

# Provisional Local Alcohol Policy

Policy Owner	Chief Executive
Policy Sponsor	General Manager – Customer Support
Approved By:	Policy and Regulatory Committee
Approval Date:	
Resolution Number	
Effective Date	
Next Review Date:	2028

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## Relevant Documents/Legislation

Sale and Supply of Alcohol Act 2012

Alcohol Control Bylaw 2020

## Policy Review

Pursuant to section 97 of the Sale and Supply of Alcohol Act (**Act**), Waikato District Council (**Council**) must review its Local Alcohol Policy (**LAP**) no later than six years after it came into force and no later than six years after the most recent review was completed. If directed by Council, a LAP can be reviewed or amended earlier.

## Policy Statements

### I. INTRODUCTION AND OVERVIEW

I.1 The Act established a national framework for regulating the sale and supply of alcohol. The object of 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.*

I.2 The Act enables local authorities to develop a LAP to guide expectations for the development of alcohol licensing within their district. 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.

I.3 The Act requires the District Licensing Committee (**DLC**) and the Alcohol Regulatory and Licensing Authority (**ARLA**) to have regard to the content of any relevant LAP when making decisions under the Act. This allows local authorities, in consultation with their communities and stakeholders, to have greater influence over the local licensed environment.

I.4 Section 77 of the Act details what policies relating to licensing may be included in a LAP. These include:

- location of licensed premises by reference to broad areas;
- location of licensed premises by reference to proximity to premises of a particular kind(s);
- location of licensed premises by reference to proximity to facilities of a particular kind(s);
- whether further licences (or licences of a particular kind(s)) should be issued for premises in the district concerned, or any stated part of the district;
- maximum trading hours;
- the issue of licences or licences of a particular kind(s) subject to discretionary conditions;
- one-way door restrictions.

No other matters may be included.

## **2 OBJECTIVES OF THE LAP**

2.1 The objectives of this policy are to:

- Reflect the views of local communities as to the appropriate location, number, hours and conditions that should be applied to licensed premises within their communities;
- Balance the views of local communities regarding the sale, supply and consumption of alcohol, while addressing the statutory requirements of the Act to minimise the harm caused by excessive or inappropriate consumption of alcohol;
- Provide certainty and clarity for applicants and the public as to whether a proposed licence application will meet the criteria of the LAP;
- Provide effective guidance to the DLC and ARLA when making decisions.

## **3 DEFINITIONS**

<b>Act</b>	The Sale and Supply of Alcohol Act 2012
Alcohol Regulatory and Licensing Authority	The Alcohol Regulatory and Licensing Authority established under section 169(1) of the Sale and Supply of Alcohol Act 2012.
Authorised Customer	In relation to premises that hold a club licence, an authorised customer is: <ol style="list-style-type: none"><li>a member of the club concerned; or</li><li>on the premises at the invitation of, and is accompanied by, a member of the club concerned; or</li><li>c. an Authorised Visitor.</li></ol>
Authorised Visitor	In relation to premises that hold a club licence, an authorised visitor means a member of another club with which the club concerned has an arrangement for reciprocal visiting rights for members
Bottle Store	A retail premises where at least 85 per cent of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else.
Buy Now Pay Later	Where a person is able to receive goods and services immediately, paid for by a third party ‘buy now, pay later’ provider such as Afterpay or Laybuy. The person then pays back the provider in instalments over a specified period without paying interest. Buy now pay later does not apply to payments made by a credit card or trade accounts.
Cafe	Has the same meaning as ‘restaurant’.
Class I Restaurant	A restaurant that has or applies for an on-licence and <ol style="list-style-type: none"><li>has, in the opinion of the territorial authority, a significant separate bar area; and</li><li>in the opinion of the territorial authority, operates that bar area at least one night a week in the manner of a tavern.</li></ol>
Club	A body that— <ol style="list-style-type: none"><li>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</li><li>is a body corporate whose object is not (or none of whose objects is) gain; or</li><li>holds permanent club charter.</li></ol>

