

STOCK - IMPOUNDING OF

WDC94/135/4 Council declines to authorise a ranger under Section 22(2) of the Impounding of Stock Act 1955 to lead, drive or convey trespassing stock to a pound when requested by the occupier of the land trespassed upon or his agent.

Persons impounding stock on their own properties be made aware of the provisions of Sections 24 and 25 of the Impounding Act 1955, should they request the assistance of Council Staff.

WDC94/173/4(d) Waikato District Council supports and endorses the implementation of The Impounding Act 1955 and the Fencing Act 1978 subject to the following general guidelines:

1. Council staff in the first instance, communicate with and educate owners of wandering stock on the dangers of wandering stock and the intent of The Impounding Act 1955.
2. Where there is a history of wandering stock or the stock owner is not identifiable then the stock be immediately impounded at Council's pound.
3. When stock have been impounded then full fees are to be recovered unless it is proved that Council has acted contrary to the Act.
4. The direct costs of staff responding to instances of wandering stock be recovered from the owners of the stock.

DOG CONTROL POLICY

WDC07/50/6/4

Introduction

This document contains Waikato District Council's dog control policy under the Dog Control Act 1996 ("the Act"). The Waikato District Dog Control Bylaw, which is a separate document, implements part of this policy.

In accordance with the Act, in adopting this policy the Council has had regard to:

- (a) the need to minimise danger, distress, and nuisance to the community generally; and
- (b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- (c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- (d) the exercise and recreational needs of dogs and their owners.

Other considerations are referred to in the reasons and explanations after each policy.

Objective

To enable people to enjoy the benefits of dog ownership whilst minimising danger, distress and nuisance to the public.

Policies

The objective will be attained through the following policies:

Policy I: Responsible dog ownership

Responsible dog ownership should be encouraged.

Methods: what Council will do to achieve this policy:

- Provide the knowledge to enable dog owners to be responsible before problems occur.
- Establish fee structures that acknowledge responsibility and compliance.
- Distribute information on dog control and care.
- Undertake regular property inspections to promote awareness of obligations and maintain compliance.

Council will make bylaws that:

- require dog owners to remove faeces from public places.
- have regard to the exercise and recreational needs of dogs and their owners by designating specified areas where owners can play with and socialise their dogs.

Reasons and Explanation

Dog owners need to be made aware of the propensity of dogs to cause harm or nuisance. Dog faeces are a nuisance and a potential public health hazard. Dogs need to be trained and socialised so that they learn how to behave in a public environment. Dog owners need to be encouraged to seek professional education. The number of professional animal behaviour consultants is growing as people are becoming more receptive to learning about the nature of domestic dogs. Solving behaviour problems takes time and specific expertise.

Council animal control staff will visit dog owners and inspect properties to help inform owners of dog ownership issues, and their duty to protect invitees and service workers. Animal control staff also promote education programmes to individuals and talk to public groups, schools etc.

Policy 2: Control

Owners should control their dogs to prevent danger, distress and nuisance, and comply with relevant legislation.

Methods - what Council will do to achieve this policy:

- Keep a register of dogs, to identify the owner of every dog in the district.
- Identify dogs through microchips, and provide information to the National Dog Control Database as required by the Act.
- Enforce the Dog Control Act requirements by responding to and investigating complaints, inspecting properties, issuing cautions, prosecuting offenders, serving infringement notices, and seizing dogs (e.g. dogs threatening public safety.)
- Emphasise the control of dangerous, menacing, or roaming dogs (especially by classifying menacing dogs in accordance with the Act).
- Define areas where dogs are prohibited, or restricted, in public places not suitable or appropriate for dogs, especially places frequented by children and families. These areas are set out in Appendix C.

Council will make bylaws that:

- prevent nuisance and harm caused by dogs, including impounding.
- regulate dogs in areas where dogs are prohibited or restricted in public places.
- require all dogs classified as menacing under section 33 of the Act to be neutered.
- make reasonable provision for working dogs (as defined in the Act) and hunting dogs (as defined in the Dog Control bylaw)
- require a permit to be obtained to keep more than two dogs per premises (this applies only to premises zoned urban and country living). Permit criteria are set out below.
- encourage the appropriate care and confinement of bitches in oestrus.
- warrant officers to impose or require reasonable remedies, suitable alterations to the property, or the removal of dogs in order to reduce or abate nuisance or risk to public safety.
- require high standards of accommodation and care in dog breeding and boarding establishments.
- establish offences for breaches and non-compliance.

Reasons and Explanations

Every person has a right to enjoy public places free from nuisance or harm caused by uncontrolled dogs. Problems with dogs are often attributed to how they interact with other dogs, inadequate fencing or confinement. Under the bylaw, Council may require dog ownership to be limited per property or to make reasonable alterations to their property to ensure that dogs are properly confined.

Restrictions on dogs in public places are aimed at minimising danger, distress, and nuisance to the community, including dangers to children if dogs have uncontrolled access to public places that are frequented by children. It is important to enable the public (including children and families) to use streets and public amenities without fear of attack or intimidation by dogs. The identified exercise and recreational areas (Appendix C) are expected to meet the needs of dogs and their owners.

The Code of Recommendations and Minimum Standard for the Welfare of Dogs (1998) Animal Welfare Advisory Committee, Wellington (www.maf.govt.nz) sets minimum dog welfare standards and “good practice” to ensure animal welfare is kept above the minimum acceptable level in practical circumstances. Dog control officers will refer to this code in evaluating living conditions and treatment of dogs.

Permit criteria to keep more than two dogs in urban and country living zones.

The over-riding considerations when considering an application for a permit to keep more than two dogs are as follows:

- Health and safety of people
 - Risk of nuisances
 - Welfare of dogs.
1. Criteria for a permit to keep more than two dogs include:
 - a) The physical suitability of the premises to hold more than two dogs.
 - b) The applicant must meet the approved owner and selected owner policy criteria.
 - c) There must be written approval from neighbours who live on adjoining properties.
 - d) The applicant must meet such terms or special conditions the Council may attach to any permit.
 2. Council reserves the right to exercise its overall discretion to issue or refuse a permit, irrespective of whether the above criteria are met or not met.
 3. Where a permit holder fails to comply with any of the permit conditions, or the above criteria are no longer met, Council may cancel the permit by giving the dog owner one month’s notice.
 4. Where a decision has been made to refuse or cancel a permit, the applicant may apply to the Council for a review of that decision by the appropriate Committee responsible for the Dog Control Policy, within the one month’s notice period.

5. Any permit to keep more than two dogs will be issued in respect of the premises where the dogs are to be kept. The permit will state the maximum number of dogs to be kept on the premises. If the limit is exceeded or circumstances affecting the permit criteria change, a new permit will be required.
6. Where an application has been made for a new permit or a review of an existing permit an inspection is required and an application fee is payable.

Policy 3: Funding

Adequate funding should be provided to maintain an acceptable level of dog management services, principally funded by dog owners on a user pays basis.

Methods: What Council will do to achieve this policy:

- Set a reasonable annual registration fee, and graduated fee structure as set out in Appendix A.
- Set a fee for the release of an impounded dog in order to recover costs associated with the provision of pound facilities
- Use income from fines to offset the costs associated with providing a dog control service.
- Provide for otherwise irrecoverable costs through general rate funding.

Reasons and Explanations

The costs of providing what is essentially a public safety service amount to more than \$700,000 annually. Partial general rate funding of dog control (40%) recognises the public benefit resulting from dog control. Funding is allocated annually through the LTCCP or Annual Plan for provision of dog exercise areas.

The Dog Control Act allows Council to recover dog control costs from dog owners through registration fees. Dog owners should principally fund dog control services because dog control issues only arise through people owning dogs. This policy implements a “user pays” approach by acknowledging responsible dog ownership with discounts on the registration fee.

The Council recovers about 60% of overall costs through fees. Council derives income from the collection of fines by the Ministry of Justice. Income is used to directly offset costs and helps to reduce the annual registration fee.

The graduated fee structure allows for substantial rebates. Discounted fees are intended to:

- Encourage competence and compliance with respect to keeping a dog as a pet
- Acknowledge the role of working dogs in the district.
- Reflect public expectation that Council will adopt a “user pays” approach to funding.

Appendix A: Registration Fees

Council sets the general dog owner registration fee annually for the financial year ending 30 June. The general dog owner fee is payable in respect of every dog, unless a rebate or surcharge applies.

Rebates

A1 General Dog Owner

Prompt Payment rebate (is paid before 1 August) 15% of fee

A General Dog Owner is defined as a dog owner who:

- has not previously owned a dog in the Waikato District; or
- cannot supply evidence of rebated dog registration under another local authority; or
- has had a dog impounded; or
- has been the subject of a justified complaint; or
- has been prosecuted for a dog offence; or
- has received an infringement fine.

A2 Approved Owner Policy

Prompt Payment rebate (if paid before 1 August) 15% of fee

Approved Owner Rebate 35% of fee

Total rebate (if paid before 1 August) 50% of fee

Approved Owner Policy applies when the dog owner has had his/her dog registered with the Waikato District Council for the previous two years and Council records show that person has:

- not had a dog impounded; and
- not been the subject of a justified complaint; and
- not been prosecuted for a dog offence; and
- not received an infringement fine
- kept Council informed of changes of address or dog ownership through written advice prior to the new registration; and
- paid the registration fee before 1 August of each registration year.

A dog owner moving to the District will be given consideration for this rebate if proven evidence of previous history relating to the these requirements is presented.

Any breach of these criteria will lead to immediate cancellation of the approved owner rebate.

A3 Selected Owner Policy

Prompt Payment rebate (if paid before 1 August) 15% of fee

Approved Owner Rebate 35% of fee

Selected Owner Rebate 25% of fee

Total rebate (if paid before 1 August) 75% of fee

Selected Owner Policy applies to a dog owner who is residing on an urban, country living or rural property that is less than 20 hectares in area and who:

- already meet the Approved Owner Policy criteria; and
- holds a permit where more than two dogs are kept on premises zoned urban or country living
- meet the minimum standards for accommodation of dogs; and
- provide a fully fenced dog-proof section or area of the premises, appropriate for the size of the dog(s) kept.

Any breach of these criteria will lead to immediate cancellation of the selected owner rebate.

A4 Farm Owner Policy

Prompt Payment rebate (if paid before 1 August)	15% of fee
Approved Owner Rebate	35% of fee
Farm Owner Rebate	<u>25% of fee</u>
<u>Total rebate</u> (if paid before 1 August)	<u>75% of fee</u>

Farm Owner Policy applies to a rural dog owner who is residing on and farming a property of 20 hectares or more, and who:

- already meet the Approved Owner Policy criteria; and
- meet the minimum standards for accommodation of dogs; and
- ensure that all home killing and the disposal and-or treatment of offal and trimmings, including the heads of sheep and goats, are carried out in an approved dog-proof enclosure or killing facility; and
- ensure that all dogs are not fed or allowed access to any raw offal or untreated sheep or goat meat; and
- voluntarily carry out treatment for hydatids and sheep measles as part of their regular dog-worming programme from their local veterinarian.

Any breach of these criteria will lead to immediate cancellation of the farm owner rebate.

A5 Desexing policy – neutered or spayed dogs

On provision of written proof from a veterinary surgeon, the registration fee for the current year will be waived and a tag provided free of charge for a dog that has been neutered or spayed during the course of the previous year. This is subject to the following conditions:

- the dog is NOT classified as a Dangerous Dog and required under the provisions of the Dog Control Amendment Act 2003 to be neutered or spayed; and
- written proof is provided by a certified veterinary surgeon who has adequately described the dog involved; and
- the proof and registration form is presented to the Council on or before the 31 July of the current year.

This waiver will apply for one registration year only.

A6 Guide dogs, hearing ear dogs, companion dogs (assisting the disabled)

A special annual registration fee of \$5.00 applies to dogs in these categories, as defined by the Act.

A7 Probationary Owner Classification

A dog owner classified as probationary shall pay the general dog owner registration fee and no prompt payment rebate shall apply.

Surcharge

A8 Dangerous Dog Classification

The owner of a classified Dangerous Dog shall pay 150% of the general dog owner registration fee and no prompt payment rebate shall apply.

Where a period of classification includes only part of a registration year a surcharge of 5% of the annual registration fee is payable for each month of that year.

Appendix B: Additional Fees

B1 Pound Fees

Pound fees are imposed under section 68 of the Act. Council will annually set impounding fees, miscellaneous fees and charge out fees for staff time and vehicles.

B2 Application fees for Selected Owner and Farm Owner Policies

An inspection is required for every new application for classification under selected owner or farm owner policy and an application fee is payable. Applications must be received before 28 February in every year.

Every application will include consent to annual inspection.

Where reclassification is sought an inspection is required and an application fee is payable. Applications must be received no later than 28 February of the year for which reclassification is sought.

B3 Permit to keep more than two dogs - application fees

An inspection is required for a new permit or review of an existing permit and a fee is payable upon application. Council sets the fee annually.

B4 GST and Rounding

GST will be included in all fees. The fee including GST will be rounded up or down, to the nearest \$1.00.

Appendix C: Control of Dogs in Public Places

Unless provided for in the Animal Control Act 1996 or Waikato District Council Dog Control Bylaw, a dog that enters or remains in a public place must be secured on a leash and kept under continuous control. Exceptions apply where otherwise specified in this Appendix C.

C1 Prohibited Areas

No person shall permit any dog to enter or remain in a prohibited area whether it is under control or not, except a working dog (but not a working dog kept solely or principally for the purposes of herding or driving stock), a dog confined in or on a vehicle, a dog being taken to or from veterinary premises.

Locality	Map	Description of area and times
Huntly	1 & 4	Any street or public place within the central business area of Huntly, including Main Street and rear accesses, at all times including public holidays.
Ngaruawahia	6	Any street within the central business area of Ngaruawahia township including Jesmond Street, from the pedestrian crossing between the Waipa Hotel and Pharo's Postshop, Stationary and Lotto to the area between the Plunket Rooms and the Anglican Church, at all times including public holidays.
Ngaruawahia	8	Business side of SH1 Ngaruawahia between Martin and Market Streets
Raglan	12	In or on any part of any street or public place within the central business area of Raglan township more particularly defined as: <ul style="list-style-type: none"> • Bow Street from the Cliff Street intersection to 43 Bow Street, • Wainui Road from Bow Street to the Bankart Street intersection, • Wallis Street from Bow Street to the end of the business premises, at all times including public holidays
Raglan	10	Within the Raglan Kopua Camping Grounds, the domain, the playground and picnic area of the foreshore of Opoturu inlet (Pt Papahua 2 Blk) from the footbridge to the boat ramp, at all times including public holidays
Te Kauwhata	14	In or on any part of any street or public place within the central business area of Te Kauwhata township more particularly defined as Main Road from the Te Kauwhata Trust Tavern and business premises opposite to Saleyard and Te Kauwhata Road intersection, at all times including public holidays.

C2 Dog Exercise Areas

Dog exercise areas are specified below in two categories:

- 1 Dog exercise areas in which a dog may be exercised free of restraint if kept under continuous control by its owner; or
- 2 Dog exercise areas in which a dog may be exercised only on a lead to ensure continuous control in an area specifically defined.

Note:

Council may from time to time by resolution under the Dog Control Bylaw designate additional dog exercise areas.

Exercise Areas

Locality	Map	Description of area	Leash Requirement
Huntly	4	A fenced area on the shore of Lake Hakanoa situated at the end of Onslow Street in the Huntly Domain (Pt Lot 3 DP 23824 and Pt Allot 776).	Nil
	2	The grassed area along the Waikato River on Riverview Road known as the Riverview Reserve.	Nil
	3	Park on Fairfield Avenue, Graham Place and Scurr Place (Pt Allots 43, 44 Parish of Pepepe).	Nil [WDC0903/08/513]
	5	Park on Meadows Lane and Rosser Street (Lot 256 DPS 24502).	Must be on Leash
Taupiri	16	Bob Byrne Park on Great South Road (State Highway 1).	
	16	Taupiri Recreation Reserve next to the Taupiri Rugby Grounds (Pt Lot 1 DPS 24870).	Must be on Leash
Ngaruawahia	6	All of "The Point".	Must be on Leash
	6	Regent Street Reserve. The grassed area from Great South Road to the end of area bordering Turangawaewae Marae.	Nil
	8	From the Great South Road (SH1) bridge pilings on Lower Waikato Esplanade along the grassed area known as the Waikato Esplanade Reserve to Belt Street.	Nil
	7	The fenced area on the corner of Great South Road and Ellery Street (old dump site).	Nil
	7	The grassed area between Great South Road and the Railway lines from the fenced exercise area to the south end of this area (old dump site).	Must be on Leash
	9	Waipa Esplanade Reserve from the Pony Club along the grassed area to the area below Princess Street.	Nil
Raglan	12	The fenced area on the corner of Wallis Street and John Street known as Aro Aro Reserve (Sec 1 & 2 SO 57281).	Nil
	11	To the right of the jetty along the foreshore low tide area below Cliff Street within the signs.	Must be on Leash
	11	From the footbridge in the Oporuru inlet along the foreshore to the beach area adjacent to the Airfield on Ocean Beach.	Must be on Leash
	11	The grassed area and foreshore from the boat ramp in the Oporuru inlet to the Aerodrome Bridge.	Nil
	11	From the Wainui Reserve carpark at the western end of Te Riria Kereopa Memorial Drive to 300 metres south of the northern walkway at Ngarunui Beach below the Wainui Reserve.	Nil
	13	Beach areas from the wharf, the Cliffs, Cox's Bay, Lorenzen Bay, The Doughboys and Moonlight Bay.	Nil
Te Kauwhata	14	Fenced areas on the Te Kauwhata Recreation Reserve (Sec 49 & 50 and part 76 Te Kauwhata Town).	Nil
	14	The grassed area between Main Road and the Main Trunk Railway Line (Pt Railway Reserve).	Must be on Leash
Meremere	15	Recreation Reserve behind the Te Puea Avenue and Te Wheoro Crescent (Lot 255 DPS 47627).	Must be on Leash
Horotiu	18	AFFCO Park on Horotiu Road and State Highway 1 (Pt Allot 132 DP 10108).	Nil
	18	Riverside Reserve on Horotiu Bridge Road.	Nil

Locality	Map	Description of area	Leash Requirement
Whatawhata	19	Whatawhata Recreation Reserve (Sec 71-74 and Pt Sec 81-84) except when the reserve is being used for sporting activities.	Nil
Te Kowhai	17	Te Kowhai Recreation Reserve (Lots 1 & 2 DPS 77702 and Lot 20 DPS 79015).	Nil

Note: Maps referred to in the above table are attached.

C3 Control Of Dogs In Wildlife Areas

The Act gives dog control staff the powers to deal with dogs that attack or cause serious injury to protected wildlife. Powers include seizing or destroying the dog, and summary prosecution.

