

Draft Local Alcohol Policy

Statement of Proposal



Table of Contents

| | |
|--|-----------|
| 1. Introduction..... | 2 |
| 1.1 Overview | 2 |
| 1.2 Process to date..... | 3 |
| 2. How to provide your feedback..... | 3 |
| 2.1 Timeframes | 4 |
| 3. Rationale for the policy criteria in the draft Local Alcohol Policy..... | 4 |
| 3.1 Maximum trading hours | 4 |
| 3.2 One-way door restrictions | 5 |
| 3.3 Location and proximity restrictions | 5 |
| 3.4 Number of licences / density | 6 |
| 4 Contextual considerations..... | 6 |
| 4.1 The intent of the Act | 6 |
| 4.2 Council's economic focus..... | 6 |
| 4.3 Responsibility in the local alcohol industry..... | 6 |
| 4.4 Whether regulation via a local alcohol policy is most appropriate | 7 |
| Draft Local Alcohol Policy..... | 10 |
| Submission Form..... | 20 |

1. Introduction

1.1 Overview

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted by Parliament in December 2012, with the purpose of reducing alcohol-related harm in New Zealand.

The Act enables any territorial authority to develop a local alcohol policy for its district, and sets requirements for the development of such a policy and what it may contain.

If a district has a local alcohol policy, that policy must be given regard by the applicable District Licensing Committee and Alcohol Regulatory and Licensing Authority when making alcohol licensing decisions for that district.

The Thames-Coromandel District Council has developed a draft Local Alcohol Policy (LAP) in accordance with the Act, to set alcohol licensing criteria considered appropriate for when, where, and how alcohol is sold in the Thames-Coromandel District.

Whilst it is not mandatory for the Council to develop a local alcohol policy for the District, doing so does enable you - our community - to have more input into how licenced premises can sell and supply alcohol in the Thames-Coromandel District.

If Council does **not** have a local alcohol policy:

- The District Licensing Committee and Alcohol Regulatory and Licensing Authority would not have a local alcohol policy to guide appropriate decisions for the Thames-Coromandel District. Default national regulations would apply (default maximum trading hours are: 8am - 4am the next day for on- and club licences, and 7am - 11pm for off-licences).
- Licence applicants in the District could apply for any licence conditions within default national regulations in the Act, without guidance as to what is considered appropriate. This could have appeal implications such as cost to ratepayers and the applicable licence applicant, and time (during an appeal process, new applicants would not be able to trade until a decision has been made, and licence renewal applicants would continue to trade as is).
- In regards to licensing matters that can be addressed in a local alcohol policy (and not including requirements on licence holders via other areas of the Act) maximum trading hours is the only matter where national defaults are stipulated.

The Act is quite specific about what can be included in a local alcohol policy and what information the Council must have regard to in the development of a draft local alcohol policy. These requirements are outlined in more detail in the draft Policy document.

A brief summary of the justification of the various policy criteria that we have proposed is outlined in the following pages.

1.2 Process to date

We have been working through a process to develop a draft Local Alcohol Policy, in-line with requirements of the Act. This process has included:

- consultation with the Police (local and regional), Inspectors, and Medical Officers of Health (to inform research noted below)
- research to inform the regards Council must have in producing a draft policy
- a survey to gain community views on alcohol availability in our communities
- three industry forums (in Thames, Whitianga and Whangamata) to hear from current licence holders and those involved in the hospitality industry, including collecting answers via a questionnaire.

Information gathered and feedback received has been used to inform the development of our draft Local Alcohol Policy for the Thames-Coromandel District.

We have prepared a Research Report which contains an analysis of the information we have gathered and that we must have regard to when developing the draft Local Alcohol Policy. You can view this on our website www.tcdc.govt.nz/lap or view a hard copy at our Area Offices and Libraries.

The Council is now seeking your feedback on the draft Local Alcohol Policy, and welcomes your submission.

2. How to provide your feedback

Submission forms are available with this document and online at the Council's website: www.tcdc.govt.nz/lap

The submission period opens at 4pm on 14 October 2013 and closes at 4pm on 14 November 2013.