Club Licence	A club licence premises is one where the sale, supply and consumption of alcohol is authorised on the premises from which it is sold to authorised customers and guests. Common examples include sports clubs and chartered clubs such as an RSA or Workingmen's Club. (Refer to section 21 of the Act).
Conveyance	An aircraft, coach, ferry, hovercraft, ship train or other vehicle used to transport people and includes part of a conveyance.
District Licensing Committee (DLC)	The Waikato District Licensing Committee appointed pursuant to section 186 of the Act.
Early Childhood Facility	Includes any crèche, childcare centre, kindergarten, kohanga reo, playcentre, Whānau Āwhina Plunket rooms and any other place (excluding a school) where five or more children receive care or education on a commercial basis.
Facility	Includes an early childcare facility, library, place of worship public park or school.
Grocery Store	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.
Hotel	A 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.
Library	A Waikato District Council library located in Huntly, Meremere, Ngaruawahia, Raglan, Te Kauwhata or Tuakau.
Maximum Trading Hours	The maximum hours for which a licence may be granted permitting the sale, supply or consumption of alcohol.
Member	In relation to a club, means a person who— a. has expressly agreed in writing to comply with the club's rules; and b. is recognised as a member.
New Licence	A premises that has not been subject to a licence (with the exception of Special Licences) for more than 12 months prior to the filing of an application. <i>Note: a licensed premises that changes ownership but continues to hold a licence is not considered to be a new licensed premises.</i> <i>A change of licence type is considered an application for a new licence.</i>
Off-liscence	Where alcohol is authorised to be sold from the premises for consumption at a location other than where it was purchased or delivered away from the premises. Common examples include bottle stores, supermarkets and grocery stores (refer to section 17 of the Act). <i>Note: Policies relating to off-lisences do not apply to applications for off-lisences endorsed under sections 39 or 40 of the Act relating to auctioneers and remote sellers.</i>
On-liscence	Where the sale, supply and consumption of alcohol is authorised on the premises. Common examples include hotels, taverns and restaurants (refer to section 14 of the Act).

	<i>Note: Policies relating to on-licences also apply to BYO restaurants and caterers.</i>
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.
Outdoor Dining Area	An area of a premises holding an on-licence or club licence that is outside of the building on 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	Premises includes: a. A Conveyance; and b. Includes part of a premises; and c. In relation to a licence, means the premises it was issued for.
Prohibited Persons	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	Any park, reserve, playground, garden or similar public place maintained by the local authority for recreation purposes.
Restaurants	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 kurakaupapa.
Site	The physical premises that relates to the particular licence application excluding any carparks but for on-licences, including areas set out for the consumption of alcohol i.e., garden bars.
Special Licence	A type of licence that allows the sale and consumption of alcohol at events or occasions on premises that are unlicensed, or at licensed premises when the sale of alcohol would otherwise be unlawful (refer to section 22 of the Act).
Supermarket	Premises are a supermarket with a floor area of at least 1000m <sup>2</sup> including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.
Tavern	Premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but does not include an airport bar.
Waikato District Plan	The Waikato District Plan that is operative at the date the application is being assessed.

## 4 ON LICENCE POLICIES

### 4.1 Introduction

4.1.1. For the purposes of clauses 4.2.1, 4.3.1, 4.3.2, 4.4.1 and 4.4.2, a licensed premises that changes ownership but continues to hold an on-licence is not considered to be a new licensed premises.

4.1.2. For the purposes of clauses 4.2.1, 4.3.1, 4.3.2, 4.4.1 and 4.4.2, a premises that has not been subject to an on-liscence for more than twelve (12) months prior to the filing of the application shall be considered as being a new premises being licensed for the first time. Premises that have been subject to an on-liscence in the 12 months prior to filing the application are not considered as being new premises being licensed for the first time.

## **4.2 Location of on-liscence premises by reference to broad areas**

4.2.1 New on-liscence premises being licensed for the first time shall be restricted to:

1. areas zoned under the Waikato District Plan to allow commercial activities as permitted activities; or
2. locations authorised by resource consent.

## **4.3 Location of on-liscence premises by reference to proximity to premises of a particular kind(s)**

4.3.1 When considering any new on-liscence application in respect of new premises being licensed for the first time, the DLC or ARLA shall have regard to the proximity of the proposed premises to other licensed premises where this is considered relevant.

4.3.2 No on-liscence for a new tavern, located in an area zoned under the Waikato District Plan that does not allow commercial activities, shall be located within five kilometres of any existing tavern or hotel that holds an on-liscence, measured from the closest site boundary point of the proposed tavern to the closest site boundary point of the existing premises.

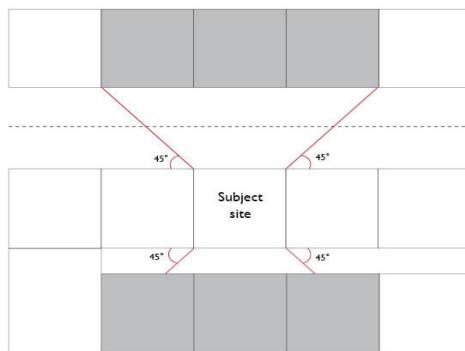
## **4.4 Location of on-liscence premises by reference to proximity to facilities of a particular kind(s)**

4.4.1 No new on-liscence shall be issued in respect of:

- i. a tavern; or
- ii. a class I restaurant; or
- iii. a hotel with a significant bar area operating in the manner of a tavern; or
- iv. any other premises with a significant bar area operating in the manner of a tavern –

where the site directly borders any school, early childcare facility, library or place of worship existing at the time the licence application is made unless it can be demonstrated to the DLC that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities. ‘Directly borders’ includes across any road from such a facility as shown in Figure 1.

