



HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY

August 2019



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1. INTRODUCTION

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted on 18 December 2012. The Act allows territorial authorities to develop a local alcohol policy (LAP) and it allows two or more territorial authorities to develop a joint LAP. This is the joint Local Alcohol Policy for the Hastings District and Napier City territorial areas. This policy applies to any licensing application made to a District Licensing Committee within Hastings District or Napier City.

Under the Act a Local Alcohol Policy is to consist of a set of decisions made by Council in consultation with the Police, Medical Officers of Health and licensing inspectors as well as the community about the sale and supply of alcohol. Once the LAP is in place, the Council's District Licensing Committee and the Alcohol Regulatory and Licensing Authority will have to consider the policy when they make decisions on licence applications.

THE LOCAL ALCOHOL POLICY:

- **May restrict the default maximum trading hours set out in the Act.**
- **May impose conditions on groups of licences such as one-way door conditions whereby a patron is allowed to leave a premise after a certain time but not enter or re-enter after a certain time.**
- **May specify restrictions on the location of licensed premises in particular areas or near facilities of particular kinds.**
- **May specify whether further licences (or licences of a particular kind or kinds) should be issued for premises in a particular area.**
- **May recommend discretionary conditions.**

2. LAP OUTCOMES

This Local Alcohol Policy will guide decisions on alcohol licence applications by the District Licensing Committee in the aim of:

- Creating a safe and healthy community free from alcohol related harm
- Fostering safe and responsible drinking environments
- Reflecting community views on the sale and supply of alcohol within the district.

3. OBJECTIVES OF THE LAP

The objectives of the Sale and Supply of Alcohol Act (2012) are that:

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

Beyond the objectives stated in the Act, the objectives of Hastings District and Napier City Council's Local Alcohol Policy are:

- To support the purpose and intent of the Sale and Supply of Alcohol Act 2012.
- To identify what types of harm caused by the excessive or inappropriate consumption of alcohol the community is concerned about and address those harms to the extent appropriate.
- To provide a framework for the District Licensing Committee and Alcohol Regulatory and Licensing Authority to guide their decisions on alcohol licence applications.
- To promote transparency and provide clarity for the public and applicants about whether an application will meet the provisions of the LAP.
- To demonstrate leadership to achieve a safe drinking culture.
- Work collaboratively with community and agencies on initiatives to reduce alcohol related harm.

4. POLICY PRINCIPLES

- The use of the discretionary conditions will seek insofar as is possible to meet the principles of Crime Prevention through Environmental Design (CPTED) and the preservation of good order and amenity.
- A preliminary review of the policy shall be initiated three years after the policy becomes operative to determine whether a full review is required earlier than the six year review required under s 97 of the Sale and Supply of Alcohol Act 2012.



5. HOURS

The following maximum trading hours apply to all licensed premises within the Hastings District and Napier City territorial areas.

5.1 ON-LICENCE HOUR

ON LICENSE TYPE	MAXIMUM TRADING HOURS
Taverns/bars/pubs/night-clubs	8.00am to 3.00am the following day Monday to Sunday One way door restriction: Mandatory at 2.00am
Cafes/restaurants/wineries/winery restaurants	8.00am to 2.00am the following day Monday to Sunday
Entertainment Venues	Licensing hours are to be consistent with the nature and activities of the premise and in general shall range from: 8.00am to 2.00am the following day Monday to Sunday

NOTE: The owner/operator of an on-licensed premise will be constrained by the hours defined by any resource consent or District Plan requirements. The above-stated hours do not imply any right to operate outside any requirements set under the Resource Management Act 1991.

5.2 OFF-LICENCE HOURS

OFF LICENSE TYPE	MAXIMUM TRADING HOURS
Grocery stores and supermarkets	7.00am to 10.00pm Monday to Sunday
All other off licenses	9.00am to 10.00pm Monday to Sunday

5.3 CLUB LICENCE HOURS

CLUB LICENCE TYPE	MAXIMUM TRADING HOURS
	Licensing hours are to be consistent with the nature and activities of the club and in general shall range from: 8.00am to 1.00am the following day Monday to Sunday

6. SPECIAL LICENCES

Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Sale and Supply of Alcohol Act 2012 allows special licences to be issued for up to 12 months. Unlike other kinds of licences, special licences are not subject to the Act’s default maximum trading hours so can apply up to 24 hours a day. Special licenses are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an “on”, “off” or “club” licence.

Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for reporting by the Police, Medical Officer of Health and Licensing Inspector. Applications submitted with less than 20 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant’s risk.

All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Committee for a decision.

7. LOCATION OF LICENSED PREMISES

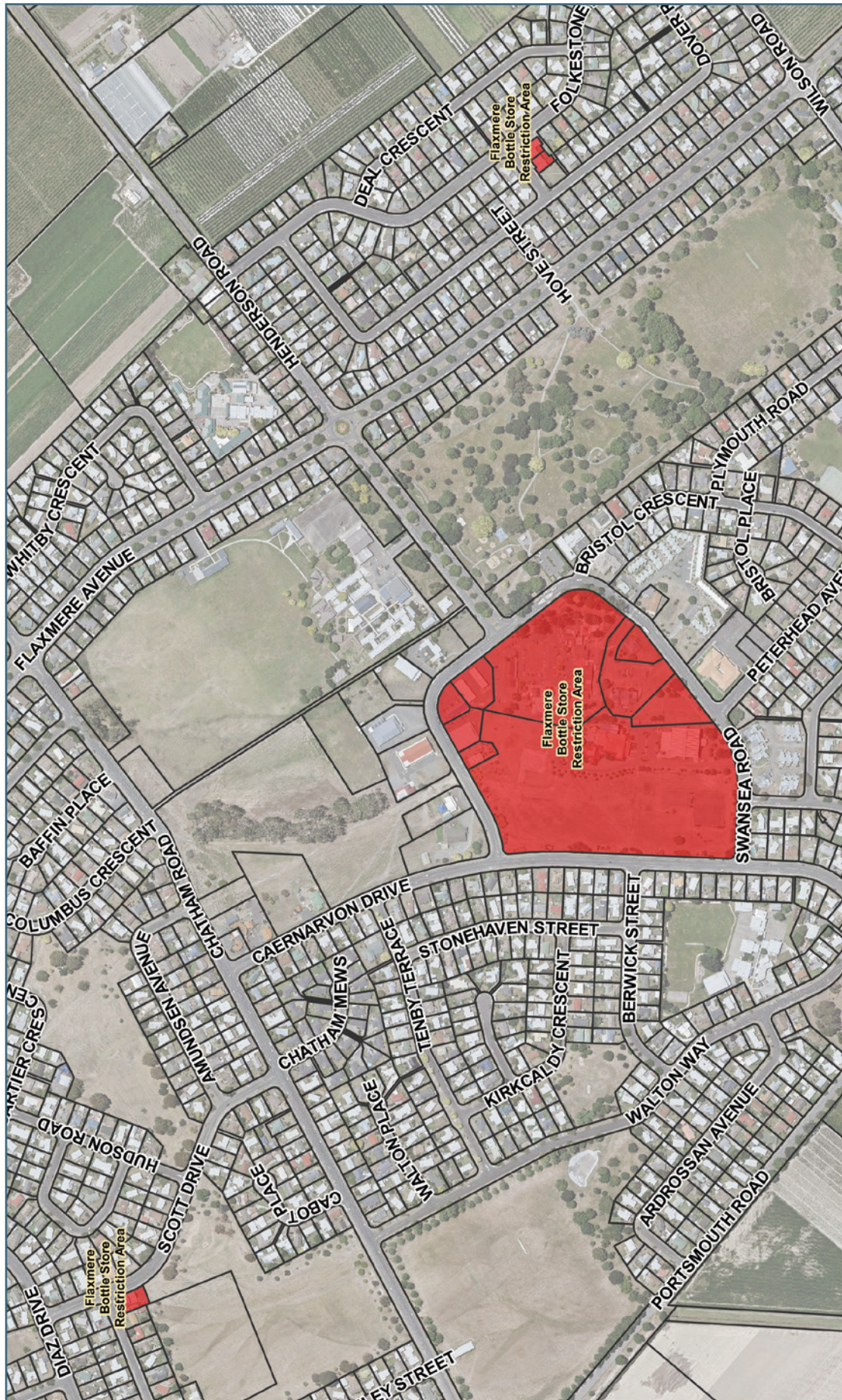
From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:

- Flaxmere - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1.
- Camberley - the suburban commercial zone in Camberley identified in Map 2.
- Maraenui – the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3.