When completing a submission form, please tell us:

- what area of the draft Local Alcohol Policy you would like to comment on
- what decision you would like made, and
- the reasons for your submission.

Once you have completed your submission, you can:

- enter it online at www.tcdc.govt.nz/lap
- post it to Thames-Coromandel District Council, Private Bag, Thames
- email it to customer.services@tcdc.govt.nz
- fax it to (07) 868 0234
- deliver it to one of the Council offices in Thames, Coromandel, Whitianga or Whangamata

If you have any queries regarding this proposal or about how to make a submission please contact Customer Services on 07 868 0200 or email customer.services@tcdc.govt.nz

Please note that only those that make a submission to the draft Local Alcohol Policy during the consultation period will be able to make an appeal against any element of the provisional policy (when it is developed and during the appeal process).

2.1 Timeframes

Submissions must be received by 4:00pm on 14 November 2013.

We will then invite submitters to present their submissions at a Hearing being held in Thames on Monday 2 December 2013.

Submitters wishing to be heard will be contacted to confirm the approximate time of the hearing of their submission.

The Council will then consider all the submissions made, make some decisions on amending the draft Local Alcohol Policy and develop a provisional policy (if the Council decides it still wants a local alcohol policy). The Council would consider adopting the provisional policy on 18 December 2013 (TBC) after which it would be publically notified, followed by an appeal process.

3. Rationale for the policy criteria in the draft Local Alcohol Policy

During Policy development Council consulted with the local and regional Police, Population Health of the Waikato District Health Board, Licensing Inspectors, the community, current licence holders and stakeholders in the hospitality industry, in order to gauge the opinions of these people and organisations.

We've used all the information we've gained to prepare our draft Local Alcohol Policy. Our rationale for the inclusion of the proposed policy criteria is explained below.

3.1 Maximum trading hours

The Council's current maximum trading hours are:

- Off-licences (such as supermarkets and bottle stores): 7am - 11pm
- On licences (such as restaurants and taverns): 7am - 1am the next day
- Club licences: - same as for on-licences

We propose the following maximum trading hours in our draft Local Alcohol Policy:

- Off-licences (such as supermarkets and bottle stores): 7am - 9pm
- On licences (such as restaurants and taverns): 7am - 1am the next day during the period 01 April - 30 November, extended to 2am the next day during the period 01 December - 31 March
- Club licences: 7am - 1am the next day.

Reasoning for our proposal is as follows:

- Generally, community and industry feedback indicated agreement with the Council's current maximum trading hours, with views in disagreement largely suggesting an earlier closing time for off-licences, and longer trading hours during summer months for on-licences to cater for the increased population in the District during this time.
- Research and information from health and regulatory stakeholders suggests availability of alcohol from off-licences is a concerning contributor to alcohol-related harm, largely because once the alcohol leaves the premises, it cannot be controlled in non-public settings.
- Research indicates that reducing alcohol availability (hours) reduces alcohol-related harm.
- The majority of off-licences in the District do not trade to 11pm.
- Retaining a 7am start of trading allowance for off-licences aligns with many shop opening hours, therefore not inconveniencing shoppers who expect choice of the entire product

range, and not impeding economic wellbeing of the business and those it employs (e.g. through compliance costs and requiring fewer staff/hours).

3.2 One-way door restrictions

The Council currently does not require that on-licences operate one-way door restrictions.

We propose no change that applies to all on-licences. However, requiring the licensee to operate a one-way door restriction is included as a discretionary condition that **may be applied** to an on-licence, if considered appropriate.

Reasoning for our proposal is as follows:

- Many holders of on-licences in the District already operate one-way door restrictions, on an as-needed basis. This demonstrated host responsibility in the local alcohol industry is something the Council wishes to foster.
- However, host responsibility should be demonstrated and the option of a mandatory one-way door restriction to apply in cases where hosts are not considered to be responsible has been included.
- Mandatory one-way door restrictions would increase costs for holders of on-licences, and would be difficult to enforce.
- There is little evidence available that mandatory one-way door restrictions are effective.
- The community and local alcohol industry indicate 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 a premises as they please.

