



Provisional Local Alcohol Policy 2015

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I. Introduction and Overview

- I.1. The Sale and Supply of Alcohol Act 2012 (“the Act”) establishes a national framework for regulating the sale and supply of alcohol. The object of the Act is that:

the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

- I.2. The Act enables local authorities to develop a local alcohol policy (LAP) to guide expectations for the development of alcohol licensing within their district. The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. While it is not mandatory for local authorities to develop a LAP, the Waikato District Council approved the development of a LAP in May 2013.

- I.3. The Act requires the District Licensing Committee (DLC) and the Alcohol Regulatory and Licensing Authority (ARLA) to have regard to the content of any relevant LAP when making decisions under the Act. This statutory recognition allows local authorities, in consultation with their communities and stakeholders, to have greater influence over the local licensed environment.

- I.4. Section 77 of the Act details what policies relating to licensing may be included in a LAP. No other matters may be included. Policies that may be included are:

- Location of licensed premises by reference to broad areas;
- Location of licensed premises by reference to proximity to premises of a particular kind or kinds;
- Location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
- Whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;
- Maximum trading hours;
- The issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions;
- One-way door restrictions.

2. Objectives of the Local Alcohol Policy

2.1. The objectives of this policy are to:

- Reflect the views of local communities as to the appropriate location, number, hours and conditions that should be applied to licensed premises within their communities;
- Balance the views of local communities regarding the sale, supply and consumption of alcohol, while addressing the statutory requirements of the Sale and Supply of Alcohol Act 2012, including the object of the Act, to minimise the harm caused by excessive or inappropriate consumption of alcohol;
- Provide certainty and clarity for applicants and the public as to whether a proposed licence application will meet the criteria of the LAP;
- Provide effective guidance to the District Licensing Committee and Alcohol Regulatory and Licensing Authority when making decisions.

3. Definitions

authorised customer	in relation to premises a club licence is held for, means a person who— (a) is a member of the club concerned; or (b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or (c) is an authorised visitor
authorised visitor	in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members
bottle store	a retail premises where at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else.
cafe	has the same meaning as “restaurant”
class I restaurant	a restaurant that has or applies for an on-licence and— (a) has, in the opinion of the territorial authority, a significant separate bar area; and (b) in the opinion of the territorial authority, operates that bar area, at least 1 night a week, in the manner of a tavern

club	<p>a body that—</p> <p>(a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or</p> <p>(b) is a body corporate whose object is not (or none of whose objects is) gain; or</p> <p>(c) holds permanent club charter</p>
District Licensing Committee	the Waikato District Licensing Committee appointed pursuant to section 186 of the Act
early childcare facility	includes any crèche, childcare centre, kindergarten, kohanga reo, play centre, plunket rooms and any other place (excluding a school) where five or more children receive care or education on a commercial basis
facility	includes a place of worship, school, or early childcare facility
function centre	premises in which the principal business is pre-booked private functions where alcohol is sold or supplied in conjunction with those functions
grocery store	<p>a shop that—</p> <p>(a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and</p> <p>(b) comprises premises where—</p> <p>(i) a range of food products and other household items is sold; but</p> <p>(ii) the principal business carried on is or will be the sale of food products</p>
hotel	<p>a premises used or intended to be used in the course of business principally for providing to the public—</p> <p>(a) lodging; and</p> <p>(b) alcohol, meals, and refreshments for consumption on the premises</p>
maximum trading hours	the maximum hours for which a licence may be granted permitting the sale, supply or consumption of alcohol

member	<p>in relation to a club, means a person who—</p> <p>(a) has expressly agreed in writing to comply with the club's rules; and</p> <p>(b) is recognised as a member of the club by those rules.</p>
outdoor dining area	<p>an area of a premises holding an on-licence or club licence that is outside of the building on any part of a public footpath, pavement or other public place</p>
place of worship	<p>includes any church, mosque or other facility designed primarily for worship and related religious activities</p>
public park	<p>any park, reserve, playground, garden or similar public place maintained by the local authority for recreation purposes</p>
restaurant	<p>premises that—</p> <p>(a) are not a conveyance; and</p> <p>(b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises</p>
school	<p>includes any primary, intermediate or secondary school and any kurakaupapa</p>
supermarket	<p>A premises are a supermarket with a floor area of at least 1000m² (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items).</p>
tavern	<p>premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but does not include an airport bar</p>
the Act	<p>the Sale and Supply of Alcohol Act 2012</p>

4. On-Licence Policies

4.1. Introduction

4.1.1. An on-licence premises is one where the sale, supply and consumption of alcohol is authorised on the premises from which it is sold. Common examples include hotels, taverns and restaurants.

4.1.2. Section 14 of the Act states:

“On any premises an on-licence (other than an on-licence endorsed under section 37 of the Act) is held for, the licensee—

Can sell and supply alcohol for consumption there; and

Can let people consume alcohol”.

4.1.3. Policies relating to on-licences also apply to:

- BYO restaurants (endorsed under section 37 of the Act)
- Caterers (endorsed under section 38 of the Act).

4.1.4. For the purposes of clauses 4.2.1, 4.3.1, 4.3.2, 4.4.1 and 4.4.2 a licensed premises that changes ownership but continues to hold an on-licence is not considered to be a "new licensed premises".

4.1.5. For the purposes of clauses 4.2.1, 4.3.1, 4.3.2, 4.4.1 and 4.4.2 a premises that has not been subject to an on-licence for more than twelve (12) months prior to the filing of the application shall be considered as being a new premises being licensed for the first time. Premises that have been subject to an on-licence in the 12 months prior to filing the application are not considered as being new premises being licensed for the first time.

4.2. Location of on-licence premises by reference to broad areas

4.2.1. New on-licence premises being licensed for the first time shall be restricted to:

- (i) areas zoned under the Waikato District Plan to allow commercial activities as permitted activities; or
- (ii) locations authorised by resource consent.

4.3. Location of on-licence premises by reference to proximity to premises of a particular kind or kinds

4.3.1. When considering any new on-licence application in respect of new premises being licensed for the first time, the District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the proximity of the proposed premises to other licensed premises where this is considered relevant.

4.3.2. No new on-licence for a new tavern, not being located in an area zoned under the Waikato District Plan to allow commercial activities, shall be located within five (5) kilometres of any existing tavern or hotel that holds an on-licence.

