

CENTRAL HAWKE'S BAY
DISTRICT COUNCIL
PROVISIONAL
LOCAL ALCOHOL POLICY
2015



DRAFT LOCAL ALCOHOL POLICY PROVISIONS

1. Introduction

1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objects:

- (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 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. Central Hawke's Bay District Council has decided to develop a LAP for its district to set restrictions and conditions for the sale and supply of alcohol within the district.

1.4 Once a LAP comes into force, the Council's District Licensing Committee (DLC) and the Alcohol Regulatory and Licensing Authority (ARLA) must have regard to the policy when they make decisions on license applications.

1.5 Through a LAP the community is able to:

- Limit the location of licensed premises in particular areas or near certain types of facilities, such as schools or churches;
- Limit the density of licensed premises by specifying whether new licenses or types of licenses should be issued in a particular area;
- Impose conditions on groups of licenses, 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 licenses;
- Restrict or extend the default maximum trading hours set in the new Act, which are
 - 8am – 4am for on-licenses (such as pubs, cafes and restaurants)
 - 7am – 11pm for off-licenses (such as bottle stores and supermarkets)

Criteria for Considering License Applications

- 1.6 The purpose of the LAP is to provide local guidance for the District Licensing Committee in deciding whether to issue a licence.
- 1.7 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 license 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 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 licenses but-
 - ... it is nevertheless desirable not to issue any further licences.
- 1.8 The Act says that a licence may be refused if the issue of the licence or the consequence of the issue of the licence would be inconsistent with the LAP (section 108). This requirement does not apply for the renewal of licences. The Act also says that a licence may be made subject to conditions if the issue of the licence, or the consequence of the issue of the licence, would be inconsistent with the LAP (section 109).

Goals of the LAP

- 1.9 The Local Alcohol Policy provides direction for the District Licensing Committee so that licensing decisions:
 - Contribute to Central Hawke’s Bay 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.

Objectives of the LAP

- 1.10 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 District Licensing Committee and the Alcohol Regulatory and Licensing Authority.

Types of Licences

1.11 The types of licences provided for within this LAP are:

- **On-licences** where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (Section 14 of the Act);
- **Off-licences** where the licensee sells alcohol from a premises for consumption somewhere else (Section 17 of the Act)
- **Club licences** where the licensee, can sell and supply alcohol for consumption on the club premises by authorised customers (Section 21 of the Act)
- **Special licence** which can be either on-site or off-site licences
 - On-site where the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it (Section 22 of the Act)
 - Off site where the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (Section 22 of the Act)

Notes:

Some premises hold more than one licence – for example an on-licence bar 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. Special licences are not subject to the default maximum operating hours for on-licences.

Definitions

1.12 In this LAP, unless the context otherwise requires

Alcohol area	in relation to a single area condition, means the area described in the condition
Bottle store	means retail premises where (generally speaking) at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else, excluding cellar doors (refer section 32(1))
Bar	In relation to a hotel or tavern, means a part of a hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1))
Cafe	has the same meaning as restaurant in terms of the licence
Cellar door	means a small shop located on a winery property, which is limited to providing the following services and products to its customers: <ul style="list-style-type: none">• Tastings of the wine grown and produced from the winery property only; and• Sale of packaged wine grown and produced from the winery property only, for consumption elsewhere.

Club	<p>means a body that –</p> <p>(a) Is a body corporate having as its object (or one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or</p> <p>(b) Is a body corporate whose object is not (or none of whose object is) gain; or</p> <p>(c) Holds a permanent club charter (refer section 5(1))</p>
Grocery store	<p>grocery store means a shop that –</p> <p>(a) Has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and</p> <p>(b) Comprises premises where –</p> <p>(i) A range of food products and other household items is sold; but</p> <p>(ii) The principal business carried out is or will be the sale of food products (refer sections 5(1) and 33(1))</p>
Licensed premises	means any premises for which a licence is held.
Restaurant	<p>means premises that –</p> <p>(a) Are not a conveyance; and</p> <p>(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 (refer section 5(1))</p>
Supermarket	means premises with a floor area of at least 1000 m ² , including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items (refer section 5(1))
Tavern	means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public.