3.3 Location and proximity restrictions

The Council currently does not place any location or proximity restrictions on the licensing of a premises.

We propose no location or proximity restrictions that would apply to entire types of licences. However, we propose a discretionary condition that could be applied to new licences (not existing licences) regarding restricting proximity of new licensed premises to community facilities that cater for children ('sensitive facilities').

Reasoning for our proposal is as follows:

- It is recognised by our community and industry that such restrictions are not considered practical in our small towns. This view is generally accepted by wider stakeholder organisations and researchers when considering a small district.
- Community feedback indicates a preference to have restrictions regarding proximity of licensed premises to community facilities that cater for children.
- However, community feedback indicates that the above view differs for different kinds of premises (e.g. restaurants and cafes are considered more acceptable near 'sensitive facilities' than pubs/taverns).
- There is concern regarding negative social implications of licensed premises near 'sensitive facilities', such as conveyance of unhealthy messages and encouraging under-age drinking.
- There is some community view that the location of licensed premises has no impact on alcohol-related harm.

3.4 Number of licences / density

The Council currently does not place any restriction on the number of alcohol licences issued in any part, or the whole of the District.

We propose no change.

Reasoning for our proposal is as follows:

- Community and industry views generally agree that restricting the number of licensed premises is considered impractical in our small towns.
- Community views indicate that we have about the right number of licenced premises, by kind of licence.
- Research demonstrates that although we have a high proportion of licenced premises to usually resident population when compared to other districts in the Waikato, this decreases to a comparable rate when our part-time residents are included in the equation (people who own holiday homes in the District).
- A number of existing on-licences in the District close during winter months, at the choice of the licensee.
- Community and industry views clearly consider that 'the market' will dictate the number of licenced premises (i.e. licenced premises will only exist if the demand warrants it).

4 Contextual considerations

In addition to the above, the Council has also taken other contextual matters into account when proposing the draft Local Alcohol Policy, as follows.

4.1 The intent of the Act

The intent of the Act is (in short) is to minimise alcohol-related harm. Council's in New Zealand have been given the opportunity, via the Act, to take action in support of this aim at their local level. The Thames-Coromandel District Council wants to take up this opportunity, in a manner considered appropriate for local circumstances.

4.2 Council's economic focus

The Council has a focus to grow economic activity, including fostering the District's characteristics as a holiday and event destination. Alcohol is often part of social behaviour and catering for the needs and wants of our residents and visitors is business for our local alcohol and hospitality industries.

Balancing social and economic drivers with Government's direction to minimise alcohol-related harm is a challenge, however our draft Policy attempts to get the balance right.

4.3 Responsibility in the local alcohol industry

We want to foster responsibility in the local alcohol industry, which would contribute to reducing alcohol-related harm while minimising compliance costs. However, licensees need to demonstrate that they *are* responsible in order to justify this approach.

Licensees are required to comply with a number of conditions relating to minimising alcohol-related harm under other areas of the Act, and we want to avoid duplication where possible and undue additional expense on licensees.

4.4 Whether regulation via a local alcohol policy is most appropriate

Consideration has been given to whether regulation is the most appropriate approach for addressing alcohol-related problems, especially given the additional requirements such regulation may impose on licensees.

A local alcohol policy is optional, as are the policies it contains (within the parameters of the Act). We consider that having a policy would aid the District Licensing Committee and Alcohol Regulatory and Licensing Authority in decision-making for licensing matters in the District, potentially minimising risk of litigation and associated costs on ratepayers. Further, we consider that the Policy should set criteria for some of the matters that a local alcohol policy may address, but not all, based on considered 'best fit' for our District and matters considered appropriate for Council to regulate.

Minimising alcohol-related harm requires a multi-faceted approach, and regulation via a local alcohol policy is not considered the most appropriate mechanism to address **all** areas of alcohol-related harm, especially where Government agencies are already active. However, collaboration opportunities may be considered.



