

Updated following
community feedback!

Have your
Say!

Draft Local Alcohol Policy 2023

Our Place: Our District

Earlier this year, we started a review of our Local Alcohol Policy, which regulates when, where and how alcohol is sold in our district. During the consultation, we received a lot of excellent feedback from our community, which has resulted in Council wanting to make a few changes.

We want to hear your thoughts on these proposed changes before we adopt an amended policy.

We are accepting feedback until 5pm, Wednesday 25 October.

Introduction

The Sale and Supply of Alcohol Act 2012 (the Act) gives councils the ability to develop local alcohol policies, which provide communities with a greater say over when, where and how alcohol is sold within their district.

The purpose of a Local Alcohol Policy is to reduce alcohol-related harm, including crime, disorderly behaviour, damage and injuries through reducing the accessibility and availability of alcohol.

The Ashburton District Local Alcohol Policy was first adopted in 2017 and it reflects the alcohol management needs specific to our district. It currently contains regulations around trading hours, the location of licensed premises and includes a one-way door restriction.

When a business or individual applies for an alcohol licence at the District Licensing Committee, the committee must consider the regulations that are set out in the Local Alcohol Policy.

We're required to review the Local Alcohol Policy and consult with our community every six years. We did this earlier this year in July, and the feedback provided by submitters led to Council wanting to make a few changes, which requires us to consult again on the Policy.

We want to hear what you think.

This booklet* includes a short explanation of why we're proposing to make changes, the full draft Policy and a submission form for your feedback.

*This document represents a Statement of Proposal under Section 83 and 87 of the Local Government Act.

**We are accepting feedback until
5pm, Wednesday 25 October.**



How we got here

What's in our current Local Alcohol Policy?



Our draft Local Alcohol Policy provides regulations with regards to the **location** of licensed premises. For example, premises must be located in a 'business zone'.

It sets out the **trading hours** for different types of licensed premises. For example, off-licences, like liquor stores and supermarkets, must close at 9.30pm, but an on-licence, such as a restaurant or a café, can stay open and sell alcohol until 1am.

It refers to the **one-way door restriction**, which means you cannot enter premises like a pub in the urban area in Ashburton after 1am.

The Policy also has a number of **discretionary conditions** that can be applied to individual licences or special licences by the District Licensing Committee.

What did our community say about the Local Alcohol Policy?



We consulted the community on the Policy in July and received 42 submissions with a range of feedback. Some indicated they think the Policy is working well, while others said the Policy either does not do enough to prevent alcohol-related harm or suggested that the Policy should contain fewer controls.

Substantial feedback was submitted on the early closure of the licensed premises in Methven.

Although the current licences allow pubs to stay open till 2am, we heard that the earlier closing times for the licensed footpath areas outside the premises made it difficult for them to stay open to the full extent of their licence hours. Council aims to address this by changing the footpath trading hours, as described on the next page.

Have your say online
ashburtondc.govt.nz/haveyoursay

**We want to
 hear from YOU!**

The key changes

What are we proposing?

During the hearing and deliberations, our councillors heard from the community on a variety of issues. A few key themes emerged and in response, we're proposing to make two changes:



Extending footpath trading hours

Currently, a licensed footpath area has to close at 12am (midnight) which is a different time from the other maximum trading hours for a licensed premises (1am or 2am).

As these different times can be difficult for a licensed premises to manage, Council proposes to extend the maximum trading hours for the footpath area to 1am which will align with the one-way door restriction.



One-way door restriction in all areas

Under the current Policy, this restriction only applies to premises in the Ashburton urban area and some rural venues.

Council now proposes for the one-way door restriction to apply to all licensed premises in the district, which will see all licence holders treated equally.

The purpose of these amendments is to ensure the Policy appropriately fulfils its goal of reducing alcohol-related harm and regulating licensing in the district, while still allowing residents and visitors to enjoy alcohol responsibly.

The full **Local Alcohol Policy** is included in this consultation document from *page 7*.

We're keen to hear your thoughts. Do you support the draft Policy with the proposed changes or would you prefer to see something else?



What's not included in the Local Alcohol Policy?

