

Tasman District Council Local Alcohol Policy

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Tasman District Council Local Alcohol Policy

1.0 INTRODUCTION AND EXPLANATORY MATERIAL

- 1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objectives:
- (a) that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- 1.2 Alcohol related harm is defined very widely and includes any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.
- 1.3 The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Tasman District Council has decided to develop a LAP for its district and to set restrictions and conditions for licensed premises within the district.
- 1.4 Once the LAP comes into force, Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.
- 1.5 Through a LAP the community is able to:
- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
 - Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular area;
 - Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
 - Recommend discretionary conditions for licences;
 - Restrict or extend the default maximum trading hours set in the Act, which are:
 - 8am - 4am for on-licences (such as pubs and restaurants)
 - 7am - 11pm for off-licences (such as bottle stores and supermarkets).
- 1.6 Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.
- 1.7 The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Tasman District Resource Management Plan provides for licensed premises either within the Central Business, Commercial and Tourist Services zones or by resource consent.
- 1.8 The Tasman Resource Management Plan also restricts the operating hours for licensed premises on Central Business, Commercial or Tourist Services zones that are adjacent to a residential zone to not later than 11pm.
- 1.9 Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to "any reasonable conditions not inconsistent with this Act". The LAP includes policies to guide the District Licensing Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

CRITERIA FOR CONSIDERING LICENSING APPLICATIONS

- 1.10 The purpose of the LAP is to provide local guidance for the Council's District Licensing Committee in deciding whether to issue or renew a licence.
- 1.11 Under section 105 of the Act, the District Licensing Committee has to have regard to a range of matters in addition to any relevant local alcohol policy when considering a licence application. The types of matters include:
- the object of the Act;
 - the suitability of the applicant;
 - the design and layout of any proposed premises;
 - whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the licence;
 - whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences but—
 - it is nevertheless desirable not to issue any further licences.
- 1.12 The Act says that a licence may be refused or conditions applied if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108 and 109). Where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed (section 133).

GOALS OF THE LAP

- 1.13 The Local Alcohol Policy provides direction for the District Licensing Committee so that licensing decisions:
- Contribute to Tasman being a safe and healthy District;
 - Reflect local communities' character and amenity and their values, preferences and needs;
 - Encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

OBJECTIVES OF THE LAP

- 1.14 The objectives of the LAP are to provide a policy which:
- Reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
 - Provides certainty and clarity for applicants and the public as to whether a proposed license application will meet the criteria of the LAP;
 - Provides effective guidance for the decisions of the District Licensing Committee and the Alcohol Regulatory Licensing Authority.

DEFINITIONS USED IN THIS LAP

- 1.15 When reading this LAP, the following words and phrases have been used. For further details refer to the section of the Act referenced.

Types of licences

- **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 premises for consumption somewhere else (see section 17 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); and

- **special licences** which 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).

Notes:

Some premises hold more than one licence – for example a tavern may also hold an off-licence and be able to sell alcohol which is consumed off the premises.

The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day. Special licences are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a “Club”, “on” or “off” licence.

1.16 Other terms

- airport bar** means premises that are within or attached to an airport; and used or intended to be used in the course of business principally for selling or supplying alcohol to air travellers arriving at or departing from the airport (refer section 5(1))
- bottle store** means retail premises where (generally speaking) at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(1))
- 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))
- café** has the same meaning as restaurant in terms of the licence
- 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 (refer section 5(1))
- grocery store** 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 premises where—
 - (i) a range of food products and other household items is sold; but
 - (ii) the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1))
- 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 (refer section 5(1))
- 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 (refer section 5(1))
- night-club** a place of entertainment open at night which normally provides music and space for dancing and may provide a show e.g. of comedy or other ‘acts’

supermarket means premises with a floor area of at least 1000 m² (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1))

tavern

- (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)) i.e. an airport bar is not treated as a tavern for alcohol licensing purposes).

2.0 LICENCE CONDITIONS

2.1 Off-Licences

2.1.1 Hours for off-licences

The following maximum trading hours apply to all off-licensed premises in the Tasman District territorial area and includes all off-licence sales including over the counter sales:

Monday to Sunday	7am to 10pm
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2.1.2 Location of off-licences

From the date this LAP comes into force, no off-licences are to be issued for any premises **unless** that premises is already licensed; or is located on land zoned Central Business, Commercial and Tourist Services or a Resource Consent has been granted by Council for its operation either before or after that date.

