

# Whangarei District Council

## Local Alcohol Policy (Provisional)

*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 .....	6
6	CBD Map .....	8
7	Appendix 1 - Reasons and explanation for each policy element.....	9

## 1 Introduction

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 licences
- A three year restriction on the issue of further new off-licences, issued under s 32(1)(b) of the Act [bottle stores] for previously unlicensed sites
- Restrictions on the location of certain new on- and off-licensed premises (for previously unlicensed sites) within 300 metres from 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 use of outdoor areas of licensed premises after a certain time (this time to be determined by the DLC, on a case by case basis).
- Keeping and making available, on request, an incident book for CBD on-licensed premises.

## 4.2 Off Licence Premises

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

All off-licensed premises, including bottle or liquor stores, supermarkets, grocery stores, and stores licensed under s.34 & s.35 of the Act (so-called general stores) and all across the bar off-sales at hotels, taverns and clubs	Monday to Sunday 9.00am to 9.00pm
Remote sellers	At any time, on any day, subject to controls imposed by s.49 of the Act

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.

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

No further new off licences in respect of bottle stores (for previously unlicensed sites), as defined by s.32 (1) (b) of the Act shall be granted for a period of six (6) years from the date of formal implementation of this policy. However, District Licensing Committee 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	Monday to Sunday 8.00am – 1.00am the following day.  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: Sunday to Thursday 8.00am to 11.00pm; and Friday and Saturday 8.00am to 1.00am the following day
--	---

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.

#### 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 whichever 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

#### 4.5 Restriction in relation to Sensitive sites

The effect of any new on- and off-licences (for previously unlicensed sites), except for new restaurants, cafes, supermarkets, grocery stores and special licences, that are within 300m of a sensitive site may be considered by the District Licensing Committee where a sensitive site is within 300m of the licence application premises. Where a sensitive site is more than 300m from such a licence application premises, the effect of approving that licence on that sensitive site will not be a consideration for the DLC.

Sensitive sites are defined as areas, premises or facilities that are either considered more sensitive to alcohol-related harm, or are already experiencing greater levels of alcohol related harm than other areas, as determined by the District Licensing Committee. Such sites may include, but are not limited to, educational institutions, churches, marae, recreational facilities, medical treatment centers', high crime areas and vulnerable populations.

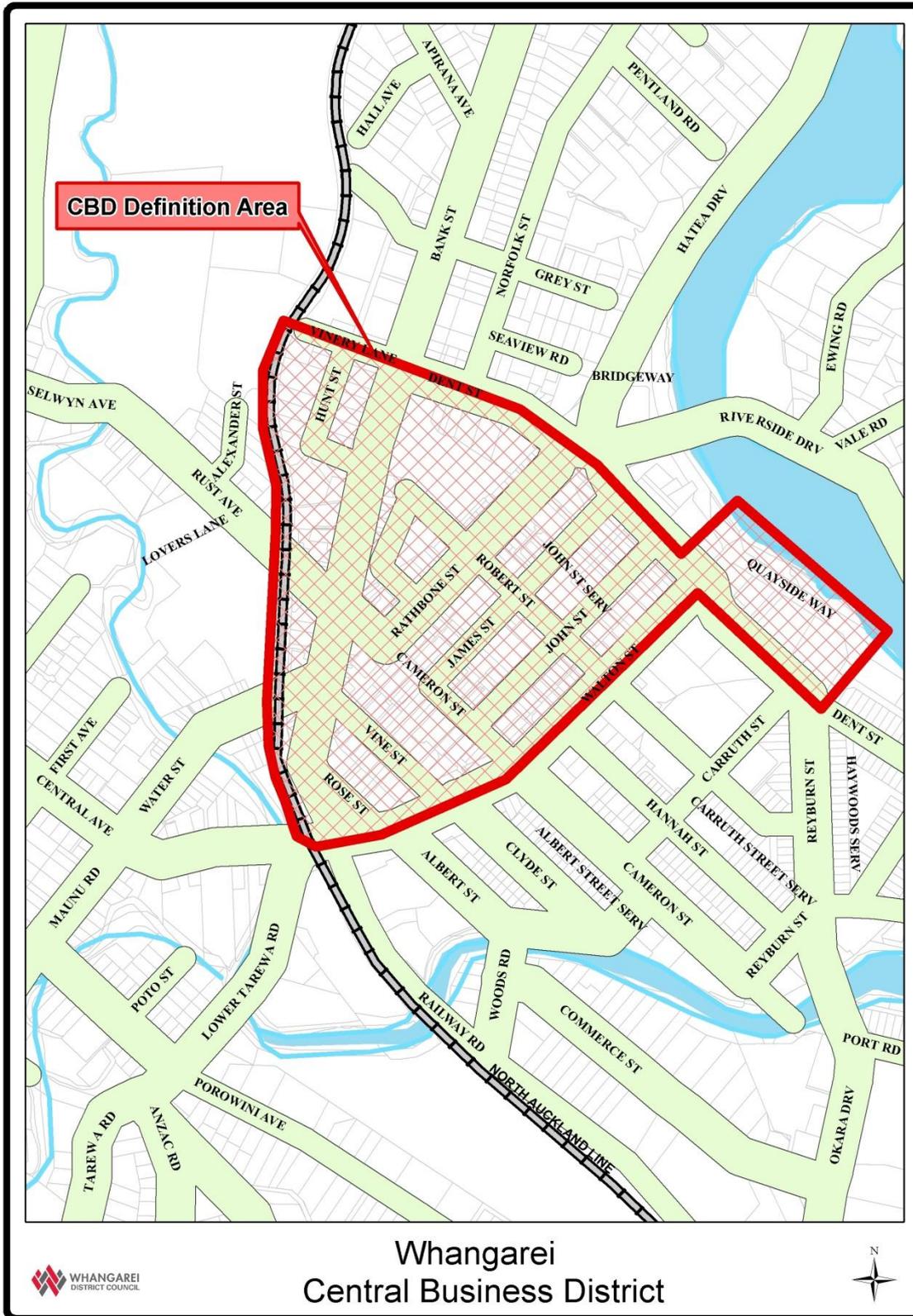
Note 1: Relicensing under a change of ownership is not classified as a new licence under this Policy provided the licence type and scope remains the same.

