

**Otorohanga District Council
Local Alcohol Policy**

17 May 2016

Otorohanga District Local Alcohol Policy

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Otorohanga District Local Alcohol Policy

1. INTRODUCTION AND OVERVIEW

1.1 Background and Objectives of the Sale and Supply of Alcohol Act 2012

1.1.1 The Sale and Supply of Alcohol Act was enacted by Parliament in December 2012.

1.1.2 The object of the Sale and Supply of Alcohol Act (“the Act”) is 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.’

1.1.3 This Local Alcohol Policy (LAP) has been developed pursuant to section 75 of the Act, which empowers territorial authorities to develop Local Alcohol Policies for their District.

1.1.4 The Act outlines what content a territorial authority may include in their LAP.

- Section 77 of the Act outlines what policies may be included in a LAP. No other policies except those listed under that section can be included in a LAP.
- Section 78 of the Act lists the matters a local authority must have regard to when producing a draft policy.
- In addition a territorial authority must not produce a draft policy without having consulted the Police, licensing inspectors, and Medical Officers of Health.
- Section 93 of the Act allows a LAP to contain a policy more restrictive than the relevant district plan, but a LAP policy cannot authorise anything forbidden by the relevant district plan.

1.1.5 This LAP is intended to set a clear framework which will be applied to all applications for on, off, club and special licences, temporary authorities and managers certificates within the Otorohanga District.

1.1.6 The Otorohanga District is that area illustrated in figure two.

1.2 Authority Statements and case law

1.2.1 The Otorohanga District Licensing Committee shall give all due regard to any statement issued by the Alcohol Regulatory and Licensing Authority pursuant to section 176 of the Act when interpreting this policy and determining licence applications, and to any relevant decisions issued by the Authority.

2. OBJECTIVE OF THE LOCAL ALCOHOL POLICY

The objective of this policy is to balance the reasonable needs of the residents of Otorohanga District regarding the sale, supply and consumption of alcohol, while addressing the statutory requirements of the Sale and Supply of Alcohol Act 2012, including the object of the Act to minimise the harm caused by excessive or inappropriate consumption of alcohol.

2.1 Definitions

- “Authorised customer”** in relation to premises a club licence is held for, means a person who—
- (a) is a member of the club concerned; or
 - (b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
 - (c) is an authorised visitor
- “Authorised visitor”** in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.
- “Café”** shall have the same meaning as “restaurant”
- “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 permanent club charter
- “District Licensing Committee”** means the Otorohanga District Licensing Committee appointed pursuant to section 186 of the Act
- “Early childcare facility”** includes any crèche, childcare centre, kindergarten, kohanga reo play centre or plunket rooms or any other place (excluding a school) where five or more children receive care or education.
- “Facility”** includes a place of worship, school or early childcare facility
- “Function Centre”** premises in which the principal business is pre-booked private functions where alcohol is sold or supplied in conjunction with those functions
- “Grocery store”** has the meaning given by 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
- “Large scale event”** means an event to which section 143 of the Act applies.
- “Off-licence”** on the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else

- “One-way door restriction”** in relation to a licence, is 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 with alcohol
- “On-licence”** on any premises an on-licence (other than an on-licence endorsed under section 37) is held for, the licensee—
- (a) can sell and supply alcohol for consumption there; and
 - (b) can let people consume alcohol.
- “Outdoor dining area”** means an area of a premises holding an on-licence or club licence that is outside of the building which includes any part of a public footpath, pavement or other public place.
- “Place of worship”** includes any church, mosque or other facility designed primarily for worship and related religious activities.
- “Premises”** includes:
- (a) a conveyance; and
 - (b) includes part of any premises; and
 - (c) in relation to a licence, means the premises it was issued for
- “Prohibited persons”** are persons to whom alcohol cannot be served including minors and intoxicated persons and in the case of clubs any person who is not an authorised customer
- “Public park”** means any park, reserve, playground, garden or similar public place maintained by the Local Authority for recreation purposes.
- “Restaurant”** 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 meals to the public for eating on the premises
- “School”** includes any primary, intermediate or secondary school and any kura kaupapa
- “Special Licence”** means the type of licence detailed in section 22 of the Act.