The *Sale and Supply of Alcohol Act 2012* allows for other restrictions that our Council's Policy does not currently include, such as:

Sensitive sites Restricting licensed premises in certain neighbourhoods, or near "sensitive sites" such as schools or churches;

Density restriction or 'cap' Reducing or limiting the number of licences within a certain area;

Maximum trading hours The maximum trading hours stated in the Policy can be changed to earlier or later hours than the current restrictions.

We received a range of views from submitters on these options. Council carefully considered the additional restrictions that are allowed under the Act and the feedback the community provided, and considered the current restrictions were sufficient.

How else does Council help prevent alcohol-related harm?

Earlier this year, the Council reviewed the Alcohol Control Bylaw, which includes Alcohol Ban Areas in Ashburton and Methven.

Feedback from the community strongly supported Council's proposal to expand the ban areas in Ashburton to account for town growth and in Methven to make the boundary easier to understand.

The revised Alcohol Control Bylaw came into effect on 1 June and can be viewed on the Council website.

Options considered

Following the hearing and deliberations, Council considered the following options:

OPTION ONE - Make the proposed changes to the Policy

Council could make the proposed changes to the Policy

Advantages

- Council responded to some of the community feedback that was provided.
- Equal treatment of licence holders with the removal of the urban and rural distinction for the one-way door restriction.
- Policy is easier to implement for licenced premises with outdoor dining areas.

Disadvantages

- Change to extend the trading hours may not meet the policy purpose of minimising alcohol-related harm.
- The changes require a second consultation on the policy (additional costs).
- Council could add further measures in preventing alcohol-related harm.

PREFERRED OPTION

OPTION TWO - Retain the current Policy (status quo)

Council could decide to roll over the current Policy without making any amendment.

Advantages

- Retain a policy that works well according to some community and businesses in the district.

Disadvantages

- Council could be considered as not making best use of the opportunity to add further measures in preventing alcohol-related harm.
- Council could be considered to not address some feedback provided by the community.

OPTION THREE – Make further/other changes to the Policy

Council could consider making further changes to the Policy, referring to the options provided by the Sale and Supply of Alcohol Act 2012.

Advantages

- Council could add further measures in preventing alcohol-related harm.

Disadvantages

- The changes require a second consultation on the Policy (additional costs).

Local Alcohol Policy

The following pages contain the full wording of the draft Local Alcohol Policy. Once you're ready to provide feedback, jump to the feedback form on the final page or visit ashburtondc.govt.nz/haveyoursay.

Introduction

The object of the Sale and Supply of Alcohol Act 2012 is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and harm caused by excessive or inappropriate consumption of alcohol should be minimised.

The Act requires that each territorial authority must establish a District Licensing Committee (DLC) to administer its responsibilities under the Act.

The Act enables territorial authorities to develop a Local Alcohol Policy (LAP), however it is not a statutory requirement to do so. A LAP is a set of policies made by Council, in consultation with its communities, concerning the sale, supply, or consumption of alcohol. Once in place, the DLC and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the LAP when making decisions on licensing applications.

This LAP has been developed to support the object of the Act. It sets out a framework for consistent decision making in the local administration of the Act and provides guidance to those who may be seeking to obtain or renew a licence under the Act.

Policy Objectives

The objectives of the Local Alcohol Policy are:

- To ensure the decision-making framework within which the DLC and ARLA make decisions is clearly defined for applicants, the community and decision-makers.
- To provide a consistent approach to licensing throughout the district while retaining the ability to include conditions appropriate to each situation.
- To promote the safe and responsible sale, supply and consumption of alcohol within Ashburton District.
- To contribute to the minimisation of harm caused by excessive or inappropriate consumption of alcohol.
- To provide for the community's views on licensing matters to be considered in licensing decisions.

Definitions

Act: means the Sale and Supply of Alcohol Act 2012.

Bar: in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol.

Bottle store: retail premises where at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else.

BYO Restaurant: has the meaning of a business which principally supplies meals to the public for eating on the premises, but is endorsed under section 37 of the Act, meaning the licensee can:

- a) Allow diners to bring and consume alcohol on the premises
- b) Let the person who brought the alcohol there remove any of it from the restaurant if the container is sealed or resealed (refer section 15 of the Act).

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Café: has the same meaning as restaurant in terms of licensing.