2.1.3 Discretionary conditions for off-licences

Conditions relating to the following matters **may** be appropriate for off licences:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores
- Display of safe drinking messages/material
- Application of the principles of Crime Prevention Through Environmental Design. Supermarkets and bottle stores will give effect to the principles of Crime Prevention Through Environmental Design where they achieve the following outcomes:
 - Lighting
 - Internal lighting inside the premises enables passive surveillance by staff and active surveillance by CCTV
 - Lighting allows customers to be seen as they enter the premises
 - Lighting allows staff to check IDs
 - External areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or a district plan rule.
 - Internal Layout
 - General points of sale are positioned near the main entrance.
 - CCTV
 - CCTV is installed in suitable locations to monitor vulnerable areas (areas which are not easily or not continuously monitored by staff)
 - Customers are aware of the CCTV system.
 - Staff
 - Relevant staff understand how to operate the CCTV system
 - There are sufficient numbers of staff to ensure control of the premises during trading hours

2.2 On-licences

2.2.1 Hours for On-licences

The following maximum trading hours apply to all on-licensed premises in the Tasman District territorial area (other than hotel in-bedroom (mini-bar) sales):

Monday to Sunday	8am to until 2am the following day.
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The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday	24 hours per day
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2.2.2 Discretionary conditions for On-licences:

Conditions relating to the following matters **may** be considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- 'One-way door' restrictions
- The time entertainment finishes
- Provision of additional security (staff) after 'x' hour
- The installation and operation of CCTV cameras on the exterior of, and within a premises
- Provision of effective exterior lighting
- Restrictions on the size of servings (e.g. 'doubles') and time of 'last orders'
- Management of patrons queuing to enter the licensed premises
- Restriction on the use of outdoor areas after 'x' hour
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.
- Application of the principles of Crime Prevention Through Environmental Design

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- The holder of a manager's certificate to be on duty during busy periods e.g. Thursday, Friday and Saturday nights
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.

2.3 Special licences:

2.3.1 Hours for Special Licences

The hours (opening and closing) and duration of a special licence are set at the discretion of the District Licensing Committee for each event, having regard to the nature of the event or series of events. The following maximum trading hours apply to all special licenses in the Tasman District territorial area:

Monday to Sunday	Discretionary up to 24 hours a day
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- 2.3.2 Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on-site consumption, e.g. at a community event or when a bar has a special licence to open earlier/close later for significant events. Generally for premises holding existing on-licences, the conditions of a special licence will specify a closing time no more than two hours later than permitted by their on-licence.

2.3.3 Discretionary Conditions

In addition to the discretionary conditions in Section 147 of the Act, the following conditions **may** be considered appropriate for special licences:

- Any special licence for a series of events should not be for a period exceeding 6 months
- No premises should have more than 25 events in any special licence
- 'One-way door' restriction to apply from a specified time
- No glassware is to be taken outside the building or onto grass or artificial grass surfaces
- Plastic containers or cans to be used for any event (except when it is being served and remains within the building)
- Areas to be clearly defined/ cordoned off/ demarcated where liquor is being sold/consumed outside of the building e.g. Beer tent. Where appropriate people are to remain within the defined area.
- Wine to be sold by the glass only and no bottle sales shall occur.
- The holder of a manager's certificate to be present when alcohol is available for sale, or the number of manager's certificate holders required may be specified.
- The maximum number of alcoholic drinks per sale transaction may be specified.
- No school fete, gala or similar event held on school grounds at which the participation of children can be reasonably expected shall allow for the consumption of alcohol on the premises.
- Careful consideration of appropriateness of alcohol associated with driving events shall be undertaken and such applications may be refused.

2.4 Club Licences

2.4.1 Hours for Club Licences

The following maximum trading hours apply to all club-licensed premises:

Monday to Sunday	8am until 2am the following day
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2.4.2 Discretionary conditions for club licences:

Conditions relating to the following matters **may** be appropriate for Club licensed premises depending on the size and nature of the club:

- A requirement for the holder of a managers certificate to be present when alcohol is available for sale during busy periods e.g. more than 100 people are on the Club premises.