- “Supermarket”** has the meaning given by section 32(1)(e) of the Act.
- “Tavern”** 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 a temporary authority order issued and in force under section 136 of the Act
- “The Act”** means the Sale and Supply of Alcohol Act 2012

3. SPECIFIC POLICIES - On-licences

3.1 Introduction

3.1.1 An on-licence premises is one where consumption of alcohol is authorised on the premises from which it is sold. Common examples include hotels, taverns and restaurants.

Section 14 of the Act states:

“On any premises an on-licence (other than an on-licence endorsed under section 37 of the Act) is held for, the licensee—

- (a) Can sell and supply alcohol for consumption there; and*
- (b) Can let people consume alcohol”.*

Policies relating to On-licences also apply to:

- (i) BYO restaurants (endorsed under section 37 of the Act)
- (ii) Caterers (endorsed under section 38 of the Act)

3.2 Location of premises holding on-licences by reference to broad areas

3.2.1 New on licence premises shall be limited to areas identified as being within the Kawhia Licensing Precinct¹ or the Otorohanga Licensing Precinct¹ unless authorised elsewhere by resource consent, and then subject to the following policies (3.3 to 3.8) in this section.

3.2.2 For the purposes of 3.2.1, 3.3.1, 3.4.1 and 3.6.2 any premises that have not been subject to an on-licence in the twelve (12) months prior to the application shall be considered new premises being licensed for the first time.

3.3 Location of premises holding on-licences by reference to proximity to premises of a particular kind or kinds

3.3.1 When considering a licence application in respect of new premises being licenced for the first time, the District Licensing Committee will have regard to the proximity of the proposed premises to other licensed premises where it considers this relevant.

3.4 Location of premises holding on-licences by reference to proximity to facilities of a particular kind or kinds

3.4.1 An on-licence will not be issued in respect of any new premises being licenced for the first time, on any site where it directly borders any school, early childcare facility, or place of worship existing at the time the licence application is made unless it can be demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no impact on those facilities and/or persons using the facilities. “Directly borders” includes across any road from such facility as shown in figure one.

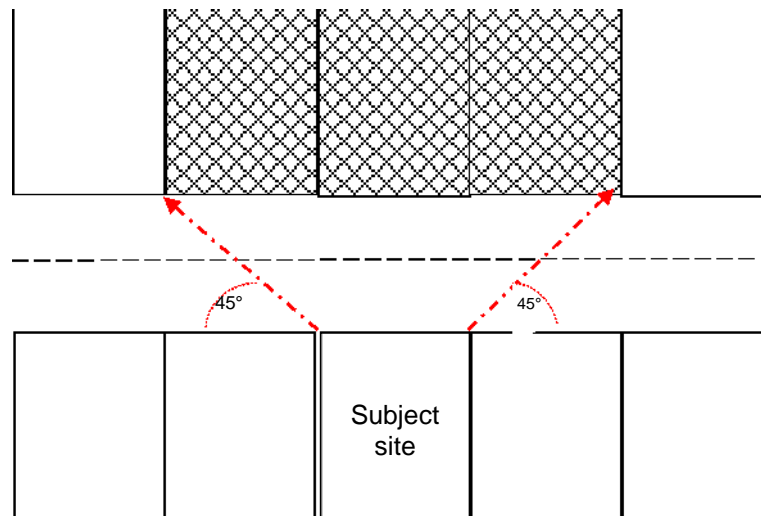
¹ Refer to Appendix A for Maps of Licensing Precincts

3.4.2 In cases where a resource consent has been issued to locate a premises outside a Licensing Precinct Area as allowed in 3.2.1 above, the boundary of the site shall be a minimum of 40 metres from the boundary of any school, early childcare facility, or place of worship existing at the time the licence application is made unless it can be demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no impact on those facilities and/or persons using the facilities.

3.4.3 Renewal of a licence shall be unaffected should a school, early childcare facility, or place of worship later move to a site which borders an existing licensed premises.