C4 Land in a National Park or Department Of Conservation Area

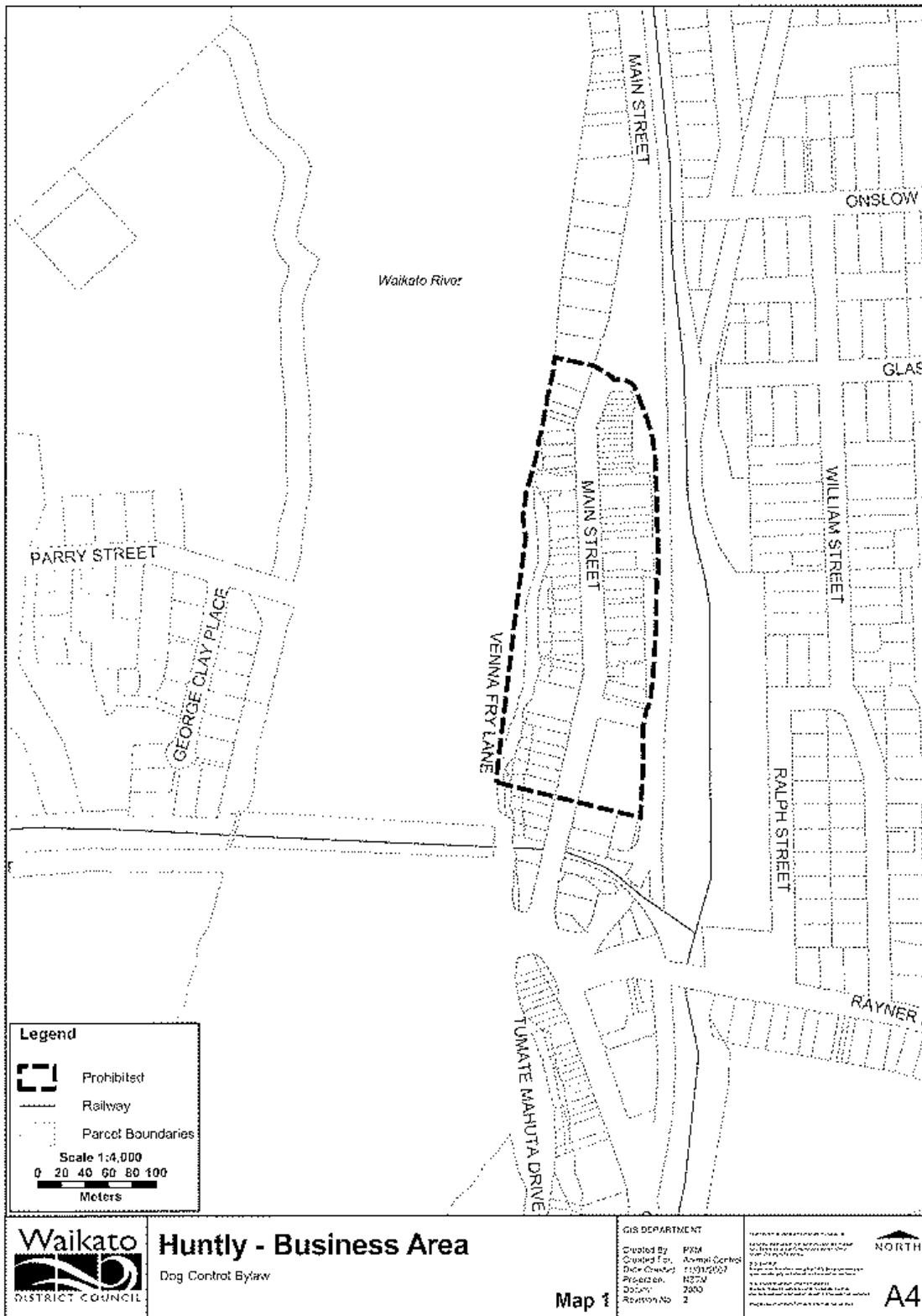
There are no national parks within the Waikato District. Controls in areas under the Conservation Act 1987 are managed by the Department of Conservation and Animal Control Officers will assist when requested. In the Waikato District these areas are extensive and administered by the Department of Conservation. The most notable areas are the Harkarimata Scenic Reserve and Pirongia Forest Park. A permit to specifically allow a dog to be taken into a conservation area is required and a full list of Conservation Land within the district is available from Animal Control staff.

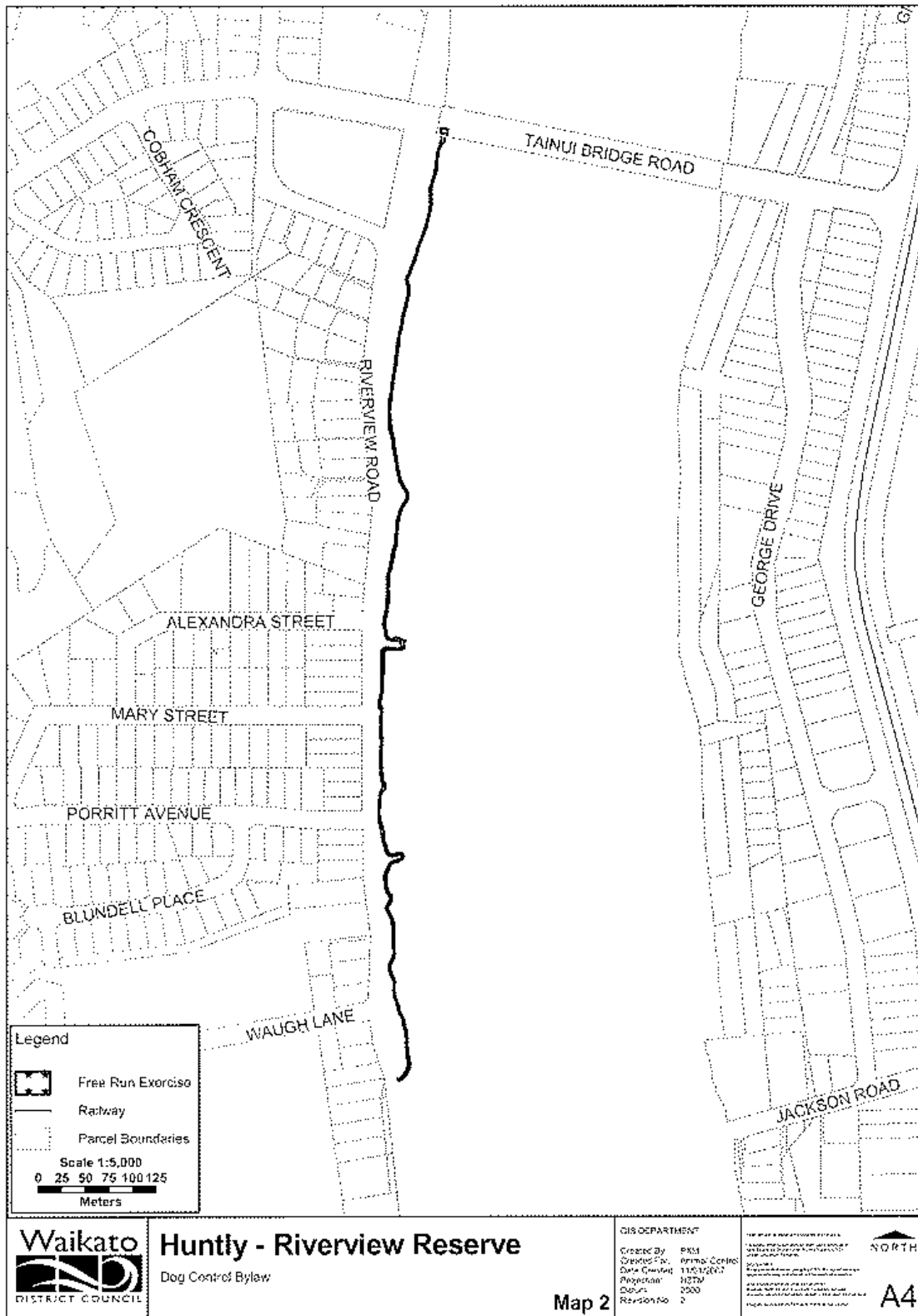
C5 Schools, Kindergartens, Playcentres, Hall Committees, Recreational Clubs, Marae, Churches

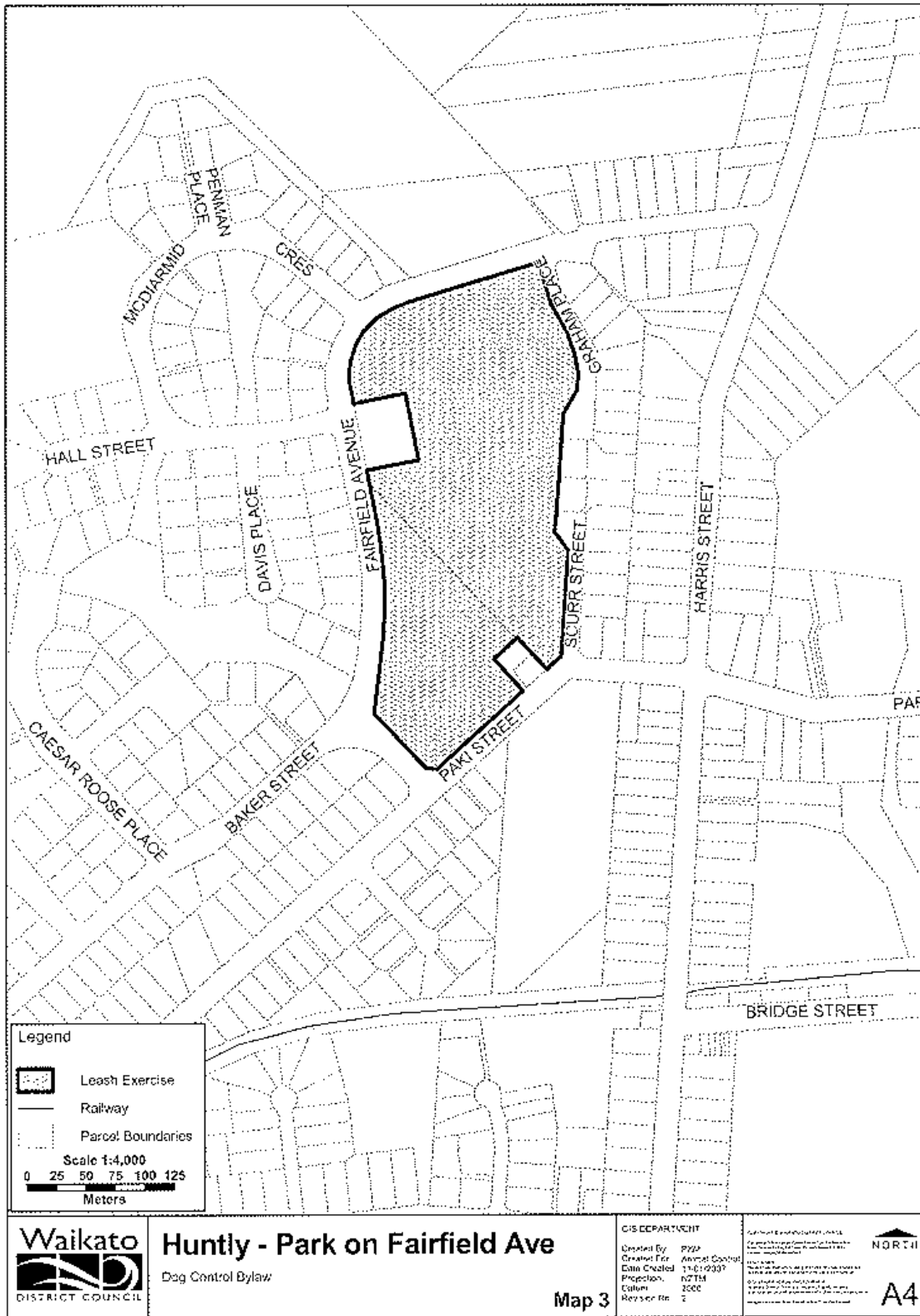
Each Board or Committee will establish their own policy about dogs on their properties, which are identified by the Dog Control Act as a Public Place. Dogs will be prohibited except where the Board or Committee otherwise states, or specifies that dogs must be on leash control. Animal Control Officers will assist when requested.

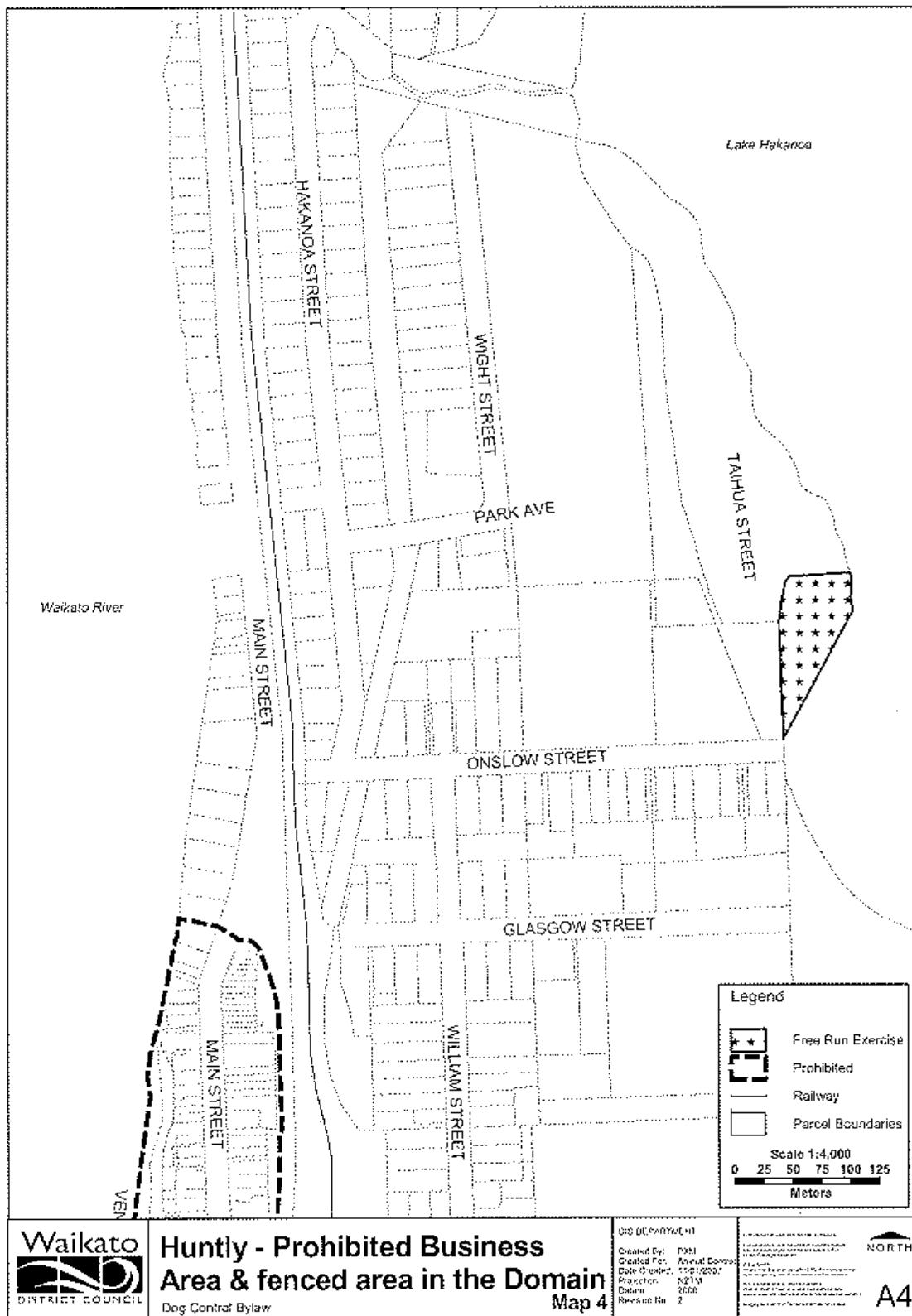
C6 Wainui Reserve & Farm

No dog is to be domiciled on the Wainui Reserve and/or farm, at all times without the prior written approval of the Chief Executive. Any such approval may be withdrawn by the Chief Executive by giving written notice.









Huntly - Prohibited Business Area & fenced area in the Domain
 Dog Control Bylaw
Map 4

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 Created For: Annual Contract
 Date Checked: 15/1/2007
 Project No: 8214
 Datum: 2000
 Revision No: 2

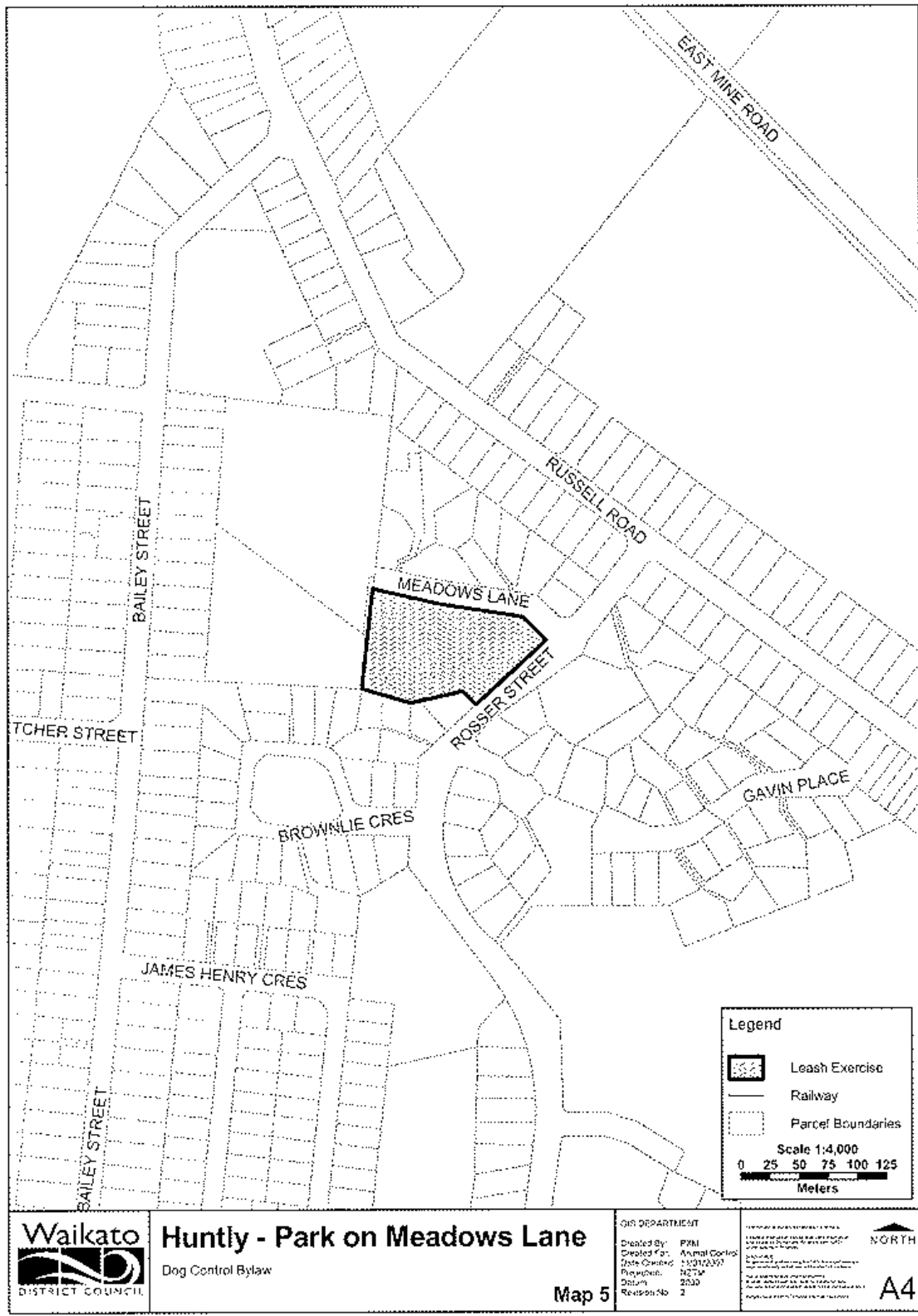
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Legend