NOTE: In all areas not listed above the District Licensing Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless resource consent has been granted.



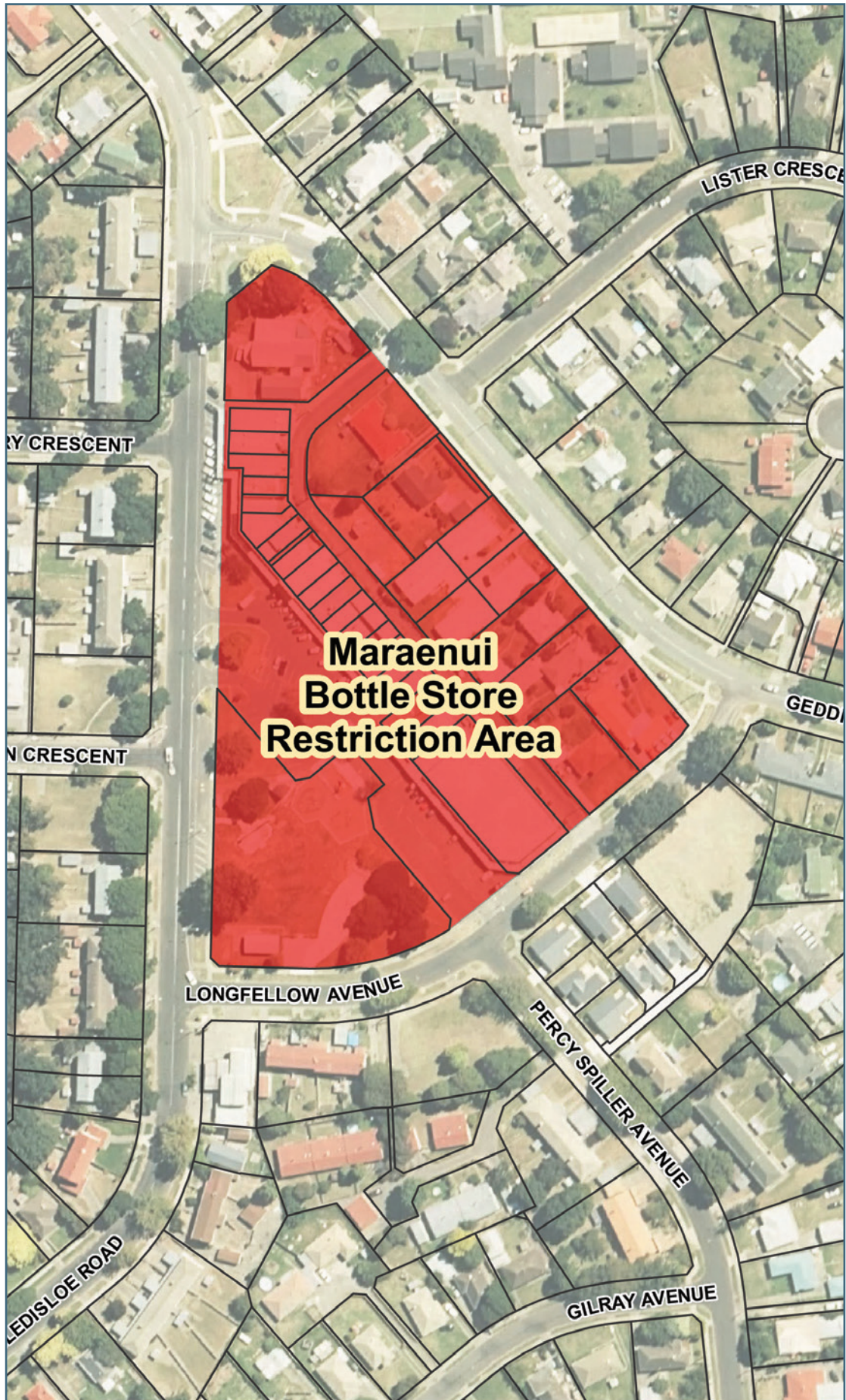
BOTTLE STORE RESTRICTION AREA MAP FLAXMERE