Draft Local Alcohol Policy

Draft Local Alcohol Policy - Table of Contents

| | |
|--|-----------|
| 1. Introduction | 10 |
| 1.1. Overview | 10 |
| 1.2. Sale and Supply of Alcohol Act 2012 | 10 |
| 1.3. Policy development | 11 |
| 1.4. Policy purpose | 12 |
| 2. Definitions | 12 |
| 3. Application of the Policy | 15 |
| 3.1. Transitional matters | 15 |
| 3.2. New licence applications | 15 |
| 3.3. Renewal of licences | 15 |
| 3.4. Premises change of ownership | 15 |
| 3.5. Issue of second licence for premises already licenced | 15 |
| 3.6. Assessing licence applications | 15 |
| 3.7. Additional provisions under the Act | 15 |
| 4. Policy Statement | 16 |
| 4.1. Off-licences | 16 |
| 4.2. On-Licences | 17 |
| 4.3. Club licences | 18 |
| 4.4. Special licences | 19 |
| 5. Policy Review | 19 |

1. Introduction

1.1 Overview

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted by Parliament in December 2012, with the purpose of (in short) reducing alcohol-related harm in New Zealand.

The Act enables any territorial authority to develop a local alcohol policy for its district, and sets requirements for the development of such a policy and what it may contain.

If a district has a local alcohol policy, that policy must be given regard by the applicable district licensing committee and Alcohol Regulatory and Licensing Authority when making alcohol licensing decisions for that district.

This Local Alcohol Policy (LAP) has been developed to set alcohol licensing criteria considered appropriate for when, where, and how alcohol is sold in the Thames-Coromandel District.

This Policy is intended to guide the District Licensing Committee and the Alcohol Regulatory and Licensing Authority in their decision-making regarding licensing matters in the Thames-Coromandel District, as well as provide a guide for those applying for an alcohol licence in the District.

1.2 Sale and Supply of Alcohol Act 2012

The purpose of the Act is intended for the benefit of the community as a whole,-

- a) To put in place a new system of control over the sale and supply of alcohol, that is reasonable and the administration of which helps achieve the object of the Act.
- b) To reform more generally the law relating to the sale, supply and consumption of alcohol so that its effect and administration help to achieve the object of the Act.

1.1 The object of the Act is that-

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

For the purposes of the object of the Act, alcohol-related harm (the harm caused by the excessive or inappropriate consumption of alcohol) is defined very widely, and includes-

- a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
- b) any harm to society generally or the community, directly or indirectly caused, it directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

An alcohol licence is required to sell alcohol to the public. Applications for alcohol licences must be filed with the relevant district licensing committee in the area where the premise is located.

Each territorial authority must appoint one or more licensing committees to deal with licensing matters for its district (from 18 December 2013), to be known as the District Licensing Committee.

Decisions on licence applications may be escalated to the Alcohol Regulatory and Licensing Authority, if required.

The Act enables communities to have greater input into alcohol availability on a local level, by enabling territorial authorities to develop local alcohol policies in consultation with their community, and by requiring district licensing matters to be dealt with by district licensing committees in the first instance.

1.3 Policy development

The content of this Policy is in accordance with section 77 of the Act, which sets out what a local alcohol policy may contain. A local alcohol policy may only address the following licensing matters (and no others):

- a) Location of licenced premises by reference to broad areas
- b) Location of licenced premises by reference to proximity to *premises* of a particular kind or kinds
- c) Location of licenced premises by reference to proximity to *facilities* of a particular kind or kinds
- d) 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
- e) Maximum trading hours
- f) The issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions
- g) One-way door restrictions.

The development of this Local Alcohol Policy has been in accordance with section 78 of the Act, which sets out what a territorial authority must have regard to when producing a draft policy. The Council has had regard to the following, as relevant to our District:

- a) The objectives and policies of our District Plan
- b) The number, location and opening hours of premises
- c) Liquor ban areas
- d) The demography of residents
- e) The demography of people who visit as tourists or holidaymakers
- f) The overall health indicators of residents
- g) The nature and severity of alcohol-related problems.

For the purposes of the above required considerations, 'residents' include people who have holiday homes in the District.