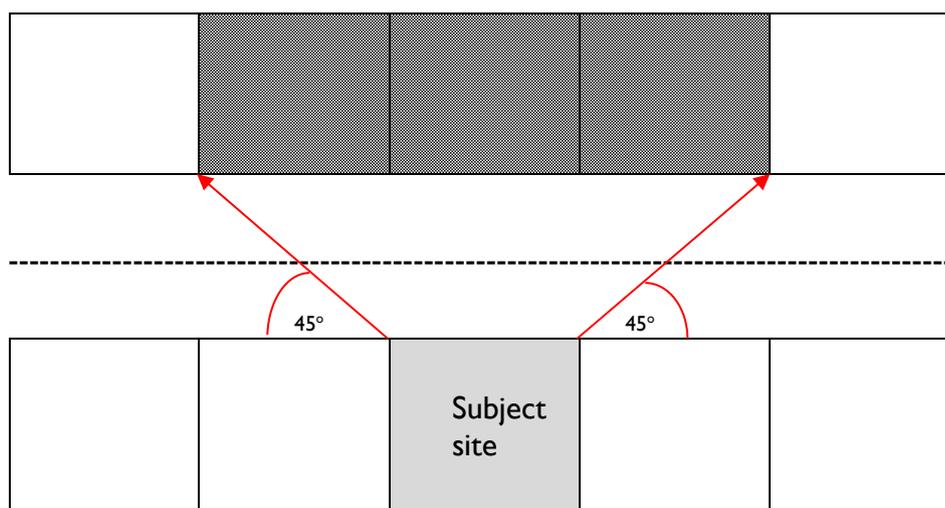
4.4. Location of on-licence premises by reference to proximity to facilities of a particular kind or kinds

4.4.1. No new on-licence shall be issued in respect of:

- (i) a tavern; or
- (ii) a class I restaurant; or
- (iii) a hotel with a significant bar area operating in the manner of a tavern; or
- (iv) any other premises with a significant bar area operating in the manner of a tavern

where the site directly borders any school, early childcare facility, or place of worship existing at the time the licence application is made unless it can be demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities. "Directly borders" includes across any road from such facility as shown in figure one.

Figure 1: Proximity of New Premises Directly Bordering a Facility



4.4.2. In any zone other than one zoned under the Waikato District Plan to allow commercial activities as permitted activities, in respect of:

- (i) a tavern; or
- (ii) a class I restaurant; or
- (iii) a hotel with a significant bar area operating in the manner of a tavern; or
- (iv) any other premises with a significant bar area operating in the manner of a tavern

the boundary of the site shall be a minimum of 100 metres from the boundary of any school, early childcare facility, place of worship, public park or residential dwelling existing at the time the licence application is made unless it can be demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities.

4.4.3. Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

4.5. Further issuing of on-licences in the district

4.5.1. This policy does not limit the number of on-licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.

4.6. Maximum trading hours for on-licences

4.6.1. The following maximum trading hours apply to all on-licences in the Waikato district:

Maximum trading hours	
(i).	Monday to Sunday 7.00am to 1.00am the following day
(ii).	New Years Eve 7.00am to 2.00am the following day
(iii).	In any outdoor dining area located in a public area the trading hours shall not exceed 9.00am to 11.00pm. Outside of these hours the area shall be subject to any alcohol control bylaw that is in force in the area.
(iv).	At any time to any guest residing on the premises.

4.7. One way door restrictions

4.7.1. A one-way door restriction may be applied to any licence at the time of its issue or renewal when the closing time is later than midnight if the District Licensing Committee or Alcohol Regulatory and Licensing Authority believe this is warranted. The restriction shall apply after midnight.

4.8. Discretionary conditions of on-licences

4.8.1 In accordance with sections 110(1) and 117 the District Licensing Committee or Alcohol Regulatory and Licensing Authority may impose discretionary conditions (in addition to those required by section 110(2)) on any licence or renewed licence. These may include conditions related to the following, or any other reasonable condition:

- Prohibited persons
- Management of premises
- People or kinds of people to be served
- Low and non-alcoholic beverages
- Transport options
- Exclusion of the public
- Advertisements, signage, display and promotion of alcohol
- Application of the principles of Crime Prevention Through Environmental Design. On-licence premises where appropriate will give effect to the principles of Crime Prevention Through Environmental Design where they achieve outcomes (where applicable to the individual premises) including:

- Bar Area
 - Bar staff have good visibility of entire premises
 - Bar area is open with no obstructions affecting monitoring of premises
 - Cash registers are front facing
- Lighting
 - Internal lighting is suitable
 - Lighting allows staff to monitor patrons
 - Lighting allows staff to check IDs
 - Internal lighting can be raised in an emergency and at closing time
 - External lighting is suitable
- Internal Layout
 - The premises is laid out so staff can monitor patrons at all times
 - Where there may be blind spots, mirrors or CCTV are installed
 - Bar is easily approached by customers
- CCTV
 - CCTV is installed in suitable locations to monitor vulnerable areas (areas that are not easily or continuously monitored by staff)
 - Customers are aware of the CCTV system
- Entrances and exits
 - Entrances and exits are visible from behind the bar area
 - CCTV is installed to monitor blind entrances and exits
- Outdoor Drinking Areas
 - Outdoor drinking areas are monitored by bar and/or security staff
 - Lighting allows staff to monitor patrons
 - Outdoor drinking areas are well defined from surrounding external environment
 - Pavement creep is not evident
- Staff
 - Relevant staff understand how to operate the CCTV system
 - There are sufficient numbers of staff to ensure control of the premises during trading hours

5 Off-Licence Policies

5.1 Introduction

5.1.1 An off-licence premises is one where alcohol is authorised to be sold from the premises for consumption somewhere else. Common examples include bottle stores, supermarkets and grocery stores.

5.1.2 Section 17 of the Act states:

“On the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else.

While the premises an off-licence is held for are open for the sale of alcohol for consumption somewhere else, the licensee can also supply alcohol free, as a sample, for consumption on the premises.”

5.1.3 Policies relating to off-licences do not apply to applications for off-licences endorsed under section 39 or 40 relating to auctioneers and remote sellers.

5.1.4 For the purposes of clauses 5.2.1, 5.3.1, 5.3.2, and 5.4.1 a licensed premises that changes ownership but continues to hold an off-licence is not considered to be a "new licensed premises".

5.1.5 For the purposes of clauses 5.2.1, 5.3.1, 5.3.2, and 5.4.1 a premises that has not been subject to an off-licence for more than twelve (12) months prior to the filing of the application shall be considered as being a new premises being licensed for the first time. Premises that have been subject to an off-licence in the 12 months prior to filing the application are not considered as being new premises being licensed for the first time.

5.2 Location of off-licence premises by reference to broad areas

5.2.1 New off-licence premises being licensed for the first time (excluding auctioneers and remote sellers endorsed under sections 39 and 40 of the Act respectively) shall be limited to:

- (i) areas zoned under the Waikato District Plan to allow commercial activities as permitted activities; or
- (ii) locations authorised by resource consent.

5.3 Location of off-licence premises by reference to proximity to premises of a particular kind or kinds

5.3.1 When considering any new off-licence application in respect of new premises being licensed for the first time, the District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the proximity of the proposed premises to other licensed premises where this is considered relevant.