- Free Run Exercise
- Prohibited
- Railway
- Parcel Boundaries

NORTH

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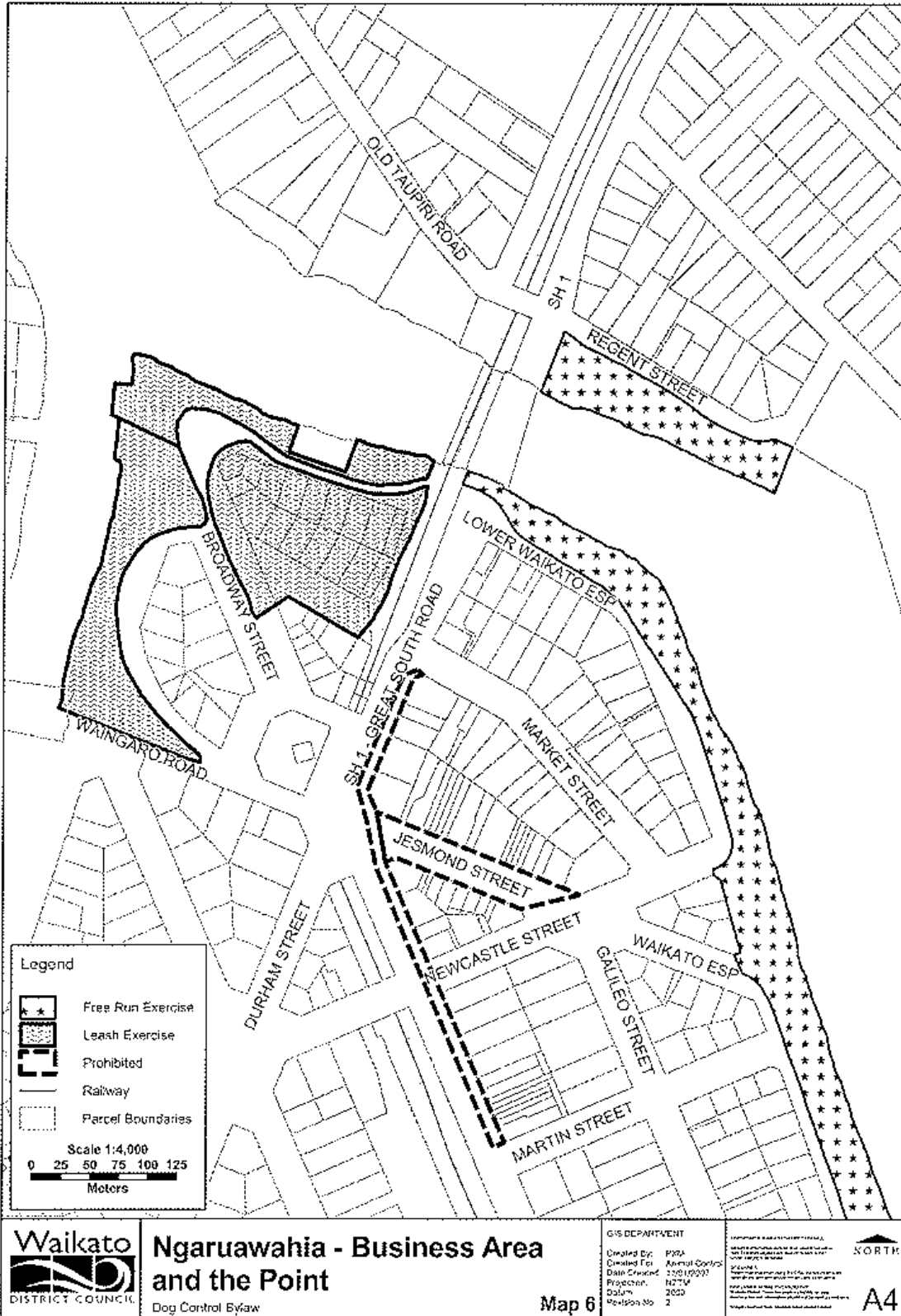
Huntly - Park on Meadows Lane
Dog Control Bylaw
Map 5

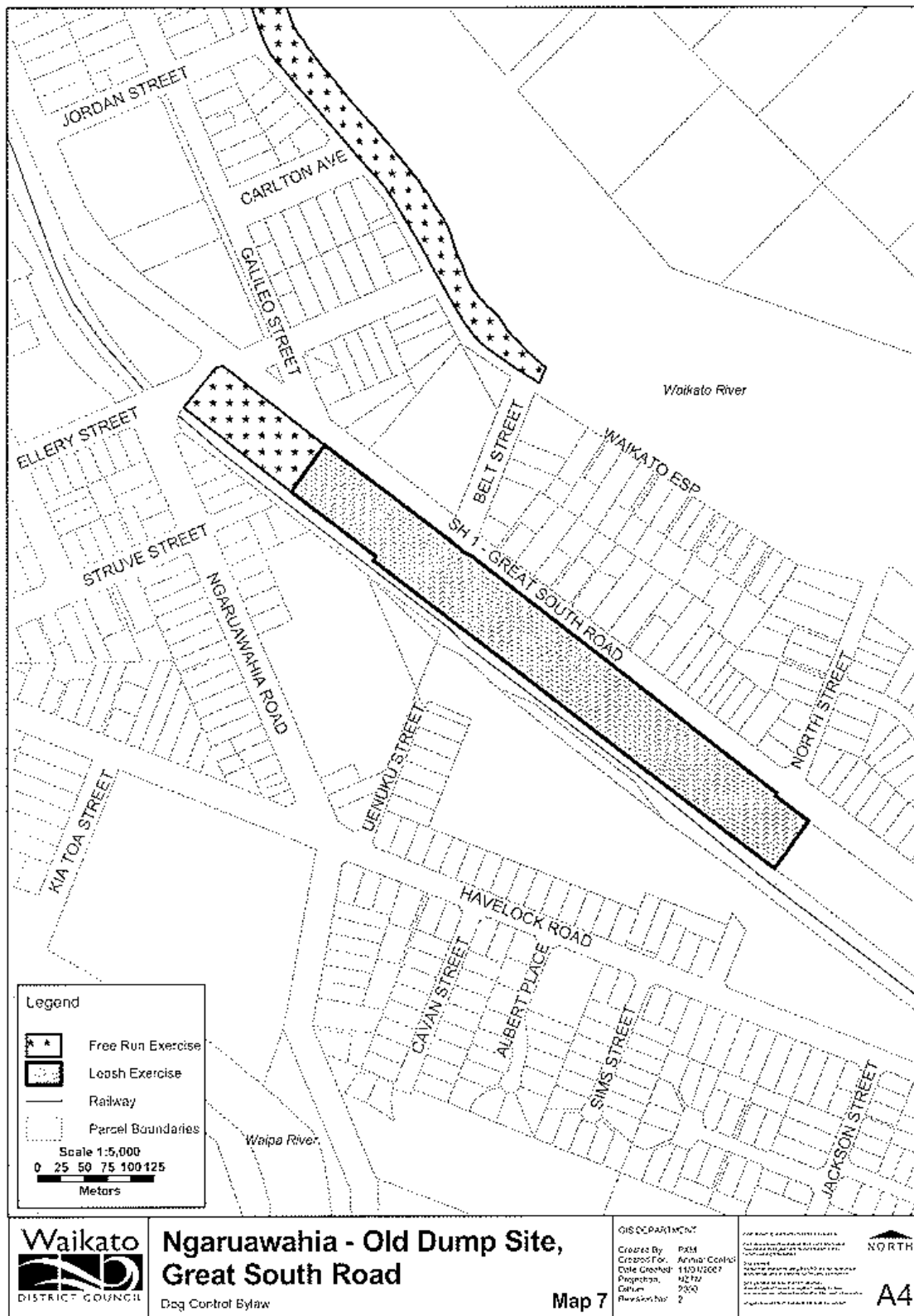
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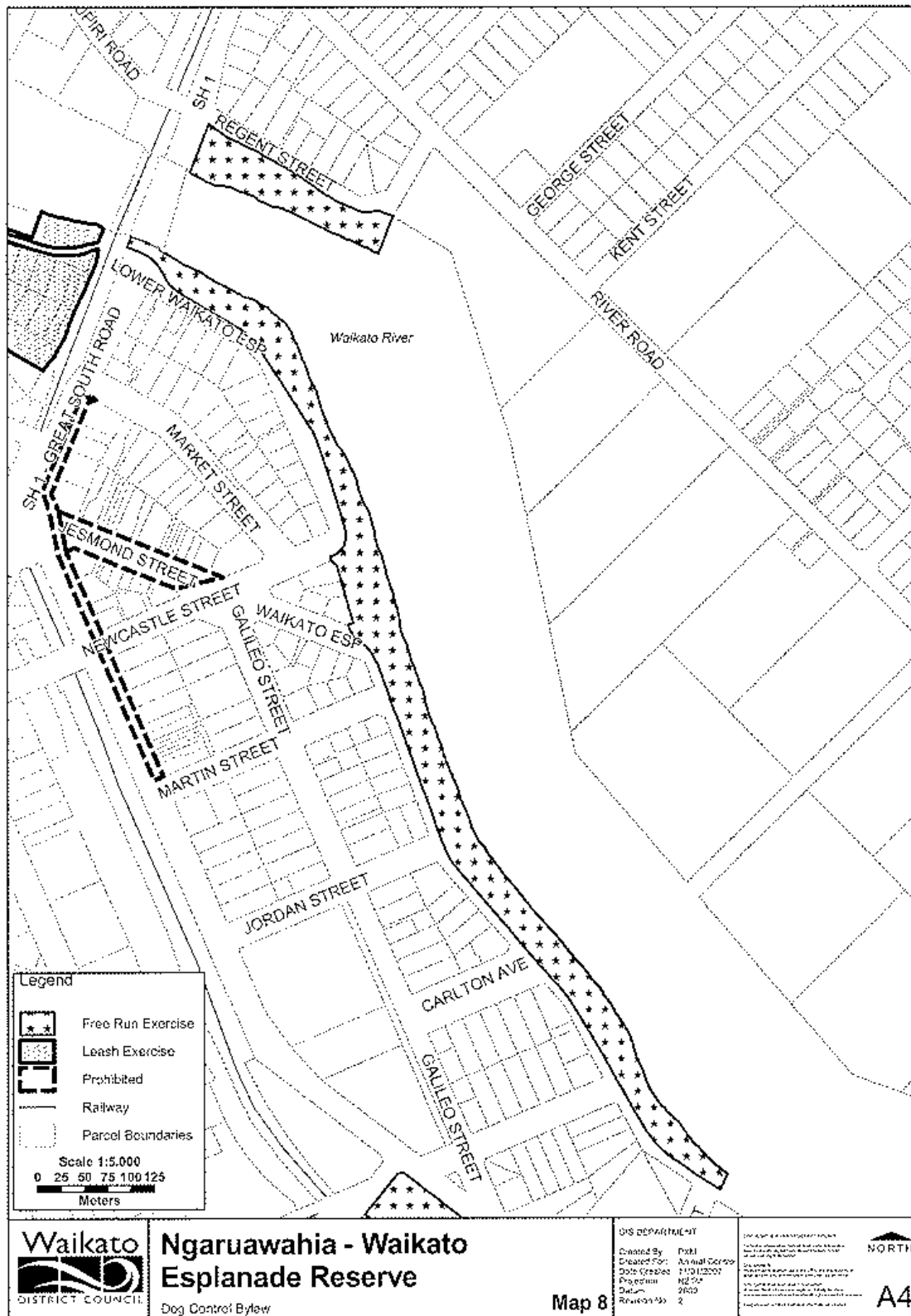
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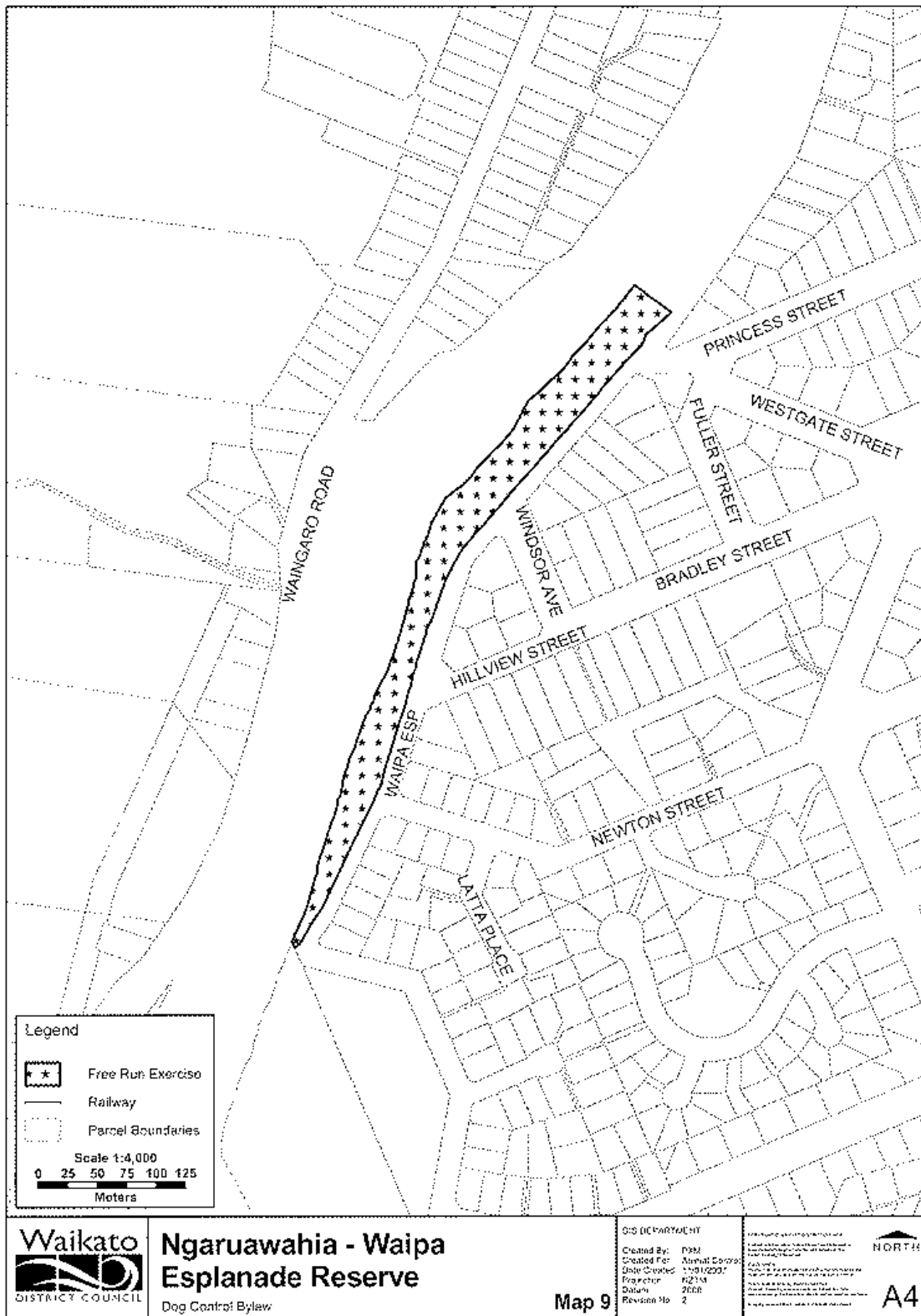
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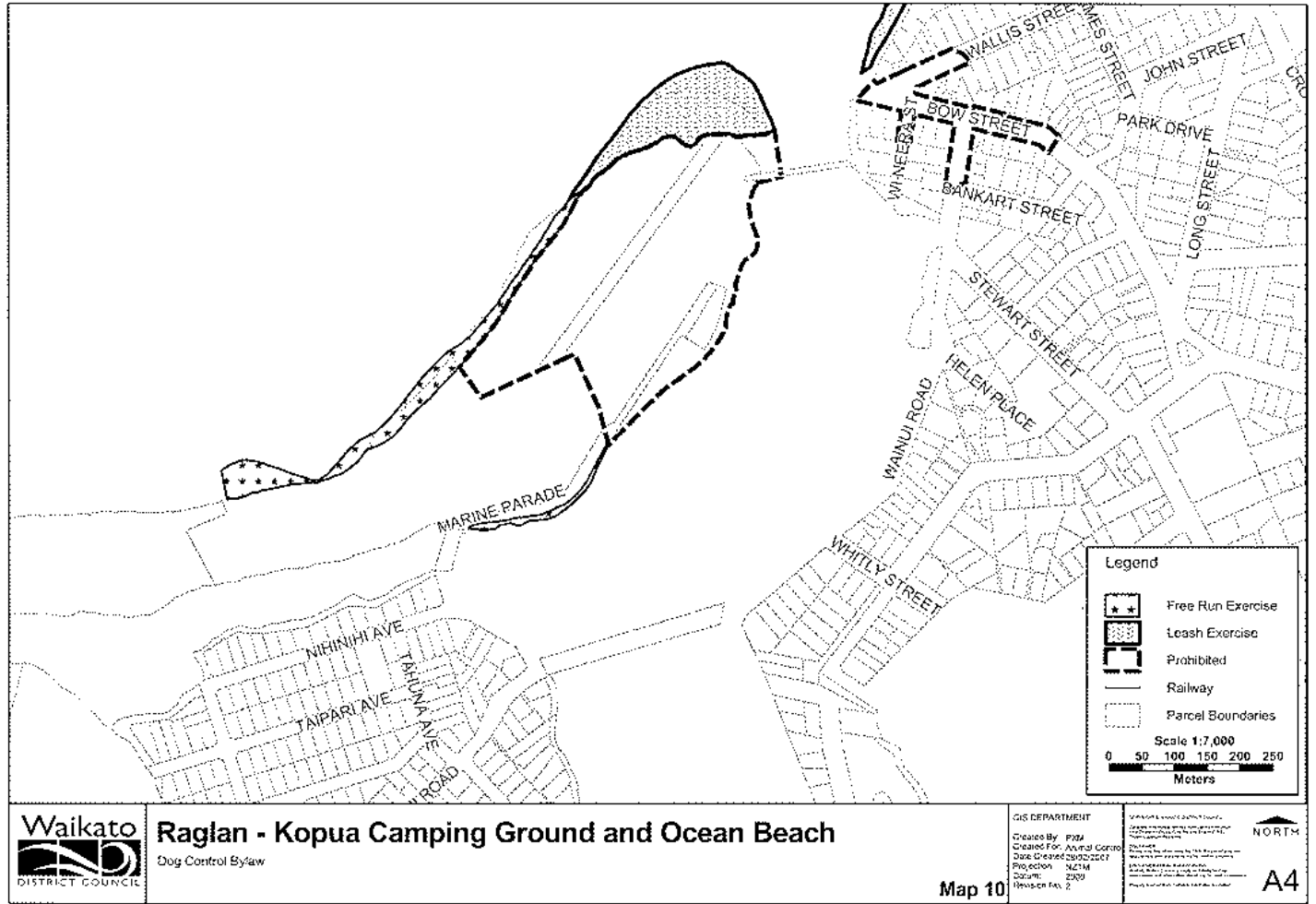
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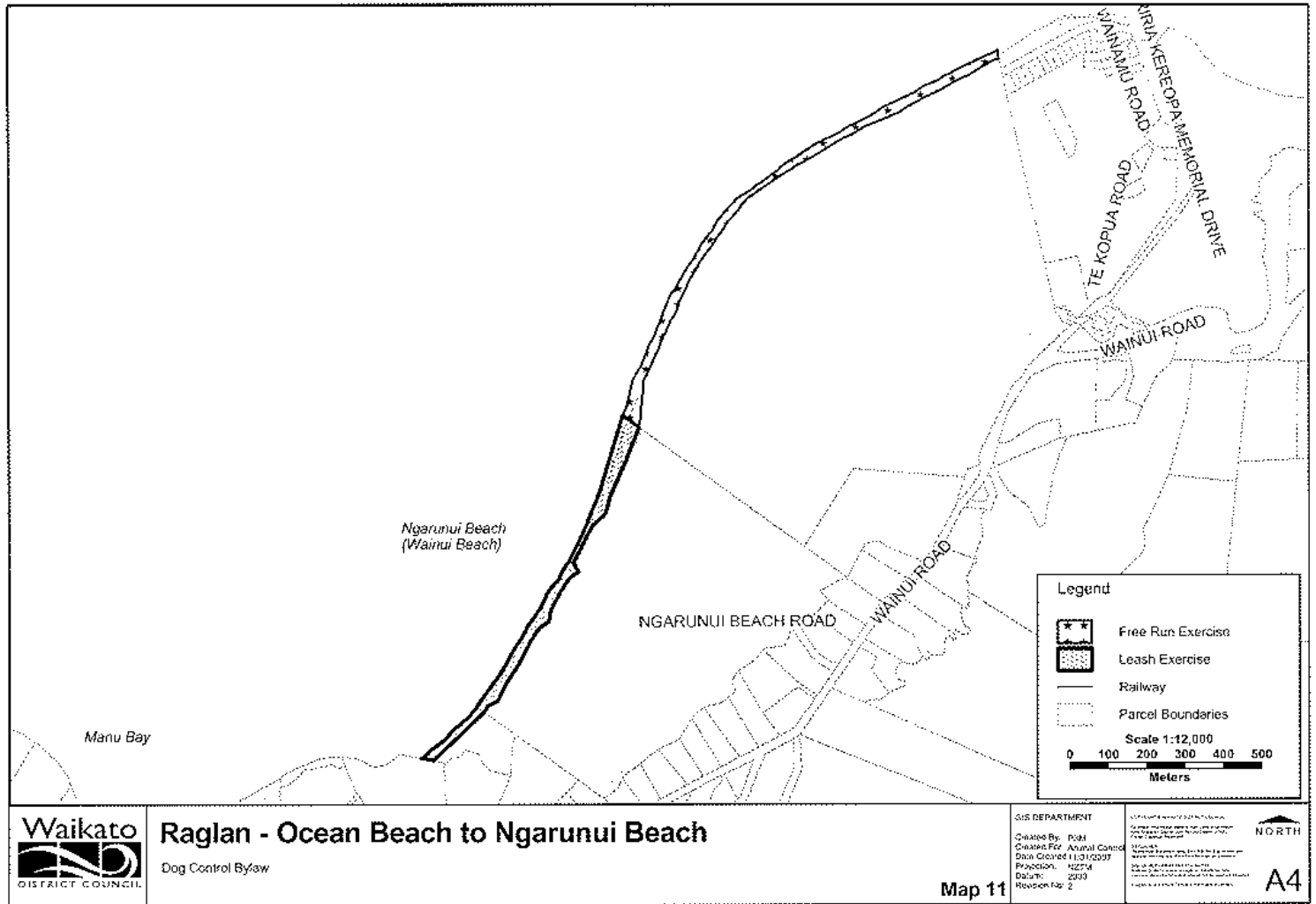