As further required under section 78 of the Act, the Council has consulted with the Police, Inspectors, and Medical Officers of Health, each whom have had input into this Policy's development. In addition to required consultation, to inform the development of a draft Policy the Council gained community views on alcohol availability via a survey, and input from the local alcohol industry and hospitality stakeholders via three industry forums including an industry questionnaire.

The required considerations and a summary of community and industry feedback have been compiled in a Research Report which supports this Policy.

1.4 Policy purpose

The **purpose** of this Local Alcohol Policy is to provide guidance to the District Licensing Committee and Alcohol Regulatory and Licensing Authority when making decisions on licence applications in the Thames-Coromandel District, and to provide a guide for those applying for an alcohol licence in the District.

The development of this Local Alcohol Policy has been underpinned by the following three principles:

Appropriate balance – The Policy will provide the appropriate balance between economic activity on the Peninsula, social wellbeing, and having a real consideration to minimising alcohol-related harm.

Recognising diversity - The Policy will recognise our diverse, distinct communities and unique characteristics of our District.

Simplicity– the Policy will be simple to understand and will not duplicate other regulatory tools.

2. Definitions

| Alcohol licences | |
|---|---|
| There are four kinds of alcohol licences: | |
| Club licence | <ul style="list-style-type: none"> Means licensed for the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned. |
| Off-licence | <ul style="list-style-type: none"> Means licensed for the sale of alcohol from the premises for consumption elsewhere. Licenced for the sale of alcohol on or from the premises for delivery elsewhere. Also permitted to supply alcohol free, as a sample, for consumption on the premises. <i>Remote sales-endorsed:</i> Licenced for the sale of alcohol on or from the premises for delivery elsewhere. <i>Auctioneers-endorsed:</i> Licenced to sell alcohol by auction. |
| On-Licence | <ul style="list-style-type: none"> Means licensed for the sale and supply of alcohol on the premises and can permit alcohol to be consumed on the |

| | |
|--|--|
| | <p>premises.</p> <ul style="list-style-type: none"> • <i>BYO-endorsed:</i> Licenced for the consumption of alcohol to anyone who is on the premises for dining. • <i>Caterers-endorsed:</i> In addition to the definition above for on-licences, a caterer can also deliver alcohol from their premises and sell it on any other premises for consumption there by people attending a reception, function or other social gathering. |
| Special licence | <ul style="list-style-type: none"> • <i>Off-site special licence:</i> Means licensed for the sale or supply of alcohol for consumption elsewhere. The licensee is also able to supply alcohol free, as a sample, for consumption on the premises. • <i>On-site special licence:</i> Licensed for the sale or supply of alcohol for consumption there, to people attending an event described on the licence. |
| Other Definitions | |
| Alcohol Regulatory and Licensing Authority | Means the Alcohol Regulatory and Licensing Authority continued in existence under section 169(1) of the Sale and Supply of Alcohol Act 2012. |
| Amenity and good order of the locality | Means, in relation to an application for or for the renewal of a licence, the extent to which, and ways in which, the locality in which the premises concerned are situated (or, in the case of a conveyance, the localities where the conveyance is likely to travel are) pleasant and agreeable. |
| Bar | In relation to a hotel or tavern, means part of the hotel or tavern used principally or exclusively for the sale and consumption of alcohol. |
| Bottle store | Means a shop where at least 85 percent of the annual sales revenue is expected to be earned from the sale and supply of alcohol for consumption elsewhere. |
| Club | Means a body that is a body corporate that participates in or promotes a sport or other recreational activity, otherwise than for gain; or is a body corporate whose object is not (or none of whose objects is) gain; or holds permanent club charter. |
| Conveyance | Means an aircraft, coach, ferry, hovercraft, ship, train, or other vehicle, used to transport people; and includes part of a conveyance. |
| Discretionary conditions | Optional conditions that the District Licensing Committee or Alcohol Regulatory and Licensing Authority may apply to any licence. |
| District Licensing Committee | Means the Thames-Coromandel District Licensing Committee appointed pursuant to section 186 of the Act. |
| Exempt person | Means any person as defined as exempt under section 5(1) of the Sale and Supply of Alcohol Act 2012. |
| Inspector | Means and inspector appointed under section 197(1) of the Sale and Supply of Alcohol Act 2012. |

