



PALMERSTON NORTH CITY COUNCIL

MINUTES ATTACHMENTS

**EXTRAORDINARY COMMUNITY
DEVELOPMENT COMMITTEE**

1.00PM, MONDAY 16 OCTOBER 2017
COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH

EXTRAORDINARY COMMUNITY DEVELOPMENT COMMITTEE MEETING

16 October 2017

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Alcohol Healthwatch oral submission to Palmerston North City Council Draft Local Alcohol Policy

16 October 2017

Tēnā koutou katoa, ko Nathan Cowie ahau, whakatupato waipiro te rōpu

Good afternoon, my name is Nathan Cowie, I am a health promotion advisor with Alcohol Healthwatch.

Firstly, a big thank you to the Palmerston North City Council for the opportunity to speak to our submission here before you all today.

We would like to commend Palmerston North City Council for their courage and commitment to developing a local alcohol policy to minimise alcohol-related harm. Council are clearly responding to community concerns regarding the negative impact of alcohol use in the city.

1. So a little about us - Alcohol Healthwatch is an independent charitable trust. Our mission is to reduce alcohol-related harm AND inequities. We are funded by the Ministry of Health to provide evidence-based information and advice on policy and planning matters. We are very fortunate to be led by the very capable Dr Nicki Jackson who is seated here beside me.
2. We are a small team, but we are here to help – don't be afraid to flick us an email or pick up the phone to anyone of us for expert evidence-based advice.
3. We will do our best to answer queries, and furthermore we invite you to partner with us in our common goals to reduce alcohol-related harm in Palmerston North, and across New Zealand.
4. Alcohol Healthwatch strongly believes that a LAP is a *package* of measures which, when used comprehensively, can significantly minimise high rates of hazardous drinking in Palmerston North and subsequent alcohol-related harm in the local area.
5. For this reason, we recommend that Palmerston North City Council also consider the LAP not just as a collection of isolated elements but as part of a cohesive package to reduce alcohol-related harm, insofar as it can be achieved with measures relating to licensing.
6. However, under the Sale and Supply of Alcohol Act 2012 Local Alcohol Policies are limited in terms of the most effective policies to reduce alcohol-related harm.
7. The three best buy policies that the WHO recommends are increasing price & tax on alcoholic beverages, comprehensive bans on alcohol advertising, promotion and sponsorship, and restricting access to retailed alcoholic beverages.
8. Of those best buy policies, a local alcohol policy can only address the spatial and temporal access to retailed alcoholic beverages – there are no means within a local alcohol policy to address the price of alcohol, or the marketing of alcohol.

9. We urge the council to consider other actions outside of a local alcohol policy that can be taken by local and central governments to complement their local alcohol policies in reducing alcohol-related harm in Palmerston North.
10. We believe that if councils are serious about reducing alcohol-related harm, local alcohol policies will be strong, in reducing the spatial and temporal access to alcohol from all types of licences, and councils will seek to complement their strong local alcohol policies with strong community action, and strong advocacy to central government for action on price and marketing.
11. I would now like to speak to some of the specifics of the Draft Local Alcohol Policy, starting with on-licences.
12. We recognize that the proposed trading hours are more restrictive than the national maximum default hours.
13. We support a reduction in on-licence trading hours – we recommend an opening hour of 10am, and a closing hour of 1am. For restaurants & cafes we recommend a closing hour of midnight to better reflect their main business of selling meals.
14. As the saying goes “nothing good happens after midnight”
15. Compared to premises which close at 12am or earlier, the expected rate of offending increases markedly for each additional hour remaining open (1.6 times greater between 12:01am and 1am; 2.2 times greater between 1:01am and 2am; 4.2 times greater between 2:01am and 3am; 8.9 times greater for those closing between 3:01am to 5am). Subsequently, research in Australia has shown that for every hour a venue is open after midnight, there was a 17% increase in drink driving, assaults, and Emergency Department (ED) attendances. (Chikritzhs et al (2002). The Impact of Later Trading Hours for Australian Public Houses (Hotels) on Levels of Violence. *Journal of Studies on Alcohol and Drugs*. Vol 63:Issue 5.)
16. We recommend that no new on-licences (particularly taverns) are granted in close proximity to sensitive sites.
17. We also recommend a cap on the number of on-licences in Palmerston North City. The local alcohol policy research report indicates there are over 120 on-licences in Palmerston North, mostly clustered around the CBD. We believe this is more than adequate for a city the size of Palmerston North.
18. We recommend a cap on on-licences because of the levels of alcohol related harm that have been associated with additional licences for bars & nightclubs, as well as for restaurants and cafes. These licences are associated with increased incidence of anti-social behaviour, dishonesty offences, property damage and abuses, and of most concern, violent offences.