2. Provisions

2.1 Hours for off-licences

2.1.1 The following maximum trading hours apply to all off-licensed premises in the Central Hawke's Bay District Council's territorial area, excluding mini-bar sales and special licences:

Maximum trading hours	Bottle Stores / Grocery Stores / Supermarkets
Monday to Sunday	7am to 11pm

Maximum trading hours	Taverns
Monday to Sunday	9am to 11pm

2.2 Hours for on-licences

2.2.1 The following maximum trading hours apply to all on-licensed premises that are restaurants or cafes in the Central Hawke's Bay District Council's territorial area:

Maximum trading hours	Restaurants / Cafes
Monday to Sunday	8am to 1am the following day

2.2.2 The following maximum trading hours and one way door restrictions apply to all on-licensed premises that are taverns / bars / nightclubs / clubs in the Central Hawke's District Council's Bay territorial area

Maximum trading hours	Taverns / Bars / Pubs / Night-clubs / Clubs
Monday to Sunday	8am to 1am the following day
One-way door restriction	Discretionary conditions where appropriate

Note:

Where a LAP has defined 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.

2.3 Special Licences

2.3.1 Restrictions on hours will be imposed if the District Licensing Committee considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. Such issues may be raised by the Licensing Inspector, Police or other relevant affected parties.

2.3.2 The following one-way door restrictions apply to all premises in respect of which an on-site special license is issued:

One-way door restriction	Discretionary conditions where appropriate
--------------------------	--

Note:

The hours (opening and closing) and duration of a special licence are set, having regard to the nature of the event, or series of events. Special licences may be issued both for off-site consumption; wine sales from a market stall, or for on-site consumption; at a private function or when a bar has a special licence to open earlier / close later for significant events. For premises holding existing on-licences, the conditions of a special licence premises will specify a closing time as permitted by the on-licence, generally requiring the premises to close at / before 1am.

2.4 Location of Premises

2.4.1 From the date this LAP comes into force, no further off-licences are to be issued for premises being a bottle store unless that bottle store is located on land zoned 'Business'.

2.4.2 From the date this LAP comes into force, no further on-licences are to be issued for any new premises being a tavern unless that tavern is located on land zoned 'Business', or appropriate resource consent has been granted to operate a tavern within the rural zone or township zone.

2.4.3 From the date this LAP comes into force, no further off-licences are to be issued for any new premises being a tavern unless that tavern is located on land zoned 'Business', or appropriate resource consent has been granted to operate a tavern within the rural zone or township zone.

2.4.4 From the date this LAP comes into force, and in accordance with the Central Hawke's Bay District Council - District Plan, establishment of licensed premises within the residential zone is prohibited.

Note:

The LAP can go further than the District Plan or be more restrictive in its provisions but cannot permit activities not allowed (prohibited) by the District Plan. The Operative District Plan for Central Hawke's Bay provides for licensed premises within the 'Business', 'Township' and 'Rural' zones as a permitted activity with hours of operation limited to 7am – 11pm Sunday to Thursday, and 7am to 1am the following day Friday and Saturday.

2.5 Discretionary Conditions

Note:

The Act provides for the LAP to include policies to guide the District Licensing Committee and the Alcohol Regulatory and Licensing Authority as to discretionary conditions that are appropriate. This policy guidance is in addition to the particular provisions of the Act in relation to the discretionary provisions including 2117 of the Act which permits the Committee and the Authority to any issue any licence subject to "any reasonable conditions not inconsistent with this Act".

2.5.1 On –Licences

Conditions relating to the following matters are considered generally appropriate for on-licensed premises:

- Provision of additional security (staff) after 'x' hour
- Provision of effective exterior lighting
- Restriction on the size and time of 'last orders'
- Restriction on the use of outdoor areas after 'x' hour

- One-way door restrictions
- 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.

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

- Qualified manager to be on duty during busy periods e.g. Friday and Saturday nights.
- 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 restrictive than the maximum trading hours contained in this LAP.

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

- A requirement for a qualified manager to be present when alcohol is available for sale during busy periods e.g. more than 100 people on the Club premises.

Conditions relating to the following matters may be appropriate for all on-licensed premises depending on the size and nature of an event:

- A requirement for provision of an Alcohol Management Plan where alcohol is available for sale at a proposed event, or series of events, that will attract more than 500 people to the licensed premises.

2.5.2 Off –Licences

Conditions relating to the following matters are appropriate for bottle stores:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores
- Display of safe drinking messages / material
- Prohibit display of alcohol related advertising signs / sandwich boards on public footpaths outside / within the immediate vicinity of licensed premises.

2.5.3 Special Licences

Conditions relating to the following matters are appropriate for special licenses:

- Any special licence for a series of events should not be for a period exceeding 6 months
- No premises should have more than 20 events under special licence in any 12 month period.
- A requirement for provision of an Alcohol Management Plan where alcohol is available for sale at a proposed, event or series of events, that will attract more than 500 people to the event.