| | |
|-----------------------------|--|
| Licensed premises | Means any premises for which a licence is held. |
| Management | Means the day-to-day running of a venue, location or conveyance, which may involve the licensee, general manager, managers or staff members, and may also mean in a collective sense those people who are responsible for the day-to-day running of a venue, location or conveyance. |
| One-way door restrictions | Means, in relation to a licence, a requirement that during the hours stated in the restriction,- a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied alcohol. |
| Restaurant / Cafe | Means premises that- a) are not a conveyance: and b) are used or intended to be used in the course of business principally for supplying means to the public for eating on the premises. |
| Sensitive facility | Means any early childhood centre/kindergarten, school, kohanga reo, or playground. |
| Supermarket / Grocery store | Means a shop that has the characteristics normally associated with shops of the kind commonly thought of as supermarkets / grocery stores such as but not limited to size, annual sales revenue, product range; and comprises premises where a range of food products and other household items are sold; but the principal business carried on is or will be the sale of food products |
| Tavern / Pub | Means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public. |
| Temporary authority | Means temporary permission to operate under an existing licence. A temporary authority is applied for when a business is sold and a new operator would like to commence trading before their own licence application is considered or granted. The holder of a temporary authority is subject to all of the conditions found on the base licence and any the District Licensing Committee has specified in the temporary authority itself. |
| The Act | Means the Sale and Supply of Alcohol Act 2012. |
| The Policy | Means Thames-Coromandel District Council's Local Alcohol Policy (this document). |
| Unsupervised minor | Person under 18 years of age without the company of a parent or legal guardian. |

3. Application of the Policy

3.1 Transitional matters

This Policy will be applied on the issue of new licences and on the renewal of existing licences.

Until such a time as a licence is renewed, the holder of a current licence remains subject to the terms and conditions as applicable under the provisions of the Act.

Conditions under this Policy regarding maximum trading hours and any one-way door restrictions come into force three months after the day on which public notice is given of the adoption of this Policy.

3.2 New licence applications

All policy criteria included in this Local Alcohol Policy apply to new licence applications.

3.3 Renewal of licences

Pursuant to section 133 of the Act, the District Licensing Committee or Alcohol Regulatory and Licensing Authority cannot take into account any inconsistency between this Policy and the renewal of a licence in the District; or the consequences of its renewal.

The District Licensing Committee or Alcohol Regulatory and Licensing Authority may however, under this Policy, impose particular conditions on any licence it renews in the District, if it considers that the renewal of the licence or the consequences of the renewal of the licence would otherwise be inconsistent with this Policy.

3.4 Premises change of ownership

A premises that changes ownership but continues to be licenced consistent with the licence type issued under the previous ownership, is not considered to be a new licence.

3.5 Issue of second licence for premises already licenced

Pursuant to section 25 of the Act, a licence of one kind can be issued for premises, or for part of a premises, for which a licence of another kind is (or licences of other kinds are) already held.

Exception being clubs, where pursuant to section 29 of the Act, a club cannot hold an on-licence, or an off-licence unless it has held an off-licence since before the commencement of the Act.

3.6 Assessing licence applications

In considering whether to issue a licence, the District Licensing Committee or Alcohol Regulatory and Licensing Authority shall have regard to the matters set out in sections 105 and 106 of the Act.

3.7 Additional provisions under the Act

The Act stipulates a number of provisions that may apply to licence applications, not all of which are stated in this Policy. Therefore this Policy should be read in conjunction with the Act.

4. Policy Statement

Conditions applicable to each type of licence in the Thames-Coromandel District are set out below.

4.1 Off-licences

An off-licence is a licence that allows the sale of alcohol from the premises for consumption or delivery elsewhere.