5.3.2 No new off-licence in respect of a bottle store shall be issued for any premises located within one (1) kilometre of the legal site boundary of any existing bottle store, licensed supermarket or grocery store.

5.4 Location of off-licence premises by reference to proximity to facilities of a particular kind or kinds

5.4.1 No new off-licences in respect of a bottle store shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship or public park existing at the time the licence application is made unless it can be demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities.

5.4.2 Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

5.5 Further issuing of off-licences in the district

Bottle stores

5.5.1 The number of standalone bottle store off-licences issued in the urban areas of Ngaruawahia, Huntly and Raglan shall not exceed the number existing at the date this LAP comes into force:

Ngaruawahia (2), Huntly (3), Raglan (1)

5.5.2 For the purposes of clause 5.5.1 a bottle store associated with a hotel or tavern is not a standalone bottle store

Other off-licences

5.5.3 Except for standalone bottle store off-licences as provided in clause 5.5.1, this policy does not limit the number of other types of off-licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.

5.6 Maximum trading hours for off-licences

The following maximum trading hours apply to all off-licences in the Waikato district:

Maximum trading hours	
Monday to Sunday	7.00am to 10.00pm

5.7 Discretionary conditions of off-licences

5.7.1 In accordance with sections 116(1) and 117 of the Act the District Licensing Committee may impose discretionary conditions in relation to the following matters (in addition to those required by section 116(2)) on any new off-licence or renewed off-licence. These may include conditions related to the following, or any other reasonable condition:

- Prohibited persons
- People or kinds of people to be served
- Kinds of alcohol to be sold
- Designation of the premises as a supervised area or restricted area
- Display of nationally consistent safe drinking messages and material
- Advertisements, signage and display of alcohol
- Application of the principles of Crime Prevention Through Environmental Design. Supermarkets, bottle stores and other off-licence premises where appropriate will give effect to the principles of Crime Prevention Through Environmental Design where they achieve outcomes (where applicable to the individual premises) including:
 - Lighting
 - Internal lighting enables passive surveillance by staff and active surveillance by CCTV
 - Lighting allows customers to be seen as they enter the premises
 - Lighting allows staff to check IDs
 - External areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or district plan rule

- Internal Layout
 - General points of sale are positioned near the main entrance
- CCTV
 - CCTV is installed in suitable locations to monitor vulnerable areas (areas that are not easily or continuously monitored by staff)
 - Customers are aware of the CCTV system
- Staff
 - Relevant staff understand how to operate the CCTV system
 - There are sufficient numbers of staff to ensure control of the premises during trading hours

5.7.2 For any licence issued or renewed in respect of a bottle store the District Licensing Committee or Alcohol Regulatory and Licensing Authority shall impose a condition designating the premises as either supervised or restricted.

6 Club Licence Policies

6.1 Introduction

6.1.1 A club licence premises is one where the sale, supply and consumption of alcohol is authorised on the premises from which it is sold to authorised customers. Common examples include sports clubs and chartered clubs such as an RSA or Workingmen's Club.

6.1.2 Section 21 of the Act states:

“On the premises a club licence is held for, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.”

6.1.3 For the purposes of clauses 6.2.1, 6.2.2, 6.3.1 and 6.4.1 any premises that have not been subject to a club licence in the twelve (12) months prior to the application shall be considered as being a new premises being licensed for the first time.

6.2 Location of club licence premises by reference to broad areas

6.2.1 New club licence premises in respect of a sports or social club being licensed for the first time should be located at, or in close proximity to, the sports grounds or other facilities used by the club, if relevant.

6.2.2 New club licence premises in respect of a chartered club such as an RSA, Workingmen's, Cosmopolitan or similar type of club, being licensed for the first time shall be limited to:

- (i) areas zoned under the Waikato District Plan to allow commercial activities as permitted activities; or
- (ii) locations authorised by resource consent.

6.3 Location of club licence premises by reference to proximity to premises of a particular kind or kinds

6.3.1 The District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the proximity of any proposed new club premises being licensed for the first time to any other existing premises when considering a new licence application.

6.4 Location of club licence premises by reference to proximity to facilities of a particular kind or kinds

6.4.1 The District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the proximity of any proposed new club premises being licensed for the first time to any school, early childcare facility, place of worship, public park or residential area.

6.5 Further issuing of club licences in the district

6.5.1 This policy does not limit the number of club licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.

6.6 Maximum trading hours for club licences

6.6.1 The District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the days and hours of operation, and the type of activities undertaken by the club, in setting club hours.

6.6.2 Subject to clause 6.6.3 the following maximum trading hours apply to all club licence premises in the Waikato district:

Maximum trading hours	
Monday to Sunday	9.00am to 1.00am the following day

6.6.3 Returned Services Associations affiliated with the Royal New Zealand Returned Services Association and other club-licensed premises of a similar nature that are involved with Anzac Day commemorations/civic services shall be permitted to trade from 5.00am on Anzac Day.

6.7 One way door restrictions

6.7.1 A one-way door restriction may be applied to any licence at the time of its issue or renewal when the closing time is later than midnight if the District Licensing Committee or Alcohol Regulatory and Licensing Authority believe this is warranted. The restriction shall apply after midnight.

6.8 Discretionary conditions of club licences

6.8.1 In accordance with sections 110(1) and 117 the District Licensing Committee or Alcohol Regulatory and Licensing Authority may impose discretionary conditions (in addition to those required by section 110(2)) on any licence or renewed licence. These may include conditions related to the following, or any other reasonable condition:

- Prohibited persons
- Management of premises
- People or kinds of people to be served
- Low and non-alcoholic beverages
- Transport options
- Exclusion of the public.

6.8.2 In accordance with section 215(3) the District Licensing Committee or Alcohol Regulatory and Licensing Authority should impose a condition on a club licence requiring a manager to be on duty:

- (i) At all times at chartered clubs; and
- (ii) At any other club when:
 - there are more than 50 patrons present; or
 - at any time after 10.00 pm

7 Special Licence Policies

7.1 Introduction

7.1.1 Special licences allow the sale and consumption of alcohol at events or occasions on premises that are unlicensed, or at licensed premises when the sale of alcohol would otherwise be unlawful.

7.1.2 Section 22 of the Act states:

“There are 2 kinds of special licence: on-site special licences and off-site special licences”

“On the premises a special licence designated as an on-site special licence is held for, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it”

“On the premises a special licence designated as an off-site special licence is held for, the licensee can sell the licensee’s alcohol, for consumption somewhere else, to people attending an event described in it”

7.2 Maximum trading hours for special licences

7.2.1 No maximum trading hours for special licences are specified in this policy.

7.2.2 The District Licensing Committee shall determine the trading hours for special licence applications on a case by case basis having regard to the criteria detailed in section 142 of the Act.

