4.2.2 ensures that children are not exposed to alcohol promotion and signage when they are in schools, early childhood education centres or playgrounds. Supermarkets and grocery stores are exempt from 4.2.2 because section 114 of the Act prevents supermarkets and grocery stores from displaying, promoting or advertising alcohol products in a way that can be seen outside of the shop. There are no equivalent controls on the external signage for other off-licences.

4.4 Maximum trading hours for premises holding off-licences

4.4.1 The following trading hours apply to all premises holding off-licences in the Hauraki District:

Maximum trading hours	All off-licence premises
Monday to Sunday	7am to 9pm the same day

4.4.2 The District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in this Policy.

4.5 Discretionary conditions of off-licences

4.5.1 In accordance with sections 116(1) and 117 of the Act the District Licensing Committee may impose discretionary conditions in relation to the following matters (in addition to those required by section 116(2)) on any new off-licence or renewed off-licence. These may include conditions related to the following, or any other reasonable condition:

- a) People or kinds of people to be served.
- b) Kinds of alcohol to be sold.
- c) Designation of the premises as a supervised area.
- d) Display of nationally consistent safe drinking messages and material.
- e) Application of Crime Prevention Through Environmental Design (CPTED) principles to achieve the following outcomes:

Closed-circuit television (CCTV)

- CCTV being installed in suitable locations to monitor vulnerable areas (areas which are not easily or not continuously monitored by staff).
- Customers being made aware of the CCTV systems.

Lighting

- Internal lighting inside the premises to enable passive surveillance by staff and active surveillance by CCTV.
- Lighting to allow customers to be seen as they enter the premises.
- Lighting to allow staff to check Identification.
- External areas such as car parks and loading bays being well lit, subject to the requirements of any resource consent or a district plan rule.

Internal Layout

- General points of sale to be positioned near the main entrance.

Staff

- Relevant staff understanding how to operate the CCTV system.
- There being sufficient numbers of staff to ensure control of the premises during trading hours.

- f) At least 50% of any store front glazing shall be transparent, consistent with CPTED guidelines.

4.5.2 External signage must comply with the signage requirements outlined in the Hauraki District Council District Plan.

5 CLUB LICENCE POLICIES

5.1 Introduction

5.1.1 A club 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 is a body corporate whose object is not for gain; or holds permanent club charter.

5.1.2 Section 21 of the Act states:

'On the premises a club licence is held for, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)) for consumption there'.

'authorised customer, in relation to premises a club licence is held for, means a person who-

- i) is a member of the club concerned; or*
- ii) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or*
- iii) is an authorised visitor'*

5.2 Maximum trading hours for premises holding club licences

5.2.1 The following trading hours apply to all premises holding club licences in the Hauraki District:

Maximum trading hours	All club-licence premises
Monday to Sunday	7am to 1am the following day

5.2.2 The District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in this Policy.

5.3 Discretionary conditions of club licences

5.3.1 In accordance with section 110(1) and 117 of the Act the District Licensing Committee may impose discretionary conditions (in addition to those required by section 110(2)) on any new club and on-licence or renewed licence. These may include conditions related to the following, or any other reasonable condition:

- a) Prohibited persons.
- b) Management of premises.
- c) People or kinds of people to be served.
- d) Application of a one-way door restriction after a specified trading hour (section 111 of the Act).
- e) More restrictive trading hours taking into account neighbouring land use (section 110 (3) of the Act).
- f) Requiring a manager to be on duty (on specified days and at specified times) in the case of a club licence.
- g) Management of patrons in outdoor areas to minimise impacts on the amenity of nearby properties.
- h) No glass drinking vessels permitted in any outside area past a specified trading hour.
- i) Exclusion of the public.
- j) Display of nationally consistent safe drinking messages and material.
- k) Crime Prevention Through Environmental Design criteria e.g.
 - Provision of interior and/or exterior lighting

- The installation and operation of CCTV cameras
- Visibility of the interior of the premises from the street
- Internal layout
- Layout of outdoor drinking areas

5.3.2 External signage must comply with the signage requirements outlined in the Hauraki District Council District Plan.

6 SPECIAL LICENCE POLICIES

6.1 Introduction

- 6.1.1 Special licences allow the sale and consumption of alcohol at events or occasions on premises that are unlicensed, or premises that would be outside their normal licence conditions. They can permit on site or off site sales, and are in force for the date and time of the event only.
- 6.1.2 *'Event includes an occasion and a gathering, and any of a series of events'*

6.2 Issuing of special licences in the District

- 6.2.1 The District Licensing Committee, subject to section 41 of the Act, may refuse a special licence or licences where it would be more appropriate for the applicant to apply for an on, off or club licence, or for the variation of an existing licence.
- 6.2.2 No more than twenty (20) events or series of events will be authorised by special licence(s) to a single licensee or applicant in any 12 month period.
- 6.2.3 Any special licence for a series of events should not be for a period exceeding 12 months.

6.3 Maximum trading hours for premises holding special licences

- 6.3.1 The following maximum trading hours apply to special licences:

Trading hours	Will be set on a case by case basis with regard taken to the nature of the event or series of events
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- 6.3.2 Generally for premises holding an existing club or on-licence, the conditions of a special licence will specify a trading time no more than two hours earlier or later than permitted by their club or on-licence.

