

THE PROPOSED WAIKATO DISTRICT COUNCIL LOCAL ALCOHOL POLICY 2014

Proposal

This is a proposal to produce a Provisional Local Alcohol Policy.

This Statement of Proposal includes:

- The background to the proposal
- The reasons for creating the policy
- A summary of the legislation related to the project
- A summary of information, including options considered
- The proposed Local Alcohol Policy
- Instructions on how to make a submission
- A submission form.

Background

The Sale and Supply of Alcohol Act 2012 ('the Act') allows local authorities to formulate a Local Alcohol Policy to control the number, location, opening hours and other criteria for licensed premises within its district.

Waikato District Council resolved to begin the formation of a proposed Policy on 6 May 2013. The Act requires Council to formulate a proposed policy, which is then subject to the Special Consultative Procedure. It then becomes provisional, subject to appeals to the Alcohol Regulatory and Licensing Authority before the final policy can be adopted. Council adopted the proposed Local Alcohol Policy on 6 October 2014.

This Statement of Proposal is prepared pursuant to sections 83 and 89 of the Local Government Act 2002 (LGA). This is a proposal to produce the Provisional Local Alcohol Policy through this Special Consultative Procedure.

As required by the Act, Council has already consulted with Police, the Medical Officer of Health and Licensing Inspectors, and has also undertaken pre-consultation with the community to gauge the views of the public using a public survey and public meetings in Ngaruawahia, Huntly, Raglan, Te Kauwhata and Tuakau.

The Act also requires the Council to have regard to a number of matters in drafting a policy. These are:

- The objectives and policies of the District Plan
- The number, location and trading hours of premises within the district
- Any areas where liquor ban bylaws are in place
- The demography of the district's residents
- The demography of tourists and holiday makers who visit the district
- The overall health indicators of the district's residents
- The nature and severity of alcohol related problems arising in the district

Reasons for creating the policy

The reasons for creating this policy are:

- To apply local measures aimed to reduce alcohol related harm
- To give local communities more say in those measures
- To give licensees and those in the industry clear guidelines on sale of alcohol issues
- To provide the District Licensing Committee (DLC) with a firm basis to consider licence applications
- To apply regional consistency where possible and appropriate.

Rationale for addressing these issues by way of policy

Where a local authority does not adopt a policy, the general provisions of the Act will apply, particularly in respect to maximum permitted licensing hours. There will be limited control over the location, number, density or trading hours of licensed premises.

Legislation

The Act requires that the Special Consultative Procedure under section 83 of the Local Government Act 2002 be followed to develop and adopt the policy.

This Statement of Proposal has been prepared to fulfil the purposes of sections 83(1)(a) and 87(2)(a) of the Local Government Act 2002, and section 79 of the Sale and Supply of Alcohol Act 2012.

Summary of Information and Options Considered

During policy development Council consulted with the New Zealand Police, the Medical Officer of Health, Council's Licensing Inspectors, community and key stakeholders in order to gauge the opinions of these organisations/people.

Some information Council considered when forming the proposed LAP is listed in the table below:

LAP criteria	Considerations
Location of on-licence premises	At this point the Council does not feel that on-licence premises in the commercially zoned areas of the main urban towns of the district need to be restricted in relation to other licensed premises or certain facilities as this is covered by the District Plan. In other non-commercial zones Council considers it appropriate that premises that may operate in the manner of a tavern are separated from certain facilities unless it can be clearly demonstrated to the DLC that there is no significant impact on those facilities. Council believes cafes/restaurants should not automatically be restricted from opening in close proximity to community facilities.
Location of off-licence premises	Council is proposing to provide for a minimum separation of 1km between any new bottle stores from an existing bottle store, licensed grocery store or supermarket and to provide a separation of 100 metres from certain facilities. This is to minimise density issues and recognise the feedback from the community that licensed premises should be separated from such facilities. While community feedback indicated that licensed premises in general should be separated from community facilities that cater for children, the major concern is in respect of bottle stores. Council does not believe that grocery stores and supermarkets require a separation as they are frequented by families for day to day shopping.
Location of club licence premises	Council proposes that the large chartered clubs that generally operate in a similar manner to a tavern are restricted to commercial zones or other areas if resource consent is obtained. Council considers that sports or social clubs should be located near to the grounds or facilities used by the club. No specific separation requirements are considered necessary but should be considered by the licensing committee when determining the application.
Further issuing of licences in the district	Council is not proposing to restrict the issue of further on-licences or club licences in the district. It is proposing to maintain the existing number of bottle stores in the urban areas of Ngaruawahia, Huntly and Raglan but not provide for restriction in other areas or for other off-licence types. The reasons for this are: <ul style="list-style-type: none"> • The density of off-licences has been proven to add to decreased alcohol prices (and therefore increased accessibility, especially for younger people) and in some instances a decrease in amenity of an area. • 'Supply based' policies seek to reduce alcohol consumption by restricting the physical availability of alcohol to consumers. Reducing the supply of alcohol will increase the cost and inconvenience of accessing alcohol, which will in turn reduce alcohol consumption and alcohol-related harm. • There is evidence to suggest that the price differential between on-licences and off-licences is contributing to the prevalence of 'pre-loading'.

	<ul style="list-style-type: none"> • As at 23 September 2014 there were 141 alcohol licences issued in the Waikato District. There are 50 on-licences, 40 off-licences, and 51 club licences. • Most of the district's off-licence premises are located in highly socially deprived areas scored 9-10 on the deprivation index. • Ngaruawahia, Huntly and Raglan have a high density of off-licences in the area while in other areas the density is lower and Council does not consider that restrictions are warranted. • The Medical Officer of Health and the NZ Police support capping all off-licences. • Restrictions on supermarkets and grocery stores were not considered so as not to hinder economic development and because they do not sell the full range of alcohol commonly associated with youth drinking (e.g. RTDs).
<p>On-licence trading hours</p>	<ul style="list-style-type: none"> • Council is proposing to maintain the closing time of 1am for most on-licences. In the northern area of the district, current provisions allow for hotels and taverns to close at 3am in the weekends. Council considers that 3am is not warranted and has provided for 2am closing in the weekend for hotels and taverns across the district. This is considered to provide for reasonable opportunities for entertainment. • The proposal to provide for sale of alcohol at any time to hotel guests is to provide for minibars and the common situation that hotels face with customer requirements for short notice events such as champagne breakfasts. • Feedback from community meetings showed that 50% felt that these hours were about right. 45% thought the hours should be more restrictive. • The opening times for hotels and taverns of 9am and 7am for cafes and restaurants was considered appropriate by 57% of people attending the public meetings across the district.
<p>Off-licence trading hours</p>	<ul style="list-style-type: none"> • Alcohol-related harm is often linked to the availability of alcohol. Easier access to alcohol leads to higher consumption and the potential for alcohol-related harm. This may arise when clustering of licensed premises leads to shorter travel distances to outlets, price competition or longer opening hours, particularly amongst off-licences and in poorer areas. • The proposed hours of 9am to 10pm for off-licences were not supported by the majority of the community which sought more restrictive hours. • The Medical Officer of Health and Police also sought more restrictive hours, with the Medical Officer of Health advocating for 9am to 9pm for all off-licences and the Police 10am to 9pm. • Council considered all the submissions and felt that 10pm was a reasonable closing time, noting that the legislation that provides for risk based fees does not impose any weighting until after 10pm. • Council considered the matter of opening times for grocery stores and supermarkets. The retail liquor chains, Medical Officer of Health, Police and community all advocated for consistent opening times for all off-licences. The supermarket chains advocate for the same hours as they trade. Council considers that hours for all off-licences should be consistent across the district.
<p>Club licence trading hours</p>	<p>Council is proposing that the hours for all club licences is 9am to 1am except for RSAs on ANZAC day when it is proposed that they may open at 5am. These hours are generally supported by the community and stakeholders.</p>
<p>One-way door policy</p>	<p>Council is proposing to introduce a one-way door policy for hotels, taverns or class 1 restaurants with closing hours after midnight. The restriction would apply for one hour prior to the closing time. A one-way door restriction may also be applied by the DLC to any other on-licence or club licence on a case by case basis. Council is proposing this for the following reasons:</p> <ul style="list-style-type: none"> • To stop persons migrating between premises after already consuming alcohol, particularly those that may have been excluded from another licensed premise late at night, as it is often hard to gauge their level of intoxication. • To stop fights and other anti-social behaviour and people arriving late at venues to cause trouble. • The Medical Officer of Health and NZ Police support one-way door policies. • Council considers host responsibility should be demonstrated and for this reason has adopted a mandatory one-way door restriction to apply to all on-licences that are considered higher risk premises.