BOTTLE STORE RESTRICTION AREA MAP CAMBERLEY



BOTTLE STORE RESTRICTION AREA MAP MARAENUI



8. DISCRETIONARY CONDITIONS

Section 117 of the Act permits a District Licensing Committee to issue any licence subject to any reasonable conditions not inconsistent with the Act.

Discretionary conditions are in addition to the mandatory conditions specified within the Act. This provision allows the District Licensing Committee a wide ranging discretion as to conditions that may be applied to a licence. In order to provide some guidance to the District Licensing Committee and some certainty to applicants, the following conditions are a list of those which may be imposed by the District Licensing Committee where they are considered appropriate. In using its discretion to apply conditions, the District Licensing Committee will be guided by the following:

- **CONNECTION** – whether there is a connection between the problem to be addressed and the proposed activity
- **IMPACT** – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm
- **REASONABLENESS** – whether it is within the capabilities of the applicant or licensee to satisfy this condition.

NOTE: While the District Licensing Committee has the discretion to add any condition(s) that it deems to be appropriate, it is anticipated that an applicant would have the opportunity to submit comments to the District Licensing Committee prior to the imposition of any condition that may have a financial or management impact on their business.

The following are examples of conditions which may be applied to alcohol licences by the District Licensing Committee:

ON-LICENCES

- CCTV cameras (location and number)
- Provision of effective exterior lighting
- No serving in glass containers at specified times
- Number of door-staff and provision of additional security staff after specified times
- Management of patrons queuing to enter the licensed premise
- Limit on the number of drinks per customer at specified times
- No shots or types of drinks to be served after specified times
- Limit on drink sizes after specified times
- Conditions relating to management: such as certificated staff required if the maximum occupancy exceeds a prescribed number or if recommended by Police or the Inspector, requirement for multiple managers etc
- One way door restrictions
- Provision of transport for patrons
- Restriction on the use of outdoor areas after a specified time

CLUB LICENCES

- Conditions relating to management: such as certificated staff required at all clubs unless the bar is staffed voluntarily and membership is below a prescribed number.

OFF-LICENCES

- Display of safe drinking messages/material

SPECIAL LICENCES

- Restriction on the type of drinks sold, the alcohol percentage of the drinks and the type of containers the drinks are served in
- One way door restrictions

DEFINITIONS

- Alcohol** means a substance—
- (a) that—
 - (i) is or contains a fermented, distilled, or spirituous alcohol; and
 - (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
 - (b) that—
 - (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
 - (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
 - (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people (refer section 5(1) of the Act)
- Alcohol related harm**
- (a) means the harm caused by the excessive or inappropriate consumption of alcohol; and
 - (b) includes—
 - (i) 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
 - (ii) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i) (refer section 5(1) of the Act)
- Bottle store** means 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 (refer section 31(1) of the Act)
- 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 (refer section 5(1) of the Act)
- Café** has the same meaning as restaurant in terms of the licence

Club	means a body that- <ul style="list-style-type: none">(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 (refer section 5(1) of the Act)
Club licences	where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (see section 21 of the Act);
Entertainment Venue	means premises used or intended to be used in the course of business principally for providing any performance or activity such as but not limited to theatre, cinema, bowling, pool/snooker/billiard hall, brothel, function centre, wedding venue, live entertainment venue, strip club.
Grocery Store	means a shop that has the characteristics normally associated with shops of the kind commonly thought of as grocery shops such as but not limited to 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 (refer section 33(1) of the Act). In most cases grocery stores will be less than 1,000 m ² in size
Hotel	means premises used or intended to be used in the course of business principally for providing to the public- <ul style="list-style-type: none">(a) Lodging; and(b) Alcohol, meals, and refreshments for consumption on the premises (refer section 5(1) of the Act)
Night-club	has the same meaning as tavern in terms of the licence
On-licences	where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);

