



# **Whangarei District Council Policy**

**Local Alcohol Policy  
(Draft)**

*Policy #tbc*

**Table of contents**

1 Introduction.....3

2 Purpose of the Policy.....3

3 The Policy Objectives.....3

4 The Policy Provisions.....3

5 Review of Policy.....7

## 1 Introduction

Alcohol consumption is associated with many important benefits including alcohol's role as a social lubricant inherent in Kiwi culture. However, alcohol is also a toxic substance with the potential to cause both immediate and long term harm to people who consume excessive alcohol and to people around them. The sale of alcohol in our community is managed under the licensing framework of the Sale and Supply of Alcohol Act 2012 (the Act) and territorial authorities have the responsibility of receiving and determining all applications for various licences and certificates under the Act, as well as undertaking monitoring and enforcement of licensing conditions through work undertaken by licensing inspectors. District Licensing Committees determine these applications and must have regard to criteria set down in the Act as part of the decision making process. The object of the Act, reflected in this decision making process is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly and that the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Section 75 of the Act allows territorial authorities to develop Local Alcohol Policies (LAPs) but it is not a statutory requirement to do so. A LAP is a set of policies made by Council in consultation with its communities concerning the sale, supply and consumption of alcohol. Once in place the District Licensing Committee and the Alcohol Regulatory and Licensing Authority (ARLA) must have regard to the LAP when making decisions on licensing applications. The Act sets down specific matters which can be covered in the policy and these can only be matters relating to licensing.

The Whangarei District Council has developed this LAP to support the object of the Act. It sets out a framework for consistent decision making by the Committee and provide guidance to the wider community including applicants for liquor licences. The policy specifically provides for the following matters:

- Maximum trading hours for all licensed premises
- One way door for on licensed premises in the Whangarei central business district.
- Discretionary licence conditions for on, off, club and special licences
- A restriction on the issue of further licences under s 32(1)(b) [bottle stores]
- Restrictions on the location of licensed premises near sensitive facilities and premises.

## 2 Purpose of the Policy

- To provide guidance to the Whangarei District Licensing Committee when determining applications so as to enhance good decision making.
- To provide guidance on liquor licensing matters for the benefit of licensees and the wider community.
- To reflect the character and values, preferences and needs identified as being important to communities in the Whangarei district.
- To encourage licensing environments that foster positive, responsible drinking behaviour and minimise alcohol related harm.

## 3 The Policy Objectives

- 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.

## 4 The Policy Provisions

**Interpretation.** For the purpose of this policy the provisions of section 5 of the Sale and Supply of Alcohol Act 2012 apply.

## 4.1 On Licence Premises

### 1. Maximum trading hours not withstanding restrictions under s.47 of the Act

On licensed premises	<p>Monday to Sunday 8.00am – 1.00am the following day.</p> <p>Provided that where the District Licensing Committee is satisfied that during the days of Sunday to Thursday, the amenity and good order of the locality where the premises are situated (and the locality includes land near the premises of a residential nature where people live and sleep) would be likely to be reduced by the effects of the issue of or renewal of any licence, then the maximum trading hours are:</p> <p>Sunday to Thursday 8.00am to 11.00pm, and Friday and Saturday 8.00am to 1.00am the following day.</p>
On licensed premises situated in the Whangarei Central Business District (see map in attachment 1)	Monday to Sunday 8.00am – 3.00am the following day, with a one way door system in place during that period from 1.00am until the premises is closed on that day. Provided that where a licensee wishes to operate between 8.00am and 1.00am then the one way door will not apply.
Mini bars in hotels	At any time on any day.

**Note 1:** These are maximum hours and the District Licensing Committee may, after having regard to s.105 (criteria for the issue of licences) and s.131 (criteria for renewal of licence) and any other matter under the Act to which the committee can have regard may further restrict hours of trading accordingly.

**Note 2:** Section 106 of the Act - Considering effects of issue or renewal of licence on amenity and good order of locality

- (1) *In forming for the purposes of section 105(1)(h) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to—*
  - *(a) the following matters (as they relate to the locality):*
    - *(i) current, and possible future, noise levels:*
    - *(ii) current, and possible future, levels of nuisance and vandalism:*
    - *(iii) the number of premises for which licences of the kind concerned are already held; and*
  - *(b) the extent to which the following purposes are compatible:*
    - *(i) the purposes for which land near the premises concerned is used:*
    - *(ii) the purposes for which those premises will be used if the licence is issued.*

(2) *In forming for the purposes of section 131(1)(b) an opinion on whether the amenity and good order of a locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew a licence, the licensing authority or a licensing committee must have regard to the following matters (as they relate to the locality):*

- *(a) current, and possible future, noise levels:*
- *(b) current, and possible future, levels of nuisance and vandalism.*

### 2. Discretionary conditions

In addition to the provisions of s.110 and s.117 of the Act the District Licensing Committee may impose, but are not limited to, any of the following conditions when issuing or renewing an on licence.