	<p>Council also considered the views of the industry including:</p> <ul style="list-style-type: none"> • Mandatory one-way door restrictions will increase costs for holders of on-licences, and may be difficult to enforce. • The local alcohol industry has indicated that mandatory restrictions are largely considered unnecessary, and instead should be at the host's discretion. • Social activity can often include drinking at multiple venues as the night progresses, and people generally want to be able to come and go from premises as they please. • One-way door restrictions are not effective,
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Analysis of Options

Council developed its proposed approach to implement the policies outlined following consultation with the Medical Officer of Health, NZ Police, Licensing Inspectors, the community and members of the industry. However, Council welcomes feedback on Option A (Proposed approach), Option B (A more restrictive approach), Option C (A more permissive approach) and Option D (Status quo), as outlined in this Statement of Proposal.

Options	Advantages	Disadvantages
<p>Option A (Proposed approach):</p>	<ul style="list-style-type: none"> • Provides certainty to licence applicants on their proposal • Provides guidance to the District Licensing Committee when considering applications for a licence • Balances the concerns of the community, the rights of the public to a reasonable level of access to alcohol, and the needs of the industry 	<ul style="list-style-type: none"> • May not meet the concerns of all stakeholders
<p>Option B A more restrictive approach in the LAP (such as greater restrictions on location and more restrictive hours of operation)</p>	<ul style="list-style-type: none"> • Provides certainty to licence applicants on their proposal • Provides guidance to the District Licensing Committee when considering applications for a licence 	<ul style="list-style-type: none"> • May intervene too much in the operation of alcohol outlets • Does not take into account that the majority of drinkers drink responsibly and are entitled to sufficient access to alcohol • Young people tend to go out to licensed premises quite late so requiring licensed premises to close too early would unduly impact on people's entertainment
<p>Option C A more permissive approach in the LAP (such as less restrictions on location and less restrictive hours of operation)</p>	<ul style="list-style-type: none"> • Provides certainty to licence applicants on their proposal • Provides guidance to the District Licensing Committee when considering applications for a licence 	<ul style="list-style-type: none"> • Would not recognise the opinions of the community, Police and Medical Officer of Health in relation to alcohol related harm caused by the sale and supply of alcohol
<p>Option D (Status Quo - i.e. no LAP):</p>	<ul style="list-style-type: none"> • All applications are considered on their individual circumstances 	<ul style="list-style-type: none"> • Provides no certainty to licence applicants on their proposal • Communities not given the ability to input into the development of the licensing environment in the district • Provides no guidance to the DLC when determining licence applications

Preferred Approach

The proposed LAP includes rules for the four kinds of licences - 'On', 'Off', 'Club' and 'Special' licences.

- An On-licence is a licence for premises where the licensee can sell alcohol for consumption on the premises or can let people consume alcohol on the premise e.g. bars, taverns, hotels and night clubs.
- An Off-licence is a licence for premises where the licensee can sell alcohol from an outlet (e.g. bottle stores, supermarkets and grocery stores) for consumption somewhere else.
- A Club licence is a licence for premises where the licensee can sell alcohol for consumption on the premises to anyone who is a member of the club, a guest of a member or a member of a club with reciprocal visiting rights, e.g. RSAs, Cosmopolitan clubs, sports clubs.
- A Special Licence is a licence to sell or supply alcohol for consumption on or off the premises to people attending the event described in the licence.