7.2.3 Where an application for a special licence is in respect of premises already subject to an on, off or club licence with the maximum hours permitted for that type of licence under this policy, a special licence with greater hours will only be issued in exceptional circumstances as determined by the District Licensing Committee.

7.2.4 A special licence should only be issued with greater hours than the guideline set out below in exceptional circumstances as determined by the District Licensing Committee:

Guideline maximum trading hours	
Monday to Sunday	7.00am to 1.00am the following day

7.3 Discretionary conditions of special licences

7.3.1 In accordance with sections 146 and 147(1) the District Licensing Committee may impose discretionary conditions regarding the following matters, in addition to those required by section 147(3):

- Sale and supply to prohibited persons
- People or kinds of people to be served
- The kind or kinds of alcohol that may be sold or delivered
- The provision of food for consumption on the premises
- The provision of low and non-alcoholic beverages
- The provision of information relating to transport options
- Exclusion of the public
- Restricting the types of containers used for sale or supply
- The filing of returns
- Conditions of a kind subject to which a licence may be issued under section 110 (on or club licence) or 116 (off licence)
- Any reasonable condition not inconsistent with the Act.

7.4 One-way door restrictions

7.4.1 The District Licensing Committee may impose a one-way door condition on any licence where it believes this is warranted. The one-way door restriction shall not apply any earlier than two hours prior to the conclusion of the event.

8 Policy Review

8.1 Pursuant to section 97 of the Act Council must review its LAP no later than six years after it came into force and no later than six years after the most recent review of it was completed. If directed by Council a LAP can be reviewed or amended earlier.

Appendix I – Reasons

Reasons for the key elements of the local alcohol policy are provided below in response to the suggestion of the Alcohol Regulatory and Licensing Authority expressed in its decision on the appeal to the Tasman district Provisional Local Alcohol Policy. The reasons outline the key considerations of Council in deciding the policy elements including responses to some submission points made on the draft policy.

On Licence Policies	
Clause	Reasons
<p>4.2.1 New on-licence premises being licensed for the first time shall be restricted to:</p> <p>(i) areas zoned under the Waikato District Plan to allow commercial activities as permitted activities; or</p> <p>(ii) locations authorised by resource consent.</p>	<p>Council considers that licensed premises are appropriately located in commercial zones or in in other areas where the effects of the proposed activity have been considered under the provisions of the Resource Management Act. This provision has strong support from the community and industry.</p>
<p>4.3.1 When considering any new on-licence application in respect of new premises being licensed for the first time, the District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the proximity of the proposed premises to other licensed premises where this is considered relevant.</p>	<p>Council considers that proximity to other licensed premises is an important consideration in respect of potential alcohol related harm arising from a high density of licensed premises. Council considers that the District Licensing Committee is in the best position to consider this on a case by case basis within the criteria relating to amenity and good order contained in sections 105 and 106 of the Act.</p>
<p>4.3.2 No new on-licence for a new tavern, not being located in an area zoned under the Waikato District Plan to allow commercial activities, shall be located within five (5) kilometres of any existing tavern or hotel that holds an on-licence.</p>	<p>Council wishes to avoid a proliferation of premises whose primary focus is the sale of alcohol in inappropriately zoned areas to minimize the potential for alcohol related harm in those areas.</p> <p>Some submitters raised the issue of ‘a level playing field’ and Council has considered whether or not the element is unreasonable in the light of the object of the Act. In doing so, Council considered the appeal decisions of the Alcohol and Regulatory and Licensing Authority to the Tasman District and Wellington City Provisional Local Alcohol Policies where the matter of unreasonableness was discussed.</p> <p>In this case, Council does not consider the element unreasonable because:</p> <ul style="list-style-type: none"> • Taverns by definition are intended to be used principally for providing alcohol and other refreshments while other types of premises have a principal focus on their primary activity; • In non-commercial areas, primarily rural, businesses that have the sale of alcohol as their primary focus have a higher potential for causing alcohol related harm by creating a

	<p>high density of outlets relative to the population base in the area;</p> <ul style="list-style-type: none"> • The distance of 5 km provides a reasonable buffer between premises while also not being so restrictive that it prevents premises from establishing. • Council wishes to take a precautionary approach to potential alcohol related harm issues developing in more isolated areas.
<p>4.4.1 No new on-licence shall be issued in respect of:</p> <ul style="list-style-type: none"> (i) a tavern; or (ii) a class I restaurant; or (iii) a hotel with a significant bar area operating in the manner of a tavern; or (iv) any other premises with a significant bar area operating in the manner of a tavern <p>where the site directly borders any school, early childcare facility, or place of worship existing at the time the licence application is made unless it can be demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities. “Directly borders” includes across any road from such facility as shown in figure one.</p>	<p>Council considers that, where businesses have as part of their activity a focus on the sale of alcohol, the proximity of the premises to a “sensitive site” is a relevant consideration to be considered by the District Licensing Committee. Council considers that the District Licensing Committee is in the best position to consider this on a case by case basis within the criteria relating to amenity and good order contained in sections 105 and 106 of the Act.</p> <p>This element of the policy was strongly supported. Some submitters considered that supermarkets should be excluded to provide for certainty or that a specific distance should be specified. Council does not agree, noting that such density issues are considered under the statutory criteria when considering a licence application, with this element reinforcing the need to consider neighbouring land uses in the area.</p>
<p>4.4.2 In any zone other than one zoned under the Waikato District Plan to allow commercial activities as permitted activities, in respect of:</p> <ul style="list-style-type: none"> (i) a tavern; or (ii) a class I restaurant; or (iii) a hotel with a significant bar area operating in the manner of a tavern; or (iv) any other premises with a significant bar area operating in the manner of a tavern <p>the boundary of the site shall be a minimum of 100 metres from the boundary of any school, early childcare facility, place of worship, public park or residential dwelling existing at the time the licence application is made unless it can be</p>	<p>Council considers that, where businesses have as part of their activity a focus on the sale of alcohol, the proximity of the premises to a “sensitive site” is a relevant consideration to be considered by the District Licensing Committee. Council considers that the District Licensing Committee is in the best position to consider this on a case by case basis within the criteria relating to amenity and good order contained in sections 105 and 106 of the Act. Council does not believe the same considerations apply to licensed premises that may be considered “family friendly” such as cafes.</p> <p>This element is only applied to areas outside locations where such premises are expected and provided for. Where the District Licensing Committee considers there may be an impact to users of the facilities identified, Council has set an expectation of a minimum separation distance</p>