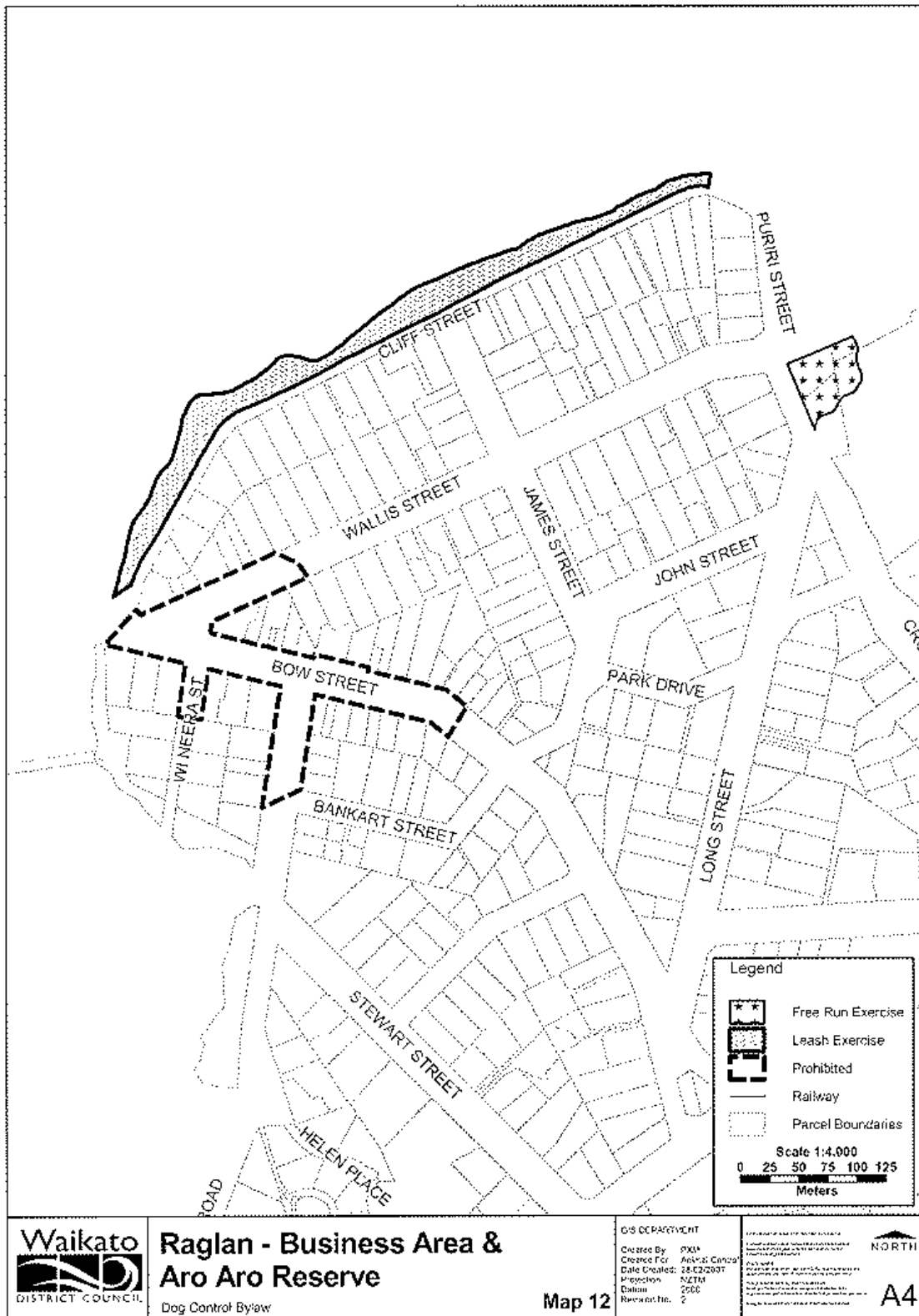


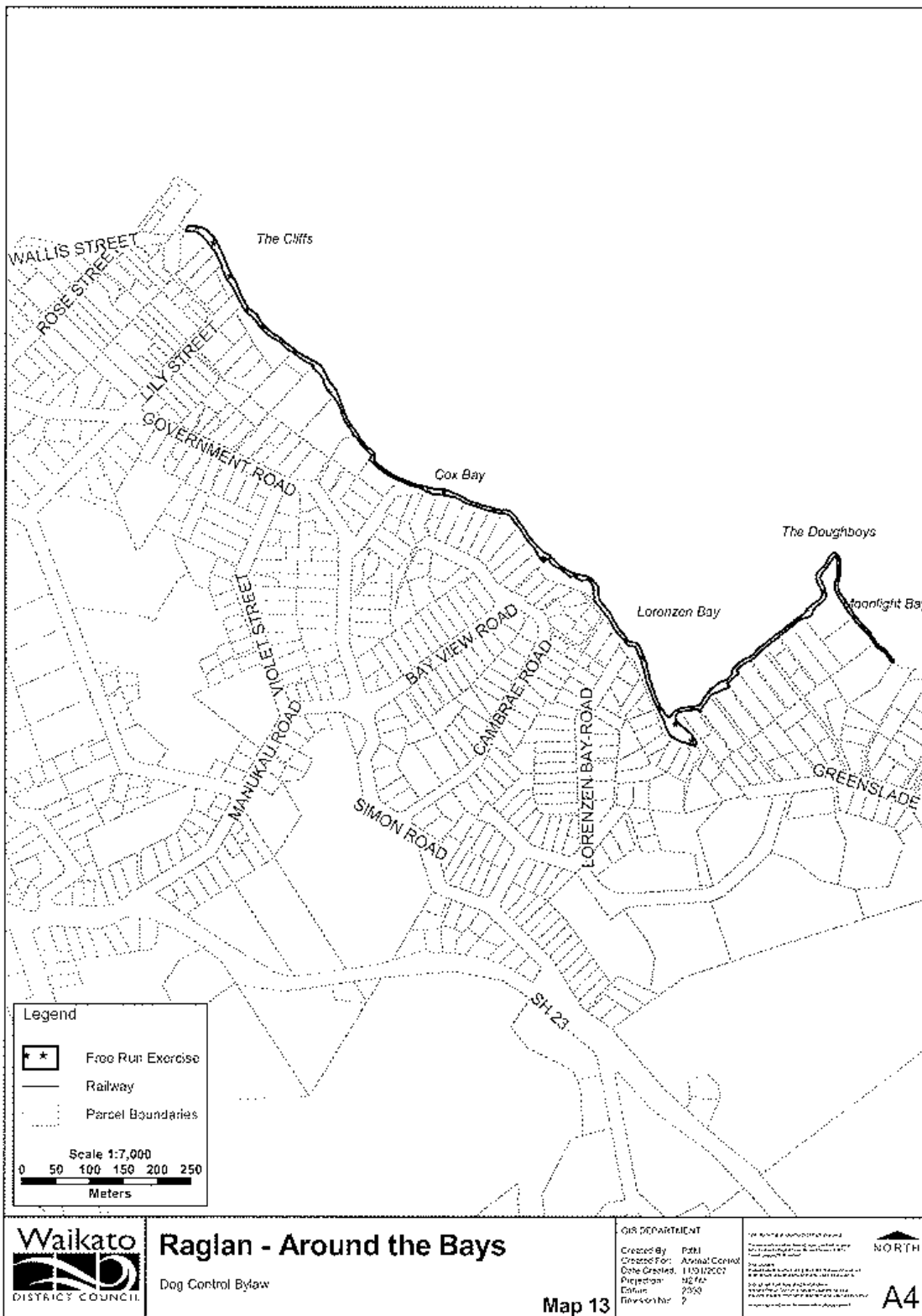


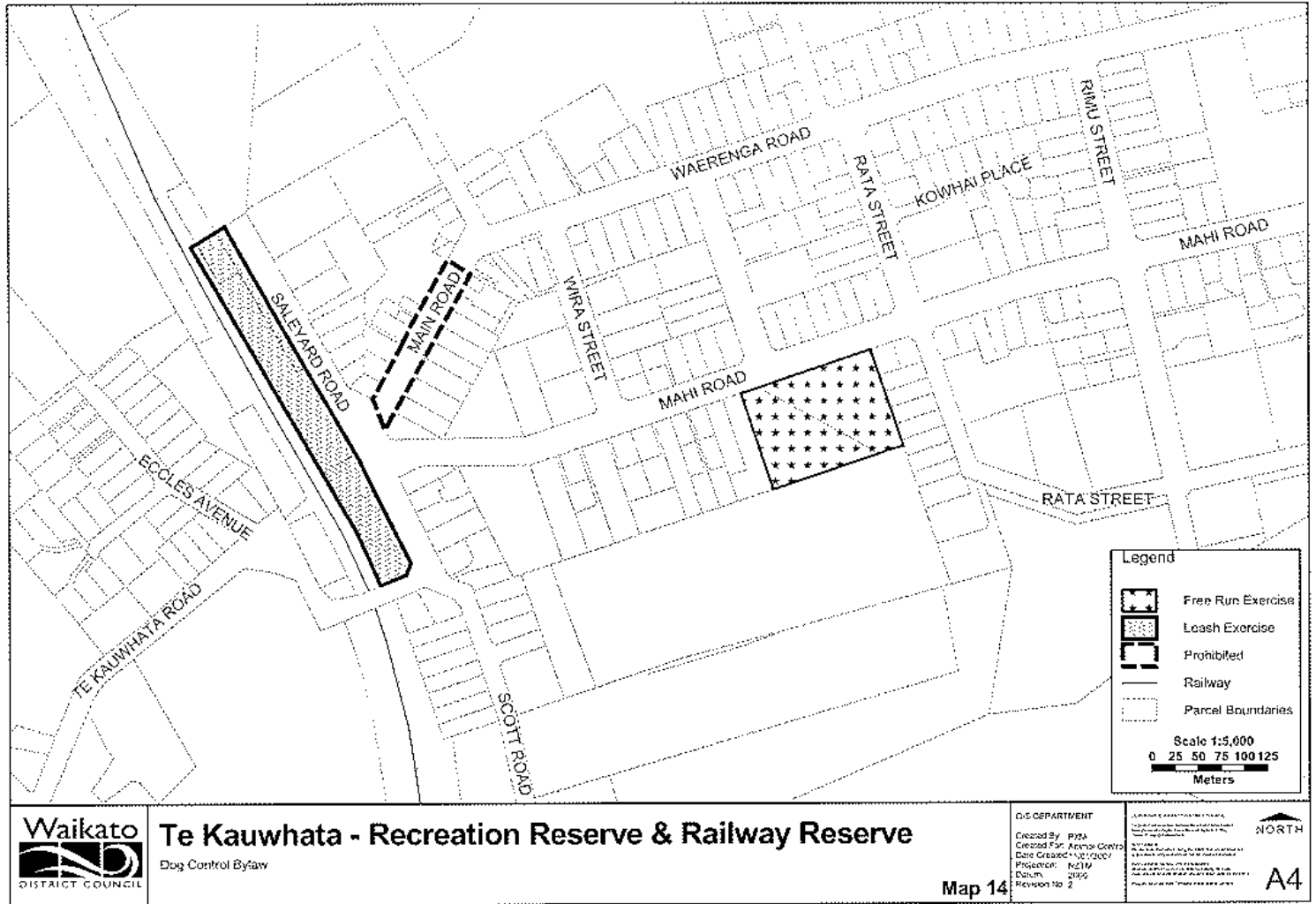


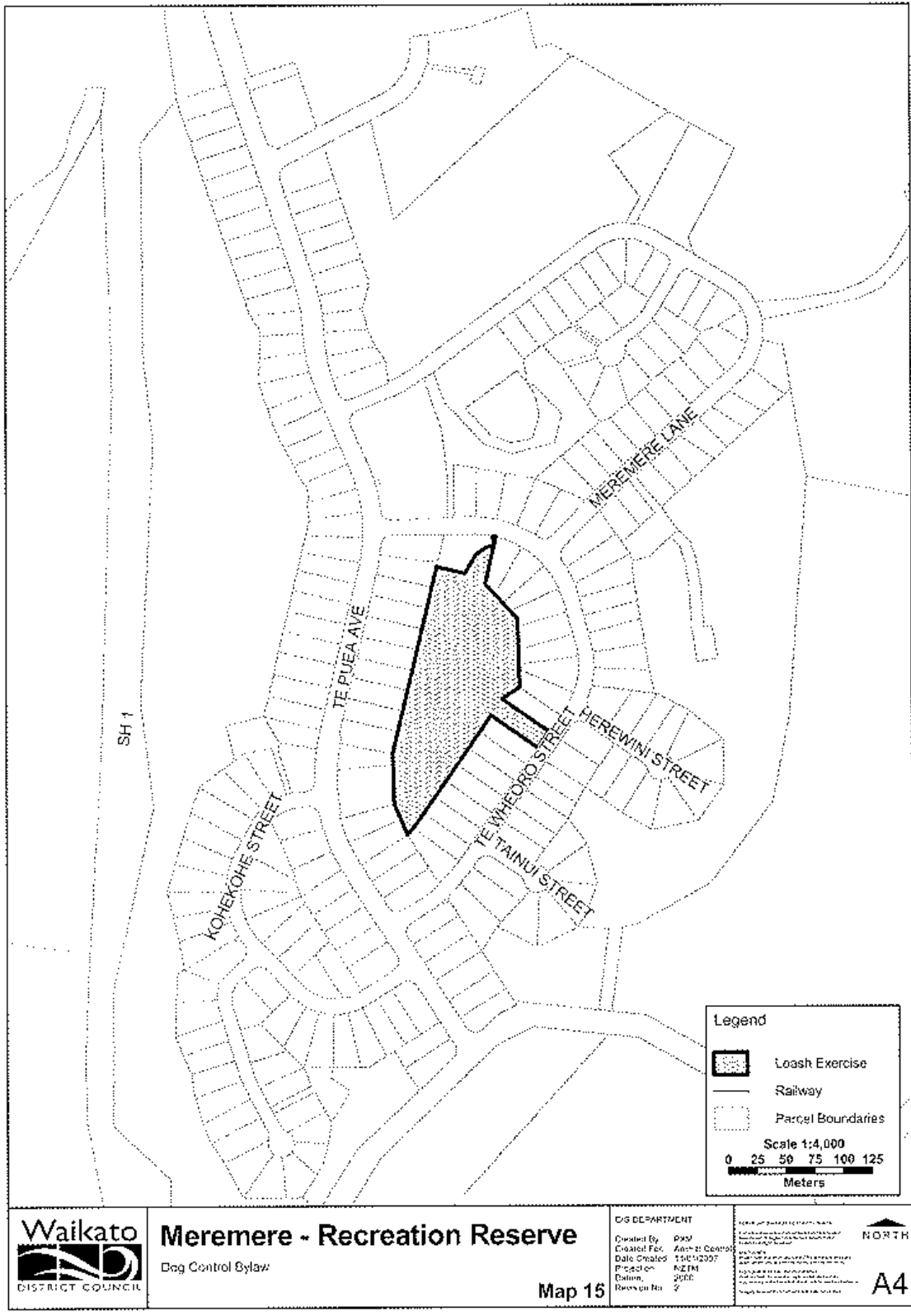


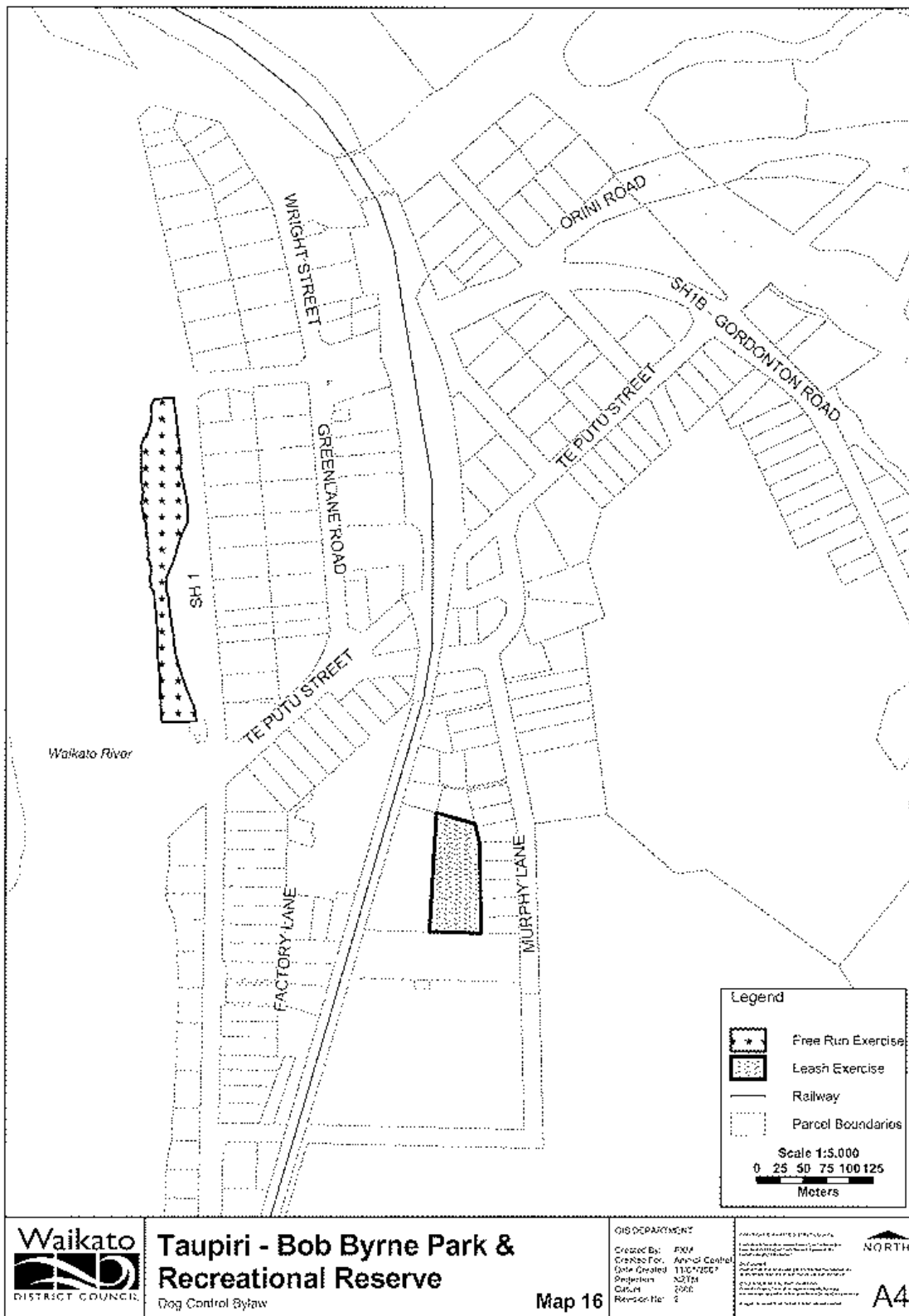


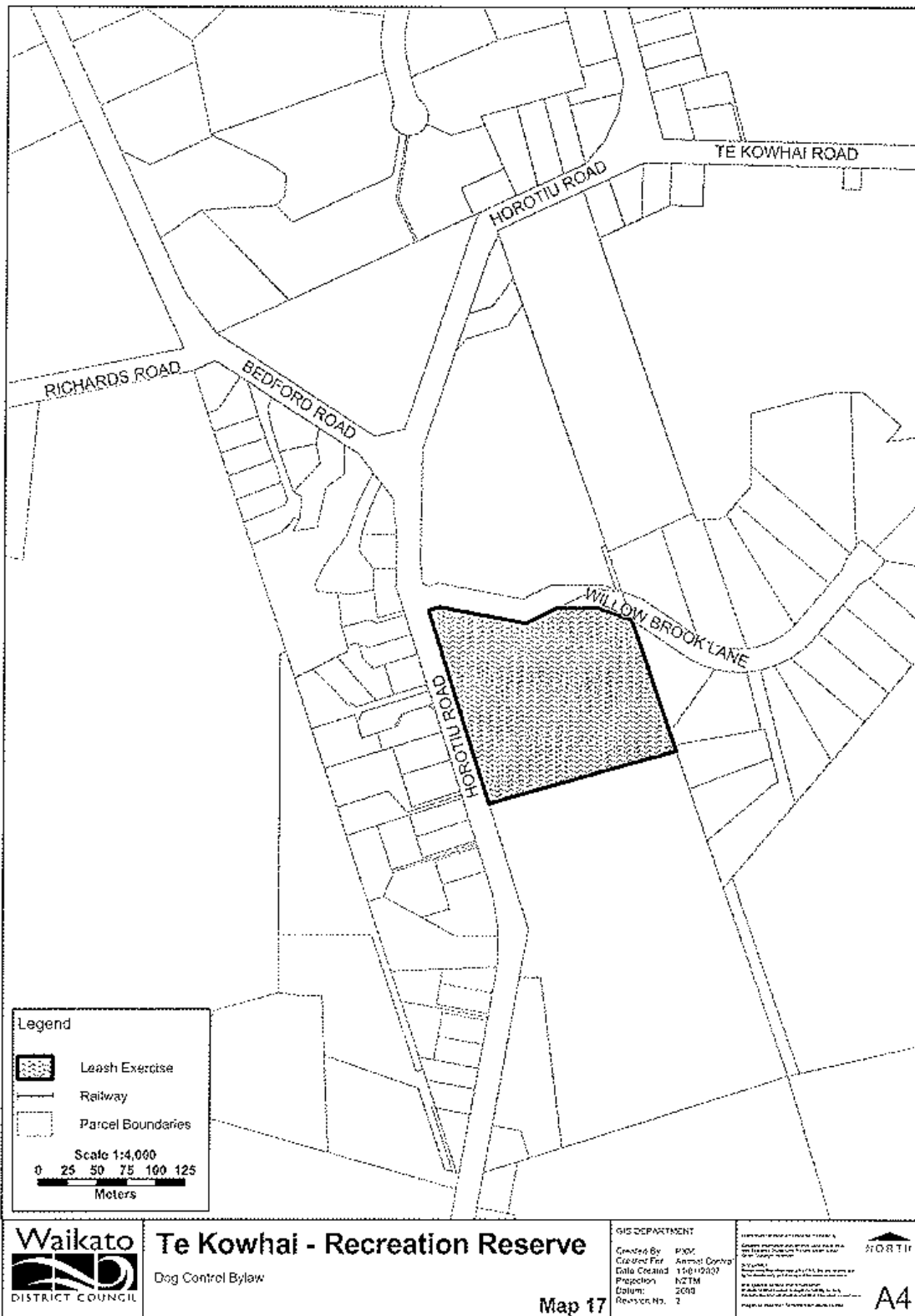


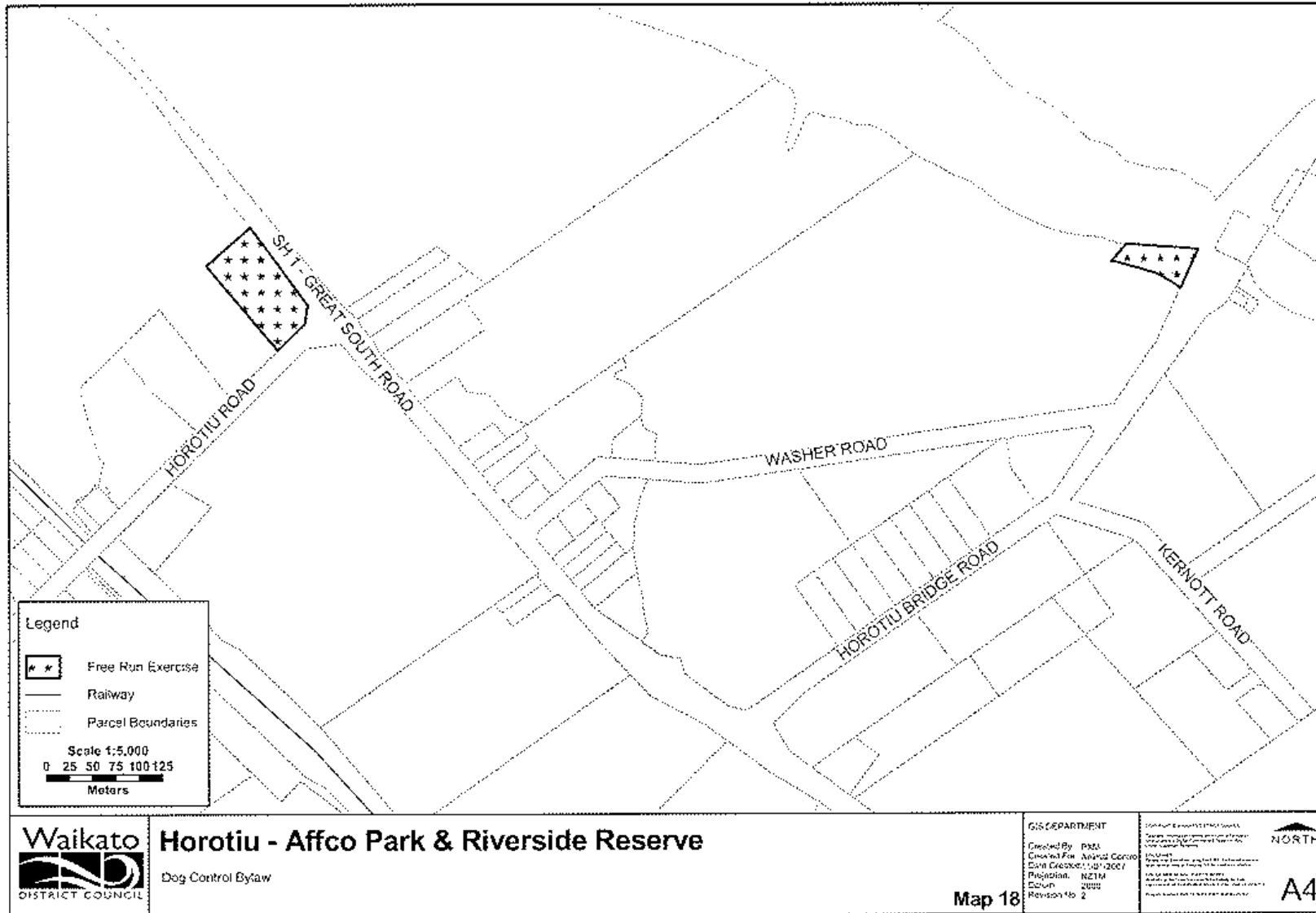


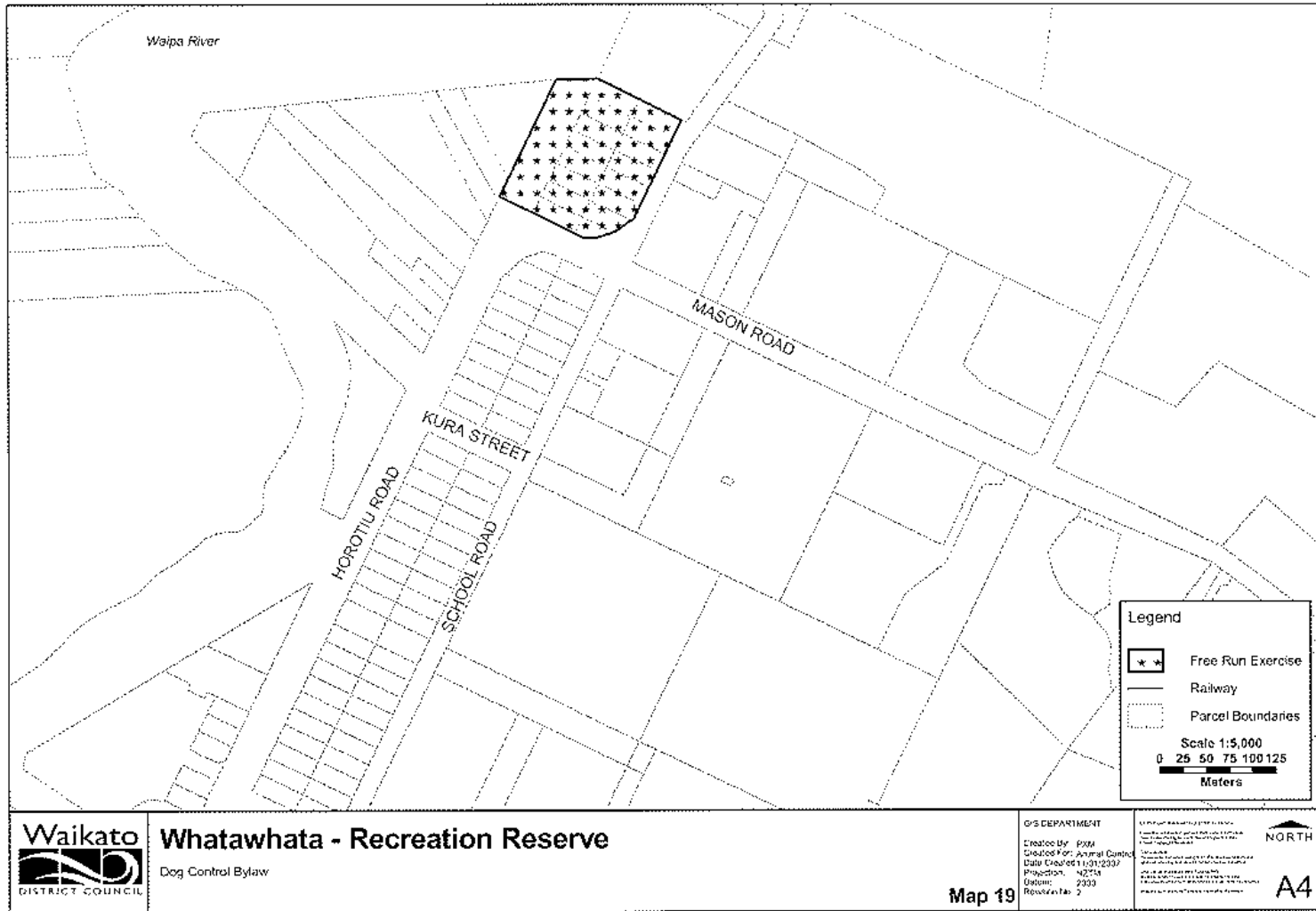