Under the proposed LAP the following rules and restrictions are being proposed and it's these matters the Council wants your views on:

For On-licences

- No restriction on the number of on-licence premises
- On-licence premises to be located in business zone areas or locations authorised by resource consent
- The DLC shall have regard to the proximity of an outlet to any other licensed premises where considered relevant
- For taverns, class I restaurants, hotels or any other premises with a significant bar area operating in the manner of a tavern, a requirement to demonstrate to the DLC that the hours, signage or operation of the premises will have no effect on any directly bordering site containing a school, early childcare facility or place of worship
- Taverns or premises operating in the manner of a tavern in areas other than business zone areas to be located a minimum of 100 metres from the boundary of any school, early childcare facility, place of worship, public park or residential dwelling
- Maximum trading hours for hotels and taverns of 9am to 1am (extended to 2am on Friday and Saturday nights and New Years Eve in the urban areas of Ngaruawahia, Huntly, Raglan, Te Kauwhata and Tuakau). At any time to guests in hotels
- Maximum trading hours of 7am to 1am for cafes, restaurants and function centres
- Maximum trading hours of 9am to 1am for any other premises
- One-way door restrictions to apply to any hotel, tavern or class I restaurant licensed after midnight. The restriction to apply for one hour prior to the closing time. A one way door policy is where a person cannot enter a licensed premise after a certain time, but those already inside a premise may remain until a later closing time. A class I restaurant is a restaurant that has a significant separate bar area and operates at least once a week in the manner of a tavern
- Provisions relating to discretionary conditions for on-licences

For Off-licences

- Restrictions on the number of bottle stores in the urban areas of Ngaruawahia, Huntly and Raglan; with the number of licences to remain at the number existing at the date the policy comes into force
- Off-licence premises to be located in business zone areas or locations authorised by resource consent
- The DLC shall have regard to the proximity of an outlet to any other licensed premises where considered relevant
- New off-licences for bottle stores restricted within 1 km of any existing bottle store, grocery store or supermarket

- No new bottle stores within 100 metres of any school, early childcare facility, place of worship or public park unless it can be demonstrated to the DLC that the hours, signage or operation of the premises will have no effect on those facilities
- Maximum trading hours of 9am to 10pm for all off-licences
- Provisions relating to discretionary conditions for off-licences

For Club licences

- No restriction on the number of club licence premises
- Club licence premises for sports or social clubs to be located in close proximity to the sports ground or other facilities used by the club
- Club licence premises for chartered clubs to be located in business zone areas or locations authorised by resource consent
- The DLC shall have regard to the proximity of the club to any other licensed premises where considered relevant
- The DLC shall have regard to the proximity of the club to any school, early childcare facility, place of worship or public park where considered relevant
- Maximum trading hours of 9am to 1am for all clubs. RSA's from 5am on Anzac Day
- One-way door restrictions may be applied to any club licensed after midnight. The restriction to apply for one hour prior to the closing time
- Provisions relating to discretionary conditions for club licences. A condition to require a manager to be on duty at all times in chartered clubs and when there are more than 50 patrons present or after 10pm at any other club.

For Special licences

- No maximum trading hours for special licences but guideline hours of 7am to 1am the next day
- Where the applicant for a special licence already holds an on, off or club licence with the maximum hours permitted for that type of licence under the policy, a special licence with greater hours will only be issued in exceptional circumstances as determined by the DLC
- One-way door restrictions may be applied after midnight. The restriction to apply no earlier than two hours prior to the closing time
- Provisions relating to discretionary conditions for special licences

Consultation and Submissions

Anyone can make a submission about the proposed Waikato District Council Local Alcohol Policy 2014 and we encourage you to let us know your views.

What is a submission?

Submissions are a record of your views/ preferences on a particular issue. By making a submission you can ensure that your voice is heard by councillors to assist them in their decision making. Submissions may be sent or given to the Council from any organisation or any member of the public during a time period specified by Council. In most cases submission forms are available at Council offices and libraries and on the 'Have your say' page of Council's website.