<p>demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities.</p>	<p>that will provide a reasonable level of separation. Some submitters sought a greater distance but on balance Council considered the 100m separation to provide an adequate buffer.</p>
<p>4.4.3 Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.</p>	<p>Council wishes to confirm that the provisions of section 4.4 only apply to establishment of new premises and that premises legitimately established will retain their rights to operate the licence (existing use rights).</p>
<p>4.5.1 This policy does not limit the number of on-licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.</p>	<p>Council has no evidence that establishment of on-licences should be restricted in the district.</p>
<p>4.6.1 The following maximum trading hours apply to all on licences:</p> <ul style="list-style-type: none"> (i) Monday to Sunday 7.00am to 1.00am the following day (ii) New Years Eve 7.00am to 2.00am the following day (iii) In any outdoor dining area located in a public area the trading hours shall not exceed 9.00am to 11.00pm. Outside of these hours the area shall be subject to any alcohol control bylaw that is in force in the area. (iv) At any time to any guest residing on the premises. 	<p>The draft policy provided for different hours for various types of premises with hotels and taverns opening times restricted to 9am while restaurants, cafes and function centres had proposed opening hours of 7am. A closing time of 2am for hotels and taverns was proposed in the weekend in urban areas and 1am in other areas. Some submitters sought more restrictive opening and closing hours for on-licences, while others noted the commercial advantage provided to restaurants, cafes and function centres where taverns and hotels also operated similar activities as part of their business. Some tavern/hotel licensees in urban areas promoted a 1am closing time.</p> <p>Council adopted the consistent hours for all on-licences for the following reasons:</p> <ul style="list-style-type: none"> • As noted by the Alcohol Regulatory and Licensing Authority (ARLA) in its decision on appeals to the Wellington City Provisional Local Alcohol Policy, in the absence of a LAP with its own local considerations, the default maximum hours set out in the Act provide a useful guide to the maximum hours that are reasonable in the light of the object of the Act • Submitters seeking more restrictive hours relied on general research with no evidence of local alcohol related harm issues • In the appeal to the Tasman district Provisional Local Alcohol Policy, ARLA notes that where licences are not as extensive as the default hours, the existing trading hours applying in the district will prove a starting point • Cafes, restaurants and function centres have historically held licences with opening hours of 7am with no evidence of alcohol related harm associated with these hours

	<ul style="list-style-type: none"> • Most on-licence premises have historically traded with closing hours of 1am with no evidence of alcohol related harm associated with these hours to justify imposing more restrictive hours. Some premises have held licences with closing hours beyond 1am with few issues but Council wishes to take a precautionary approach in respect of the majority and potential for alcohol related harm to develop if hours beyond 1am were permitted • Council notes that, while hotels and taverns are defined in the Act, there is a continuum of services that on-licence premises may provide such that it is considered unreasonable in terms of the object of the Act to attempt to differentiate maximum trading hours on the basis of the definitions in the Act that serve more to categorise premises in terms of risk and therefore fees under the legislation • The maximum trading hours are not a right and more restrictive hours may be imposed by the District Licensing Committee on a case by case basis should the individual circumstances of the premises warrant it.
<p>4.7.1 A one-way door restriction may be applied to any licence at the time of its issue or renewal when the closing time is later than midnight if the District Licensing Committee or Alcohol Regulatory and Licensing Authority believes this is warranted. The restriction shall apply after midnight.</p>	<p>The draft policy provided for a mandatory one-way door restriction for premises that have a focus on provision of alcohol. Submissions were received both strongly in favour and strongly opposed to the mandatory restriction. On balance Council decided to identify one-way door restrictions as a discretionary restriction that the DLC can apply on a case by case basis for the following reasons:</p> <ul style="list-style-type: none"> • Evidence in support of restrictions cited overseas experience, particularly in Sydney Australia • No local evidence is available to support the necessity for mandatory one-way door restrictions on all premises in the district that have a focus on provision of alcohol • Waikato district is in no way comparable to Sydney Australia • One-way door restrictions are seen as generally appropriate for busy late night entertainment precincts and may not be necessary for premises in more isolated areas • The DLC can determine the necessity for one-way door restrictions on the basis of evidence presented by reporting agencies on a case by case basis.
<p>4.8.1 In accordance with sections 110(1) and 117 the District Licensing Committee or</p>	<p>The identification of discretionary conditions was strongly supported by submitters. Some</p>

<p>Alcohol Regulatory and Licensing Authority may impose discretionary conditions (in addition to those required by section 110(2)) on any licence or renewed licence. These may include conditions related to the following, or any other reasonable condition:</p> <ul style="list-style-type: none"> • Prohibited persons • Management of premises • People or kinds of people to be served • Low and non-alcoholic beverages • Transport options • Exclusion of the public • Advertisements, signage, display and promotion of alcohol • Application of the principles of Crime Prevention Through Environmental Design. On-licence premises where appropriate will give effect to the principles of Crime Prevention Through Environmental Design where they achieve outcomes (where applicable to the individual premises) including: <ul style="list-style-type: none"> ○ Bar Area <ul style="list-style-type: none"> ▪ Bar staff have good visibility of entire premises ▪ Bar area is open with no obstructions affecting monitoring of premises ▪ Cash registers are front facing ○ Lighting <ul style="list-style-type: none"> ▪ Internal lighting is suitable ▪ Lighting allows staff to monitor patrons ▪ Lighting allows staff to check IDs ▪ Internal lighting can be raised in an emergency and at closing time ▪ External lighting is suitable ○ Internal Layout <ul style="list-style-type: none"> ▪ The premises is laid out so staff can monitor patrons at all times ▪ Where there may be blind spots, mirrors or CCTV are 	<p>submitters sought more prescriptive conditions. Council notes that, by their nature, discretionary conditions may or may not be applied by the DLC. The intention of Council in this element of the policy is to draw attention to the types of condition that Council would like the Committee to consider, with the intention of giving effect to the object of the Act that the sale, supply and consumption of alcohol should be undertaken safely and responsibly on licensed premises. The list is not exhaustive and the Act provides that the DLC may impose any reasonable condition not inconsistent with the Act.</p>
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<ul style="list-style-type: none"> <ul style="list-style-type: none"> <ul style="list-style-type: none"> installed <ul style="list-style-type: none"> ▪ Bar is easily approached by customers ○ CCTV <ul style="list-style-type: none"> ▪ CCTV is installed in suitable locations to monitor vulnerable areas (areas that are not easily or continuously monitored by staff) ▪ Customers are aware of the CCTV system ○ Entrances and exits <ul style="list-style-type: none"> ▪ Entrances and exits are visible from behind the bar area ▪ CCTV is installed to monitor blind entrances and exits ○ Outdoor Drinking Areas <ul style="list-style-type: none"> ▪ Outdoor drinking areas are monitored by bar and/or security staff ▪ Lighting allows staff to monitor patrons ▪ Outdoor drinking areas are well defined from surrounding external environment ▪ Pavement creep is not evident ○ Staff <ul style="list-style-type: none"> ▪ Relevant staff understand how to operate the CCTV system ▪ There are sufficient numbers of staff to ensure control of the premises during trading hours 	
Off-Licence Policies	
Clause	Reasons
<p>5.2.1 New off-licence premises being licensed for the first time (excluding auctioneers and remote sellers endorsed under sections 39 and 40 of the Act respectively) shall be limited to:</p> <ul style="list-style-type: none"> (i) areas zoned under the Waikato District Plan to allow commercial activities as permitted activities; or (ii) locations authorised by resource consent. 	<p>Council considers that licensed premises are appropriately located in commercial zones or in other areas where the effects of the proposed activity have been considered under the provisions of the Resource Management Act. This provision has strong support from the community and industry.</p>
<p>5.3.1 When considering any new off-licence application in respect to new premises being licensed for the first time, the District Licensing Committee or Alcohol</p>	<p>This element of the policy was strongly supported. Some submitters considered that supermarkets should be excluded to provide for certainty or that a specific distance should be</p>