Club: means a body that:

- 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
- b) Is a body corporate whose object is not (or none of whose objects is) gain; or
- c) Holds a permanent club charter

Club licence: where the licensee (club) can sell and supply alcohol for consumption on the club premises.

Council: means the Ashburton District Council.

Duty manager: means a manager of a licensed premises, who holds a manager's certificate and is appointed as a manager under the Act.

Duty person: means a person who manages a licensed premise and oversees the sale and consumption of alcohol, but may or may not be qualified or hold a manager's certificate.

Grocery store: means a shop that –

- a) Has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
- b) Comprises of premises where
 - (i) A range of food products and other household items are sold; but
 - (ii) The principal business is, or will be, the sale of food products (refer section 33(1) of the Act).

Hotel: means premises used or intended to be used in the course of business principally for providing to the public -

- a) Lodging; and
- b) Alcohol, meals and refreshments for consumption on the premises.

Off-licence: Where an off-licence is held, the licensee can sell alcohol for consumption somewhere else.

On-licence: Where an on-licence is held (other than that endorsed under section 37 of the Act), the licensee can sell and supply alcohol for consumption on the premises.

One way door restrictions: a requirement that from the time stated in the restriction, no person is admitted (or re-admitted) entry into the premises unless he or she is an exempt person, such as the licensee or manager (see section 5(1) of the Act for a full list of exempt persons).

“Over the bar” off licence sales: Where the holder of both an on-licence and an off-licence has the same point of sale for both types of alcohol purchases (eg: off-licence purchases of alcohol to take away occur across the bar). The respective off-licence conditions of this policy apply to this type of off-licence sale.

Restaurant: Premises that are not a conveyance, and are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.

Special licence: where the licensee can sell or supply alcohol to people attending an event or social gathering, in accordance with the licence. A special licence may be:

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- An on-site special licence (for consumption there) or an off-site special licence (for consumption elsewhere)
- for a single event or a series of events
- to permit the sale and supply of liquor in a premises or conveyance that is not the subject of a licence
- to permit the sale and supply of alcohol by the holder of an on-licence or a club licence, in a licensed premise where the licensee wishes to operate outside the conditions of the licence

Nightclub: a place of entertainment open at night which normally provides music and space for dancing, and may provide entertainment shows (eg: comedy).

Supermarket: a premises which has the same characteristics as a grocery store, but with a floor area of at least 1,000m².

Tavern: a type of premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public. A “tavern” includes premises that might generally be referred to as bars, pubs and nightclubs.

Policy Statement

1. Location of Licensed Premises

- 1.1 Licensed premises may be established in Ashburton District subject to:
- a) Meeting the relevant legislative requirements;

- b) The premises being located within a ‘business zone’ of the Ashburton District Plan or otherwise permitted by way of resource consent;
- c) Obtaining and complying with necessary resource consent(s);
- d) Meeting the requirements of this policy and being issued a licence by the DLC or the ARLA.

- 1.2. Applications to have outdoor areas (eg: smoking areas) included in the licensed area of a premises will be considered on a case-by-case basis, in line with section 105 of the Act.

2. Controls Relating to On-Licence Premises

2.1. Hours for On-Licences

- 2.1.1. Licences for the sale and supply of alcohol in on-licence premises may be granted for the following maximum hours of operation:

Type of premise	Maximum Trading Hours
Tavern (including hotel bars)	Monday - Sunday, 7.00am – 2.00am the following day
Restaurant or café	Monday – Sunday, 7.00am – 1.00am the following day
Footpath areas – tavern, restaurant or café.	Monday – Sunday, 7.00am – 1.00am the following day

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2.1.2. Amongst other considerations in section 105(1) of the Act, the DLC is required to consider the impact of any application on the amenity and good order of the locality resulting from the proposed activity. If the DLC decides the granting of a licence will impact on amenity and good order of the locality to more than a minor extent, the DLC has the discretion to set more restrictive maximum trading hours than prescribed in 2.1.1. In making any decisions of this nature the DLC should have regard to the variation to maximum hours being consistent with other premises where decisions of this type have been made.

2.1.3. District Plan rules provide different operating hour limits to those detailed in this policy. Generally, with resource consent, the hours contained in this policy will apply, but the provisions of this policy may not over-ride any resource consent conditions.