Figure one:

3.5 Further issuing of on-licences in the District



3.5.1 This policy does not limit the number of on-licence premises in the Otorohanga District or restrict the issue of new licences, provided the other policy criteria are met.

3.6 Maximum trading hours for premises holding on-licences

3.6.1 No on-licence shall be issued or renewed for any hotel or tavern premises with trading hours that exceed the following (subject to sections 46 and 47 of the Act):

(a) Monday to Sunday 9:00am to 2:00am the following day.

3.6.2 Where a new hotel, tavern or other premises where the principal activity is the consumption of alcohol is proposed within 100 metres of any Order 3 Road in the Otorohanga District Plan, trading hours will not exceed the following:

(a) Sunday to Thursday 9:00am to 10.30pm,

(b) Friday and Saturday 9.00am to 12.00 midnight.

3.6.3 No on-licence shall be issued or renewed in respect of any restaurant or café premises with trading hours that exceed the following (subject to sections 46 and 47 of the Act):

(a) Monday to Sunday 9.00am to 12.00 midnight.

3.6.4 Any outdoor dining area will not have trading hours that exceed 9.00am to 11.00pm on any day.

3.6.5 Any function centre or other premises not defined above will be subject to trading hours at the District Licensing Committee's discretion but shall not exceed:

(a) Monday to Sunday 9:00am to 2:00am the following day

3.7 Discretionary conditions of on-licences

3.7.1 In accordance with section 110(1) and 117 the District Licensing Committee may impose discretionary conditions (in addition to those required by section 110(2)) on any licence or renewed licence. These may include conditions related to the following, or any other reasonable condition:

- (a) Prohibited persons
- (b) Management of premises
- (c) People or kinds of people to be served
- (d) Low and non-alcoholic beverages
- (e) Transport options
- (f) Exclusion of the public

3.8 One-way door restrictions

3.8.1 A one-way door restriction of one-hour prior to maximum closing time may be applied on Thursday, Friday and Saturday nights to any hotel or tavern premises with a closing time later than midnight.

3.8.2 This condition may be added to licences as they are issued or renewed.

4. SPECIFIC POLICIES - OFF-LICENCES

4.1 Introduction

4.1.1 An off-licence premise is one where consumption of the alcohol occurs away from the premises from which it is sold. Common examples include supermarkets and bottle-stores.

4.1.2 Section 17 of the Act states:

- (i) *“On the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else.*
- (ii) *“While the premises an off-licence is held for are open for the sale of alcohol for consumption somewhere else, the licensee can also supply alcohol free, as a sample, for consumption on the premises.”*

4.2 Location of premises holding off-licences by reference to broad areas

4.2.1 New off-licence premises (excluding remote sellers endorsed pursuant to section 40 of the Act) shall be limited to areas identified as being within the Kawhia Licensing Precinct or the Otorohanga Licensing Precinct, unless authorised by resource consent.

4.2.2 For the purposes of 4.2.1, 4.3.1, 4.3.2, 4.4.1, and 4.4.4 a premises that has not been subject to an off-licence in the twelve (12) months prior to the application shall be considered as being a new premises being licensed for the first time.

4.3 Location of premises holding off-licences by reference to proximity to premises of a particular kind or kinds

4.3.1 When considering a licence application for a new premises being licenced for the first time, the District Licensing Committee will have regard to the proximity of the proposed premises to other off-licensed premises where it considers this relevant.

4.3.2 Licensees of premises holding both an on and off licence shall ensure there is a separate point of sale and supply for the off-licence if a totally separate area or premises is not practical.

4.4 Location of premises holding off-licences by reference to proximity to facilities of a particular kind or kinds

4.4.1 Within the Licensing Precinct Area, an off-licence will not be issued in respect of any new premises being licenced for the first time on any site where the site directly borders any school, early childcare facility, or place of worship existing at the time the licence application is made, unless it can be demonstrated to the District Licensing Committee that the hours, alcohol related signage or operation of the premises will have no significant impact on those facilities and/or persons using the facilities. “Directly borders” includes across any road from such facility as shown in figure one.