- Restriction on the establishment of certain new on licensed premises (at previously unlicensed sites) within 100 metres from sensitive sites or locations
- Restrictions with regard to s.255 of the Act and to ensure that the so-called 30 minute ‘drink-up’ time occurs prior to the official closure time of the premises, i.e. for premises with a 1.00am closure, drink up time to occur between 00.30am and 1.00am (and not between 1.00am and 1.30am)
- No shots after midnight
- Restriction on the use of outdoor areas of licensed premises after a certain time
- Provision of additional security staff after a certain time and provisions relating to high vis clothing
- Installation of CCTV cameras, inside or outside the premises and of a viewable and recordable quality
- Requirements relating to the number of managers who must be employed to cover any extensive trading hours when alcohol is sold
- The provision of a manager in “BYO” premises during busy trading times
- Violence register in CBD premises

No policy restrictions relating to location, issue of new licences for on licences.

## 4.2 Off Licence Premises

### 1. Maximum trading hours not withstanding restrictions under s.48 of the Act

Off licensed premises – supermarkets and grocery stores, including stores licensed under s.34 & s.35 of the Act (so-called general stores)	Monday to Sunday 7.00am to 10.00pm
Off Licences – bottle stores, including all across the bar off sales	Monday to Sunday 9.00am – 10.00pm
Remote sellers	At any time on any day subject to controls imposed by s.49

Note 1: These are maximum hours and the District Licensing Committee may, after having regard to s.105 (criteria for the issue of licences) and s.131 (criteria for renewal of licence) and any other matter under the Act to which the committee can have regard may further restrict hours of trading accordingly.

Note 2: There are restrictions on premises situated within the Business 3 Environment stating, where licensed premises are situated within 50 metres of a Living Environment boundary then the trading hours cannot exceed 10.00pm. All supermarket off licences are currently situated in a Business 3 Environment.

### 2. Discretionary conditions

In addition to the provisions of s.116 and s.117 of the Act the District Licensing Committee may impose, but are not limited to, any of the following conditions when issuing or renewing an off licence.

- Restriction on the establishment of certain new off licensed premises (at previously unlicensed sites) within 100 metres from sensitive sites or locations
- Restriction on single sales

- Installation of CCTV cameras, inside and/or outside the premises and of a viewable and recordable quality
- Requirements relating to the number of managers who must be employed to cover any extensive trading hours when alcohol is sold
- Provision of suitable external lighting
- Bottle stores to be designated as areas to which minors are not to be admitted in accordance with s.119 of the Act

**3. Specific restrictions on the issue of further off licences for bottle stores**

No further off licences in respect of bottle stores, as defined by s.32 (1) (b) of the Act shall be granted. However, Council will permit the grant of an off licence for a bottle store where due to circumstances beyond the control of the licensee, the bottle store must relocate. Examples of such circumstances include but are not limited to the following:

- (a) Expiration of lease
- (b) Acquisition of property under the Public Works Act
- (c) Site redevelopment by owner other than licensee

**4.3 Club Licence Premises**

**1. Maximum trading hours**

Club licensed premises	<p>Monday to Sunday 8.00am – 1.00am the following day.</p> <p>Provided that where the District Licensing Committee is satisfied that during the days of Sunday to Thursday, the amenity and good order of the locality where the premises are situated (and the locality includes land near the premises of a residential nature where people live and sleep) would be likely to be reduced by the effects of the issue of or renewal of any licence, then the maximum trading hours are:</p> <p>Sunday to Thursday 8.00am to 11.00pm; and</p> <p>Friday and Saturday 8.00am to 1.00am the following day</p>
------------------------	--

Note: These are maximum hours and District Licensing Committee may, after having regard to s.105 (criteria for the issue of licences) and s.131 (criteria for renewal of licence) and any other matter under the Act to which the committee can have regard may further restrict hours of trading accordingly.

## 2. Discretionary conditions

In addition to the provisions of s.110 and s.117 of the Act the District Licensing Committee may impose, but are not limited to, any of the following conditions when issuing or renewing a club licence.

- Club manager to be on duty during specific times or when the number of patrons on the premises is likely to exceed a specified number (risk based)
- A club register (signing in book) to be kept detailing all authorised customers, authorised members and visitors for the period that the club is in operation.

No policy restrictions relating to location, issue of new club licences.

## 4.4 Special Licences

### 1. Maximum trading hours

For on, off and club licensed premises other than in the Whangarei CBD	Monday to Sunday One hour extension to the hours held as a condition of licence or 7.00am to 1.00am which ever are the shorter hours
For any premises in the Whangarei CBD	Monday to Sunday 7.00am to 4.00am the following day with a one way door system in place from 1.00am
For all other premises not being a licensed premises or located in the Whangarei CBD	Monday to Sunday 7.00am – 1.00am the following day

### 2. Discretionary conditions

In addition to the provisions of s.147 and s.117 of the Act the District Licensing Committee may impose, but are not limited to, any of the following discretionary conditions when issuing a special licence.