<p>Regulatory and Licensing Authority shall have regard to the proximity of the proposed premises to other licensed premises where this is considered relevant.</p>	<p>specified. Council does not agree, noting that such density issues are considered under the statutory criteria when considering a licence application, with this element reinforcing the need to consider other licensed premises in the area.</p> <p>Council considers that proximity to other licensed premises is an important consideration in respect of potential alcohol related harm arising from a high density of licensed premises. Council considers that the District Licensing Committee is in the best position to consider this on a case by case basis within the criteria relating to amenity and good order contained in sections 105 and 106 of the Act.</p>
<p>5.3.2 No new off-licence in respect of a bottle store shall be issued for any premises located within one (1) kilometre of the legal site boundary of any existing bottle store, licensed supermarket or grocery store.</p>	<p>Council wishes to avoid a proliferation of premises whose primary focus is the sale of alcohol to minimize the potential for alcohol related harm in those areas.</p> <p>Some submitters raised the issue of ‘a level playing field’ and Council has considered whether or not the element is unreasonable in the light of the object of the Act. In doing so, Council considered the appeal decisions of the Alcohol and Regulatory and Licensing Authority to the Tasman District and Wellington City Provisional Local Alcohol Policies where the matter of unreasonableness was discussed. In this case, Council does not consider the element unreasonable because:</p> <ul style="list-style-type: none"> • Bottle stores have a primary focus of selling alcohol while in supermarkets and grocery stores it is ancillary • Supermarkets and grocery stores are restricted to the types of alcohol that may be sold and do not sell many of the types of alcohol that are often associated with alcohol related harm and attractive to young people (eg RTDs) • Supermarkets and grocery stores have particular requirements imposed under the Act in respect of advertising, display and promotion of alcohol aimed at minimizing alcohol related harm that bottle stores do not • Experience has shown that the community is most concerned with the proliferation of bottle stores • Council wishes to take a precautionary approach to potential alcohol related harm issues

<p>5.4.1 No new off-licences in respect of a bottle store shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship or public park existing at the time the licence application is made unless it can be demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities.</p>	<p>.</p> <p>Council considers that, where businesses have as their activity a focus on the sale of alcohol, the proximity of the premises to a “sensitive site” is a relevant consideration to be considered by the District Licensing Committee. Council considers that the District Licensing Committee is in the best position to consider this on a case by case basis within the criteria relating to amenity and good order contained in sections 105 and 106 of the Act. Council does not believe the same considerations apply to licensed premises that may be considered “family friendly” such as supermarkets and grocery stores.</p> <p>Where the District Licensing Committee considers there may be an impact to users of the facilities identified, Council has set an expectation of a minimum separation distance that will provide a reasonable level of separation. Some submitters sought a greater distance but on balance Council considered the 100m separation to provide an adequate buffer.</p>
<p>5.4.2 Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.</p>	<p>Council wishes to confirm that the provisions of section 5.4 only apply to establishment of new premises and that premises legitimately established will retain their rights to operate the licence (existing use rights).</p>
<p>5.5.1 The number of standalone bottle store off-licences issued in the urban areas of Ngaruawahia, Huntly and Raglan shall not exceed the number existing at the date this LAP comes into force: Ngaruawahia (2), Huntly (3), Raglan (1)</p>	<p>The cap on the number of bottle stores is due to the number of bottle stores already established in Ngaruawahia, Huntly and Raglan in relation to the population base being served and indications from the community that proliferation of bottle stores is of most concern.</p> <p>The element was strongly supported by submitters. Submissions were received that the policy needs to reflect a level playing field for all operators. Council has considered whether the element is unreasonable in the light of the object of the Act and particularly if the measure is unjust or partial or unequal in operation between licence holders.</p> <p>Council acknowledges that the measure targets bottle stores but does not consider it unreasonable for the following reasons:</p> <ul style="list-style-type: none"> • Bottle stores have a primary focus of selling alcohol while in other off-licences it is ancillary • Other off-licences such as supermarkets and grocery stores are restricted to the types of alcohol that may be sold and do not sell many of the types of alcohol that are often

	<p>associated with alcohol related harm and attractive to young people (eg RTDs)</p> <ul style="list-style-type: none"> • Supermarkets and grocery stores have particular requirements imposed under the Act in respect of advertising, display and promotion of alcohol aimed at minimizing alcohol related harm that bottle stores do not • Experience has shown that the community is most concerned with the proliferation of bottle stores • The measure is consistent for licence holders operating standalone bottle stores
<p>5.5.2 For the purposes of clause 5.5.1 a bottle store associated with a hotel or tavern is not a standalone bottle store.</p>	<p>Council does not consider bottle stores associated with hotels and taverns to be standalone bottle stores as they form part of an overall business package with the off-licence forming a small part of the business.</p>
<p>5.5.3 Except for standalone bottle store off-licences as provided in clause 5.5.1, this policy does not limit the number of other types of off-licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.</p>	<p>Outside of the areas identified in clause 5.5.1 the density of off-licences including bottle stores does not justify a restriction.</p>
<p>5.6.1 The following maximum trading hours apply to all off-licences in the Waikato district:</p> <p>Monday to Sunday 7.00am to 10.00pm</p>	<p>The draft policy provided for hours of 9am to 10pm for all off-licences. Some submitters sought more restrictive opening and closing hours for off-licences, while others including the supermarket representatives questioned what alcohol related harm was sought to be controlled by restricting hours between 7am to 9am. The significant majority of submitters supported consistent hours for all off-licences.</p> <p>Council adopted the consistent hours of 7am to 10pm for all off-licences for the following reasons:</p> <ul style="list-style-type: none"> • As noted by the Alcohol Regulatory and Licensing Authority (ARLA) in its decision on appeals to the Wellington City Provisional Local Alcohol Policy, in the absence of a LAP with its own local considerations, the default maximum hours set out in the Act provide a useful guide to the maximum hours that are reasonable in the light of the object of the Act • Submitters seeking more restrictive hours relied on general research with no evidence of local alcohol related harm issues to support restrictions • In the appeal to the Tasman district Provisional Local Alcohol Policy, ARLA notes