Provided the Applicant demonstrates how the outcomes listed in 4.7.1(e) and (f) will be achieved, the following shall be considered to have no significant impact:

- The hours of an off-licence where there is no external display of alcohol

advertising. 4.4.2 Renewal of a licence shall be unaffected on the grounds that:

- (a) such a facility later moves to a site which borders an existing licensed premises;
or
- (b) the facility already bordered the existing licensed premises.

4.4.3 In cases where a resource consent is required to locate premises outside of a Licensing Precinct Area as allowed in 4.2.1 above, the boundary of the site shall be a minimum of 40 metres from the boundary of any school, early childcare facility, or place of worship existing at the time the premise is established unless it can be demonstrated to the District Licensing Committee that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using the facilities. In considering significant impact, the District Licensing Committee will assess how the outcomes listed in 4.7.(e) and (f) will be achieved and may impose appropriate conditions to mitigate risk if necessary.

Advice Note

For the purposes of 4.4.1 and 4.4.3 “Licensing Precinct Area” is the coloured area shown on the maps in Appendix A.

4.4.4 When forming an opinion on amenity and good order in relation to a new off-licence premises being licensed for the first time, the District Licensing Committee shall have regard to the proximity of any proposed new off-licence premises to a public park, car park or reserve particularly where that park, car park or reserve is within a liquor ban area prescribed by a bylaw and, if necessary, impose conditions set out in element 4.7.

4.5 Further issuing of off-licences in the District

4.5.1 This policy does not limit the number of off-licence premises or restrict the issue of new licences, provided the other policy criteria are met.

4.6 Maximum trading hours for premises holding off-licences

4.6.1 No off-licence shall be issued or renewed with trading hours that exceed Monday to Sunday 7.00am to 10.00pm (subject to section 48 of the Act).

4.7 Discretionary conditions of off-licences

4.7.1 In accordance with sections 116(1) and 117 of the Act the District Licensing Committee may impose discretionary conditions in relation to the following matters (in addition to those required by section 116(2)) or any other reasonable condition:

- (a) Prohibited persons

- (b) People or kinds of people to be served
- (c) Kinds of alcohol to be sold
- (d) Display of nationally consistent safe drinking messages and material
- (e) Application of Crime Prevention Through Environmental Design (CPTED) principles to achieve the following outcomes:

Closed-circuit television (CCTV)

- CCTV being installed in suitable locations to monitor vulnerable areas (areas which are not easily or not continuously monitored by staff).
- Customers being made aware of the CCTV systems.

Lighting

- Internal lighting inside the premises to enable passive surveillance by staff and active surveillance by CCTV.
- Lighting to allow customers to be seen as they enter the premises.
- Lighting to allow staff to check identification.
- External areas such as car parks and loading bays being well lit, subject to the requirements of any resource consent or a district plan rule.

Internal Layout

- General points of sale to be positioned near the main entrance.

Staff

- Relevant staff understanding how to operate the CCTV system.
 - There being sufficient numbers of staff to ensure control of the premises during trading hours.
- (f) At least 50% of any store front glazing shall be transparent, consistent with CPTED guidelines and no more than 30% of the external area of any side of the premises may contain alcohol related signage or advertising, excluding the company name.
 - (g) External signage must comply with the signage requirements outlined in the Otorohanga District Council District Plan.

5. SPECIFIC POLICIES - CLUB LICENCE

5.1 Introduction

5.1.1 A club 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 is a body corporate whose object is not for gain; or holds permanent club charter.

5.1.2 Section 21 of the Act states:

“On the premises a club licence is held for, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.”

“authorised customer, in relation to premises a club licence is held for, means a person who—

- (i) is a member of the club concerned; or*
- (ii) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or*
- (iii) is an authorised visitor”*

5.2 Location of premises holding Club licences by reference to broad areas

5.2.1 New licensed club premises should be located at, or in close proximity to, the sports grounds or other facilities used by the club, if relevant.

5.3 Location of premises holding Club licences by reference to proximity to premises of a particular kind or kinds

5.3.1 The District Licensing Committee shall have regard to the proximity of any proposed new club premises to any other existing premises when considering a new licence application.

