

# **Waitomo District Council**

## **Local Alcohol Policy**

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## INTRODUCTION | KUPU ARATAKI

The Sale and Supply of Alcohol Act (the Act) was enacted by Parliament in December 2012. The Act allows for territorial authorities to have local alcohol policies however this not a requirement of the Act.

The object of the Sale and Supply of Alcohol 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.'*

This Local Alcohol Policy (LAP) has been developed pursuant to section 75 of the Sale and Supply of Alcohol Act 2012, which empowers territorial authorities to develop Local Alcohol Policies for their District.

## PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of this policy is to:
  - balance the reasonable needs of the residents of Waitomo District regarding the sale, supply and consumption of alcohol.
  - address the statutory requirements of the Sale and Supply of Alcohol Act 2012.
  - minimise the harm caused by excessive or inappropriate consumption of alcohol.
2. This policy 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 Waitomo District.
3. The Sale and Supply of Alcohol Act (the Act) outlines what content a territorial authority may include in their LAP.
  - a. 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.
  - b. Section 78 of the Act a lists the matters a local authority must have regard to when producing a draft policy.
  - c. In addition a territorial authority must not produce a draft policy without having consulted the Police, licensing inspectors, and Medical Officers of Health.
  - d. 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.
4. The policy applies to the Waitomo District is that area illustrated in figure two.
5. Authority Statements and Case Law
  - (i) The Waitomo 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.

## DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

<b>Authorised customer</b>	Shall have the same meaning as in section 60(3) of the Act
<b>Café</b>	Shall have the same meaning as “restaurant” in section 5 of the Act
<b>Club</b>	Shall have the same meaning as in section 21 of the Act.
<b>District Licensing Committee</b>	Means the Waitomo District Licensing Committee under section 186 of the Act
<b>Early childcare facility</b>	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 Local Government Act 2002.
<b>Facility</b>	Includes a place of worship, school or early childcare facility
<b>Hotel</b>	Shall have the same meaning as in section 5 of the Act
<b>Large scale event</b>	Means an event to which section 143 of the Act applies.
<b>New Premises</b>	Applying to on-licence, off-licence and/or club-licence means any premises which has not been subject to a liquor licence of the same kind in the 12 months immediately prior to the application.
<b>Off-licence</b>	Shall have the same meaning as in section 17 of the Act
<b>One-way door restriction</b>	Shall have the same meaning as in section 5 of the Act
<b>On-licence</b>	Allows sale, supply and consumption of alcohol on premise as defined by section 14 of the Act.
<b>Outdoor dining area</b>	Means an area of a premises holding an on-licence or club licence that is outside of the building and includes any part of a public footpath, pavement or other public place.
<b>Place of worship</b>	Shall have the same meaning as in section 5 of the Act
<b>Prohibited persons</b>	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
<b>Public park</b>	Means any park, reserve, playground, garden or similar public place maintained by the Local Authority for recreation purposes
<b>Restaurant</b>	Shall have the same meaning as in section 5 of the Act
<b>School</b>	Includes any primary, intermediate or secondary school and any kura kaupapa

<b>Special Licence</b>	Means the type of licence detailed in section 22 of the Act.
<b>Tavern</b>	Shall have the same meaning as in section 5 of the Act
<b>Temporary Authority</b>	Shall have the same meaning as in section 5 of the Act
<b>The Act</b>	Means the Sale and Supply of Alcohol Act 2012

## POLICY | KAUPAPA HERE

### 1. Specific Policies - On-Licences

#### (a) Introduction

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

(ii) 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  
Can let people consume alcohol”.*

(iii) Policies relating to on-licences also apply to:

- a. BYO restaurants (endorsed under section 37 of the Act)
- b. Caterers (endorsed under section 38 of the Act)

#### (b) Location of premises holding on-licences by reference to broad areas

(i) On-licences for new premises shall be limited to areas zoned Business under the Waitomo District Plan unless authorised by resource consent, and then subject to the following policies (c),(d),(e),(f),(g) and (h).