	<p>that where licences are not as extensive as the default hours, the existing trading hours applying in the district will prove a starting point</p> <ul style="list-style-type: none"> • Supermarkets and grocery stores have historically held licences with opening hours of 7am with no evidence of alcohol related harm associated with these hours • The closing time of 10pm was accepted by almost all submitters, noting that some sought more restrictive hours • The significant majority of submitters supported consistent hours for all off-licences
<p>5.7.1 In accordance with sections 116(1) and 117 of the Act the District Licensing Committee may impose discretionary conditions in relation to the following matters (in addition to those required by section 116(2)) on any new off-licence or renewed off-licence. These may include conditions related to the following, or any other reasonable condition:</p> <ul style="list-style-type: none"> • Prohibited persons • People or kinds of people to be served • Kinds of alcohol to be sold • Designation of the premises as a supervised area or restricted area • Display of nationally consistent safe drinking messages and material • Advertisements, signage and display of alcohol • Application of the principles of Crime Prevention Through Environmental Design. Supermarkets, bottle stores and other off-licence premises where appropriate will give effect to the principles of Crime Prevention Through Environmental Design where they achieve outcomes (where applicable to the individual premises) including: <ul style="list-style-type: none"> ○ Lighting <ul style="list-style-type: none"> ▪ Internal lighting enables passive surveillance by staff and active surveillance by CCTV ▪ Lighting allows customers to be seen as they enter the premises 	<p>The identification of discretionary conditions was strongly supported by submitters. Some submitters sought more prescriptive conditions. Council notes that, by their nature, discretionary conditions may or may not be applied by the DLC. The intention of Council in this element of the policy is to draw attention to the types of condition that Council would like the Committee to consider, with the intention of giving effect to the object of the Act that the sale, supply and consumption of alcohol should be undertaken safely and responsibly on licensed premises. The list is not exhaustive and the Act provides that the DLC may impose any reasonable condition not inconsistent with the Act.</p>

<ul style="list-style-type: none"> ▪ Lighting allows staff to check IDs ▪ External areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or district plan rule ○ Internal Layout <ul style="list-style-type: none"> ▪ General points of sale are positioned near the main entrance ○ CCTV <ul style="list-style-type: none"> ▪ CCTV is installed in suitable locations to monitor vulnerable areas (areas that are not easily or continuously monitored by staff) ▪ Customers are aware of the CCTV system ○ Staff <ul style="list-style-type: none"> ▪ Relevant staff understand how to operate the CCTV system ▪ There are sufficient numbers of staff to ensure control of the premises during trading hours 	
<p>5.7.2 For any licence issued or renewed in respect of a bottle store the District Licensing Committee or Alcohol Regulatory and Licensing Authority shall impose a condition designating the premises as either supervised or restricted.</p>	<p>Council considers that off-licence businesses having the sale of alcohol as the primary focus should be subject to a designation restricting entry of minors to the premises. The majority of submitters supported this proposal.</p>
<p>Club Licence Policies</p>	
<p>Clause</p>	<p>Reasons</p>
<p>6.2.1 New club licence premises in respect of a sports or social club being licensed for the first time should be located at, or in close proximity to, the sports grounds or other facilities used by the club, if relevant.</p>	<p>Council considers that it is appropriate that the club licence premises are at the location that club activities are undertaken. The club activities must still meet requirements of the Resource Management Act.</p>
<p>6.2.2 New club licence premises in respect of a chartered club such as an RSA, Workingmens, Cosmopolitan or similar type of club, being licensed for the first time shall be limited to:</p> <ul style="list-style-type: none"> (i) areas zoned under the Waikato District Plan to allow commercial activities as permitted activities; or 	<p>Chartered club activities are considered similar to on-licence premises and similar location provisions are considered appropriate.</p>

(ii) locations authorised by resource consent.	
6.3.1 The District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the proximity of any proposed new club premises being licensed for the first time to any other existing premises when considering a new licence application.	Council considers that proximity to other licensed premises is an important consideration in respect of potential alcohol related harm arising from a high density of licensed premises. Council considers that the District Licensing Committee is in the best position to consider this on a case by case basis within the criteria relating to amenity and good order contained in sections 105 and 106 of the Act.
6.4.1 The District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the proximity of any proposed new club premises being licensed for the first time to any school, early childcare facility, place of worship, public park or residential area.	<p>Council considers that the proximity of club premises to a “sensitive site” is a relevant consideration to be considered by the District Licensing Committee. Council considers that the District Licensing Committee is in the best position to consider this on a case by case basis within the criteria relating to amenity and good order contained in sections 105 and 106 of the Act.</p> <p>Some submitters contended that club licence premises should contain the same provisions as on-licence premises and that the policy favours club licences inappropriately. Council notes that there are many types of clubs with varying degrees of risk of alcohol related harm. It is therefore considered that a blanket approach is not appropriate and that the DLC is in the best position to consider neighbouring land uses and density issues on a case by case basis. It is also noted that the corresponding on-licence provision applies only to those on-licence premises that have a focus on the sale of alcohol.</p>
6.5.1 This policy does not limit the number of club licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.	Council has no evidence that establishment of club licences should be restricted in the district.
6.6.1 The District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the days and hours of operation, and the type of activities undertaken by the club, in setting club hours.	This element is to ensure that the licensed hours of clubs reflect the times that club activities are undertaken.
6.6.2 Subject to clause 6.6.3 the following maximum trading hours apply to all club licence premise in the Waikato district: Monday to Sunday 9.00am to 1.00am the following day	<p>The proposed club licence hours were generally supported by most submitters, although some sought more restrictive hours. Council adopted the proposed hours for the following reasons:</p> <ul style="list-style-type: none"> • As noted by the Alcohol Regulatory and Licensing Authority (ARLA) in its decision on appeals to the Wellington City Provisional Local Alcohol Policy, in the absence of a LAP