2.2. One Way Door Restriction

2.2.1. A one-way door restriction will apply to all on-licence premises in the Ashburton District from 1.00am.

2.3. Discretionary Conditions for On-Licences

2.3.1. The Act enables the DLC to issue a licence subject to discretionary conditions that are consistent with the Act.

2.3.2. For tavern-style on-licences, part or all of the premises will be designated as a supervised area. Premises that hold a restaurant-style on-licence will not be required to have designated areas.

2.3.3. Other discretionary conditions may be added to the conditions imposed on an on-licence. These may include, but not be limited to:

- A one way door restriction
- Restriction on the number of drinks that can be ordered after a specified time, and time of last orders.
- A requirement for more than one duty manager to be on the premises to effectively oversee sale and supply of alcohol.
- Requirement to have a written and operative host responsibility policy and to display it in a public part of the licensed premises at all times.
- Provision of security personnel at entrances to the premises after a specified hour on (a) specified day/s
- Installation and operation of CCTV cameras inside and/ or outside the premises
- Provision of exterior lighting for the purpose of promoting safety

2.3.4. Further discretionary conditions may be imposed by the DLC as long as they are consistent with

- a) the object of the Act, and;
- b) the criteria listed in sections 110 and 117 of the Act
- c) the objectives of this policy

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2.4. BYO Restaurants and Caterers

2.4.1. Policies relating to on-licences also apply to BYO restaurants (endorsed under section 37 of the Act) and caterers (endorsed under section 38 of the Act).

3. Controls Relating to Off-Licence Premises

3.1. Hours for Off-Licence Premises

3.1.1. Licences for the sale of alcohol for off-licensed premises may be granted for the following maximum hours of operation:

Type of premise	Maximum Trading Hours
All types of off-licence premises	Monday – Sunday, 7.00am – 9.30pm

3.1.2. The DLC has the discretion to set more restrictive maximum trading hours than prescribed in this LAP. For example, in a situation where the impact on amenity and good order of the locality is considered to be more than to a minor extent, the DLC may set more restrictive trading hours.

3.1.3. The District Plan rules provide different operating hour limits to those detailed in this policy. Generally, with resource consent, the hours contained in this policy will apply, but the provisions of this policy may not over-ride any resource consent conditions.

3.1.4. “Over-the-bar” off-licence sales are subject to the maximum off-licence hours detailed in this section.

3.1.5. Club off-licence trading hours (for clubs with an associated off-licence) are subject to the maximum trading hours detailed in this section; and will be no later than the operating hours of the club.

3.2. Discretionary Conditions for Off-Licences

3.2.1. The Act enables the DLC to issue a licence subject to discretionary conditions that are consistent with the Act.

3.2.2. In general, the off-licence areas of hotels, taverns, and stand-alone bottle stores will be designated as supervised areas.

3.2.3. Other discretionary conditions may be imposed on an off-licence. These may include but not be limited to application of the principles of Crime Prevention Through Environmental Design (CPTED). Off-licence premises will give effect to the principles of CPTED where they achieve outcomes (where applicable to the individual premises) including:

- Lighting
 - to enable passive surveillance by staff and active surveillance by CCTV
 - to enable customers to be seen as they enter the premises
 - to enable staff to check IDs
 - External areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or District Plan rule

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- CCTV
 - Installation of CCTV in suitable locations to monitor vulnerable areas (areas that are not easily or continuously monitored by staff)
- Staff
 - There are sufficient numbers of staff to ensure control of the premises during trading hours

3.2.4. Further discretionary conditions may be imposed by the DLC as long as they meet

- a) the object of the Act, and;
- b) the criteria listed in sections 116 and 117 of the Act
- c) the objectives of this policy

4. Controls Relating to Club Licences

4.1. Hours for Club Licences

4.1.1. Licences for the sale and supply of alcohol in club premises may be granted for the following maximum hours of operation:

Type of premise	Maximum Trading Hours
All types of off-licence premises	Monday – Sunday, 7.00am – 9.30pm

4.1.2. The normal hours of operation for club licences should reflect the hours of operation of the principal club activity. Recommended maximum trading hours are Sunday – Thursday, 10.00am – 10.00pm, and Friday and Saturday, 9.00am – 12.00am (midnight). Any application for hours outside the recommended maximum will be assessed on its merits.