5.4 Location of premises holding Club licences by reference to proximity to facilities of a particular kind or kinds

5.4.1 The District Licensing Committee shall have regard to the proximity of any proposed club premises being licenced for the first time to any school, early childcare facility, place of worship or residential area.

5.5 Further issuing of Club licences in the District

5.5.1 This policy does not limit the number of club licence premises or restrict the issue of new licences, provided the other policy criteria are met.

5.6 Maximum trading hours for premises holding Club licences

5.6.1 The District Licensing Committee will have regard to the days and hours of operation, and the type of activities undertaken by the club, in setting club hours.

5.6.2 No club licence shall be issued or renewed with trading hours that exceed the following:

- a) Monday to Sunday 9.00am to 1.00am the following day (Subject to section 46 of the Act)

5.7 Discretionary conditions of Club licences

5.7.1 In accordance with sections 110(1) and 117 of the Act the District Licensing Committee may impose discretionary conditions regarding the following matters, in addition to those conditions required by section 110(2):

- (a) Prohibited persons
- (b) Management of premises
- (c) People or kinds of people to be served
- (d) Low and none alcoholic beverages
- (e) Transport options
- (f) Exclusion of the public

5.8 One-way door restrictions relating to Club licences

5.8.1 The District Licensing Committee may impose a one-way door condition on any licence where it believes this is warranted. The one-way door restriction shall not apply any earlier than two hours before the normal closing time of the premises.

5.8.2 This condition may be added to a licence at the time of issue or renewal.

6. SPECIFIC POLICIES - SPECIAL LICENCES

6.1 Introduction

6.1.1 Special licences allow the sale and consumption of alcohol at events or occasions on premises that are unlicensed, or premises that would be outside their normal licence conditions. They can permit on site or off site sales, and are in force for the date and time of the event only.

6.1.2 “Event includes an occasion and a gathering, and any of a series of events”.

6.2 Issuing of special-licences in the District

6.2.1 The District Licensing Committee, subject to section 41 of the Act may refuse a special licence or licences where it would be more appropriate for the applicant to apply for an on, off or club licence, or for the variation of an existing licence.

6.3 Maximum trading hours for premises holding special licences

6.3.1 Special licences for premises that are not otherwise licensed will not be issued with trading hours beyond 1.00am the day following the event, except in exceptional circumstances as determined by the District Licensing Committee.

6.3.2 Where the applicant for a special licence already holds an on, off or club licence with the maximum hours permitted for that type of licence under this policy, a special licence with greater hours will only be issued in exceptional circumstances as determined by the District Licensing Committee.

6.4 Discretionary conditions of special licences

6.4.1 In accordance with sections 146 and 147(1) the District Licensing Committee may impose discretionary conditions regarding the following matters, in addition to those required by section 147(3):

- (a) Sale and supply to prohibited persons
- (b) People or kinds of people to be served
- (c) The kind or kinds of alcohol that may be sold or delivered
- (d) The provision of food for consumption on the premises
- (e) The provision of low and non-alcoholic beverages
- (f) The provision of information relating to transport options
- (g) Exclusion of the public
- (h) Restricting the types of containers used for sale or supply

- (i) The filing of returns
- (j) Conditions of a kind subject to which a licence may be issued under section 110 (on or club licence) or 116 (off licence)
- (k) Any reasonable condition not inconsistent with the Act.

6.5 One-way door restrictions

6.5.1 The District Licensing Committee may impose a one-way door condition on any licence where it believes this is warranted. The one-way door restriction shall not apply any earlier than two hours before the normal closing time of the premises, or in the case of a special licence no earlier than two hours prior to the conclusion of the event.

7. TEMPORARY AUTHORITIES

- 7.1 All temporary authority applications will be passed to the Police to give them an opportunity to inquire into the application.
- 7.2 Pursuant to section 136(4)(c) every temporary authority will be subject to a condition that no second or subsequent temporary authorities will be issued in respect to the same premises and licensee unless a full licence application has already been filed, or, in exceptional circumstances, with the prior approval of the Secretary of the Licensing Committee.