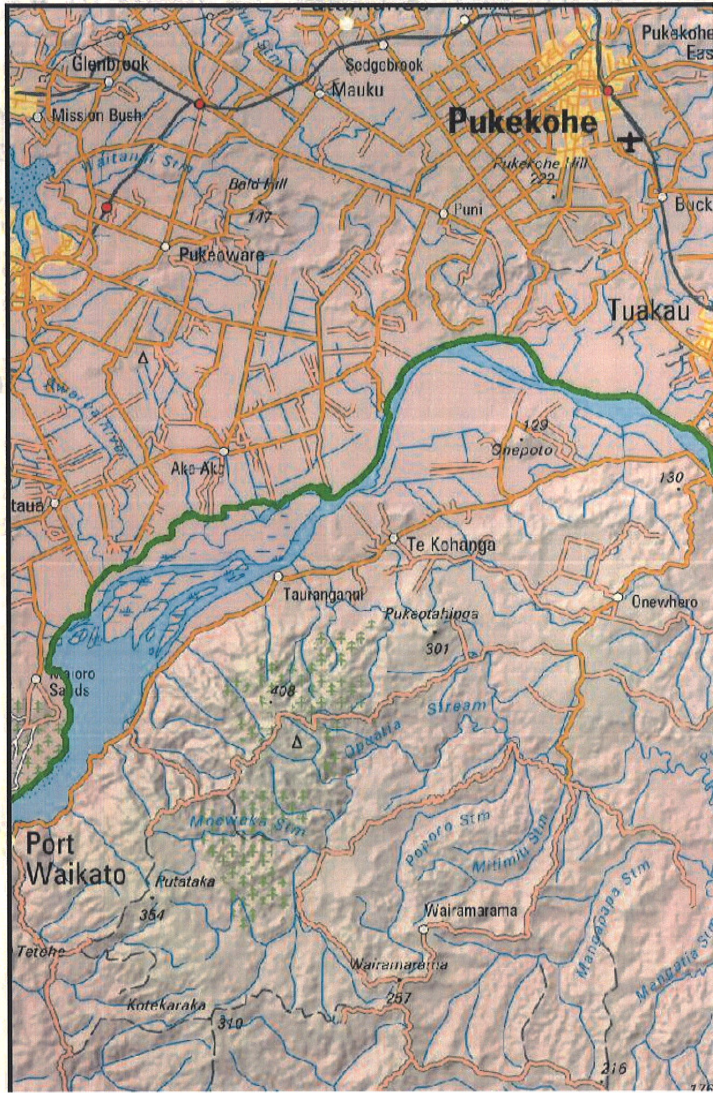












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DOG CONTROL ACT 1996

WDC0905/32/1/7

Two members of the Hearings Committee as nominated by the Chairperson of that committee shall be delegated authority to hear and decide on objections lodged under sections 22(1), 26(1), 31(3), 33B(1), 33D(1) and 55(2) of the Dog Control Act 1996.