#### (c) Location of premises holding on-licences by reference to proximity to premises of a particular kind or kinds

(i) When considering a licence application for new premises the District Licensing Committee will have regard to the proximity of that proposed premise to other licensed premises where it considers this relevant.

#### (d) Location of premises holding on-licences by reference to proximity to facilities of a particular kind or kinds

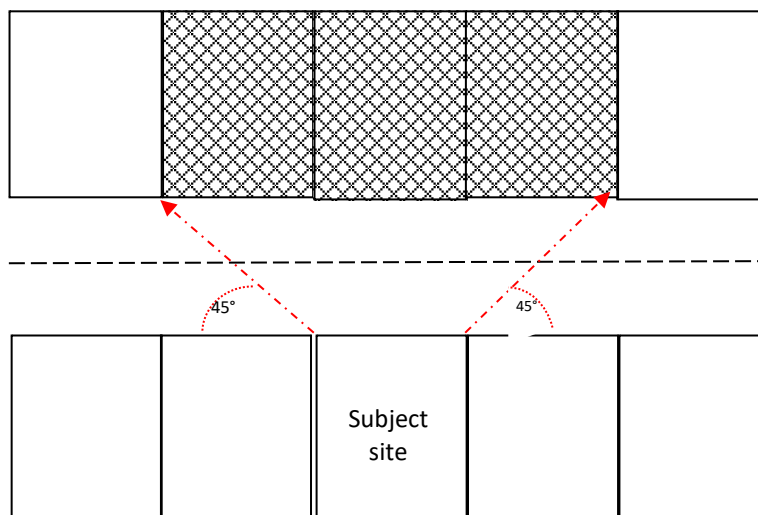
(i) In addition to (b) above, an on-licence will not be issued in respect of any new premises on any site where it directly borders any school, early childcare facility, or place of worship existing at the time the premises is established. “Directly borders” includes across any road from such facility, within a 45° arc as shown in figure one.

(ii) In cases where a resource consent has been issued to locate a premises in a non-commercial area as allowed in (b) 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 premises is established.

- (iii) 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 premise.

**Figure One:**



**(e) Further issuing of on-licences in the District**

- (i) This policy does not cap the number of on-licence premises or restrict the issue of new licences, provided the other policy criteria are met.

**(f) Maximum trading hours for premises holding on-licences**

- (i) No on-licence shall be issued or renewed for any hotel or tavern premises with 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.
  - b. In the case of hotels, alcohol may be sold or supplied at any time to any guest residing on the premises.
- (ii) Where a new hotel, tavern or other premises where the principal activity is the consumption of alcohol is proposed within 100 metres of any area zoned residential in the Waitomo District Plan, 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,
  - c. In the case of hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.
- (iii) No on-licence shall be issued or renewed in respect of any restaurant or café premises with hours that exceed the following (subject to sections 46 and 47 of the Act):
  - a. Monday to Sunday 9.00am to 12.00 midnight.
- (iv) Any outdoor dining area will not have hours that exceed 9.00am to 11.00pm. Outside of these hours the Public Places Liquor Control Bylaw restrictions shall apply to any premise within a liquor ban area.

(v) Any function centre or other premises not defined above will be subject to hours at the District Licensing Committee discretion but shall not exceed:

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

**(g) Discretionary conditions of on-licences**

(i) 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)). 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

**(h) One-way door restrictions**

(i) 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 midnight or later closing time.

(ii) This condition may be applied to licences as they are issued or renewed.

**2. Specific Policies - Off-Licence**

**(a) Introduction**

(i) An off-licence premises is one where consumption of alcohol is authorised away from the premises on which it is sold. Common examples include supermarkets and bottle-stores.

(ii) Section 17 of the Act states:

*"(1) On the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else.*

*(2) 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."*

**(b) Location of premises holding off-licences by reference to broad areas**

(i) Off-licences for new premises (excluding remote sellers endorsed pursuant to section 40 of the Act) shall be limited to areas zoned Business under the Waitomo District Plan unless authorised by resource consent.

**(c) Location of premises holding off-licences by reference to proximity to premises of a particular kind or kinds**

(ii) When considering a licence application for a new premises, the District Licensing Committee will have regard to the proximity of that proposed premises to other off-licensed premises where it considers this relevant.