4.1.1 Maximum trading hours

Maximum trading hours applicable to off-licences in the Thames-Coromandel District are as follows:

| | |
|------------------|------------|
| Monday to Sunday | 7am to 9pm |
|------------------|------------|

4.1.2 Discretionary conditions

Pursuant to section 116(1) and 117 of the Act, the District Licensing Committee or Alcohol Regulatory and Licensing Authority may issue a licence subject to any reasonable conditions not inconsistent with the Act (in addition to requirements of the Act).

The following list is indicative of the types of discretionary conditions that the District Licensing Committee or Alcohol Regulatory and Licensing Authority *may* consider when issuing an off-licence.

- More restrictive trading hours (within maximum limits) relative to the location of the premises and proximity to sensitive facilities.
- More restrictive hours taking into account neighbouring land use (section 116(3) of the Act).
- For licence holders of both an off-licence and an on-licence, require a separate point of sale for the off-licence if a totally separate area or premises is not practical.
- Display of safe drinking messages.
- Restrictions on advertisement or display of alcohol from outside and/or the entrance to the premises.
- The licensee is required to notify the Police of any violent incidents that occur on the premises.
- The licensee is required to maintain a register of incidents that is available for inspection by enforcement authorities at any time during trading hours.
- Supervised designation to ensure unaccompanied minors do not enter the premises (bottle stores).

In the case that a sensitive facility opens in proximity to an existing premises, that premises is exempt from discretionary conditions in this Policy regarding proximity to sensitive facilities. This exemption remains in force while the premises remains continuously licensed and will cease when the current licence or any subsequent licence for the applicable premises is surrendered or not renewed.

4.2 On-Licences

An on-licence is a licence that allows the sale and supply of alcohol on a premises for consumption on the premises. Common examples include hotels, taverns, and restaurants.

4.2.1 Maximum trading hours

Maximum trading hours applicable to on-licences in the Thames-Coromandel District are as follows:

| | |
|---|-------------------------|
| From 01 April to 30 November - Monday to Sunday | 7am to 1am the next day |
| From 01 December to 31 March - Monday to Sunday | 7am to 2am the next day |

Hotels

Mini bars in hotel rooms will be exempt from the above limits where it can be established that accommodation is the principal activity. This recognises that where mini bars are situated in rooms, it is unrealistic to prevent consumption of alcohol outside set hours.

For any hotel bar facility that caters to hotel guests and/or the general public, on-licence maximum trading hours apply.

4.2.2 Discretionary conditions

Pursuant to section 110(1) and 117 of the Act, the District Licensing Committee or Alcohol Regulatory and Licensing Authority may issue a licence subject to any reasonable conditions not inconsistent with the Act (in addition to requirements of the Act).

The following list is indicative of the types of discretionary conditions that the District Licensing Committee or Alcohol Regulatory and Licensing Authority *may* consider when issuing an on-licence.

- Application of a one-way door restriction after a specified trading hour.
- More restrictive trading hours (within maximum limits) relative to the location of the premises and proximity to sensitive facilities.
- More restrictive hours taking into account neighbouring land use (section 110(3) of the Act).
- For licence holders of both an on-licence and an off-licence, require a separate point of sale for the off-licence if a totally separate area or premise is not practical.
- Specific maximum number of patrons to be permitted on the premises.
- No glass drinking vessels permitted in any outside area past a specified trading hour.
- Details for the management of patrons in outdoor areas, to minimise impacts on the amenity of nearby properties.
- Provision of interior and/or exterior lighting.
- The installation and operation of CCTV cameras.
- The licensee is required to notify the Police of any violent incidents that occur on the premises.
- The licensee is required to maintain a register of incidents that is available for inspection by enforcement authorities at any time during trading hours.
- Require a noise management plan and compliance at all times with that plan.
- Outside areas are to be monitored at all times.
- Before closing the premises, the licensee will ensure all litter is removed from outside the premises in a specified defined area.
- At a specified time the licensee will remove all temporary outside furniture.

In the case that a sensitive facility opens in proximity to an existing premises, that premises is exempt from any discretionary conditions in this Policy regarding proximity to sensitive facilities. This exemption remains in force while the premises remains continuously licensed and will cease when the current licence or any subsequent licence for the applicable premises is surrendered or not renewed.

