



# Local Alcohol Policy

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# 1. Introduction

## 1.1 Overview

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted by Parliament in December 2012, with the object 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.

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.

To give effect to 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.

The Council took into account other contextual matters, as follows:

- The intent of the Act to (in short) minimise alcohol-related harm
- Council's focus to grow economic activity, including fostering the District's characteristics as a holiday and event destination
- A desire to foster responsibility in the local alcohol industry and avoid duplication of existing regulation where possible
- That minimising alcohol-related harm requires a multi-faceted approach, and regulation via a local alcohol policy may not be the most appropriate approach for addressing **all** alcohol-related problems, especially where Government agencies are already active and the additional requirements regulations may impose on licensees.

#### 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

<b>Alcohol licences</b>	
There are four kinds of alcohol licences:	
Club licence	<ul style="list-style-type: none"> <li>• Means licensed for the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned.</li> </ul>
Off-licence	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Also permitted to supply alcohol free, as a sample, for consumption on the premises.</li> <li>• <i>Remote sales-endorsed:</i> Licenced for the sale of alcohol on or from the premises for delivery elsewhere.</li> <li>• <i>Auctioneers-endorsed:</i> Licenced to sell alcohol by auction.</li> </ul>
On-Licence	<ul style="list-style-type: none"> <li>• Means licensed for the sale and supply of alcohol on the premises and can permit alcohol to be consumed on the premises.</li> <li>• <i>BYO-endorsed:</i> Licenced for the consumption of alcohol to anyone who is on the premises for dining.</li> <li>• <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.</li> </ul>
Special licence	<ul style="list-style-type: none"> <li>• <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.</li> <li>• <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.</li> </ul>
<b>Other Definitions</b>	
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.
CPTED Guidelines	National Guidelines for Crime Prevention through Environmental Design.
Discretionary conditions	Optional conditions that the District Licensing Committee or Alcohol Regulatory and Licensing Authority may apply to any licence.
Disorderly conduct	Has the meaning as set out in section 253 of the Sale and Supply of Alcohol Act 2012.
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 an 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.

The exception to this is clubs, where pursuant to section 29 of the Act, a club cannot hold an on-licence, or an off-licence unless it has continuously 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.

#### Maximum trading hours

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

Monday to Sunday	7am to 9pm
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Maximum trading hours are subject to section 48 of the Act regarding restrictions for off-licences on the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day.

#### 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 the maximum trading hours stated above) where the off-licensed premises is within 50 metres of a sensitive facility measured from the main façade of the off-licensed premises. The main façade is the principal front of a building that faces on to a street or open space.
- 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.
- No more than 50% of the main façade of the off-licensed premises shall be devoted to alcohol product advertising.
- At least 50% of any store front glazing shall be transparent, consistent with CPTED guidelines.
- Application of CPTED principles to achieve the following outcomes:
  - Lighting:
    - Internal lighting inside the premises enables passive surveillance by staff and active surveillance by CCTV.
    - Lighting allows customers to be seen as they enter the premises.
    - Lighting allows staff to check IDs.
    - External areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or a district plan rule.
  - Internal Layout:
    - General points of sale are positioned near the main entrance.
  - CCTV:
    - CCTV is installed in suitable locations to monitor vulnerable areas (areas which are not easily or not continuously monitored by staff).
    - Customers are aware of the CCTV systems.

Staff:

- Relevant staff understand how to operate the CCTV system.
- There are sufficient numbers of staff to ensure control of the premises during trading hours.
- 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 violent incidents that is available for inspection by enforcement authorities at any time during trading hours.
- Conditions that prohibit the access to the premises (bottle stores) by unaccompanied minors.

Where a sensitive facility opens in proximity to an existing licensed premises, that licensed premises is exempt from the discretionary conditions in this Policy regarding proximity to sensitive facilities. This exemption remains in force while the licensed premises remains continuously licensed and will cease when the current licence or any subsequent licence for the applicable licensed 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.

### Maximum trading hours

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

Monday to Sunday	7am to 1am the next day
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Maximum trading hours are subject to section 47 of the Act regarding restrictions for on-licences on the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday, and Christmas 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.

## 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.
- Define specific maximum number of patrons to be permitted on the premises.
- Require a management plan 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 incidents involving disorderly conduct that occur on the premises.
- The licensee is required to maintain a register of incidents involving disorderly conduct 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.
- Licensed outside areas are to be monitored at all times.

Where a sensitive facility opens in proximity to an existing licensed premises, that licensed premises is exempt from the discretionary conditions in this Policy regarding proximity to sensitive facilities. This exemption remains in force while the licensed premises remains continuously licensed and will cease when the current licence or any subsequent licence for the applicable licensed 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.

#### 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
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#### 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).
- Define specific maximum number of patrons to be permitted on the premises.
- Require a management plan 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 incidents involving disorderly conduct that occur on the premises.
- The licensee is required to maintain a register of incidents involving disorderly conduct 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.
- Licensed outside areas are to be monitored at all times.

Where a sensitive facility opens in proximity to an existing licensed premises, that licensed premises is exempt from the discretionary conditions in this Policy regarding proximity to sensitive facilities. This exemption remains in force while the licensed premises remains continuously licensed and will cease when the current licence or any subsequent licence for the applicable licensed 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.

### 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.

### 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.
- Events over 1,000 attendees, or as otherwise considered appropriate, require an Event Alcohol Risk Management Plan in a form acceptable to the Council.
- Restricting or prohibiting glass drinking vessels in any outside area past a specified time.
- Require a management plan 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 incidents involving disorderly conduct that occur.
- Require a noise management plan and compliance at all times with that plan.
- Licensed outside areas are to be monitored at all times.

## 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.