6.4 Discretionary conditions of special licences

- 6.4.1 In accordance with section 143, 146, 147(1) and 147(2) the District Licensing Committee may impose discretionary conditions (in addition to those required by section 147(3)) on any special licence. These may include conditions related to the following, or any other reasonable condition:
- a) Sale and supply to prohibited persons.
 - b) People or kinds of people to be served.
 - c) The kind or kinds of alcohol that may be sold or delivered.
 - d) The provision of food for consumption on the premises.
 - e) The provision of low and non-alcoholic beverages.
 - f) The provision of information relating to transport options.
 - g) Exclusion of the public.
 - h) Restricting the types of containers used for sale or supply.
 - i) Alcohol risk management plans for large scale events.
 - j) Require the applicant to liaise with Police and Council on planning for the large scale event.

- k) Crime Prevention Through Environmental Design criteria e.g.
- Provision of interior and exterior lighting
 - Provision of additional security (staff) after 'x' hour
 - Visibility from the street
 - Internal layout
 - Layout of outdoor drinking areas

7 GLOSSARY

AMENITY AND GOOD ORDER OF THE LOCALITY, in relation to an application for or for the renewal of a licence, means the extent to which, and ways in which, the locality in which the premises concerned are situated is (or, in the case of a conveyance, the localities where the conveyance is likely to travel are) pleasant and agreeable.

AUTHORISED CUSTOMER in relation to premises a club licence is held for, means a person who:

- a) is a member of the club concerned; or
- b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- c) is an authorised visitor.

AUTHORISED VISITOR in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

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 permanent club charter.

CONDITION, in relation to a licence, includes the designation (under the Sale and Supply of Alcohol Act, 2012, or a former licensing Act) of an area of the premises as:

- a) an area to which minors must not be admitted; or
- b) an area to which minors must not be admitted unless accompanied by a parent or guardian.

DISTRICT LICENSING COMMITTEE means the Hauraki District Licensing Committee appointed pursuant to section 186 of the Act.

EARLY CHILDHOOD EDUCATION CENTRE includes any crèche, childcare centre, kindergarten, kohanga reo, or playcentre or any other place (excluding school) where five or more children receive care or education.

GROCERY STORE has the meaning given by section 33(1) of the Act.

HOTEL means premises used or intended to be used in the course of business principally for providing to the public-

- a) lodging; and
- b) alcohol, meals, and refreshments for consumption on the premises.

LARGE SCALE EVENT means an event to which section 143 of the Act applies.

LICENCE-

- a) means a licence issued under the Sale and Supply of Alcohol Act that is in force; and
- b) in relation to any licensed premises, means the licence issued for them (or, in the case of premises that 2 or more licences have been issued for, any of those licences).

LICENSED PREMISES means any premises for which a licence is held.

LICENSEE-

- a) means a person who holds a licence; and
- b) in relation to any licensed premises, means the person who holds the licence concerned.

MEMBER in relation to a club, means a person who:

- a) has expressly agreed in writing to comply with the club's rules; and
- b) is recognised as a member of the club by those rules.

ONE-WAY DOOR RESTRICTION, in relation to a licence, is a requirement that, during the hours stated in the restriction,-

- a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and
- b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol.

PREMISES includes-

- a) a conveyance; and
- b) includes part of any premises; and
- c) in relation to a licence, means the premises it was issued for.

RESTAURANT means premises that-

- a) are not a conveyance; and
- b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.

SCHOOL includes any primary, intermediate or secondary school and any Kura Kaupapa.

SELL, in relation to alcohol, includes-

- a) charge a fee (however described, and whether an entry fee, a ticket price, or a payment of any other kind) for an alcohol-inclusive matter; and
- b) require, ask for, or (expressly or by implication) suggest the making of a koha or other donation (whether to be made before, after, or during the entry event, activity, or function concerned) in relation to an alcohol-inclusive matter.

SUPERVISED AREA-

- a) means an area that is designated (under section 119 or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian; and
- b) in relation to any licensed premises or the licensee or a manager of any licensed premises, means an area of those premises that is designated (under this Act or a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian.

SUPERMARKET/S means supermarket/s with a floor area of at least 1000m² (including any separate departments set aside for such foodstuffs as fresh meats, fresh fruit and vegetables, and delicatessen items).

THE ACT means the Sale and Supply of Alcohol Act, 2012 (including subsequent amendments).

THE POLICY means the Hauraki District Council's Local Alcohol Policy (this document).

URBAN AREA means land within a Residential, Low Density Residential, Township, Marae Development Zone (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) zone as outlined in the Hauraki District Council District Plan (Appeals Version, 2012).

For further definitions refer to the Sale and Supply of Alcohol Act, 2012.

8 IMPLEMENTATION PROCEDURE AND REVIEW

- 8.1.1 Pursuant to section 97 of the Sale and Supply of Alcohol Act, 2012, this Policy must be reviewed, using the special consultative procedure, no later than 6 years after it comes into force and no later than 6 years after the most recent review of it is completed.
- 8.1.2 If directed by Council an LAP can be reviewed or amended earlier than this.
- 8.1.3 The District Licensing Committee Decision Procedural Manual will be reviewed every six years in line with the LAP review, but may be amended from time to time.

9 DOCUMENT MANAGEMENT AND CONTROL

	Title:		<i>Hauraki District Council Local Alcohol Policy 2016</i>	
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	<i>Strategic Planning</i>		<i>The Alcohol Regulatory and Licensing Authority</i>	
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