

Draft Local Alcohol Policy 2023

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).

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:

- 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

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

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

- 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

- 4.6. 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) 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

- a) the objects of the Act, and;
- b) the criteria listed in sections 146, and 147 of the Act
- c) 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.