

## **HASTINGS DISTRICT FIRST DRAFT - LOCAL ALCOHOL POLICY**

### **1.0 INTRODUCTION**

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted on 18 December 2012. The Act allows Territorial Authorities to develop a Local Alcohol Policy (LAP). This policy applies to any alcohol licensing application made to a District Licensing Committee within the Hastings District.

The LAP has been developed in consultation with the Police, Medical Officers of Health and Licensing Inspectors. Once the LAP is in place, the Council's District Licensing Committee and the Alcohol Regulatory and Licensing Authority will have to have regard to the policy when they make decisions on licence applications.

Under the Act the LAP may:

- Restrict or extend the default maximum trading hours set out in the Act.
- Impose conditions on types of licences such as one-way door conditions whereby a patron is allowed to leave a premise after a certain time but not enter or re-enter after a certain time.
- Specify restrictions on the location of licensed premises in particular areas or near facilities of particular kinds.
- Specify whether further licences (or licences of a particular kind or kinds) should be issued for premises in a particular area.
- Recommend discretionary conditions.

The LAP will guide decisions on alcohol licence applications by the District Licensing Committee in the aim of:

- Creating a safe and healthy community while minimising alcohol related harm
- Fostering safe and responsible drinking environments
- Reflecting community views on the sale and supply of alcohol within the district.

### **2.0 OBJECTIVES OF THE LAP**

The Act has established a new system of control over the sale and supply of alcohol that is reasonable and that helps to achieve the object of the Act. The object of the Act is that:

- The sale, supply and consumption of alcohol should be undertaken safely and responsibly; and

- The harm caused by the excessive or inappropriate consumption of alcohol should be minimised. Beyond the object stated in the Act, the objectives of the LAP are:
- To support the purpose and intent of the Act.
- To identify what types of harm caused by the excessive or inappropriate consumption of alcohol the community is concerned about and address those harms to the extent appropriate.
- To provide a framework for the District Licensing Committee and Alcohol Regulatory and Licensing Authority to guide their decisions on alcohol licence applications.
- To promote transparency and provide clarity for the public and applicants about whether an application will meet the provisions of the LAP.
- To demonstrate leadership to achieve a safe drinking culture.
- Work collaboratively with community and agencies on initiatives to reduce alcohol related harm.

### 3.0 HOURS

The following maximum trading hours apply to all licensed premises within the Hastings District.

#### 3.1 On-Licence Hours

On Licence Type	Maximum Trading Hours
<b>Taverns/bars/pubs/night-clubs – breweries / cideries / distilleries / endorsed caterer</b>	8.00am to 2.00am the following day Monday to Sunday  One way door restriction: Mandatory at 1.00 am
<b>Cafes/restaurants/wineries/winery restaurants / hotels (accommodation)</b>	8.00am to 1.00am the following day Monday to Sunday
<b>Entertainment venues / function centres and ‘otherwise not specified’ (as per regulation 5 of the Sale and Supply of Alcohol (Fees) Regulations 2013.)</b>	Licensing hours are to be consistent with the nature and activities of the premise and in general shall range from:  8.00am to 1.00am the following day Monday to Sunday

**Note:** The owner/operator of an on-licensed premise will be constrained by the hours defined by any resource consent or District Plan requirements. The above-stated hours do not imply any right to operate outside any requirements set under the Resource Management Act 1991.

#### 3.2 Off-Licence Hours

Off Licence Type	Maximum Trading Hours
<b>All off licences (excluding remote sales)</b>	9.00am to 9.00 pm Monday to Sunday
<b>Remote Sales</b>	As per the Sale and Supply of Alcohol Act 2012 –  Sale: Any day at any time Delivery: 6.00 am to 11.00 pm

### 3.3 Club Licence Hours

Club Licence Type	Maximum Trading Hours
<b>Class One Club</b>	Licensing hours are to be consistent with the nature and activities of the club and in general shall range from:  8.00am to 1.00am the following day Monday to Sunday
<b>Class Two and Three Club</b>	Licensing hours are to be consistent with the nature and activities of the club and in general shall range from:  8.00am to 12.00am midnight the following day Monday to Sunday

### 3.4 Special Licences

Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Act allows special licences to be issued for up to 12 months. Special licences are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an “on”, “off” or “club” licence.

Applications for special licences should be filed 25 working days prior to the intended event. This time period allows sufficient time for reporting by the Police, Medical Officer of Health and Licensing Inspector. Applications submitted with less than 25 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant’s risk.

All applications must comply with the provisions of the District Plan. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Committee for a decision.