Off-licences	where the licensee sells alcohol from a premise for consumption somewhere else (see section 17 of the Act);
Pub	has the same meaning as tavern in terms of the licence
Restaurant	means premises that- <ul style="list-style-type: none"> (a) Are not a conveyance; and (b) Are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1) of the Act)
Special licences	can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).
Supermarket	means premises commonly thought of as a supermarket with a floor area of at least 1000m ² , including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.
Tavern	<ul style="list-style-type: none"> (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but (b) does not include an airport bar (refer section 5(1)). (ie, an airport bar is not treated as a tavern for alcohol licensing purposes).
Winery	means an activity carried out on the same site as a vineyard involving wine making and cellar door sales (the retail sale of the wine produced on the site), and any related entertainment facilities including the serving of food and beverages (refer Hastings District Plan definitions section).

APPENDIX 1 – REASONS

Reasons for the key elements of the Local Alcohol Policy are provided as follows. The reasons outline the key considerations of the Local Alcohol Policy Joint Committee as a result of hearing and considering all of the submissions and the reporting officer’s report, as well as the appeals to the Provisional Local Alcohol Policy.

CLAUSE	REASONS
<p>ON-LICENCE HOURS</p> <p>The maximum trading hours for:</p> <p>Taverns/bars/pubs/night-clubs are 8.00am to 3.00am the following day Monday to Sunday with a mandatory one way door restriction at 2.00am</p>	<p>The opening hours of 8am for all on-licence venues are consistent with the default opening hours set out under the Act.</p> <p>The closing hours are consistent with historical closing hours outlined under previous Hastings and Napier Sale of Alcohol Policies as being 7am-3am.</p> <p>The Committee does not have evidence that the on-licence hours for taverns/ bars/pubs/ night-clubs should be further restricted in the territorial authority areas of Napier and Hastings.</p> <p>The Committee considered that because of the range of controls that apply to on-licences and the number of conditions and measures that on-licences are bound by to ensure they are operated responsibly that a 3.00am closure is appropriate. The Police and Medical Officer of Health while supporting a 2.00am close also recognised that licenced premises are a good place to consume alcohol in a safe way.</p> <p>The Committee considered that a one-way door should be mandatory at 2.00am as it provides an extra tool in the management of potential alcohol harm by reducing the likelihood of the movement of patrons between venues.</p> <p>From the submissions made by the Police and some licence holders, the evidence supports the implementation of a mandatory one-way door policy. Evidence indicated previous voluntary local trials of a one-way door policy were successful.</p>

CLAUSE	REASONS
<p>Cafes/restaurants/wineries/winery restaurants are 8.00am to 2.00am the following day Monday to Sunday.</p>	<p>The Committee determined that there should not be a differentiation between trading hours for taverns/bars/pubs/night-clubs and cafes/restaurants/wineries and that by having the same licence hours provides for more effective monitoring and enforcement.</p> <p>The Committee recognises that these businesses are commercial enterprises and market demand dictates closing time, and that these venues generally close at 11pm and only on occasion would go through to 2.00am.</p>
<p>Entertainment venues licensing hours are to be consistent with the nature and activities of the premise and in general shall range from 8.00am to 2.00am the following day Monday to Sunday.</p>	<p>The Committee recognises that the District Licensing Committee should have the ability to determine licence hours which are consistent with the nature and activity of the premises.</p>