- In the case of a large scale event, applicant to provide an alcohol management plan and RMA Certificate – s.143

## 5 Review of Policy

In accordance with s.97 of the Act, this policy shall be reviewed within 6 years of it coming into force on the.....

# Map of CBD





## Appendix 1

### Reasons and explanation for each policy element.

#### General matters

Policy provides for maximum trading hours for on, off, club and special licensed premises, trading hours, one way door use in the Whangarei CBD, the use of discretionary conditions, and in the case of bottle stores, prohibiting the further issue of licences in the district. Council has not made policy relating to the location of licensed premises because it is felt that the Act provides appropriate safeguards through Amenity and Good Order provisions and through the need to comply the Resource Management Act 1991 and the Whangarei District Plan. Council has not felt it necessary to implement policy on other matters which are permitted under section 77 of the Act such as location.

#### 4.1 On licence premises

##### 4.1.1 Maximum trading hours

The District profile on the effects of alcohol use in the Whangarei District identifies alcohol as having a significant impact on the health and well being of people in Northland and Whangarei. While crime stats decreased, it is nevertheless appropriate to take a precautionary approach. Whangarei Hospital Emergency states pg 25) show highest number of alcohol related injuries occur between 1.00am and 4.00am and over weekends. Demand control, including reducing hours is a mechanism recognised to minimise harm from alcohol abuse. Hours across on licences are therefore controlled across the district to ensure that there is no migration between premises in rural areas or across town.

In the CBD there is a particular problem with crime and antisocial behaviour. For every hour of trading after 12.00 midnight there is an increase in crime and antisocial behaviour by 20%. One way door is a mechanism currently used by Council – continued under LAP to help minimise harm. CBD hours are 3.00am with one way door in place after 1.00am. This is aimed to have people come to town earlier, reduce front and side loading, reduce conflict between groups wandering the CBD. Inappropriate consumption of alcohol particularly later at night is controlled by limiting hours that alcohol is available and this will minimise harm.

Therefore limited trading hours and use of one way door in the CBD entertainment precinct where there is a concentration of bars is seen as ways of reducing harm associated with the consumption of alcohol.

##### 4.1.2 Discretionary conditions

The discretionary conditions are additional conditions that can contribute to reducing harm associated with alcohol.

#### 4.2 Off Licence premises

##### 4.2.1 Maximum trading hours

An important aspect of the integrated policy is the minimisation of access to take away alcohol once people have finished their night at on licensed premises. The main issue for debate has been the opening time for off licensed premises with licensee's generally accepting of the 10.00pm closure. Following recent hearings before ARLA it was made clear that evidence was required to support a blanket 9.00am opening when many supermarkets open at 7.00am. In all cases ARLA approved the supermarkets being able to open at 7.00am, as their main product was still food and any alcohol sold was ancillary to this and in small quantity.

In the case of bottle stores, sales are solely focused on the sale of alcohol, but these very rarely opened before 9.00am. Remote sales were not seen as being an issue and s.49 controlled delivery on the restricted days.

##### 4.2.2 Discretionary conditions

Restricting single sales has been recognised as an important tool to control the inappropriate access to alcohol. As these premises sell predominantly alcohol, it is important to restrict access to minors.

##### 4.2.3 Specific Restrictions on the issue of further licences for bottle stores

The community survey has shown that a significant proportion of the community do not consider there is a need for any further bottle stores. As this policy has a maximum life of 6 years and could be reviewed earlier, if required it is considered that a precautionary approach is appropriate. The restriction does not apply to supermarkets, grocery stores or general stores as their prime role is the sale of food, not alcohol. As with the approach taken for gambling outlets, the policy does allow a licence to be relocated, as the result of matters outside the licensee's control.

### **4.3 Club Licence premises**

#### **4.3.1 Maximum trading hours**

The hours for club licensed premises are consistent with those for all on licensed premise in the District, excluding those in the CBD. The DLC will determine, on a case by case basis, whether the potentially more restrictive hours of 11.00pm closing time during Sunday to Thursday can be extended to 1.00am (the following day) based on an assessment of amenity and good order.

#### **4.3.2 Discretionary conditions**

These conditions are to ensure that the club is meeting the requirement for monitoring and eligibility of patronage.

### **4.4 Special Licences**

#### **4.4.1 Maximum trading hours**

For on, off and club licensed premises, generally, either an extension of one hour on either side of the hours held under condition of licence, or 7.00am to 1.00am the following day, which ever is the shortest, except in the CBD where the hours are 7.00am to 4.00am the following day with a one way door system in place from 1.00am. For all other premises that are not licensed premises, the hours are 7.00am to 1.00am the following day.

#### **4.4.2 Discretionary conditions**

These are highlighted by s.147 and s.117 of the Act.