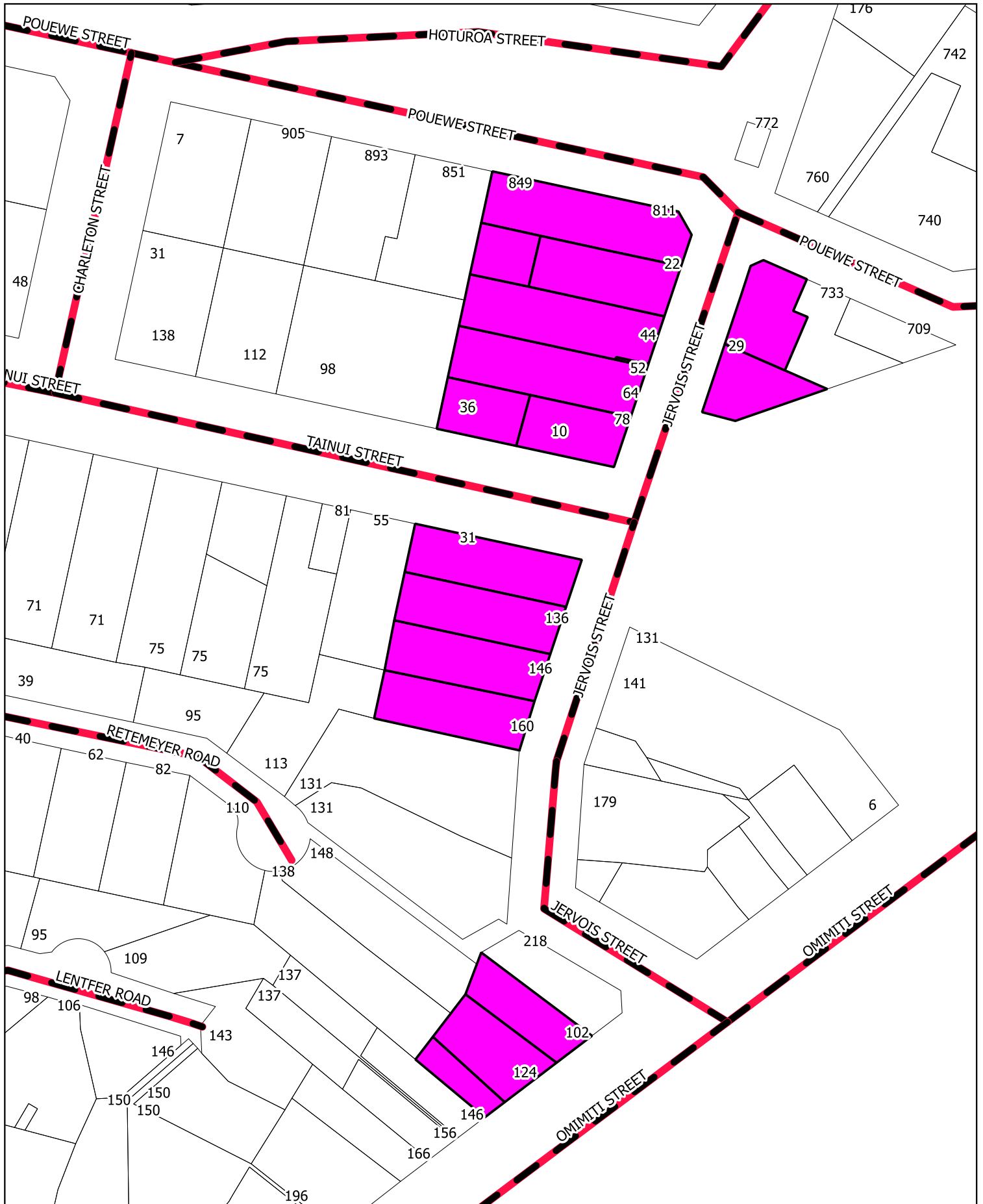
Figure One: Otorohanga District



Appendix A Maps

Otorohanga Licensing Precinct: 17 May 2016

Kawhia Licensing Precinct: 17 May 2016

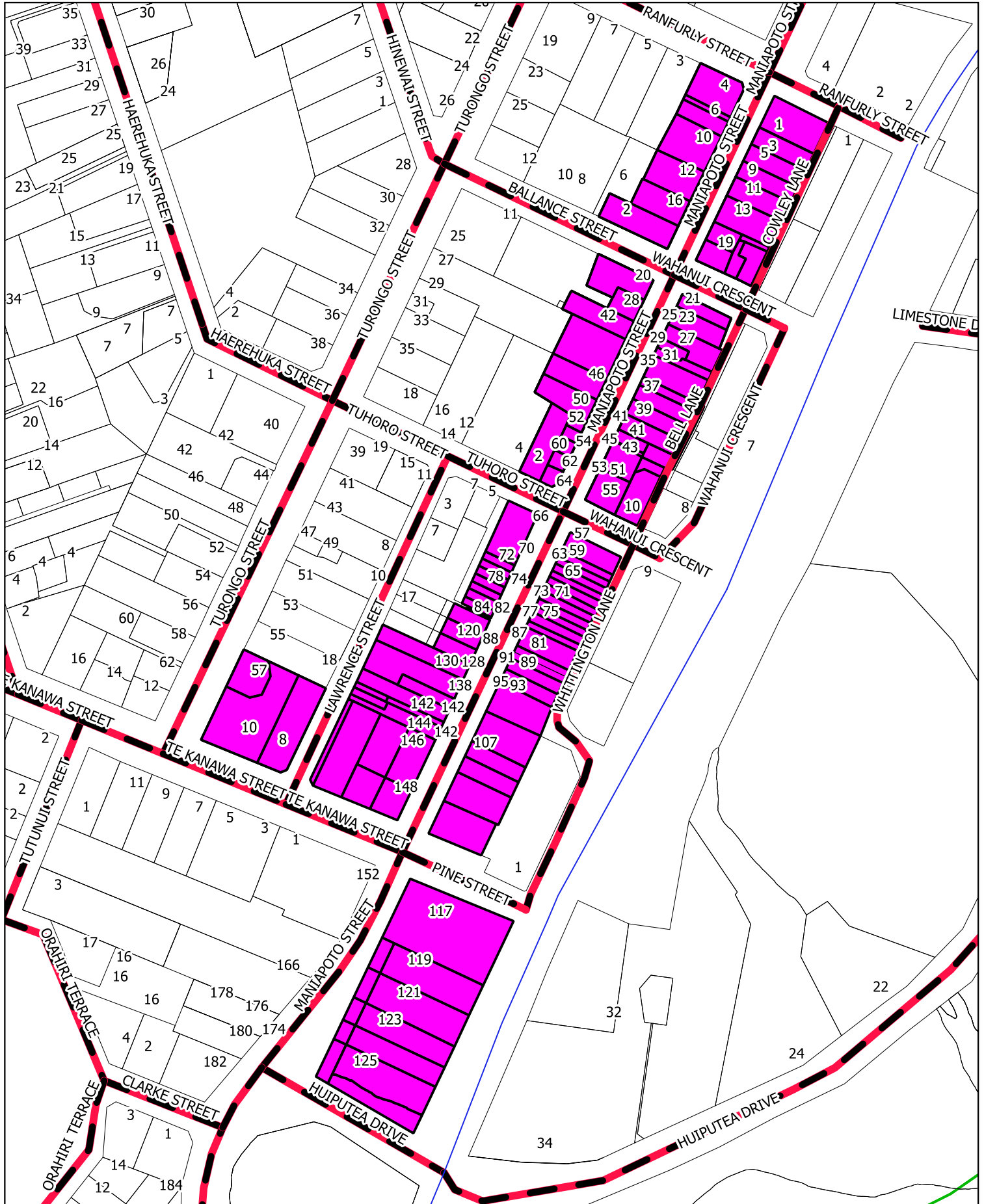


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Scale 1:1500

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Scale 1:3000

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