	<p>with its own local considerations, the default maximum hours set out in the Act provide a useful guide to the maximum hours that are reasonable in the light of the object of the Act</p> <ul style="list-style-type: none"> • Submitters seeking more restrictive hours relied on general research with no evidence of local alcohol related harm issues. • In the appeal to the Tasman district Provisional Local Alcohol Policy, ARLA notes that where licences are not as extensive as the default hours, the existing trading hours applying in the district will prove a starting point • The hours are consistent with historical operating hours of clubs in the district with no evidence of alcohol related harm associated with these hours to justify imposing more restrictive hours. • The maximum trading hours are not a right and more restrictive hours may be imposed by the District Licensing Committee on a case by case basis should the individual circumstances of the premises warrant it.
<p>6.6.3 Returned Services Associations affiliated with the Royal New Zealand Returned Services Association and other club-licensed premises of a similar nature that are involved with Anzac Day commemorations/civic services shall be permitted to trade from 5.00am on Anzac Day.</p>	<p>Council recognizes the significance of Anzac Day commemorations to people in the district and New Zealanders as a whole and considers it appropriate to provide for clubs associated with the Returned Services Association to utilize the club licence at this special time.</p>
<p>6.7.1 A one-way door restriction may be applied to any licence at the time of its issue or renewal when the closing time is later than midnight if the District Licensing Committee or Alcohol Regulatory and Licensing Authority believe this is warranted. The restriction shall apply after midnight.</p>	<p>Council decided to identify one-way door restrictions as a discretionary restriction that the DLC can apply on a case by case basis for the following reasons:</p> <ul style="list-style-type: none"> • No local evidence is available to support the necessity for mandatory one-way door restrictions in club premises in the district • There are many types of clubs with varying degrees of risk of alcohol related harm • The DLC can determine the necessity for one-way door restrictions on the basis of evidence presented by reporting agencies on a case by case basis.
<p>6.8.1 In accordance with sections 110(1) and 117 the District Licensing Committee or Alcohol Regulatory and Licensing Authority may impose discretionary conditions (in addition to those required by section 110(2)) on any licence or renewed licence. These may include conditions related to the following, or any</p>	<p>Provisions relating to discretionary conditions for club licences were inadvertently omitted from the draft policy. Submissions were received noting the omission and requested identification of discretionary conditions.</p> <p>Council notes that, by their nature, discretionary conditions may or may not be applied by the DLC. The intention of Council in this element</p>

<p>other reasonable condition:</p> <ul style="list-style-type: none"> • Prohibited persons • Management of premises • People or kinds of people to be served • Low and non-alcoholic beverages • Transport options • Exclusion of the public. 	<p>of the policy is to draw attention to the types of condition that Council would like the Committee to consider, with the intention of giving effect to the object of the Act that the sale, supply and consumption of alcohol should be undertaken safely and responsibly on licensed premises. The list is not exhaustive and the Act provides that the DLC may impose any reasonable condition not inconsistent with the Act.</p>
<p>6.8.2 In accordance with section 215(3) the District Licensing Committee or Alcohol Regulatory and Licensing Authority shall impose a condition on a club licence requiring a manager to be on duty:</p> <p>(i) At all times at chartered clubs; and</p> <p>(ii) At any other club when:</p> <ul style="list-style-type: none"> • there are more than 50 patrons present; or • at any time after 10.00 pm 	<p>Management of licensed premises is seen as a key component in achieving the object of the Act that the sale, supply and consumption of alcohol should be undertaken safely and responsibly. The Act provides that the requirement to have a manager on duty at all times when alcohol is being sold to the public does not apply to a club licence unless it is a condition of the licence.</p> <p>Council considers that a condition should be imposed requiring a manager to be on duty in chartered clubs similar to on-licence premises and clubs with large numbers present or operating later at night when the risk of excessive consumption of alcohol is likely to increase.</p>
Special Licence Policies	
Clause	Reasons
<p>7.2.1 No maximum trading hours for special licences are specified in this policy.</p>	<p>Due to the uncertainty of types of events and when these may occur, Council does not consider that prescribing maximum trading hours is appropriate. Council notes that the Act does not prescribe national default hours and considers this is because of this uncertainty and that the presumption under the Act is that applications would be considered on their individual merits.</p>
<p>7.2.2 The District Licensing Committee shall determine the trading hours for special licence applications on a case by case basis having regard to the criteria detailed in section 142 of the Act.</p>	<p>Council considers that the DLC is in the best position to assess special licence applications on their individual merits, taking account of the statutory criteria that must be considered.</p>
<p>7.2.3 Where an application for a special licence is in respect of premises already subject to an on, off or club licence with the maximum hours permitted for that type of licence under this policy, a special licence with greater hours will only be issued in exceptional circumstances as determined by the District Licensing Committee.</p>	<p>Council does not consider that special licences should be used by licensed premises to attempt to extend their normal trading activities. The DLC is considered to be in the best position to assess the nature of the proposed event.</p>
<p>7.2.4 A special licence should only be issued with greater hours than the guideline set</p>	<p>While acknowledging that prescribing maximum trading hours is not considered appropriate due</p>

<p>out below in exceptional circumstances as determined by the District Licensing Committee:</p> <p>Monday to Sunday 7.00am to 1.00am the following day</p>	<p>to uncertainty in the types of events that may arise and a need for flexibility, Council wishes to set the expectation that hours for what may be considered normal activities should be consistent with those provided for licensed premises. It is the abnormal, unusual or exceptional event that may warrant consideration of hours outside the normal hours. Some submitters sought greater clarity on what is meant by “exceptional”. Due to the wide variety of circumstances that may arise, Council does not believe that a blanket definition in the policy is possible and that the DLC is in the best position to consider the circumstances as they arise.</p>
<p>7.3.1 In accordance with sections 146 and 147(1) the District Licensing Committee may impose discretionary conditions regarding the following matters, in addition to those required by section 147(3):</p> <ul style="list-style-type: none"> • Sale and supply to prohibited persons • People or kinds of people to be served • The kind or kinds of alcohol that may be sold or delivered • The provision of food for consumption on the premises • The provision of low and non-alcoholic beverages • The provision of information relating to transport options • Exclusion of the public • Restricting the types of containers used for sale or supply • The filing of returns • Conditions of a kind subject to which a licence may be issued under section 110 (on or club licence) or 116 (off licence) • Any reasonable condition not inconsistent with the Act. 	<p>Council notes that, by their nature, discretionary conditions may or may not be applied by the DLC. The intention of Council in this element of the policy is to draw attention to the types of condition that Council would like the Committee to consider, with the intention of giving effect to the object of the Act that the sale, supply and consumption of alcohol should be undertaken safely and responsibly on licensed premises. The list is not exhaustive and the Act provides that the DLC may impose any reasonable condition not inconsistent with the Act.</p>
<p>7.4.1 The District Licensing Committee may impose a one-way door condition on any licence where it believes this is warranted. The one-way door restriction shall not apply any earlier than two hours prior to the conclusion of the event.</p>	<p>Council decided to identify one-way door restrictions as a discretionary restriction that the DLC can apply on a case by case basis for the following reasons:</p> <ul style="list-style-type: none"> • There are many types of special licence events with varying degrees of risk of alcohol related harm • The DLC can determine the necessity for one-way door restrictions on the basis of evidence presented by reporting agencies on a case by case basis.