(iii) Premises holding both an on-licence 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.



**(d) Location of premises holding off-licences by reference to proximity to facilities of a particular kind or kinds**

- (i) Within the Business zone, an off-licence will not be issued in respect of any premises not currently licensed where the site directly borders any school, early childcare facility or place of worship existing at the time the premises are established or when resource consent is applied for (whichever is earliest) unless it can be demonstrated to the reasonable satisfaction of the District Licensing Committee that the hours, alcohol related signage or operation of the premises as they relate to alcohol sales will not have a significant impact on those facilities. "Directly borders" includes across any road from such facility as shown in figure one.
- (ii) Provided the Applicant demonstrates how the outcomes listed in 4.0(g) 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; and
  - The operation of an off-licence where the licensee implements an ID 25 policy.
- (iii) Renewal of a licence shall be unaffected simply 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.
- (iv) 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 to a public park or reserve particularly where that park or reserve is within a liquor ban area prescribed by a bylaw and, if necessary, impose conditions set out in element 4.0(g).

**Advice Note:**

For the purposes of 4.0(d)(i) "business zone" means business land zoned in the Waitomo District Plan (or subsequent District Plan) at the time of the relevant off-licence application is determined.

**(e) Further issuing of off-licences in the District**

- (i) This policy does not cap the number of off-licence premises or restrict the issue of new licences, provided the other policy criteria are met.

**(f) Maximum trading hours for premises holding off-licences**

- (i) 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).

**(g) Discretionary conditions of off-licences**

- (i) In accordance with sections 116(1) and 117 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 Waitomo District Council District Plan.

### **3. Specific Policies – Club-Licence**

#### **(a) Introduction**

- (i) 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.
- (ii) 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—

- (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”

#### **(b) Location of premises holding club-licences by reference to broad areas**

- (i) New licensed club premises should be in close proximity to the sports grounds or other facilities used by the club, if relevant.

#### **(c) Location of premises holding club-licences by reference to proximity to premises of a particular kind or kinds**

- (i) When considering an application for a club licence for new premises, the District Licensing Committee will have regard to the proximity of the proposed new premises to any other licensed premises.

**(d) Location of premises holding club-licences by reference to proximity to facilities of a particular kind or kinds**

- (i) When considering an application for a club licence for new premises, the District Licensing Committee will have regard to the proximity of the proposed new premises to any school, early childcare facility, place of worship or residential area.

**(e) Further issuing of club-licences in the District**

- (i) This policy does not cap the number of club licence premises or restrict the issue of new licences, provided the other policy criteria are met.

**(f) Maximum trading hours for premises holding club-licences**

- (i) 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.
- (ii) No club-licence shall be issued or renewed with hours that exceed the following:
  - a. Monday to Sunday 9.00am to 1.00am the following day (Subject to section 46 of the Act)

**(g) Discretionary conditions of club-licences**

- (i) In accordance with section 110(1) of the Act the District Licensing Committee may impose discretionary conditions regarding the following matters, in addition to those 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

**(h) One-way door restrictions relating to club-licences**

- (i) 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.
- (ii) This condition may be added to a licence at the time of issue or renewal.

## **4. Specific Policies - Special Licences**

**(a) Introduction**

- (i) 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.
- (ii) "Event includes an occasion and a gathering, and any of a series of events".

**(b) Maximum trading hours for premises holding special licences**

- (i) Special licences for premises that are not otherwise licensed will not be issued beyond 1.00am except in exceptional circumstances as determined by the District Licensing Committee.

- (ii) Where the applicant for a special licence already holds an on-licence, off-licence 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.

**(c) Discretionary conditions of special licences**

- (i) 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.

**(d) One-way door restrictions**

- (i) The 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.

**5. Temporary Authorities**

- 5.1. All temporary authority applications will be passed to the Police to give them an opportunity to inquire into the application.
- 5.2. 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 of 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.

# SCHEDULE 1 | MAP OF WAITOMO DISTRICT

