

Statement of Proposal

Draft Local Alcohol Policy (LAP)

May 2015

Table of contents

1. Background and introduction	3
2. The special consultative procedure	3
3. The interim licensing regime	4
4. The proposal	4
5. Summary of Information	4
6. Promotion of information to the community	5
7. Submission form	6

1. Background and Introduction

The Whangarei District Council under the old Sale of Liquor Act 1989 has developed and made use of liquor licensing policies for a number of years. The then Whangarei District Licensing Agency used these policies, as guidelines, when determining applications for liquor licences and manager certificates, as it has seen the benefit of reflecting community feedback and reducing the problem of ad-hoc decision-making.

These policies developed under the Sale of Liquor Act were voluntary and non-statutory. Although they had no legal standing under that Act, over the years the then Liquor Licensing Authority (LLA), now the Alcohol Regulatory and Licensing Authority (ARLA) has given some weight and legal standing to the most recent Whangarei District Licensing Agency Liquor Licensing Policy, which was adopted by council in August 2010. Specifically, as this relates to on and club licensing hours and the implementation of a one way door system within the Whangarei Central Business District.

The new Sale and Supply of Alcohol Act 2012 (the Act) came fully into effect on 18 December 2013. The Act allows territorial authorities to develop a Local Alcohol Policy (LAP), as highlighted under subpart 2 (sections 75 – 97) of the Act.

Whangarei District Council has now adopted a draft LAP for release to the wider community and stakeholders for submission under the special consultative procedure. Following the consideration of submissions the Council will then adopt a Provisional Local Alcohol Policy. This Policy must then be notified for appeal, which is considered by the Alcohol Regulatory and Licensing Authority (ARLA).

In preparing this draft Policy staff had regard to:

- The existing LLP
- The District Profile
- The findings on research into Alcohol Management
- Decisions of ARLA on Council's existing LLP
- Decisions of ARLA on new LAP's in New Zealand
- Feedback from the Stakeholders meetings
- Result of the Community Survey
- Ongoing monitoring
- Decisions of the Whangarei District Licensing Committee

The development of a LAP is seen as an important progression from the existing liquor policy developed under the old Act, to a legal framework under the new Act in order to be able to provide clear guidance to its District Licensing Committee, inspectors, enforcement partners and applicant's alike. In addition, Council is doing this in response to concerns from its residents, community stakeholders and evidence provided by licensing inspectors and enforcement partners.

This proposal presents Council's draft LAP (Draft Local Alcohol Policy) and seeks feedback from the public on its contents. This is being done under the required process – the special consultative procedure (Section 83 of the Local Government Act).

2. The special consultative procedure

The special consultative procedure as outlined in section 83 of the Local Government Act 2002 can be summarised as follows:

- A statement of proposal and a summary of the information in the statement must be prepared for consideration by Council.
- The statement describes the policy and its intent and gives the reasons for the proposal.
- The summary of the information is included in the statement of proposal. It must be a fair representation of the major matters in the statement of proposal.
- If approved by Council, the proposal is distributed, as widely as reasonably practicable, for general consultation. It needs to say where the statement of proposal may be inspected and how a copy may be obtained and the period within which submissions on the proposal may be made to Council.
- The statement of proposal will be available for public inspection at Council offices in Whangarei, and Ruakaka, and at public libraries at Whangarei, Kamo and Onerahi, and the Mobile Library.

- The summary of information will be distributed as widely as reasonably practicable. It is proposed to be distributed to all groups known to have an interest in alcohol licensing matters.
- Public notice of the proposal and the consultation being undertaken will be given.
- That public notice will advise how the persons interested in the proposal may obtain the summary of information and inspect the full proposal and advise of the time within which submissions on the proposal may be made to Council.
- Anyone making a submission, within the time fixed (which may not be less than a month), is sent written receipt of their submission and is given a reasonable opportunity to be heard (if the submitter requests).
- An open Council hearing of submissions on the proposal is conducted.
- All written submissions on the proposal are made available to the public.

3. The interim licensing regime

Until such time as a Local Alcohol Policy has been fully adopted the Sale and Supply of Alcohol Act 2012 continues to provide the legal framework relating to licensing matters. In addition, licensing inspectors and the District Licensing Committee can continue to rely on the existing liquor licensing policy for guidance.