The Hearings Committee is charged with deciding under the various sections as follows:

- a) S22(1) - Probationary owner classification:
The Committee may uphold or terminate the classification;
- b) S26(1) - Disqualification of Owner:
The Committee may uphold the disqualification, bring the date of termination forward, or terminate the disqualification;
- c) S31(3) - Dangerous dog classification:
The Committee may uphold or rescind the classification;
- d) S33B(1) and S33D(1) - Menacing Dog classification:
The Committee may uphold or rescind the classification;
- e) S55(2) – Barking dogs (Notice to abate nuisance):
The Committee may confirm, modify or cancel the Notice.

1.0 ADMINISTRATIVE PROCEDURES

1.1 The Hearings Committee:

- a) has the overall responsibility for the Hearing;
- b) will make its decision according to the facts presented;

1.2 Notification of Hearing

Staff will arrange for the notification of a hearing giving at least 10 working days notice of the hearing to the parties.

1.3 Circulation of Council Reports

Reports prepared for the Council will be sent to the parties to the Hearing at the time that the agenda is being prepared in order that they are able to be received by those parties at least five working days before the hearing.

1.4 Evidence to be provided to the Council

Parties to the hearing must provide the Council with a minimum of 12 copies of any written evidence to be presented at the hearing. The evidence must reach the Council no later than two working days before the hearing. Staff are to be advised by parties wishing to use whiteboards, overhead etc to present evidence. (Additional copies will be required if there are many witnesses).

1.5 Tikanga Maori

Pursuant to Section 4(5) of the Maori Language Act 1987 any party who wishes to present evidence in Maori shall inform the Council at least five working days before the hearing so that an interpreter can be provided. Alternatively, the party giving the evidence may provide a written translation in English.

1.6 Decision

After all matters have been heard the committee will conclude the hearing, and then discuss and review the matter and make a decision, unless the committee adjourns the hearing in accordance with paragraph 2.5 herein.

2.0 HEARING PROCEDURE

2.1 General Issues

The Hearings Committee will generally observe the following procedure when hearing matters, provided that it may vary the procedure where any extraordinary circumstances arise. In such cases the parties to the hearing will be informed of the amended procedure.

- a) **Statutory Provisions**
The hearings shall be in accordance with the powers and duties assigned to the territorial authority as set out in Sections 22(1), 26(1), 31(3) 33B(1), 33D(1) and 55(2) of the Dog Control Act 1996.
- b) **Venue**
Hearings will generally be held at the offices of the Waikato District Council, 15 Galileo Street, Ngaruawahia. Staff may arrange an alternative venue should it be considered appropriate, and all parties will be advised of this.

2.2 Order of Hearings Procedure

2.2.1 Call to Order

The Chairperson will call the meeting to order and commence the hearing. The Secretary will record names and take notes for the minutes record.

2.2.2 Order of Presentation

The Chairperson will call upon parties to present in the following order:

- a) the Objector;
- b) any witnesses that the Objector wishes to call;
- c) the Animal Control Officer in charge of the case;
- d) any other Animal Control Officers involved in the case;

- e) any witnesses the Animal Control Officer wish to call;
- f) Right of Reply from the Objector.

2.2.3 Hearing of Evidence

When it is your turn to speak the Chairperson will invite you to come forward. If you are on your own you may wish to bring a support person who may sit with you when you speak.

2.2.4 Circulation of Evidence

The Secretary will distribute copies of any witness statements, affidavits and exhibits of any witness giving evidence. (It is expected that any such document will have been lodged with the Council in accordance with paragraph 1.4 (Evidence to be provided to the Council)). If the documents have not been filed in accordance with paragraph 1.4, then any such document will first be presented to the Chairperson who will then consider if it is appropriate to allow the evidence to be presented at this late stage, and if so, grant permission to do so.

2.3 Questions of Witnesses

The Chairperson and other member of the committee may ask questions of the Objector and witnesses. No cross examination by another party will be permitted. Questions of clarification may be directed by parties to the Hearing through the Chair.

The Chairperson will excuse the witness once the committee has no further questions.

2.4 Failure to Appear

- a) If a witness who stated they wished to be heard at a hearing fails to appear at the hearing, the Committee may proceed with the hearing, if it considers it fair and reasonable to do so.
- b) If an objector who wished to be heard fails to appear at the hearing the committee may adjourn the hearing.
- c) An adjournment may be sought for extenuating circumstances by advising the Council prior to the day of the hearing.

2.5 Adjournment of Hearing

- a) The Committee may decide that there is insufficient information available to enable a decision to be made. The Chairperson will then adjourn the hearing pending the receipt of such further information.
- b) Any additional information must be provided to the Council at least 10 working days prior to the reconvened hearing. Upon receipt of further information Council staff will circulate the additional information to all the parties involved in the hearing at least five working days prior to the reconvened hearing.
- c) A reconvened hearing will follow the procedure set out above, from paragraph 2.2 onwards. However, the Chairperson will inform the parties that it is not necessary to rehear all the evidence. Instead the committee will only hear evidence in regard to the additional information.

2.6 Decision

After all matters have been heard the committee will conclude the hearing and then discuss and review the matter and make a decision, unless the committee adjourns the hearing in accordance with paragraph 2.5 herein.

[This policy supersedes WDC96/136/111 (h)]

ELECTRO-MAGNETIC RADIATION

WDC0712/05/1/12 The maximum non-occupational level of exposure of 200 microwatts per square centimetre for the public from base transceiver transmissions for mobile or cellular telephones which is from the NZ Standard 6609:1990, Radio frequency radiation, Part 1: maximum exposure levels - 100kHz to 300GHz, be regarded as a reliable maximum level;

The Policy Committee be informed by the Environmental Services Group Manager of significant changes to the advice of National Radiation Laboratory concerning this maximum non occupational level, if and when these occur;

As part of a precautionary approach, the conditions of consent for cell sites continue to contain a condition which requires the review of radio frequency exposure levels;

The maximum limits of exposure to 50/60 Hz electric and magnetic fields for the public up to 24 hours per day, being 5kV/m (route mean systems (rms)) - electric field strength and 100 microtesla (rms) - magnetic flux density, respectively, be regarded as reliable maximum limits;

The Policy Committee be informed by the Environmental Services Group Manager of significant changes to the advice of the National Radiation Laboratory concerning alternating currents (AC) (extremely low frequencies (ELF)) electric and magnetic fields, if and when, these occur;

As part of a precautionary approach, the conditions of consent for new transmission lines of 110kv or more contain a condition which requires the monitoring of AC (ELF) electric and magnetic fields;

Where people are dissatisfied with the replies of Council to concerns about public exposure either to microwaves from cell sites or to electric and magnetic fields of overhead electricity transmission lines, then they should be invited to direct questions and comments to the National Radiation Laboratory or the Interagency Advisory Committee on the health effects of extremely low frequency fields (c/- National Radiation Laboratory).

NUCLEAR WEAPONS - ABOLITION 2000 - SUPPORT FOR BAN ON NUCLEAR WEAPONS

WDC97/153/2/1(b)

Council supports the Government policy to ban the use of nuclear weapons and the declaration of New Zealand as a nuclear weapons free zone.

IWI CONSULTATION - RESOURCE CONSENT MATTERS

WDC0712/05/1/12

- 1 Where Iwi groups have been clearly notified of non-notified consent applications through the implementation of Council's Iwi consultation protocol and no practical response is received within 8 working days then see 3 below.
- 2 Where Iwi has/have requested consultation payments in terms of the processing of non-notified resource consents then, if the applicant is not willing to meet such costs, the applicant be requested to provide the planner processing the resource consent with a schedule of attempts to consult.
- 3 That the schedule of consultation relative to any non-notified resource consent applications be considered by the Environmental Services Group Manager and the Policy Manager who shall have the authority to accept the evidence provided of the consultation undertaken or require the applicant to pursue further consultation processes.

In relation to notified consents, consultation issues will continue to be addressed by the appropriate Hearings Committee/Commissioner(s).

RESOURCE CONSENT HEARINGS CHARGES

WDC0805/44/1/7

The following policy be established on the Recovery of Resource Consent Hearings Charges to take effect on 1 July 2008:

- Council will endeavour to fully recover costs in relation to consent hearings (as defined by the Remuneration Authority determination).
- This includes the time spent by Councillors in relation to consent hearings that is legally chargeable to applicants and incorporates site visits.
- Mileage costs in relation to site visits will be charged at the normal Council charge out rate from the hearing venue and will reflect the actual time taken on site visits.
- Charges to applicants for Councillors time will be at the maximum rate for members of the Hearing Committee permitted by the Remuneration Authority.
- The Chairperson will recover the same level of remuneration as other members of the Committee.
- A report will be provided to the Policy Committee on a six-monthly basis to indicate progress with the implementation of this policy.

SALE OF LIQUOR

WDC01/37/1/3 WAIKATO DISTRICT LICENSING AGENCY - SALE OF LIQUOR POLICY

Introduction

The Sale of Liquor Act 1989 came into force on 1 April 1990, replacing long standing legislation with a new simpler licensing process, a significant feature of which was the passing of various responsibilities to Local Authorities who became District Licensing Agencies for the purposes of the Act.

An important function of a District Licensing Agency is to grant uncontested applications for renewal of On-licences, Off-licences, Club-licences, and Managers Certificates in accordance with the Act.

A further important function is the appointment by a District Licensing Agency of Inspectors. Inspectors have a range of functions, including making recommendations to the District Licensing Agency and the Liquor Licensing Authority regarding applications for licences and manager's certificates. These recommendations cover a large range of issues, including suitability of the applicant, the proposed days and hours of operation, and the applicant's previous experience.

The Sale of Liquor Amendment Act 1999 adds to the principal functions of a District Licensing Agency by requiring Agencies to grant uncontested applications for New On-licences, New Off-licences, New Club licenses, and New General and Club Managers Certificates.

Amongst changes resulting from the 1999 Amendment is one that states that in the exercise of its functions under the Act, every District Licensing Agency must observe any statement issued by the Liquor Licensing Authority setting out its views on the general administration or the policy to be followed in the administration of the Act.

In February 2000 the Liquor Licensing Authority detailed its key expectations that District Licensing Agencies will take the lead role in the licensing regime in their areas, by:-

- Developing and maintaining a liquor policy/policies with a focus on the object of the Sale of Liquor Act – “To establish a reasonable system of control for the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor misuse, so far as that can be achieved by legislative means.”
- Ensuring separation of the Agencies decision-taking role from the reporting/supervisory role of the licensing inspector to ensure transparency of process and the independence of the inspector.
- Developing protocols with supervisory agencies to deal with complaints / issues arising from the operation of licensed premises.
- Ensuring that a program of monitoring the operation of licensed premises is in place.
- Co-ordinating activities of supervisory agencies.
- Ensuring liaison with licensees.

These expectations (along with other similar comments made by the Liquor Licensing Authority) clearly indicates the importance of a District Licensing Agency developing

a Sale of Liquor Policy that is clear, and relates to licence applications and procedural matters.

However, there are three other benefits arising from the policy development which relate to all functions of the District Licensing Agency including, but not limited to, those involved in making recommendations to the Liquor Licensing Authority:

A policy would provide transparent and consistent implementation.

- i) It enables local guidelines to be set in accordance with local conditions.
- ii) It enables the Agency to comprehensively address its responsibilities in relation to the objective of the Sale of Liquor Act.

It is expected that by stating the Waikato District Licensing Agencies policy and seeking public input to them, it will in turn promote greater public awareness, and consequently liquor consumption responsibility.

It is intended that these policies will be reviewed as required as well as when any changes are made to the Act.

Policies And Procedures Of The Waikato District Licensing Agency

The Waikato District Licensing Agency in recognising its duties and functions, submits the following as its policy and procedures in implementing the Sale of Liquor Act 1989:

I ON - LICENCES

An On-Licence authorises the holder to sell and supply liquor, to any person present on the premises for consumption on the premises to which the licence applies. This includes taverns, hotels, and restaurants.

I.1 Determination of On-Licence Applications

Application for new On-licence is received by the Waikato District Licensing Agency who shall check details of the application and decide whether to grant the application for an On-licence in accordance with the act, if –

- a) No objection has been received from any person; and
- b) No report from a reporting authority containing matter in opposition has been filed with the Agency.

In any other case the Agency shall forward the ‘complete file’ to the Liquor Licensing Authority who must determine the application in accordance with the act.

I.2 Criteria for Granting of On-Licence

Application for On-Licence is assessed by the Waikato District Licensing Agency through the following criteria:-

- a) The suitability of the applicant;
- b) The days on which and the hours during which the applicant proposes to sell liquor;

- c) The areas of the premises that the applicant proposes should be designated as restricted or supervised areas;
- d) The steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed;
- e) The applicant's proposal relating to:-
 - The sale and supply of non alcoholic refreshments and food; and
 - The sale and supply of low-alcohol beverages; and
 - The provision of assistance with or information about alternative forms of transport from the licensed premises.
- f) Whether the applicant is engaged, or proposes to engage, in:
 - The sale and supply of any other goods beside liquor and food; or
 - The provision of any services other than those directly related to the sale or supply of liquor and goods, - and, if so, the nature of those goods or services;
- g) Any matters dealt with in the statutory reports supplied by an Inspector, the Police or the Medical Officer of Health. (One such matter will be the presence of a Host Responsibility Policy).

The Waikato District Licensing Agency shall not take into account any prejudicial effect that the grant of the licence may have on any business conducted pursuant any other licence.

1.3 Hours of Operation

Hours of operation may be prescribed by the Waikato District Licensing Agency, after consideration of the reports from the Licensing Inspector, Police, and Medical Officer of Health.

The Waikato District Plan Rules, Sale of Liquor - Section 43.5.1 permits:

- Special Licence – No restriction as to hours, and
- All other licences – Sale of liquor between the hours of 7am and 10pm.

For Licence beyond those hours, specific approval is required.

A Certificate of compliance with the Resource Management Act is required to be submitted with all applications for new On-licences.

Although the Act sets out no guidelines as to the hours of operation of licensed premises, the Liquor Licensing Authority has itself established some general principles to which it adheres in setting hours for taverns:

"Overall we continue to accept 7.00am to 3.00am hours as suitable for the whole of the country with twenty four hour licences being the exceptional cases, and 1.00am closing or earlier for taverns with residential properties nearby".

It should be noted that the authority has said on a number of occasions that inadequate Police staffing is not of itself grounds to decline an application for late closing for hotels and taverns. However, in relatively isolated rural communities it may be that it is not appropriate for a licensed premise to remain open beyond midnight or 1.00am.

POLICY

- 1.4 On-licence hours shall be between 7.00am to 1.00am the next day, seven days a week.
- 1.5 On-licence hours requested beyond those stated in 1.4 will require justification.

The Liquor Licensing Authority has in the past taken the view that the licensee may obtain whatever hours are appropriate for that facility provided that the applicant can justify them. In general a licence to trade during normal working hours may not require an explicit rationale, whereas an application to trade 24 hours each day will require detailed justification.

1.6 Conditions of new On –Licence

On granting an application for a new On-Licence the Waikato District Licensing Agency shall impose conditions relating to the following matters:

- The licensee to have available for consumption on the premises a reasonable range of non-alcoholic refreshments:
- In respect of a hotel or tavern that no liquor is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day to any person other than –
 - Any person who is for the time being living on the premises, whether as a lodger or an employee.; or
 - Any person who is present on the premises for the purpose of dining.
- The days on which and the hours during which liquor may be sold: The provision of food for consumption on the premises:
- The sale and supply of low-alcohol beverages:
- The provision of assistance with or information about alternative forms of transport from the licensed premises:
- Any matter aimed at promoting the responsible consumption of liquor:
- The steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale of liquor to prohibited persons are observed:
- The designation of the whole or part of the premises as a restricted or supervised area:
- The persons or types of persons to whom liquor may be sold or supplied.

1.7 Renewal of On-Licences

All On-Licences issued are required to be renewed after an initial twelve month period and then every three years thereafter. Although the Waikato District Licensing Agency will remind licence holders through its Licensing Computer Module by providing a renewal application prior to their license expiring, the ultimate responsibility remains with the holder. Failure to lodge a renewal application within the time frame specified in the Act may raise doubts as to the holder's suitability to hold a licence.

Applications to renew an existing On-Licence are processed and determined by the District Licensing Agency, with objected applications being forwarded to the Liquor Licensing Authority for determination.

The criteria under which the Waikato District Licensing Agency will assess an application for renewal of On-Licence are:

- The consideration of any evidence of poor management in relation to the premises, evidence of underage drinking or the presence of intoxication or of behavioural problems, motor vehicle accidents, violence, or any other anti-social acts or consequences in which alcohol is a factor will be taken into account.
- Any adverse environmental impacts. e.g. noise, traffic or unruliness.
- Any objections or concerns lodged through the public notification process or raised by any affected parties during the term of the licence prior to renewal.
- The management's approach to the Sale of Liquor Act and its requirements. This assessment will take into account the provision of a Host Responsibility Policy, or lack thereof, and the management's commitment to it.
- The general suitability of the applicant.

In undertaking the review of each premise during the licence renewal process, the Waikato District Licensing Agency will take into account the following:

- Information obtained from any public complaint relating to the premises directly or indirectly.
- Information obtained from the Police, the Medical Officer of Health, or any other body considered appropriate by the District Licensing Agency.
- Information obtained from the Waikato District Licensing Agency's Inspectors or from any independent study or monitoring commissioned by or undertaken on behalf of the District Licensing Agency.
- Any other information/source that the Waikato District Licensing Agency deems appropriate.

1.8 Variation of licence conditions

Applications for variation of conditions to an existing licence are processed and determined by the District Licensing Agency with objected applications being submitted to the Liquor Licensing Authority for determination.

In considering an application for variation, the District Licensing Agency must have regard to such of the matters specified in 1.2 (criteria for granting of On-licence) of this section as are relevant to the application.

2 OFF - LICENCES

An Off-Licence authorises the holder of the licence to sell liquor or deliver liquor on or from the premises described in the licence to any person for consumption off the premises.

An Off-Licence shall also authorise complementary supply of liquor by way of sample on the premises to which the license relates.

2.1 Determination of Off-Licence Applications

Application for new Off-licence is received by the Waikato District Licensing Agency who shall check details of the application and decide whether to grant the application for Off-licence in accordance with the Act, if –

- a) No objection has been received from any person; and

- b) No report from a reporting authority containing matter in opposition has been filed with the Agency.

In any other case the Agency shall forward the 'complete file' to the Liquor Licensing Authority who must determine the application in accordance with the Act.