Note 2: Application for renewal on an existing licence is not subject to this restriction.

## 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 XX/XX/20XX.

# Map of CBD



## Appendix 1

### Reasons and explanation for each policy element.

#### General matters

The Policy provides for maximum trading hours for on-, off-, club-licensed premises and special licensed events; one way door use in the Whangarei Central Business District (CBD); the use of discretionary conditions; and in the case of new bottle stores at previously unlicensed sites, prohibiting the further issue of licences in the district for a period of six (6) years after the formal implementation of this policy. Council has also made policy relating to the location of certain new on- and off-licensed premises (at previously unlicensed sites) within 300 metres from sensitive sites.

#### **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 stats (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.

For on-licensed premises, outside the CBD, historically no mayor issues have been reported and no evidence has been submitted to suggest that there is a need to further reduce the current hours of 8.00am to 1.00am the following day. However, in order to signal to the industry and licensees that any negative impact on the amenity and good order of the location is not acceptable, further restrictive hours of Sunday to Thursday 8.00am to 11.00pm have been adopted for consideration by the DLC, on a case by case basis.

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. By restricting all off-licensed sales from 9.00am to 9.00pm, availability is reduced, which is known to reduce alcohol-related harm.

During the submission process on the draft LAP, Council heard from a number of individuals, in relation to supermarket and grocery store off-licensed hours, that either had issues with alcohol, or were affected by alcohol, requesting that Council provides them with “window of opportunity” (between 7.00am and 9.00am) to be able to shop for groceries, without being “tempted” by alcohol being available for sale.

By having uniform licensing hours across all type of off-licensed premises in the district, the Policy ensures not only a level playing field, as requested by a number of submitters, but also avoids migration to premises which may hold later open times.

Remote sales were not seen as being an issue and s.49 of the Act controls delivery on the restricted days.

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

The community survey and the majority of submissions received has shown that a significant proportion of the community do not consider there is a need for any further bottle stores. Evidence presented highlighted that the district is very well represented with off-licensed premises. Council has considered that a six (6) year restriction on all new bottle stores (at previously unlicensed sites) is appropriate considering the precautionary approach. 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 maximum hours for club-licensed premises are consistent with those for all on-licensed premises 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 will be enforced, based on an assessment of the premises effects on the amenity and good order of the location.

### **4.4 Special Licences**

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

For on- 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.

### **4.5 Condition on Sensitive sites**

Most submitters expressed their frustration with the legal requirements of the Act, which they felt often ignored the local community and their opinions / concerns. As a result most submitters stated that they wished to see the inclusion of some form of 'safeguard' or exclusion zone between what are deemed 'sensitive sites' and premises which sell alcohol.

The condition on sensitive sites aims to address applications for new on- and off-licensed premises, such as taverns and bottle stores, which are deemed higher risk than restaurants and supermarkets. A 300 metre distance restriction has been adopted between these premises and sensitive sites. Where the proposed premises is situated outside this distance, the restriction does not apply. Where the premises is situated closer than 300 metres from a sensitive site, the DLC will determine the impact thereof, on a case by case basis.