### 3.5 Special Licence Hours

Special licence	Maximum Trading Hours
	<b>8.00am to 2.00 am the following day, unless the event is deemed suitable to extend beyond these hours, and the applicant can provide justification for the need for the extended hours.</b>

#### 4.0 LOCATION OF LICENSED PREMISES

From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:

- **Flaxmere** - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere (within the Hastings Council District Plan) shown as identified in **Map 1**.
- **Camberley** - the suburban commercial zone in Camberley (within the Hastings Council District Plan) identified in **Map 2**.

**Note:** In all areas not listed above the District Licensing Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless resource consent has been granted.

#### 5.0 DISCRETIONARY CONDITIONS

Section 117 of the Act permits a District Licensing Committee to issue any licence subject to any reasonable conditions not inconsistent with the Act.

Discretionary conditions are in addition to the mandatory conditions specified within the Act. Section 117 allows the District Licensing Committee a wide-ranging discretion as to conditions that may be applied to a licence. In order to provide some guidance to the District Licensing Committee and some certainty to applicants, the following conditions are a list of those which **may** be imposed by the District Licensing Committee where they are considered appropriate. In using its discretion to apply conditions, the District Licensing Committee will be guided by the following:

- **Connection** – whether there is a connection between the problem to be addressed and the proposed activity
- **Impact** – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm
- **Reasonableness** – whether it is within the capabilities of the applicant or licensee to satisfy this condition.

**Note:** While the District Licensing Committee has the discretion to add any condition(s) that it deems to be appropriate, it is anticipated that an applicant would have the opportunity to submit comments to the District Licensing Committee prior to the imposition of any condition that may have a financial or management impact on their business.

The following are conditions which **may** be applied to alcohol licences by the District Licensing Committee based on their discretion.

##### 5.1 On-licences and Club Licences

- CCTV cameras (location and number and keep recording for a minimum of 28 days)
- Provision of effective exterior lighting

- No serving in glass containers at specified times
- Number of door-staff and provision of additional security staff after specified times
- Management of patrons queuing to enter the licensed premise
- Limit on the number of drinks per customer at specified times
- No shots or types of drinks to be served after specified times
- Limit on drink sizes after specified times
- Conditions relating to management: such as certificated staff required if the maximum occupancy exceeds a prescribed number or if recommended by Police or the Inspector, requirement for multiple managers etc
- One way door restrictions
- Provision of transport for patrons
- Restriction on the use of outdoor areas after a specified time
- Club specific - Conditions relating to management: such as certificated staff required at all clubs unless the bar is staffed voluntarily and membership is below a prescribed number.
- Utilise the principals of Crime Prevention through Environmental Design. (CPTED)
- Require impact assessments by an applicant if a premises is in a particularly low socio-economic area or an area known to have alcohol related harm issues. This impact assessment should detail how the applicant will mitigate any issues with amenity and good order and may result in conditions imposed on the licence to ensure the minimisation of alcohol related harm on the surrounding community.
- Maintain and provide as a part of the application process and upon request from an inspector or NZ Police, supply an incident register of alcohol related incidents and mandatory reporting of violent incidents to NZ Police.
- Maintain and provide upon request a duty manager register.

## 5.2 Off-licences

- Display of safe drinking messages/material
- CCTV cameras (location and number and holding or recordings for at least 28 days.)
- Provision of effective exterior lighting
- Limit on alcohol related exterior signage or advertising to 30% of the building or glass exterior.
- No single sale of Ready to Drink (RTD) or mainstream beer under 500ml.
- Utilise the principals of Crime Prevention through Environmental Design. (CPTED)
- Require impact assessments by an applicant if a premises is in a particularly low socio-economic area or an area known to have issues.
- Maintain and provide as a part of the application process and upon request from an inspector or NZ Police, supply an incident register of alcohol related incidents and mandatory reporting of violent incidents to NZ Police.
- Maintain and provide upon request a duty manager register.
- Low alcoholic drinks and 0% alcohol beer to be available for sale.
- No end of isle sales of alcohol for supermarkets and grocery stores

## 5.3 Special licences

- Restriction on the type of drinks sold, the alcohol percentage of the drinks and the type of containers the drinks are served in
- One way door restrictions

- Requirement of a separate line or service area for non-alcoholic beverages where the special licence is likely to have patrons that are under the legal drinking age.
- For Class 1 events:
  - Security Staff, porta loos and rubbish bins provided in the surrounding areas to assist with issues with amenity and good order.
  - No full bottle wine sales for onsite consumption
  - Serve reduction systems in place to manage intoxication levels – maximum serves of 2 per sale reducing to 1.
  - Prescribed ratio of security staff to patrons
  - High visibility clothing to be worn by security staff and be visible to others.
  - Means of ingress/ egress for emergency services
  - Submission of Applications at least 25 working days prior to the event to allow for processing and potential stakeholder meetings
  - A sufficiently detailed Alcohol Management Plan as per Section 143 of the SSAA 2012