**Figure 1: Proximity of New Premises Directly Bordering a Facility**



4.4.2 In any zone other than one zoned under the Waikato District Plan to allow commercial activities as permitted activities, in respect of:

- i. a tavern; or
- ii. a class I restaurant; or
- iii. a hotel with a significant bar area operating in the manner of a tavern; or
- iv. any other premises with a significant bar area operating in the manner of a tavern

there shall be a minimum of 100 metres between the closest site boundary point of the proposed premises and the closest legal site boundary point of any school, early childcare facility, library, place of worship, public park or residential dwelling existing at the time the licence application is made unless it can be demonstrated to the DLC that the hours, signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities.

4.4.3 Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

#### **4.5 Further issuing of on-licences**

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

#### **4.6 Maximum trading hours for on-licences**

4.6.1 The following maximum trading hours apply to all on-licences in the Waikato district:

<b>Maximum trading hours</b>
<p>i. Monday to Sunday: 8.00am to 1.00am the following day.</p> <p>ii. New Year's Eve: 8.00am to 2.00am the following day.</p> <p>iii. In any outdoor dining area located in a public area, the trading hours shall not exceed 9.00am to 11.00pm. Outside of these hours the area shall be subject to any alcohol control bylaw that is in force in the area.</p> <p>iv. Any time to any guest residing on the premises.</p>

#### **4.7 One way door restrictions**

4.7.1 A one-way door restriction may be applied to any licence at the time of its issue or renewal when the closing time is later than midnight if the DLC or ARLA believe this is warranted. The restriction shall apply after midnight.

#### **4.8 Discretionary conditions of on-licences**

4.8.1 In accordance with sections 110(1) and 117 of the Act, the DLC or ARLA 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:

- Prohibited persons;
- Management of premises;
- People or kinds of people to be served;
- Low and non-alcoholic beverages;
- Transport options;
- Exclusion of the public;

- Advertisements, signage, display and promotion of alcohol;
- Application of the principles of 'Crime Prevention Through Environmental Design'. On-licence premises, where appropriate, will give effect to the principles of Crime Prevention Through Environmental Design where they achieve outcomes (where applicable to the individual premises) including:
  - Bar area
    - Bar staff have good visibility of entire premises;
    - Bar area is open with no obstructions affecting monitoring of premises;
    - Cash registers are front facing;
  - Lighting
    - Internal lighting is suitable;
    - Lighting allows staff to monitor patrons;
    - Lighting allows staff to check IDs;
    - Internal lighting can be raised in an emergency and at closing time;
    - External lighting is suitable;
  - Internal layout
    - The premises is laid out so staff can monitor patrons at all times;
    - Mirrors or CCTV are installed where there may be blind spots;
    - Bar is easily approached by customers;
  - CCTV
    - CCTV is installed in suitable locations to monitor vulnerable areas; (areas that are not easily or continuously monitored by staff);
    - Customers are aware of the CCTV system;
  - Entrances and exits
    - Entrances and exits are visible from behind the bar area;
    - CCTV is installed to monitor blind entrances and exits;
  - Outdoor drinking areas
    - Outdoor drinking areas are monitored by bar and/or security staff;
    - Lighting allows staff to monitor patrons;
    - Outdoor drinking areas are well defined from surrounding external environment;
    - Pavement creep is not evident;
  - Staff
    - Relevant staff understand how to operate the CCTV system;
    - There are sufficient staff to ensure control of the premises during trading hours.

4.8.2 For any licence issued or renewed in respect of a hotel or tavern, the DLC or ARLA shall impose a condition designating the premises as either supervised or restricted.

## **5 OFF-LICENCE POLICIES**

### **5.1 Introduction**

5.1.1 For the purposes of clauses 5.2.1, 5.3.1, 5.3.2, 5.4.1 and 5.5.1, a licensed premises that changes ownership but continues to hold an off-licence is not considered to be a new licensed premises.

5.1.2 For the purposes of clauses 5.2.1, 5.3.1, 5.3.2, 5.4.1 and 5.5.1, a premises that has not been subject to an off-licence for more than twelve (12) months prior to the filing of the application shall be considered as being a new premises being licensed for the first time. Premises that have been subject to an off-licence in the 12 months prior to filing the application are not considered as being new premises being licensed for the first time.