4. The proposal

The purpose of this proposed draft policy is to provide consistent guidance to the District Licensing Committee and Regulatory Agencies, including inspectors and applicants when considering and making licensing applications within the Whangarei District.

The objectives of this proposed draft policy are:

- Ensure that Council and the community have influence over the hours, location and density of alcohol licensed premises in the Whangarei District.
- Minimise the harm caused by the sale of alcohol and ensure that the 'amenity and good order' of a locality is not negatively affected by the activity.
- Maintain a reasonable distance between certain new licensed premises and certain sensitive sites.

To achieve its purpose and objectives the draft policy is based on 3 key approaches

- To contribute to the safe and responsible sale, supply and consumption of alcohol in the Whangarei District.
- To contribute to the minimization of harm caused by excessive or inappropriate consumption of alcohol.
- To reduce the incidence of excessive or inappropriate consumption of alcohol so as to minimize harm.

The Draft Policy is attached to this document.

5. Summary of Information

The Sale and Supply of Alcohol Act 2012 (the Act) came fully into effect on 18 December 2013.

The Act provides for the establishment of the District Licensing Committees.

The District Licensing Committees is responsible for the hearing and determining licence applications under the Act.

The Act permits territorial authorities to develop a Local Alcohol Policy (LAP), subpart 2 (sections 75 – 97) of the Act.

The LAP will be considered by the Committee when determining applications for licenses.

Whangarei District Council has drafted a LAP and called it a Draft Local Alcohol Policy.

The Council is doing this in response to concerns regarding harm that alcohol causes in the community and in order to give guidance to the District Licensing Committee when dealing with applications before it.

The Act is very specific with regard to what a LAP can and can not achieve or regulate within the district.

The Statement of proposal presents Council's draft LAP (Draft Local Alcohol Policy) and seeks feedback from the public and stakeholders on its contents. This is being done under the required process – the special consultative procedure (Section 83 of the Local Government Act).

WDC's Draft Local Alcohol Policy provides a document that can give guidance to all involved parties, on:

- I. Maximum licensing hours for on, off, club and special licensed premises trading within the Whangarei District
- II. A number of discretionary conditions, in order to limit the harm caused by the inappropriate consumption of alcohol or to ensure better compliance with the provisions of the Act and licence conditions in general, such as restrictions on proximity to sensitive sites, and limitations on further new bottle stores (off licences) for previously unlicensed sites.

Copies of Council's statement of proposal for the Draft Local Alcohol Policy may be inspected at Council offices at Forum North, and Ruakaka and at public libraries in Whangarei, Kamo, and Onerahi and the mobile library.

The consultation period will commence on Monday 8 June 2015 and will conclude at 4.30pm on Friday 10 July 2015.

Hearings are planned for Wednesday 29 July 2015 with a final agenda item to be considered at a meeting of Council on Wednesday 23 September 2015.

6. Promotion of information to the community

Copies of Council's statement of proposal for the Draft Local Alcohol Plan may be inspected at Council offices at Forum North, and Ruakaka and at public libraries in Whangarei, Kamo, and Onerahi and the mobile library and on Council's website <http://www.wdc.govt.nz>

Submission forms will be available on Council's website from Monday 8 June 2015.

Alternatively submissions on the proposed policy review may be made in writing to Council and must be received no later than 4.30 pm, Friday 10 July 2015. The submission should be made attention to Reiner Mussle – Team Leader Environmental Health and needs to state whether the submitter wishes to be heard.

7. Submission Form: Draft Whangarei District Local Alcohol Policy

Thank you for taking this opportunity to comment on this draft policy. We welcome your feedback.

Points to remember when making a submission

- Please print clearly. The form should be easy to read and be understood, and may need to be photocopied.
- We will respond in writing to every submission received. Please ensure that you provide appropriate contact details so that our response gets back to you.
- All submissions are considered public under the Local Government Official Information and Meetings Act, and may be published and made available to elected members and the public.
- Your submission will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

How to get this form to us

Mail to: Local Alcohol Policy Submission,
Whangarei District Council,
Private Bag 9023,
WHANGAREI 0148

Fax to: 09 438 7632

Email to: mailroom@wdc.govt.nz