4.2. Discretionary Conditions for Club-Licences

- 4.1. The Act enables the DLC to issue a licence subject to discretionary conditions that are consistent with the Act.
- 4.2. In general, premises that are licensed as a club will not be required to have designated areas.
- 4.3. The approved licensed area for sports clubs may not include any field or sport-playing area.
- 4.4. Club-licensed premises are required to have a qualified manager on duty at the premises when alcohol is being sold or supplied and the number of persons present exceeds twenty.
- 4.5. Other discretionary conditions may be imposed for a club licence. These may include but not be limited to:
 - Restriction on the number of drinks that can be ordered after a specified time, and time of last orders.
 - Alcohol to be sold or supplied only in plastic containers
 - Requirement to have a written and operative host responsibility policy and to display it in a public part of the licensed premises at all times.
 - Provision of security personnel at entrances to premise after a specified hour on (a) specified day/s
 - Installation and operation of CCTV cameras inside and /or outside the premises
 - Provision of exterior lighting for the purpose of promoting safety

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- 4.6. Further discretionary conditions may be imposed by the DLC as long as they meet
- the object of the Act, and;
 - the criteria listed in sections 116 and 117 of the Act
 - objectives of this policy

5. Controls Relating to Chartered Clubs

- 5.1. Controls for chartered clubs will be the same as the controls for on-licences and/or off-licences, detailed in sections 2 and 3 of this policy.

6. Controls Relating to Special Licences

6.1. Hours for Special Licences

- 6.1.1. The hours approved for a special licence will depend on the location, type of premises, activity and participants of the event.

Type of premise	Maximum Trading Hours
All special licences	At the discretion of the DLC

6.2. Discretionary Conditions for Special Licences

- 6.2.1. The Act enables the DLC to issue a licence subject to discretionary conditions that are consistent with the Act.
- 6.2.2. Any discretionary conditions on special licences will depend on the main activity, location, type of premises and likely participants.
- 6.2.3. Discretionary conditions that may be imposed for a special licence include but are not be limited to:

- Restriction on the number of drinks that can be ordered after a specified time, and time of last orders
- Requiring alcohol to be sold or supplied only in plastic containers
- Requirement to have a written and operative host responsibility policy
- Requirement for a duty person to hold a managers certificate, or otherwise show sufficient knowledge of their responsibilities.
- Requirement for a duty person to be on site at all times when alcohol is being sold or served.
- Designation of all or part of an area covered under a special licence (either a 'restricted' or 'supervised' area).
- Provision of security personnel as specified

- 6.2.4. Further discretionary conditions may be considered by the DLC as long as they meet

- the objects of the Act, and;
- the criteria listed in sections 146, and 147 of the Act
- the objectives of this policy

7. Controls Relating to Temporary Authorities

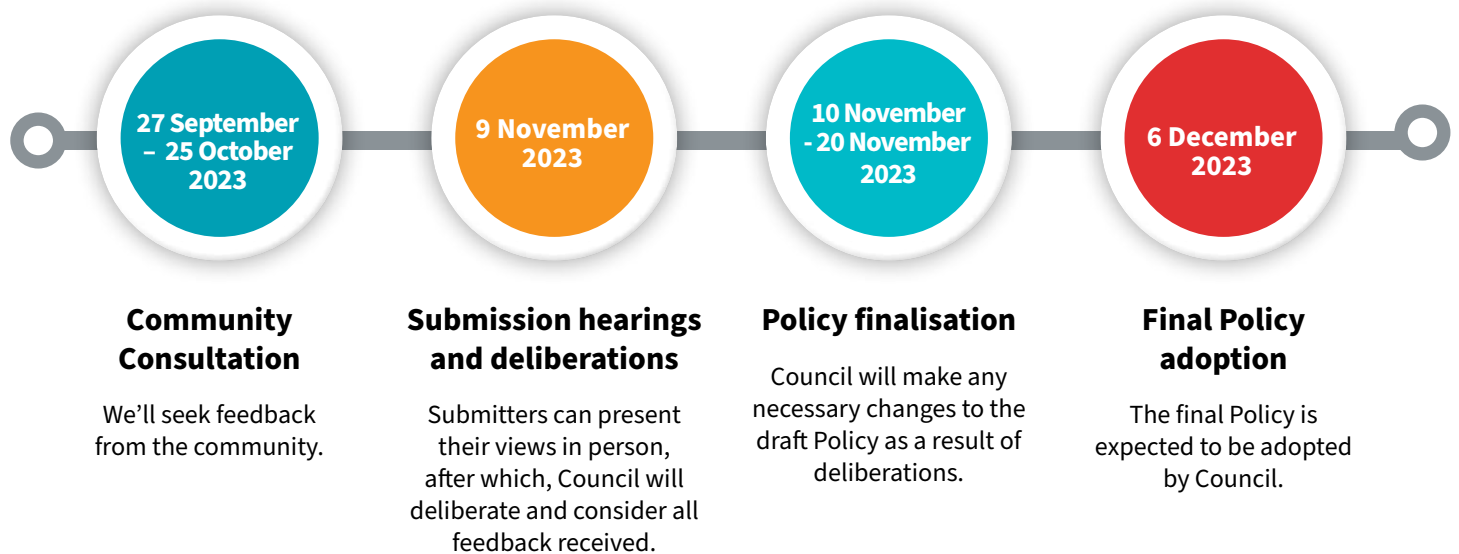
7.1. Discretionary Conditions for Temporary Authorities