### **5.2 Location of off-licence premises by reference to broad areas**

**5.2.1** New off-licence premises being licensed for the first time shall be limited to:

- i. areas zoned under the Waikato District Plan that allow commercial activities as permitted activities; or
- ii. locations authorised by resource consent.

**5.3 Location of off-licence premises by reference to proximity to premises of a particular kind(s)**

**5.3.1** When considering any new off-licence application for new premises being licensed for the first time, the DLC or ARLA shall have regard to the proximity of the proposed premises to other licensed premises where this is considered relevant.

**5.3.2** No new bottle store off-licence shall be issued for any premises located within one kilometre of any existing bottle store, licensed supermarket or grocery store (the **existing premises**), measured from the closest site boundary point of the proposed bottle store to the closest site boundary point of the existing premises.

**5.4 Location of off-licence premises by reference to proximity to facilities of a particular kind(s)**

**5.4.1** No new bottle store off-licences shall be issued for any premises located within 100 metres of any school, early childcare facility, library, place of worship or public park (the **facility**) existing at the time the licence application is made, measured from the closest site boundary of the proposed new bottle store to the closest legal site boundary point of the facility, unless:

- i. it can be demonstrated to the DLC that the hours, external alcohol-related signage or operation of the premises will have no significant impact on those facilities and/or persons using those facilities; and
- ii. the applicant demonstrates how the outcomes listed in clauses 5.7.1(g) and (h) will be achieved.

**5.4.2** Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

**5.5 Further issuing of standalone bottle store off-licences in the district**

**5.5.1** There is a presumption against the issuing of new off-licences for standalone bottle stores in Tuakau, Te Kauwhata, Huntly, Ngaruawahia and Raglan as well as other district localities where the deprivation level is 7 or higher unless it is demonstrated to the DLC that a new standalone bottle store would not result in significant adverse effects including:

- i. the amenity and good order of the locality being reduced to more than a minor extent;
- ii. any other potential adverse effect which may give rise to alcohol-related harm.

**5.5.2** For the purposes of clause 5.5.1, a bottle store associated with a hotel or tavern is not a standalone bottle store.

**5.5.3** For the purposes of clause 5.5.1, an off-licence associated with a distillery, brewery or winery, and established primarily for the purpose of selling alcohol products is not a standalone bottle store.

**Other off-licences**

**5.5.4** Except for standalone bottle store off-licences as provided in clause 5.5.1, this policy does not limit the number of other types of off-licence premises in the Waikato district or restrict the issue of new licences, provided the other policy criteria are met.

## **5.6 Maximum trading hours for off-licences**

5.6.1 The following maximum trading hours apply to all off-licences in the Waikato district:

<b>Maximum trading hours</b>
Monday to Sunday 7.00am to 10.00pm

5.6.2 For remote sellers, alcohol may be sold remotely at any time on any day but alcohol must not be delivered on Christmas Day, Good Friday, before 1pm on Anzac Day or between 11:00pm and 6:00am the following day.

## **5.7 Discretionary conditions of off-licences**

5.7.1 In accordance with sections 116(1) and 117 of the Act, the DLC may impose discretionary conditions in relation to the following matters (in addition to those required by section 116(2)) of the Act) on any new off-licence or renewed off-licence. These may include conditions related to the following, 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. Designation of the premises as a supervised area or restricted area;
- e. Display of nationally consistent safe drinking messages and material;
- f. Advertisements, signage and display of alcohol;
- g. Application of the principles of Crime Prevention Through Environmental Design (CPTED)
  - supermarkets, bottle stores and other off-licence premises where appropriate will give effect to the principles of CPTED where they achieve outcomes (where applicable to the individual premises) including:
    - o Lighting
      - Internal lighting 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 district plan rule.
    - o Internal layout
      - General points of sale are positioned near the main entrance
    - o CCTV
      - CCTV is installed in suitable locations to monitor vulnerable areas (areas that are not easily or continuously monitored by staff)
      - Customers are aware of the CCTV system
    - o Staff
      - Relevant staff understand how to operate the CCTV system
      - There are staff to ensure control of the premises during trading hours
  - h. External promotion and advertising such that at least 50 per cent of any store front glazing shall be transparent, consistent with CPTED guidelines and no more than 30 per cent of the external area of any side of the premises may contain alcohol related signage or advertising excluding the company and/or trading name.
  - i. Whether 'buy now pay later' is an inappropriate method of payment for the sale and supply of alcohol purchased either remotely or on premises.