2.2 Criteria for Granting of Off-Licence

Application for Off-Licence is assessed by the Waikato District Licensing Agency through the following criteria.

- (a) The suitability of the applicant;
- (b) The days on which and the hours during which the applicant proposes to sell liquor;
- (c) The areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas;
- (d) The steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed;
- (e) Whether the applicant is engaged or proposes to engage in:
 - the sale and supply of any other goods besides liquor, or
 - the provision of any services other than those directly related to the sale or supply of liquor;
 And, if so, the nature of those goods or services;
- (f) Any matters dealt with in the statutory reports supplied by an Inspector or the Police. (One such matter will be the presence of a Host Responsibility Policy).

The Waikato District Licensing Agency shall not take into account any prejudicial effect that the grant of the licence may have on the business conducted pursuant to any other licence.

2.3 Hours of Operation

Hours of operation may be prescribed by the Waikato District Licensing Agency after consideration of the reports from the Licensing Inspector and Police, the submissions of any objectors, and through the Resource Management Act process.

A Certificate of compliance with the Resource Management Act is required to be submitted with all applications for new Off-licences.

Although the Act does not set out guidelines to the hours of operation of licensed premises, the Liquor Licensing Authority has itself established some general principles to which it adheres in setting hours for bottle stores:

"The Liquor Licensing Authority has reconsidered its approach to late hours of sales from bottle stores whilst each individual application will be treated on its merits, having regard to any special circumstances... Generally speaking we do not see any real requirements for Off-licence sales beyond 11.00pm".

The Liquor Licensing Authority's approach is to have bottle stores, as distinct from bars, close at 11.00pm but to allow over the bar Off sales for the same hours as granted for any On-licence in respect of the same hotel or tavern premises.

POLICY

- 2.4 Across bar sales, hours should reflect those hours granted in the On-licence.
- 2.5 All other Off-licence hours shall be between 9.00am and 11.00pm.
- 2.6 Off-licence hours requested beyond those stated in 2.5 will require justification.
- 2.7 Conditions of new Off-Licence

On granting an application for a new Off-licence the Waikato District Licensing Agency shall impose conditions relating to the following matters:

- That no liquor is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1pm on Anzac Day.
- A holder of a Club licence shall sell or supply liquor pursuant to the Off-licence only to members of the club:
- Standards of beer and wines for sale:
- Any matter aimed at promoting the responsible consumption of liquor:
- The steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale of liquor to prohibited persons are observed.

The Agency may impose conditions relating to the following matters:

- The designation of the whole or part of the premises as a restricted or a supervised area:
- The persons or types of persons to whom liquor may be sold or supplied:
- The days on which and the hours during which liquor may be sold:
- The kind of liquor that may be sold pursuant to the licence.

2.8 Renewal of Off-Licences

All Off-Licences issued are required to be renewed after an initial twelve month period and then every three years thereafter. Although the Waikato District Licensing Agency will endeavour to remind licence holders to lodge a renewal application prior to their licence expiring the ultimate responsibility remains with the holder. Failure to lodge a renewal application within the time frame specified in the Act may raise doubts as to the holder's suitability to hold a licence.

The renewal process is similar to the application process. If the applicant wishes to vary the conditions of the licence, or if there are any objections, it is forwarded to the Liquor Licensing Authority for determination. Unopposed and unvaried renewal applications are renewed by the District Licensing Agency.

The criteria under which the District Licensing Agency will consider an application for renewal of an Off-Licence are as follows:

- The District Licensing Agency will consider if there is any evidence of poor management in relation to the premises. Evidence of the supply of liquor to minors or sales to intoxicated persons or any other anti-social acts or consequences in which the management of the Off-licence is a factor will be taken into account.
- Any adverse environmental impact.

- Any objections or concerns lodged through the public notification process or raised by any affected parties during the term of the licence prior to renewal, and
- The management's approach to the Sale of Liquor Act and its requirements. This assessment will take into account the provision of a Host Responsibility Policy, or lack thereof, and the management's commitment to it:
- The general suitability of the applicant.

In undertaking the review of each premise, the Waikato District Licensing Agency may take into account the following:

- Information obtained from any public complaint relating to the premises directly or indirectly:
- Information obtained from the Police, or any other body considered appropriate by the Inspector or Waikato District Licensing Agency:
- Information obtained from the Waikato District Licensing Agency's Inspectors or from any independent study or monitoring commissioned by or undertaken on behalf of the District Licensing Agency:
- Any other information source that the Waikato District Licensing Agency deems appropriate.

In addition to the above criteria the Licensing Inspector will also take into account the required reporting criteria for new Off-Licence applications.

2.9 Variation of licence conditions

A holder of an Off-licence may at any time apply for the variation or cancellation of any condition of licence to the Waikato District Licensing Agency, who shall consider the application in accordance with Clause 2.1 (Determination of Off-licence Applications) and Clause 2.2 (Criterion for Granting of OFF-licence).

3 TEMPORARY AUTHORITY

The Waikato District Licensing Agency may from time to time, on application of any person who appears to the Agency to have any right, title, estate, or interest in any premises, or any business conducted in any premises in which an On or Off licence is in force, make an order authorising the applicant, or some suitable person nominated by the applicant, to carry on the sale and supply of liquor for such period, not exceeding 3 months, as the Agency may specify in the order.

A common situation where a Temporary Authority occurs is the sale of premises or business, bankruptcy or receivership, where an incoming person wishes to operate the premises using the existing licence while they put together an application for a new licence.

The holder of a Temporary Authority shall have the same duties, obligations, and liabilities as the holder of the ON or OFF licence to which the Temporary Authority relates.

POLICY

- 3.1 Applications for Temporary Authority shall be referred to the Police for report.
- 3.2 An order authorising the sale of liquor shall be for an initial 3 month period, and any subsequent orders will require justification.

- 3.3 No Temporary Authority shall be approved where an ON or OFF licence has passed its expiration date and no renewal application has been filed.
- 3.4 A grant of any Temporary Authority shall be on the basis that it carries a clear indication that it will expire on a specific date; or on such date as the holder's application for an ON or OFF licence has been determined, whichever is the sooner.

4 CLUB LICENCES

A Club licence may be held by any club and authorises the holder of the licence to sell and supply liquor for consumption on the premises detailed on the licence to:

- any member of the club,
- their guest, or
- any member of any other club which the holder of the licence has an arrangement for reciprocal visiting rights for members of the clubs.

Club licenses are predominantly held by sports clubs, social clubs and RSA's.

4.1 Determination of Club-Licence Applications

Applications for new Club-licences are received by the Waikato District Licensing Agency who shall check details of the application and decide whether to grant the application for Club-licence in accordance with the Act, if:

- No objection has been received from any person; and
- No report from a reporting authority containing matter in opposition has been filed with the Agency.

In any other case the Agency must forward the 'complete file' relating to the application to the Liquor Licensing Authority who must determine the application in accordance with the act.

4.2 Criteria for Granting of Club-Licence

In considering an application for a club licences, the Waikato District Licensing Agency must have regard to the following matters:

- The suitability of the applicant;
- The days on which and the hours during which the applicant proposes to sell liquor;
- The days on which and the hours during which the premises are used for the club's activities;
- The areas of the premises that the applicant proposes should be designated as restricted or supervised areas;
- The proportion of the membership of the club who are prohibited persons;
- The steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed;
- The applicant's proposal relating to:
 - The sale and supply of non alcoholic refreshments and food; and
 - The sale and supply of low-alcohol beverages; and

- The provision of assistance with or information about alternative forms of transport from the licensed premises.
- The applicant's proposal in relation to the sale and supply of non alcoholic refreshments and food;
- Any matters dealt with in the statutory reports supplied by a Liquor Licensing Inspector or the Police.

4.3 Hours of Operation

Hours of operation for a Club-licence may be prescribed by the Waikato District Licensing Agency, after consideration of the reports from the Licensing Inspector, Police, and Medical Officer of Health.

Hours of operation are particularly relevant in the Club-licence situation as a significant number of club premises are located in, or adjacent to, residential areas.

A Certificate of Compliance with the Resource Management Act is required to be submitted with all applications for new Club licences.

The hours of operation of a Club-licence premise must be in relation to the nature of the club's activities and it is important that the sale of liquor remains ancillary to the club's activities.

The following guideline hours of operation have been identified by the Waikato District Licensing Agency and it is recommended that these be the parameters within which all Club-licenses should fall.

POLICY

- 4.4 That licence hours for Clubs shall be Monday to Sunday 8.00am - 1.00am the following day.
- 4.5 Club Licence hours requested beyond those detailed in 4.4 will require justification.
- 4.6 Licensing hours for “sporting clubs” shall be related to the days on which, and the hours during which, the “predominant” purposes of the club are being conducted.

Guidelines for sporting clubs licence hours are:

Golf	Monday to Thursday	8am to 10pm (Daylight saving 11pm)
	Friday to Sunday	8am to 12pm
Bowling Squash	Monday to Sunday	8am to 1am

Team sports; eg Cricket, Rugby, League, Soft Ball, netball

Monday to Thursday	Maximum 4 hours, between 6pm and 11pm
Friday	5pm to 12pm
Saturday	11am to 12pm
Sunday	11am to 10pm
Public holidays	11am to 12pm

4.7 Conditions of new Club-Licence

On granting an application for a new Club-Licence the Waikato District Licensing Agency shall impose conditions relating to the following matters:

- That there shall at all times be a secretary of the club;
- That within 10 working days of the appointment of a new secretary, the club shall advise the Waikato District Licensing Agency of the name of the new secretary;
- That all proceeds from the sale of liquor shall belong to the club;
- The licensee to have available for consumption on the premises a reasonable range of non-alcoholic refreshments;
- The days on which and the hours during which liquor may be sold. The provision of food for consumption on the premises;
- The sale and supply of low-alcohol beverages;
- The provision of assistance with or information about alternative forms of transport from the licensed premises;
- Any matter aimed at promoting the responsible consumption of liquor;
- The steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale of liquor to prohibited persons are observed;
- The designation of the whole or part of the premises as a restricted or supervised area;
- The persons or types of persons to whom liquor may be sold or supplied.

4.8 Renewal of Club Licences

All Club Licences issued are required to be renewed after an initial twelve month period and then every three years thereafter. Although the District Licensing Agency will endeavour to remind licence holders to lodge a renewal application prior to their license expiring the ultimate responsibility remains with the holder. Failure to lodge a renewal application within the time frame specified in the Act may raise doubts as to the holders suitability to hold a licence.

Applications to renew an existing Club-licence are processed and determined by the District Licensing Agency, with objected applications being forwarded to the Liquor Licensing Authority for determination.

The criteria under which the Waikato District Licensing Agency will consider an application for renewal of a Club Licence are as follows:

- Is there any evidence of poor management in relation to the club. Evidence of under-age drinking, the presence of intoxication, behavioural problems, motor vehicle accidents, violence or any other antisocial acts or consequences in which the management of the premises is a factor.
- The control of minors on the club premises.
- Any adverse environmental impacts.
- Any objections or concerns lodged through the public process or raised by any affected parties.
- The management's approach to the Sale of Liquor Act and its requirements. This assessment will take into account the provision of a Host Responsibility Policy, or lack thereof, and the management's commitment to it.
- The general suitability of the applicant.

In undertaking the review of each club licence application, the District Licensing Agency may also take into account the following:

- Information obtained from any public complaint relating to the club directly or indirectly.
- Information obtained from the Police, Medical Officer of Health, or any other body considered appropriate by the Inspector or District Licensing Agency.
- Information obtained from the District Licensing Agency's Inspectors or from any independent study or monitoring commissioned by or undertaken on behalf of the District Licensing Agency.
- Any other information/source that the District Licensing Agency deems appropriate.

In addition to the above criteria the Licensing Inspector will also take into account the required reporting criteria for new Club licence applications.

4.9 Variation of Licence Conditions

Applications for variation of hours or conditions to an existing licence are processed and determined by the District Licensing Agency with objected applications being submitted to the Liquor Licensing Authority for determination.

In considering an application for variation, the District Licensing Agency must have regard to such of the matters specified in 4.2 (criterion for granting of Club-licence) of this section as are relevant to the application.

Application to vary Club licence hours shall be guided by policies 4.4, 4.5, and 4.6.

5 SPECIAL LICENCES

- a) A special licence authorises the holder of the licence to sell and supply liquor on the premises described in the licence, to any person attending any occasion or event or series of occasions or events described in the licence.
- b) A special licence may be granted to the holder of an ON-licence or club licence, authorising the holder from time to time to sell and supply liquor for consumption on the premises at any time when the premises are required to be closed for the sale of liquor, to persons attending social gatherings of any kind specified in the licence.

5.1 Occasion, or Event or a Series of Occasions or Events

The Sale of Liquor Act does not clearly define what constitutes a social gathering, an occasion or an event, or a series of occasions or events. This results in confusion and various interpretations of the type or number of functions for which special licences may be obtained. The Waikato District Licensing Agency, by way of this policy, intends to clarify what it means by an occasion or event, or series of occasions or events for which a special licence may be obtained.

The following policies are intended to provide clarification on these issues.

POLICY

- 5.2 An occasion or event must be separately identifiable.
- 5.3 A series of occasions or events must have a specific beginning and end.
- 5.4 A social gathering must have the following characteristics:
- (a) There must be a principal purpose apart from the consumption of liquor.
 - (b) The attendees must be only the promoters, the participants, and the specially invited guests who are participators in or spectators to the principal activity.
 - (c) The gathering must be outside the normal licensed activities of the applicant.
- 5.5 A Special Licence will not be issued where, in the opinion of the Waikato District Licensing Agency, the extent of the activity is such that an ON-Licence or Club-Licence would be more appropriate.
- 5.6 Workplace Social Clubs that request Special Licence for a series of regular occasions over a period for social purposes, shall:
- Be limited to one occasion per week. Be for a period not exceeding 12 months.
 - Have an average of 25 persons or less attending.
 - Have at least two Certificated Club Managers, one of whom shall be present on-site while liquor is for sale.
 - Provide a written statement from the owner of the business to the effect that the owner has no objection to the grant of licence.
- 5.7 A Private Social Gathering to which only invited guests may attend shall only require a Special Licence if liquor is sold.
- 5.8 Criteria for granting of Special Licence

Applications for Special Licence will be assessed by the Waikato District Licensing Agency through the following criteria:-

- (a) The nature of the particular occasion or event or series of occasions or events in respect of which the licence is sought.
- (b) The suitability of the applicant;
- (c) The days on which and the hours during which the applicant proposes to sell liquor;
- (d) The areas of the premises that the applicant proposes should be designated as restricted or supervised areas;
- (e) The steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed;
- (f) The applicant's proposal relating to-
 - the sale and supply of non alcoholic refreshments and food; and
 - the sale and supply of low-alcohol beverages;

- the provision of assistance with or information about alternative forms of transport from the licensed premises;
- (g) Any matter raised in any statutory report. (Liquor Licensing Inspector or the Police).

The District Licensing Agency shall not take into account any prejudicial effect that the grant of the licence may have on the business conducted pursuant to any other licence.

POLICY

5.9 Special Licence hours

- (a) Special Licence hours shall be considered on the merit of the application with respect to the effect of the activity on adjacent properties.
- (b) No Special Licence shall be granted later than 1am unless specific reasons are submitted and approved by the District Licensing Agency.

The Waikato District Licensing Agency shall have regard to the days on which and the times at which persons will be participating in the occasion or event or series of occasions or events in respect of which the licence is sought, and the nature of the activities to be conducted on those occasions or during those events.

5.10 Special Licence Procedure

Applications for Special Licences that comply with this policy document are required to be submitted at least ten working days prior to the event.

Where the Secretary is aware that there is likely to be opposition to the granting of any Special Licence, or the application does not comply with this policy document or with the Act, the Secretary may exercise the discretion allowed in the Act to require the application to be publicly notified.

Where the Police, Licensing Inspector, or public oppose a special licence application:

- i) In all cases where the Police or a Licensing Inspector object to an application, the applicant will be afforded the opportunity for mediation with the Police and/or the Licensing Inspector in relation to their objection(s), before the application proceeds to a public hearing.
- ii) Any application which attracts formal objection after public notification will proceed to a public hearing unless it is withdrawn by the applicant.

Special Licences for functions where the public will be attending the Licensing Inspector may require a designation in a particular area. Any such designation will be recommended by the Licensing Inspector in his/her report.

The District Licensing Agency requires that food and non alcoholic drinks be available at all functions for which a special licence is issued. Applicants seeking a special licence are required to specify food and non alcoholic drink which will be available at the function, and conditions relating to the provision of food and non alcoholic drinks will be specified in all special licences issued.

The District Licensing Agency may require as a condition of a special licence, that the holder of a General or Club Manager's Certificate be present and responsible for the sale of liquor under that licence.

The Waikato District Licensing Agency may have regard to the site of the premises in relation to neighbouring land use and, where the premises are located in a building, to whether:

- the building has an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975; or
- the building, by reason of the activity which is associated with the issue of the licence, requires an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975.

The Act specifically excludes trading under an On or Off-Licence on Christmas Day and Good Friday, except in certain circumstances. Because of the religious importance of these days the Waikato District Licensing Agency will oppose the granting of a Special Licence to holders of an On-Licence for these days unless the applicant can demonstrate that the purpose of the Special Licence is not merely to obtain a de-facto extension to their normal trading hours.

6 MANAGERS' LICENCES

At all times when liquor is being sold or supplied to the public on any licensed premises a manager must be on duty and responsible for compliance with the Sale of liquor Act and the conditions of licence.

Managers' Certificates shall be of one of the following kinds:

- a) A General Manager's Certificate, which shall authorise the holder to manage any licensed premises in respect of which a licence is in force, or
- b) A Club Manager's Certificate, which shall authorise the holder to manage any premises in respect of which a club or special licence is in force.

6.1 Determination of Manager's Certificates

Applications for new Manager's Certificates are received by the Waikato District Licensing Agency who shall check details of the application and decide whether to grant the application in accordance with the Act, if – No report from a reporting authority containing matter in opposition has been filed with the Agency.

In any other case the Agency must forward the 'complete file' relating to the application to the Liquor Licensing Authority who must determine the application in accordance with the Act.

6.2 Criteria for granting of Managers' certificates

Applications for Manager's certificates shall be assessed by the Waikato District Licensing Agency through the following criteria:-

For a General Manager's Certificate;

- The character and reputation of the applicant.
- Any convictions recorded against the applicant.

- Any experience, in particular recent experience, that the applicant has had in managing any premises or conveyance in respect of which a licence was in force.
- Any relevant training, in particular recent training, that the applicant has undertaken and any relevant qualifications that the applicant holds.
- Any matters dealt with in the Police or Licensing Inspector's reports.

For a Club Manager's Certificate:

- The character and reputation of the applicant.
- Any convictions recorded against the applicant.
- Any experience, in particular recent experience, that the applicant has had in managing any premises in respect of which a licence was in force.
- Any relevant training, in particular recent training, that the applicant has undertaken and any relevant qualifications that the applicant holds.
- Any matters dealt with in the Police or Licensing Inspector's report.
- Where the applicant intends to be the manager of a particular club, the extent of the applicant's involvement in the management and activities of the club.