### Map 1: Flaxmere Bottle Store Restriction Area

Projection: NZTM  
Datum: D NZGD 2000



Date: Monday, 28 April 2014

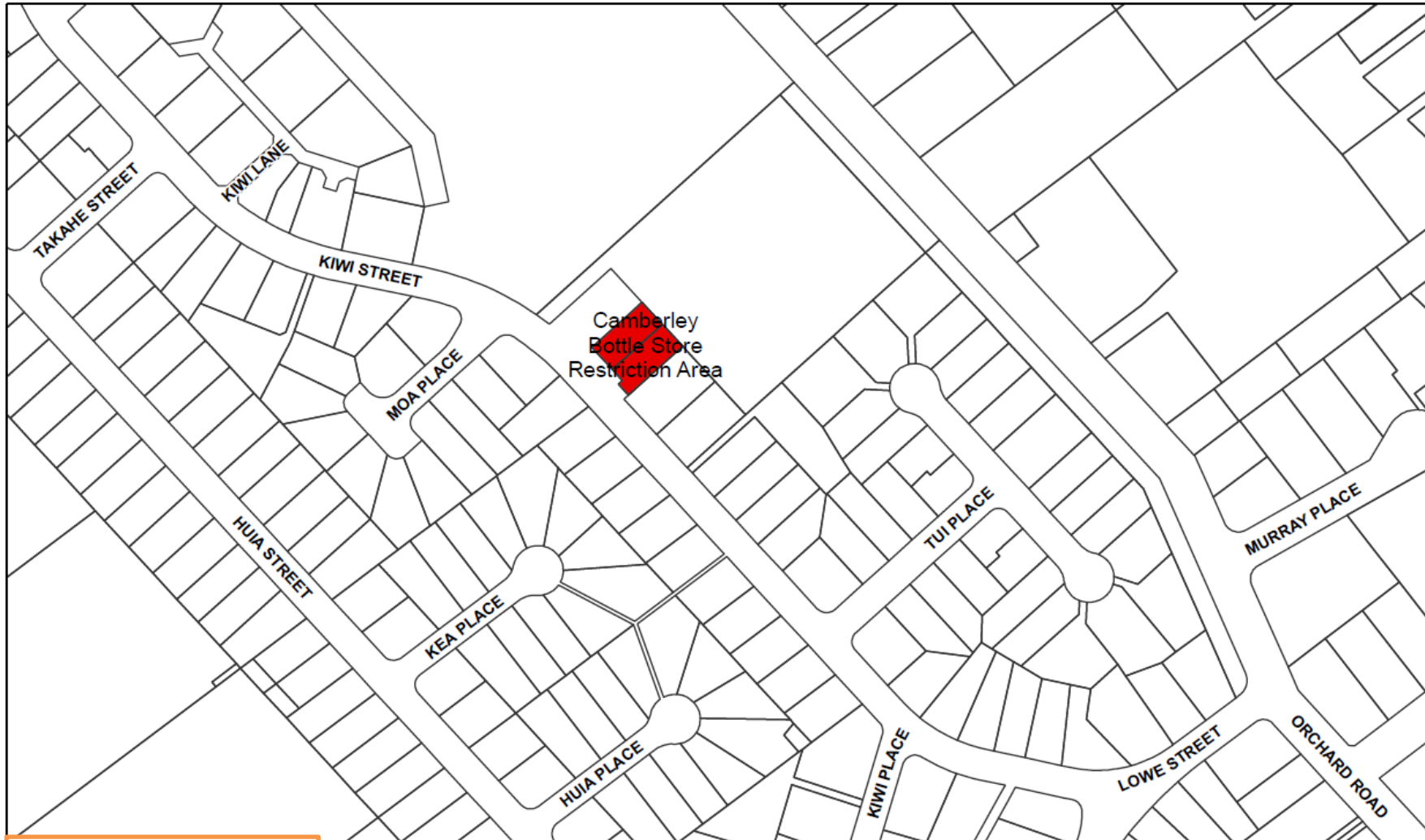
Original Size: A4

DATA SOURCE: Cadastral Information derived from the Land Information New Zealand's Core Record System (CRS).  
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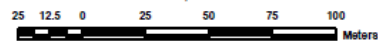