When can I make a submission?

The submission period for the proposed Waikato District Council Local Alcohol Policy 2014 opens on 21 October and closes at 5pm on 21 November 2014.

How can I make a submission?

Any person may make a submission on the content of this proposed Policy.

Written submissions should follow the format shown in the submission form following this page. This form is intended as a guide only, but is suitable for brief submissions. Please attach additional pages as necessary.

In addition, if you wish to present your comments in person, Council will hear verbal submissions on 25 February 2015 (or as early thereafter as possible). Submitters wishing to be heard in support of their submission must clearly state this in their submission. All submitters wishing to be heard will be contacted to arrange an appropriate time on the date specified.

Please note that written submissions are to be received by Waikato District Council by 5pm on 21 November 2014.

Privacy Act Information - The Local Government Act 2002 requires submissions **to be made available to the public**. Your contact details are collected:

- So the Council can write and inform you of the decision(s) on your submission(s).
- To arrange a hearing date and time for you to speak (if you choose to).

Your name and address will be publicly available. If you would like your address and phone details (including email address) kept confidential you need to inform us when you send in your submission.

You have the right to correct any errors in personal details contained in your submission. If you do not supply your name and address the Council will formally receive your submission, but will not be able to inform you of the outcome.

Statement of Proposal
PROPOSED Waikato District Council Local Alcohol Policy 2014



Submissions can be:

Online: Click on “Have your Say” on Councils website

Posted to: Waikato District Council
Private Bag 544
Ngaruawahia 3742

Delivered to: Waikato District Council
Attn: Shelley Monrad
15 Galileo Street
Ngaruawahia 3742

Huntly Office
142 Main Street, Huntly 3700

Raglan Office
7 Bow Street, Raglan 3225

Tuakau Office
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office
1 Main Road, Te Kauwhata 3710

Emailed to: consult@waidc.govt.nz
Subject heading should read: “Proposed Local Alcohol Policy – Submission”

What happens next?

Council will acknowledge each submission received in writing.

Following the closing of submissions on Friday 21 November 2014, all submissions will be reviewed by elected members. Verbal submissions will be heard and all submissions formally considered at a Council meeting on 25 February 2015 (or as soon thereafter as possible). This meeting is open to both submitters and the public to attend.

Important Dates to Remember:

Submissions open – Tuesday 21 October 2014

Submissions close – 5pm, Thursday 21 November 2014

Hearing of submissions – 25 February 2015 (TBC)

If you have any further queries or would like further copies of the proposed policy, please contact Shelley Monrad on 0800 492 452.

Submission Form

For internal use only:
ECM Project # POL13/01-03
ECM #.....

SUBMISSIONS CLOSE: 5pm – 21 November 2014

Submission #.....

Full name: _____
Organisation: (if applicable) _____
Address for correspondence: _____
Post Code: _____
Email: _____
Phone: _____

Please indicate your preferred method of contact: Email Post

Privacy Act Information - The Local Government Act 2002 requires submissions to be made available to the public.

Your contact details are collected:

- To arrange a hearing date and time for you to speak (if you choose to).
- So the Council can write and inform you of the decision(s) on your submission(s).

Your name and address will be publicly available. If you would like your address and phone details (including email address) kept confidential you need to inform us when you send in your submission.

You have the right to correct any errors in personal details contained in your submission. If you do not supply your name and address the Council will formally receive your submission, but will not be able to inform you of the outcome.

Please tick one of the following:

I wish to present my submission verbally at a public Council hearing: Yes No

Statement of Proposal
PROPOSED Waikato District Council Local Alcohol Policy 2014



Provision	Support/ Oppose	Submission	Decision Sought
<i>Please refer to numbered subclause e.g. 4.6.1 Maximum Trading Hours</i>	<i>Clearly indicate whether you support or oppose the specific provision.</i>	<i>What is your submission and why?</i>	<i>What change should be made?</i>