The Licensing Inspector's report is issued only when the Licensing Inspector is satisfied that the details provided by the applicant are sufficient. Details required to be provided by the applicant are: evidence of experience, training, involvement with a club or society (club applications only), relevant references and details of the licensed premises on which the applicant is working, or intending to work.

Applicants for new Managers Certificate shall provide evidence of having recently undergone a training program conducted by a training provider recognised by the District Licensing Agency.

POLICY

- 6.3 The Waikato District Licensing Agency will approve training providers that are registered and accredited by the NZQA.
- 6.4 General Managers and Club Managers will be required to complete an approved training program which is conducted by a training provider.
- 6.5 General Managers will be required to complete the prescribed qualifications in accordance with the Sale of Liquor Act 1989 and subsequent amendments.
- 6.6 Renewal of Managers' Certificates

All Managers' Certificates issued are required to be renewed after an initial twelve month period and then every three years thereafter. Although the District Licensing Agency will endeavour to remind licence holders to lodge a renewal application prior to their licence expiring the ultimate responsibility remains with the holder. Failure to lodge a renewal application within the time frame specified in the Act may raise doubts as to the holder's suitability to hold a licence.

Applications to renew an existing Manager's Certificate are processed and determined by the District Licensing Agency, with objected applications being forwarded to the Liquor Licensing Authority for determination.

The criteria under which the Waikato District Licensing Agency will consider an application for renewal of a Manager's Certificate are as follows:

- (a) The character and reputation of the applicant.
- (b) Any convictions recorded against the applicant since the certificate was issued or last renewed.
- (c) The manner in which the manager has managed the sale and supply of liquor pursuant to the licence with the aim of contributing to the reduction of liquor abuse.
- (d) Any matters dealt with in the Police or Licensing Inspector's Report.

Applications for renewal of Manager's Certificates require reports from the Police and Licensing Inspector based on the performance of the applicant since the date of the last renewal. If the reports do not raise any matters in opposition the renewal is processed and issued locally. In some instances it may be required that a manager undertake a refresher course before the reporting agencies are prepared to issue a clear report.

6.7 Temporary Managers and Acting Managers

A licensee may appoint a temporary manager in any instance where a certificated manager is ill, dismissed, resigns or is absent for any reason. Where this occurs an application for a full manager's certificate is required within two working days of the appointment being made.

A licensee may appoint an Acting Manager to allow the licensee or manager to take a vacation, cover in the case of sick leave or to cover in the case of any other absence. The appointment may not exceed three weeks at any one time, nor exceed an aggregate six weeks in each period of twelve months.

7 ENFORCEMENT

The Waikato District Licensing Agency is involved in the enforcement of the Sale of Liquor Act and works closely with the Police and the Medical Officer of Health in this respect. The Police regularly monitor the operation of a licensed premises within the District Licensing Agency area and report on any problems encountered to the District Licensing Agency. Both the Police and Inspectors have the authority to enter and inspect any licensed premises for enforcement purposes.

In addition, the Waikato District Licensing Agency welcomes public input in respect of enforcement problems and will follow up any enforcement enquiries or complaints lodged and take the appropriate action where necessary.

Enforcement problems are brought to the Waikato District Licensing Agency's notice from a number of sources including the Police, District Licensing Agency Inspectors, the Medical Officer of Health, members of the public, and other licensees. Therefore some flexibility in the way in which enforcement problems are handled is required.

Where the Waikato District Licensing Agency is aware of a licensee not operating within the requirements of the Sale of Liquor Act the following enforcement actions are available and may be taken by the District Licensing Agency.

- (i) Monitor a particular premises and report in specific terms to the District Licensing Agency.
- (ii) Licensee invited to meet with representatives of the District Licensing Agency and Police to discuss any enforcement problems or infringements of the Sale of

- Liquor Act, and solutions or actions that should be taken in order to rectify the situation.
- (iii) The District Licensing Agency will advise the licensee in writing of its concern in relation to any enforcement problems, noting any infringements of the Act that may have taken place, and the action that the Inspector and/or the Police require in order to remedy the situation.
 - (iv) Copies of any meeting notes or correspondence are placed on licensee's records for future reference.
 - (v) Where a premises has had an enforcement issue that has been addressed ongoing monitoring will continue.
 - (vi) In cases where continual enforcement problems are encountered without satisfactory remedial measures being undertaken by the licensee, the Police or any Inspector may take further action under the enforcement provisions of the Sale of Liquor Act. These include the ability to request a variation, suspension, or cancellation of Licence or Manager's Certificate.

POLICY

- 7.1 The Waikato District Licensing Agency in conjunction with the Police and the Medical Officer of Health will monitor the operation of all licensed premises within the district and take appropriate action where necessary.
- 7.2 That at any public sitting of the Liquor Licensing Authority held within the Waikato area that involves any Waikato District Licence or Certificate, a Licensing Inspector shall be present and shall record their appearance.

8 NORTH WAIKATO AND RAGLAN LIQUOR LIAISON GROUPS

The North Waikato Liquor Liaison Group and the Raglan Liquor Liaison Group is a joint initiative between the Police, Medical Officer of Health, and Waikato District Licensing Agency Inspector's. The aim is to work with licensed premises within the area to implement strategies that will improve the host responsibility policies and practices of these premises with the aim of reducing the incidence of alcohol related problems.

The objectives of the groups are to:

- i) Reduce alcohol related harm in the community.
- ii) Provide a forum at which liquor licensing issues can be discussed.
- iii) Facilitate liaison and communication between other organisations involved within the liquor industry.
- iv) Develop strategies to address problems and encourage more responsible practise.
- v) Disseminate data on identified problem licensed premises to reporting and enforcement agencies so that further action may be taken.
- vi) To develop links and network with other relevant Agencies, groups, and individuals.

In the High Court decision, *Chef and Brewer Bar and Cafe Ltd.* (Decision No. HC 182/94), the use of Last Drink Survey information was challenged by the appellant on various grounds. It was ruled that the information could be used as evidence provided that its limitations were recognised.

The Last Drink Survey is a further tool for liquor licensing enforcement and will be used where appropriate by Waikato District Licensing Inspectors.

POLICY

- 8.1 That meetings of the North Waikato and Raglan Liquor Liaison Groups be held on a regular basis to discuss matters associated with the sale of liquor.

9 HOST RESPONSIBILITY

The Sale of Liquor Act places a significant emphasis on Host Responsibility. District Licensing Agencies are required by the Act to take into consideration the provision of food and non alcoholic drinks as well as the steps to ensure that liquor is not sold or supplied to prohibited persons (eg. minors or intoxicated people) by the applicant when reporting, or considering an application for a new licence or renewal.

The Act also places the responsibility for the operation of the premises in accordance with the Act on the licensee or manager of the premises. In this respect it is an offence to sell liquor to intoxicated patrons or minors, and also to allow people to become intoxicated or to allow an intoxicated person to remain on the premises. Further it is an offence to allow any violent, quarrelsome or disorderly person to remain on the licensed premises.

All applicants for On, Club, and special licences are interviewed by licensing inspectors about their Host Responsibility policy and this is a significant factor in the ongoing monitoring of licensed premises, and reporting at the time of any renewal or variations.

In conjunction with the Alcohol Advisory Council of New Zealand, the Waikato District Licensing Agency and Health Waikato have material relating to the Host Responsibility requirements which is available to licensees or any interested member of the public.

A responsible host should avoid any promotion or activity on the premises which may encourage alcohol misuse or irresponsible behaviour.

A written Host Responsibility policy should be displayed and promoted within all licensed premises so that all staff are aware of the policy and of their particular responsibilities.

The Host Responsibility policy should be comprehensive and individual to each particular premise.

9.1 Host Responsibility policy

A host responsibility policy would include the following:

- i) The provision of food and non-alcoholic drink, and the active encouragement of patrons to partake of them.
- ii) Steps taken to ensure liquor is not supplied to minors or intoxicated people.
- iii) The control of liquor misuse.

- iv) The conduct and safety of patrons on the premises, and entering or leaving the premises.
- v) The sale and supply of low alcohol beverages.
- vi) The provision of assistance with or information about alternate forms of transport from the licensed premises.

Off-Licence premises should also have their own modified Host Responsibility policy. While it is obvious that the requirements for an Off-Licence are considerably different from that of On or Club licence activity, the Waikato District Licensing Agency believes that an Off-Licence premises should have its own Host Responsibility policy appropriate to its particular situation.

The Host Responsibility policy for an Off - Licence premises would include the more obvious requirements such as the adequacy of measures to ensure that sales to minors or intoxicated persons do not take place as well as other measures aimed at reducing alcohol misuse, such as the availability and promotion of low alcohol beers, non-alcoholic drinks, the display of appropriate cautionary measures, and availability of non-alcoholic or low alcohol cocktail recipes.

POLICY

- 9.2 All holders of On, Off, or Club-Licences are to have a displayed written operative Host Responsibility policy for the premise and to observe it at all times.
- 9.3 The Licensing Inspector will report on the existence, suitability, and operation of any host responsibility policy when reporting on any licence application.

10 INTERNAL POLICY

The Waikato District Licensing Agency is committed to establishing a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor misuse, while at the same time providing applicants with an efficient and effective service which ensures that applications are processed quickly and without compromising quality standards.

In order to achieve these commitments the Waikato District Licensing Agency has adopted the following:

POLICY

- 10.1 The Waikato District Licensing Agency (Waikato District Council), delegates its powers to the “Hearings Committee” of Waikato District Council, who sub-delegates those functions associated with the issue and renewal of Licences and Certificates to the “Secretary” of the Agency.
- 10.2 The Secretary of the Waikato District Licensing Agency shall be Council’s Chief Executive Officer. In the absence of the Chief Executive the appointed acting Chief Executive shall be the Secretary.
- 10.3 Processing of Applications
 - l) Every application made pursuant to the Sale of Liquor Act shall be receipted, date-stamped, and recorded in the Liquor Register.

- 2) The Licensing Administration Officer shall forward copies of all applications to the statutory reporting bodies - ie. the Police, Licensing Inspector, and Medical Officer of Health.
- 3) The Licensing Inspector shall peruse each application to ensure that they contain all information required under the Act and that no additional special procedures are warranted eg. public notification of a special licence.
- 4) All reports and additional information received shall be submitted to the Licensing Inspector who, when satisfied, shall prepare and submit a report with recommendations to the Secretary.
- 5) Each reporting body is given significant independence to report on any application as they see fit. A liquor licensing inspector is not subject to direction as to the content and conclusion of their report although they must have regard to Agency policy. Neither the Agency nor the Authority are bound to agree with the content or conclusion of any report.
- 6) Although it is appropriate for the reporting bodies to liaise in instances where concerns are identified in respect of any application this is not desirable in most cases as it introduces unnecessary delays. If the Police or the Medical Officer of Health raise a concern consequent to an Inspector's report being prepared the Inspector will be given an opportunity to revise their report.

It is not appropriate for a Licensing Inspector's report, or the threat of an unfavourable report, to be used to require standards which are higher than standards imposed by primary legislation ie. construction standards in excess of those required in the Building code; health standards higher than those required through the Health Act and its regulations; or environmental standards in excess of those defined in the district plan.

Suspension and/or cancellation of Licences and Certificates

Although licensing inspectors are able to initiate applications for the variation, suspension and/or cancellation of licences and certificates, it is likely that in all but the most blatant cases such applications will be reported to the District Licensing Agency. The licensee or certificate holder shall be given an opportunity to explain why his certificate/licence should not be suspended or cancelled.

Except in the case of Special Licences and of non-compliance with public health or fire precaution requirements, the District Licensing Agency does not have the authority to suspend or cancel licences or certificates. Applications for suspension or cancellation have to be made to the Liquor Licensing Authority which will normally convene a hearing to allow both the licensee and the Inspector to present their cases.

POLICY

10.4 Licensing Inspectors shall after receipt of all required reports, details, and further information, submit their reports within the following time frames:

ON, OFF, and Club Licences	10 working days
Special Licences	5 working days

Managers Certificates	5working days
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- 10.5 Licensing Inspectors will ensure the applicant is kept informed on matters pertaining to their application.
- 10.6 A Licensing Inspector shall not carry out the duties of an Investigating Officer for any application in which they have submitted formal report.
- The Investigating Officer shall be a Environmental Health Officer that has been appointed as a Licensing Inspector.
- 10.7 This Sale of Liquor Policy document will be reviewed within five years of its adoption.
- 10.8 The Waikato District Licensing Agency shall provide an annual budget for licensing inspectors to undertake projects with the aim of contributing to the raising of awareness and reduction of liquor misuse.

FIRST SCHEDULE

Powers of the Agency and of the Inspector

District Licensing Agency

- To receive, process, and determine unopposed applications for the grant and/or variation of ON-Licences, OFF-Licences, CLUB-Licences, and the grant of Manager's Certificates.
- To receive, process, report on, and submit complete file to the Liquor Licensing Authority, Wellington on opposed applications for the grant and/or variation of ON-Licences, OFF-Licences, CLUB-Licences, and Managers' Certificates.
- To grant unopposed applications for the renewal of ON-Licences, OFF-Licences, and Managers' Certificates.
- To consider and determine applications for Temporary Authorities.
- To consider and determine applications for Special Licences.
- To conduct inquiries and to make reports as may be required by the Liquor Licensing Authority.
- To vary, suspend or cancel Special Licences.
- To make an order restraining the continuance of any breach against a Special Licence condition(s).
- To suspend any ON or OFF Licence for non-compliance with public health or fire precaution requirements.

Licensing Inspectors

- To file a report with the District Licensing Agency on any application for On, Off, Club or Special Licence and for any Manager's Certificate, including any applications for renewal or variation.
- To appear at hearings.
- To enter licensed premises.
- To make application for the variation, suspension or cancellation of any licence and the suspension or cancellation of any manager's certificate.
- To make application for an order restraining the continuance of any breach against a licence condition(s).

- To appeal to the Liquor Licensing Authority against a decision of the District Licensing Agency to which they were a party.
- To appeal to the High Court against a decision of the Liquor Licensing Authority to which they were a party.

SECOND SCHEDULE

Sample Host Responsibility Policies

Our Commitment To You

As a responsible supplier of alcoholic drinks we have a social and legal obligation to ensure that you enjoy yourself and get home safely. To fulfill this obligation we have adopted the following Host Responsibility Policy.

We offer a wide range of low-alcohol and non-alcoholic drinks including lower alcohol beers, mineral waters pure fruit juices and quality soft drinks.

We offer a range of food at any time that the bar is open. We also promote our food with attractive specials and clear signs.

We offer a subsidised taxi scheme to make sure that our patrons get home safely - ask the bar person about this.

We also have a telephone available for our patrons.

We offer free soft drinks to designated drivers for groups - ask the bar person!

Please do not be offended if asked for proof of age as our staff are obligated under the Sale of Liquor Act to ask for acceptable identification from anyone they suspect may be under 18 years of age.

Our staff are concerned for your safety and enjoyment. They are trained and experienced in dealing with any person who may become intoxicated and will politely intervene to prevent them becoming a danger or a nuisance.

Thank you for selecting our bar. We hope you have an enjoyable time and a safe journey home.

GAMBLING VENUES POLICY

WDC1009/05/1/3 Introduction

The Gambling Act 2003 came into force on 18 September 2003, replacing existing gambling legislation with a new system of controls, a significant feature of which was the passing of responsibilities to Local Authorities who must adopt a gambling venues policy. The Racing Act 2003 similarly requires Local Authorities to adopt a Board Venue policy applying to venues operated by the New Zealand Racing Board. Board venues are premises that are owned or leased by the New Zealand Racing Board, where the principal business is the provision of racing and/or sports betting. It does not cover the TAB agencies in premises not owned or leased by the Board such as those in hotels, bars and clubs.

The Council's policy:

- must specify whether or not class 4 gambling venues (gaming machine venues) and Board venues may be established in its district and, if so, where they may be located.
- may specify any restrictions on the maximum number of gaming machines that may be operated at any class 4 venue
- That no additional gaming machines be installed in the next three years
[WDC1009/05/1/3 refers]

Objectives of the Policy

The objectives of the Gambling Act are to control the growth of gambling, to prevent and minimise the harm caused by gambling, to ensure that money from gambling benefits the community and to ensure community involvement in decisions about the provision of gambling. Beyond these, the objectives of the Waikato District Council Gambling Venues Policy are:

To support the purpose and intent of the Gambling Act 2003.

To ensure that the Waikato District Council and the community has influence over the provision of new gambling in the district.

To allow those who wish to participate in electronic gaming machine gambling and racing and/or sports betting to do so within the district.

To restrict the establishment of class 4 gambling and betting activities in locations close to residential areas, educational establishments, churches and marae.

To encourage responsible gambling practices and attitudes.

Establishment of Class 4 (Gaming Machine) and New Zealand Racing Board Venues

Class 4 gaming venues and New Zealand Racing Board venues may be established in the Waikato District subject to the following restrictions:

- The applicant meeting all application and fee requirements.
- The venue being located in a business or industrial zone or a property generally identified as a sporting venue.
- The venue must not have a primary activity of being a family restaurant.

- Class 4 gambling must not be the primary activity of a venue operating electronic gaming machines.
- The total number of electronic gaming machines in the district will generally be restricted to a ratio of machines to adult population of 1:200. For the purposes of this policy adult population refers to persons over the age of 18 years and will be determined by Council as required using population figures provided by Statistics New Zealand.
- Applications for consent to have gaming machines on New Zealand Racing Board venues will be approved subject to meeting all other requirements of this policy.
- New venues and existing venues operating fewer than nine electronic gaming machines shall be allowed a maximum of nine electronic gaming machines in accordance with the Gambling Act, subject to the provisions of the above restriction relating to the ratio of machines to adult population within the district.
- Applications seeking Ministerial discretion pursuant to Section 95 of the Gambling Act to increase the number of gaming machines at a club venue to greater than nine, as a result of clubs merging, may be approved at Council's discretion, subject to the limits prescribed by the Gambling Act, if the combined clubs had more than nine machines prior to their amalgamation. The criteria specified in Section 95(1) of the Gambling Act shall be used by Council in assessing such an application.
- Applications seeking Ministerial discretion pursuant to Section 96 of the Gambling Act to permit more than nine electronic gaming machines at a club venue will not be approved.

Applications for consent must be made on the approved form and must provide:

- Name and contact details for the application.
- Street address of premises proposed for the class 4 or Board venue licence.
- A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue.
- Details of any liquor licence applying to the premises.

Application Fees

These will be set by the Waikato District Council and shall include consideration of:

- (i) The cost of processing the application, including any consultation and hearings involved;
- (ii) The cost of triennially reviewing the class 4 gambling venue and New Zealand Racing Board venue policy.

[This policy is an updated version of WDC07/84/1/7]

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