**Map 2: Camberley Bottle Store Restriction Area**

Scale 1:2,500

Date: Monday, 28 April 2014

Projection: NZTM  
Datum: D\_NZGD\_2000



Original Size: A4

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## 6.0 DEFINITIONS

<b>Alcohol</b>	<p>A substance—</p> <p>(a) that—</p> <ul style="list-style-type: none"> <li>(i) is or contains a fermented, distilled, or spirituous alcohol; and</li> <li>(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or</li> </ul> <p>(b) that—</p> <ul style="list-style-type: none"> <li>(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and</li> <li>(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or</li> </ul> <p>(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people (refer section 5(1) of the Act).</p>
<b>Alcohol related harm</b>	<p>(a) The harm caused by the excessive or inappropriate consumption of alcohol; and</p> <p>(b) includes-</p> <ul style="list-style-type: none"> <li>(i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and</li> <li>(ii) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i) (refer section 5(1) of the Act).</li> </ul>
<b>Bottle store</b>	<p>Retail premises where at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 31(1) of the Act).</p>
<b>Bar</b>	<p>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).</p>
<b>Brewery</b>	<p>A premises or a facility or establishment where beer is produced, brewed, and often packaged for sale.</p>
<b>Café</b>	<p>has the same meaning as restaurant in terms of the licence.</p>

<b>Cidery</b>	A premises or facility or establishment where cider is produced. Cider is an alcoholic beverage made from the fermentation of apple juice (or sometimes other fruits).
<b>Club</b>	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)
<b>Class 1 Club</b>	A club that has at least 1000 members of the purchase age and in the opinion of the TA, operates any part of the premises in the nature of a tavern at any time (refer section 5(6) Sale and Supply of Alcohol (Fees) Regulations 2013).
<b>Class 2 Club</b>	A club that has or applies for a club licence and is not a class 1 or class 3 club (refer section 5(6) Sale and Supply of Alcohol (Fees) Regulations 2013).
<b>Class 3 Club</b>	A club that has fewer than 250 members of the purchase age and operates a bar for no more than 40 hours each week (refer section 5(6) Sale and Supply of Alcohol (Fees) Regulations 2013).
<b>Club licences</b>	Where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (see section 21 of the Act).
<b>Endorsed caterer</b>	An on licence endorsed under section 38 of the Act. A holder of an on-licence that sells, for consumption there by people attending a reception, function, or other social gathering promoted by a person or association of people other than the holder, alcohol delivered from the premises the license is issued for.
<b>Distillery</b>	Premises or a facility where alcoholic beverages, such as whiskey, vodka, rum, gin, and other spirits, are produced through the process of distillation.
<b>Entertainment Venue</b>	Premises used or intended to be used in the course of business principally for providing any performance or activity such as but not limited to theatre, cinema, bowling, pool/snooker/billiard hall, brothel, function centre, wedding venue, live entertainment, adult entertainment.
<b>Grocery Store</b>	A shop that has the characteristics normally associated with shops of the kind commonly thought of as grocery shops where a range of food products and other household items are sold; with the

principal business carried on is or will be the sale of food products (refer section 33(1) of the Act). Premises over 1,000 m<sup>2</sup> in size are generally considered supermarkets.

<b>Hotel</b>	<p>Premises used or intended to be used in the course of business principally for providing to the public-</p> <ul style="list-style-type: none"><li>(a) Lodging; and</li><li>(b) Alcohol, meals, and refreshments for consumption on the premises (refer section 5(1) of the Act)</li></ul>
<b>Night-club</b>	<p>has the same meaning as tavern in terms of the licence</p>
<b>On-licences</b>	<p>Licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol (see section 14 of the Act).</p>
<b>Off-licences</b>	<p>where the licensee sells alcohol from a premise for consumption somewhere else (see section 17 of the Act).</p>
<b>Pub</b>	<p>has the same meaning as tavern in terms of the licence</p>
<b>Remote Sales</b>	<p>Premises for which an off licence is endorsed under section 40 of the Act. Principally selling alcohol remotely, online, through a catalogue, email, mail system or similar. Purchase to be made at a distance from the licensed premises, to be delivered to the purchaser.</p>
<b>Restaurant</b>	<p>Premises that-</p> <ul style="list-style-type: none"><li>(a) Are not a conveyance; and</li><li>(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) of the Act).</li></ul>
<b>Special licences</b>	<p>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).</p>
<b>Supermarket</b>	<p>Premises commonly thought of as a supermarket with a floor area of at least 1000m<sup>2</sup>, including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.</p>

**Tavern**

- (a) A premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
- (b) does not include an airport bar (refer section 5(1) of the Act). (ie, an airport bar is not treated as a tavern for alcohol licensing purposes).

**Winery**

An activity carried out on the same site as a vineyard involving wine making and cellar door sales (the retail sale of the wine produced on the site), and any related entertainment facilities including the serving of food and beverages (refer Hastings District Plan definitions section).