



## **Proposed Local Alcohol Policy 2014**

# Proposed Local Alcohol Policy 2014

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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

<b>authorised customer</b>	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
<b>authorised visitor</b>	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
<b>bottle store</b>	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.
<b>cafe</b>	has the same meaning as “restaurant”
<b>class I restaurant</b>	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

<b>club</b>	<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>
<b>District Licensing Committee</b>	the Waikato District Licensing Committee appointed pursuant to section 186 of the Act
<b>early childcare facility</b>	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
<b>facility</b>	includes a place of worship, school, or early childcare facility
<b>function centre</b>	premises in which the principal business is pre-booked private functions where alcohol is sold or supplied in conjunction with those functions
<b>grocery store</b>	<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>
<b>Hotel</b>	<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>
<b>member</b>	<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>

<b>outdoor dining area</b>	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
<b>place of worship</b>	includes any church, mosque or other facility designed primarily for worship and related religious activities
<b>public park</b>	any park, reserve, playground, garden or similar public place maintained by the local authority for recreation purposes
<b>restaurant</b>	premises that— (a) are not a conveyance; and (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
<b>School</b>	includes any primary, intermediate or secondary school and any kura kaupapa
<b>supermarket</b>	A premises are a supermarket with a floor area of at least 1000m <sup>2</sup> (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items).
<b>tavern</b>	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
<b>the Act</b>	the Sale and Supply of Alcohol Act 2012

## 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, 4.4.2 and 4.6.3 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, 4.4.2 and 4.6.3 any premises that have not been subject to an on-licence in the twelve (12) months prior to the filing of the application shall be considered as being a 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.

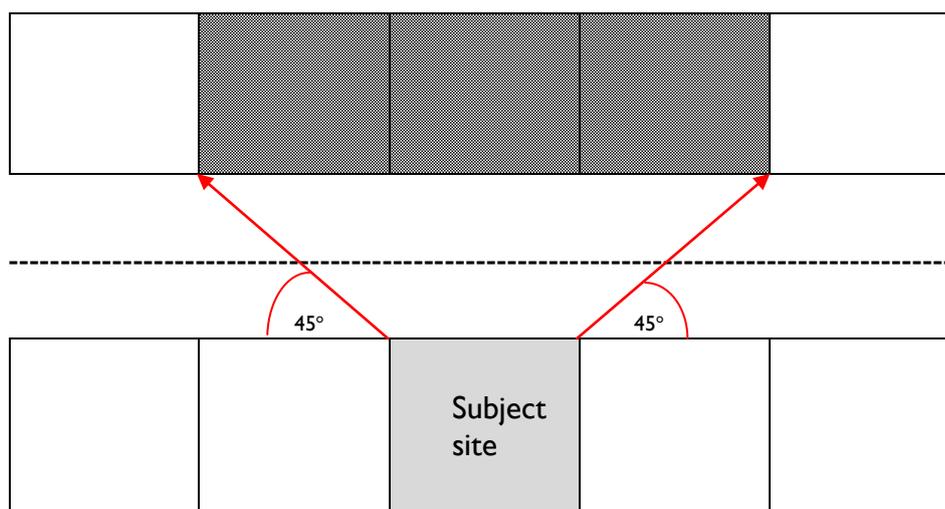
4.4.2. In any zone other than one zoned under the Waikato District Plan to allow commercial activities as permitted activities, in respect of:

- (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.

**Figure 1: Proximity of New Premises Directly Bordering a Facility**



#### 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 hotels and taverns in the urban areas of Ngaruawahia, Huntly, Raglan, Te Kauwhata and Tuakau:

<b>Maximum trading hours</b>	
Sunday to Thursday	9.00am to 1.00am the following day
Friday and Saturday	9.00am to 2.00am the following day
New Years Eve	9.00am to 2.00am the following day
At any time to any guest residing on the premises	

4.6.2. The following maximum trading hours apply to hotels and taverns in any area outside the urban areas of Ngaruawahia, Huntly, Raglan, Te Kauwhata and Tuakau:

<b>Maximum trading hours</b>	
Monday to Sunday	9.00am to 1.00am the following day
At any time to any guest residing on the premises	

4.6.3. The following maximum trading hours apply to all cafes, restaurants and function centres:

<b>Maximum trading hours</b>	
Monday to Sunday	7.00am to 1.00am the following day
In any outdoor dining area associated with the premises 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.	

4.6.4. The following maximum trading hours apply to any other on-licence premises not elsewhere defined:

<b>Maximum trading hours</b>	
Monday to Sunday	9.00am to 1.00am the following day

#### 4.7. One way door restrictions

4.7.1. A one-way door restriction shall be applied to any hotel, tavern or class I restaurant premises that close after 12.00 midnight.

4.7.2. A one-way door restriction may be applied to any other premises when the closing time is later than midnight.

4.7.3. For those premises subject to clause 4.7.1 or clause 4.7.2 that close;

- (i) between midnight and 1.00am the one-way door restriction shall apply from midnight.
- (ii) at 1.00am or later the one-way door restriction shall apply one hour prior to the closing time.

4.7.4. This restriction may be imposed on licences on their issue or renewal.

## 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.

## 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 in the twelve (12) months prior to the application shall be considered as being a 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.

5.2.2. For the purposes of clause 5.2.1 a premises that has not been subject to an off-licence in the twelve (12) months prior to the application shall be considered as being a new premises being licensed for the first time.

## **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 to 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.

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**

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

<b>Maximum trading hours</b>	
Monday to Sunday	9.00am 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
- Crime Prevention Through Environmental Design criteria eg
  - (i) Provision of interior and exterior lighting
  - (ii) The installation and operation of CCTV cameras on the exterior of, and within the premises
  - (iii) Visibility of the interior of the premises from the street
  - (iv) Internal layout

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, Workingmens, 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:

<b>Maximum trading hours</b>	
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 when the closing time is later than midnight where the District Licensing Committee or Alcohol Regulatory and Licensing Authority believe this is warranted. The restriction shall apply after midnight.

6.7.2. This restriction may be imposed on licences on their issue or renewal.

## **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:

<b>Guideline maximum trading hours</b>	
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.