4.3 Club licences

A club licence is a licence that allows the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned.

4.3.1 Maximum trading hours

Maximum trading hours applicable to club-licences in the Thames-Coromandel District are as follows:

| | |
|------------------|-------------------------|
| Monday to Sunday | 7am to 1am the next day |
|------------------|-------------------------|

4.3.2 Discretionary conditions

Pursuant to section 110(1) and 117 of the Act, the District Licensing Committee or Alcohol Regulatory and Licensing Authority may issue a licence subject to any reasonable conditions not inconsistent with the Act (in addition to requirements of the Act).

The following list is indicative of the types of discretionary conditions that the District Licensing Committee or Alcohol Regulatory and Licensing Authority *may* consider when issuing an club licence.

- More restrictive trading hours (within maximum limits) relative to the location of the premises and proximity to sensitive facilities.
- More restrictive hours taking into account neighbouring land use (section 110(3)of the Act).
- Specific maximum number of patrons to be permitted on the premises.
- No glass drinking vessels permitted in any outside area past a specified trading hour.
- Provision of interior and/or exterior lighting.
- The installation and operation of CCTV cameras.
- The licensee is required to notify the Police of any violent incidents that occur on the premises.
- The licensee is required to maintain a register of incidents that is available for inspection by enforcement authorities at any time during trading hours.
- Require a noise management plan and compliance at all times with that plan.
- Before closing the premises, the licensee will ensure all litter is removed from outside the premises in a specified defined area.
- At a specified time the licensee will remove all temporary outside furniture.

In the case that a sensitive facility opens in proximity to an existing premises, that premises is exempt from discretionary conditions in this Policy regarding proximity to sensitive facilities. This exemption remains in force while the premises remains continuously licensed and will cease when the current licence or any subsequent licence for the applicable premises is surrendered or not renewed.

4.4 Special licences

A special licence is a licence that allows the sale and supply of alcohol for consumption either on-site to people attending an event described on the licence; or off-site for consumption elsewhere.

4.4.1 Maximum trading hours

Maximum trading hours applicable to special-licences in general in the Thames-Coromandel District are not stipulated in this Policy.

The maximum trading hours for a special licence will be considered and determined by the District Licensing Committee or Alcohol Regulatory and Licensing Authority, on a case-by-case bases when considering a licence application.

4.4.2 Discretionary conditions

Pursuant to section 117 of the Act, the District Licensing Committee may issue any licence subject to any reasonable conditions not inconsistent with the Act. The following list is indicative of the types of discretionary conditions that the District Licensing Committee **may** consider when issuing a special licence.

- Application of a one-way door restriction after a specified trading hour.
- Require an alcohol risk management plan.
- No glass drinking vessels permitted in any outside area past a specified hour.
- Details for the management of patrons in outdoor areas, to minimise impacts on the amenity of nearby properties.
- Provision of interior and/or exterior lighting.
- The licensee is required to notify the Police of any violent incidents that occur.
- Require a noise management plan and compliance at all times with that plan.
- Outside areas are to be monitored at all times.
- Before closing the operation, the licensee will ensure all litter is removed from a specified defined outside area.

5. Policy Review

Pursuant to section 97 of the Sale and Supply of Alcohol Act 2012, this Policy must be reviewed, using the special consultative procedure, **no later** than six years of it coming into force; or of its most recent review.

Draft Local Alcohol Policy

Have your say

Feedback Form

Submissions must be received by **4:00pm, 14 November 2013**

(Please print clearly in dark pen)

First name: _____

Surname: _____

Organisation (if applicable): _____

Phone: _____

Email: _____

Postal address: _____

Postcode: _____

Date: _____

Area of residence in the District: _____

Ratepayer **Non-residential ratepayer** **Usual resident** **Other**

Please indicate (tick) if you DO NOT want to speak in support of your submission on Monday 2 December in Thames, and ask that the following written submission be fully considered.

Please indicate if you support our proposal for each type of alcohol licence:

Do you support our proposal for off-licences? Yes No Neutral

Comment

Do you support our proposal for on-licences? Yes No Neutral

Comment