- 7.1.1. The DLC has the discretion to issue a temporary authority subject to any conditions required or enabled by the Act or by this policy.

What happens next?

We're seeking feedback from the community up until Wednesday 25 October.

On Thursday 9 November, submitters have the opportunity to present their views to Council in person at the hearing, after which Councillors will consider and deliberate on all the submissions received.



We are accepting feedback until 5pm, Wednesday 25 October.


We want to hear from YOU!

The easiest way to provide your feedback online at [ashburtondc.govt.nz](https://www.ashburtondc.govt.nz)

Alternatively, you can provide feedback on the attached submission form and return it via one of the following methods.

 **FREEPOST TO**
Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740

 **ONLINE AT**
[ashburtondc/haveyoursay](https://www.ashburtondc.govt.nz/haveyoursay)

 **IN PERSON**
Dropping it off at:
Ashburton District Council reception –
5 Baring Square West

 **EMAIL TO**
submissions@adc.govt.nz

Your feedback

Have your
Say!

Draft Local Alcohol Policy 2023

Submissions must be received by 5pm, Wednesday 25 October

Please note that submissions presented in the form of a petition or accompanied by multiple signatures will be processed as a single submission.

You can submit on any or all of the questions below. You don't have to complete every question.

1 Do you agree with extending the footpath trading hours from 12am(midnight) till 1am?

Yes No **Please explain why or why not.**

2 Do you agree with making the one-way door policy applicable to the whole district?

Yes No **Please explain why or why not.**

Your details

FOLD HERE

Name: _____

Organisation (if appropriate): _____

Address: _____

Phone: _____ Email: _____

Do you wish to speak in support of your submission at the hearing?

(If no boxes are ticked, it will be considered that you do not wish to be heard)

Yes: The hearing is expected to be held in the Council Chamber on **Thursday 9 November 2023**. Please note that hearings may be live-streamed to our online channels.

No: I do not wish to speak in support of my submission and ask that my written submission be fully considered.

If yes, do you wish to present: In Person Virtually

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ashburtondc.govt.nz/haveyoursay



If your feedback does not fit in the space provided, you're welcome to attach additional pages.

3 Do you think the other provisions in the current Local Alcohol Policy are working well?

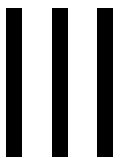
Yes **No** **Please explain why or why not.**

4 Do you have any other comments on the Draft Local Alcohol Policy?

Privacy Statement - Please note that by making a submission, your information will be used in the following ways:

- Submission material, including your name and organisation (if applicable), but excluding your contact details, will be included in material available to Council, media and the public, at our office and on our website.
- The contact details you provide will be used for administration of the consultation process, including informing you of the outcome of the consultation.
- The information you have provided will be stored and held by Council. If you would like to request access to, or make a correction to your personal information, please contact the Council staff.

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Ashburton District Council
PO Box 94
Ashburton 7740