5.7.2 For any licence issued or renewed in respect of a bottle store, the DLC or ARLA shall impose a condition designating the premises as either supervised or restricted.

## **5.8 Specific policies relating to remote sales**

5.8.1 The licensee must take reasonable steps to verify that the buyer and the receiver of an alcohol delivery is not under 18 years of age.

# **6 CLUB LICENCE POLICIES**

## **6.1 Introduction**

6.1.1 For the purposes of clauses 6.2.1, 6.2.2, 6.3.1 and 6.4.1 any premises that have not been subject to a club licence in the twelve (12) months prior to the application shall be considered as being a new premises being licensed for the first time.

## **6.2 Location of club licence premises by reference to broad areas**

6.2.1 New club licence premises in respect of a sports or social club being licensed for the first time should be located at or in close proximity to the sports grounds or other facilities used by the club, if relevant.

6.2.2 New club licence premises in respect of a chartered club such as an RSA, Workingmen's, Cosmopolitan or similar type of club, being licensed for the first time shall be limited to:

- i. areas zoned under the Waikato District Plan to allow commercial activities as permitted activities; or
- ii. locations authorised by resource consent.

## **6.3 Location of club licence premises by reference to proximity to premises of a particular kind(s)**

6.3.1 The DLC or ARLA shall have regard to the proximity of any proposed new club premises being licensed for the first time to any other existing premises when considering a new licence application.

## **6.4 Location of club licence premises by reference to proximity to facilities of a particular kind(s)**

6.4.1 The DLC or ARLA shall have regard to the proximity of any proposed new club premises being licensed for the first time to any school, early childcare facility, library, place of worship, public park or residential area.

## **6.5 Further issuing of club licences in the district**

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

## **6.6 Maximum trading hours for club licences**

6.6.1 The DLC or ARLA shall have regard to the days and hours of operation and the type of activities undertaken by the club, in setting club hours.

6.6.2 Subject to clause 6.6.3, the following maximum trading hours apply to all club licences in the Waikato district – Monday to Sunday 9.00am to 1.00am the following day.

6.6.3 Returned Services Associations affiliated with the Royal New Zealand Returned Services Association and other club-licensed premises of a similar nature that are involved with ANZAC Day commemorations/civic services shall be permitted to trade from 5.00am on ANZAC Day.

## **6.7 One way door restrictions**

6.7.1 A one-way door restriction may be applied to any licence at the time of its issue or renewal when the closing time is later than midnight if the DLC or ARLA believe this is warranted. The restriction shall apply after midnight.

## **6.8 Discretionary conditions of club licences**

6.8.1 In accordance with sections 110(1) and 117 of the Act, the DLC or ARLA 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:

- Prohibited persons;
- Management of premises;
- People or kinds of people to be served;
- Low and non-alcoholic beverages;
- Transport options;
- Exclusion of the public.

6.8.2 In accordance with section 215(3), the DLC or ARLA should impose a condition on a club licence requiring a manager to be on duty:

- i. At all times at chartered clubs; and
- ii. At any other club when:
  - there are more than 50 patrons present; or
  - at any time after 10.00 pm.

## **7 SPECIAL LICENCE POLICIES**

### **7.1 Maximum trading hours for special licences**

7.1.1 No maximum trading hours for special licences are specified in this policy.

7.1.2 The DLC shall determine the trading hours for special licence applications on a case-by-case basis having regard to the criteria detailed in section 142 of the Act.

7.1.3 Where an application for a special licence is in respect of premises already subject to 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 DLC.

7.1.4 A special licence should only be issued with greater hours than the guideline set out below in exceptional circumstances as determined by the DLC:

<b>Guideline maximum trading hours</b>
Monday to Sunday 7.00am to 1.00am the following day

### **7.2 Discretionary conditions of special licences**

7.2.1 In accordance with sections 146 and 147(1) of the Act, the DLC may impose discretionary conditions regarding the following matters, in addition to those required by section 147(3):

- Sale and supply to prohibited persons;
- People or kinds of people to be served;
- The kind(s) of alcohol that may be sold or delivered;
- The provision of food for consumption on the premises;
- The provision of low and non-alcoholic beverages;
- The provision of information relating to transport options;

- Exclusion of the public;
- Restricting the types of containers used for sale or supply;
- The filing of returns;
- Conditions of a kind, subject to which a licence may be issued under section 110 (on-licence or club licence) or 116 (off-licence);
- Any reasonable condition not inconsistent with the Act.

### **7.3 One-way door restrictions**

7.3.1 The DLC may impose a one-way door condition on any licence where it believes this is warranted.