APPENDIX 1 – REASONS

CLAUSE	REASONS
<p>OFF-LICENCE HOURS</p> <p>The maximum trading hours for:</p> <p>Wineries, hotels, bars, taverns and bottle stores are 9.00am to 10.00pm Monday to Sunday</p>	<p>The Committee determined the opening hours of 9.00am will assist in reducing alcohol related harm given that many of these premises are located in suburban or local communities and are more easily accessible to residential areas.</p> <p>Stopping the sale of alcohol at 10.00pm will also assist in reducing the incidences of pre-loading, side-loading and the further purchases of alcohol by people who have already been drinking throughout the evening and will therefore contribute to reducing the potential for alcohol related harm.</p>
<p>Grocery stores and supermarkets 7.00am to 10.00pm Monday to Sunday</p>	<p>The main purpose of supermarkets and grocery stores is to sell food, with alcohol sales being secondary to that. Having a 7.00am opening hour provides for the convenience of supermarket and grocery shoppers carrying out their normal grocery purchases at that time.</p> <p>Stopping the sale of alcohol at 10.00pm will assist in reducing incidences of pre-loading, side loading and the further purchases of alcohol by people who had already been drinking throughout the evening, and will therefore contribute to reducing the potential for alcohol related harm.</p> <p>There is no differentiation between closing hours for off-licences, as all alcohol can result in alcohol related harm. At this point in time, there is not sufficient local evidence to support a difference in the closing hours of different off-licences.</p>

CLAUSE	REASONS
<p>CLUB LICENCE HOURS</p> <p>Licensing hours are to be consistent with the nature and activities of the club and in general shall range from 8.00am to 1.00am the following day Monday to Sunday.</p>	<p>The start time for Club Licences at 8am is consistent with the default starting time set out in the Act.</p> <p>The finishing hours are consistent with historical operating hours of clubs in the territorial authority areas of Napier and Hastings with no evidence of alcohol related harm associated with these hours to justify imposing more restrictive hours. Further, the District Licensing Committee will be able to set licence hours which are consistent with the nature and activities of the club.</p>
<p>SPECIAL LICENCES</p> <p>Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Sale and Supply of Alcohol Act 2012 allows special licences to be issued for up to 12 months. Unlike other kinds of licences, special licences are not subject to the Act’s default maximum trading hours so can apply up to 24 hours a day. Special licenses are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an “on”, “off” or “club” licence.</p> <p>Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for reporting by the Police, Medical Officer of Health and licensing inspector. Applications submitted with less than 20 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant’s risk.</p> <p>All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Agency for a decision.</p>	<p>No maximum trading hours for special licences are specified in this policy due to the uncertainty of types of events and when these may occur. Maximum trading hours for special licences are also not prescribed in the Act.</p> <p>The Committee considers that it is appropriate for the District Licensing Committee to consider each application on its own individual merits taking into account the statutory criteria that must be considered and that conditions may be imposed on a Special Licence to mitigate adverse effects.</p>

APPENDIX 1 – REASONS

CLAUSE	REASONS
<p>LOCATION OF LICENSED PREMISES</p> <p>From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:</p> <ul style="list-style-type: none"> • FLAXMERE - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1. • CAMBERLEY - the suburban commercial zone in Camberley identified in Map 2. • MARAENUI – the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3. <p>NOTE: In all areas not listed above the District Licensing Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless resource consent has been granted.</p>	<p>The Committee determined that there was sufficient local evidence to justify the implementation of location restrictions.</p> <p>A number of submissions were in support of location restrictions for Flaxmere and Camberley and submissions from the Police and Medical Officer of Health also requested that there also be bottle store restrictions put in place in Maraenui.</p> <p>That Maraenui has similar demographic and social problems as Flaxmere and Camberley and the Committee considered that it was therefore appropriate for a ‘no further bottle store restriction’ to be applied to Maraenui.</p> <p>Evidence from the Medical Officer of Health also showed that the Hastings Regional Hospital Emergency Department alcohol-related injury presentations are more likely to occur in private residences than licensed premises and that young people particularly those from high deprivation areas are more at risk of presenting with alcohol-related injuries than those from less deprived areas.</p> <p>The Committee did not consider further restrictions in relation to proximity to premises or facilities of a particular kind or kinds were warranted as it considers the District Licensing Committee to be in the best position to consider this on a case by case basis with the criteria relating to amenity and good order contained in the Act.</p>
<p>DISCRETIONARY CONDITIONS</p>	<p>The Committee notes that by their nature, discretionary conditions may or may not be applied by the District Licensing Committee and that the intention of this element of the policy is to draw attention to the types of conditions that the District Licensing Committee could consider. Outlining such conditions in the policy also provides some guidance to applicants regarding the nature and scope of potential discretionary conditions.</p>