19. For restaurants and cafes this is above the north island average in most areas of Palmerston North City, for bars & nightclubs, it is higher than for restaurants and cafes, but for the most part is below the north island average.
20. I would refer you to tables 3 and 4 in the appendix of our written submission for more quantitative detail on alcohol-related harm across census area units in Palmerston North.
21. In regards to off-licences, we acknowledge the that the proposed trading hours are more restrictive than the national default hours.
22. We recommend, as we are to all 67 territorial authorities in New Zealand, that off-licence trading hours be limited to 10am to 9pm.
23. New Zealand research has shown that purchase of alcohol after 10pm was twice as likely to be made by heavier drinkers. International research has also demonstrated significant reductions in alcohol-related hospital admissions, particularly among young people and adolescents, when off-licence hours are reduced.
24. The police "Alcohol and Violence knowledge profile" cited in the local alcohol policy research report noted that while public place assaults are trending downwards (probably due to earlier on-licence closing, and the large liquor ban area in the CBD), dwelling place assaults are trending upwards. The report cites a preference to pre-load with alcohol purchased from off-licences due to price factors, and that there may be no "capable guardians" to moderate the increased risk of serious violence.
25. We believe that 9pm closing for off-licences will offer further protection from alcohol related harm.
26. The recent appeal decision from the Alcohol Regulatory and Licensing Authority (ARLA) on the Auckland Council Provisional Local Alcohol Policy ([2017] NZARLA PH 247 -254) includes reference to a 9pm closing hour. In their decision, the Authority did not consider that the closing hour restriction of 9pm was unreasonable in light of the object of the Act (see paragraph 146).
27. This should embolden Palmerston North City Council to also consider a 9pm closing time for off-licences, including supermarkets.
28. Furthermore, there have been recent media reports of multiple bottle stores in Palmerston North publically supporting a 9pm closing time for off-licences. It's important that the closing hours for bottle stores and supermarkets be consistent.
29. It is known that approximately 75% of all alcohol sold in New Zealand is sold from off-licences (43% from bottle stores, 32% from supermarkets). It is also known that in 2008 supermarkets accounted for just 3% of alcohol retailers yet sell 33% of beer, and 58% of wine available for consumption in New Zealand (see Law Commission report, paragraph 2.13, page 59).

30. We reiterate that a 9pm closing time for all off-licences is not unreasonable, and can reduce alcohol-related harm.
31. We also recommend a cap on the number of off-licences in Palmerston North city.
32. Any cap should apply to all off-licence types, including bottle stores, supermarkets, and grocery stores.
33. Mechanisms to freeze for 2 years the number of off-licences in Auckland CBD, and priority overlay areas are included in the Auckland Council Local Alcohol Policy.
34. The Auckland Council Local Alcohol Policy also included a rebuttable presumption against the issuing of further off-licences after the 2 year freeze has run its course.
35. In the recent appeal decision from ARLA on the Auckland PLAP ([2017] NZARLA PH 247 -254) neither the 2 year freeze on new off-licenses in city center and priority overlay areas, nor the rebuttable presumption against new off-licenses after the expiry of the freeze were considered to be unreasonable in light of the object of the act.
36. With regards to club licences we recognise the proposed hours are more restrictive than the national default hours.
37. We recommend council strongly consider hours of 10am to 12am for club licences.
38. We recommend that club licences require the holder of a managers certificate to be on duty when alcohol is for sale during busy periods.
39. We recommend further conditions such as restricting hazardous drinking activities and limiting the consumption of alcohol to the clubhouse.
40. With regards to special licences, we do not support the absence of limits on trading hours.
41. Maximum trading hours should not exceed the maximum default trading hours of 8am to 4am.
42. We recommend a general 12am cease of trading for special licences. Any extension beyond this should not extend beyond 4am.
43. We suggest that special licences be granted for special events rather to routinely extend trading hours for existing premises.
44. We recommend that larger events require as a discretionary condition an event alcohol risk management plan or similar. We recommend that the District Licensing Committee be able to impose appropriate discretionary conditions.

45. We applaud Palmerston North City Councils signalled intention to review the Local Alcohol Policy after 2 years. We recommend the Council develop a monitoring and evaluation plan to track the success or otherwise of the local alcohol policy, but to be cautious in your interpretation.
46. To conclude, we support Palmerston North City Council in their efforts to develop a strong and effective local alcohol policy.
47. I ask the council to reflect when finalising your provisional policy – ask yourselves, does this policy reduce the spatial and temporal access to and availability of alcohol? Is it enough to reduce alcohol related harm in Palmerston North? Does it need to be stronger? Is there anything else that can we do outside of a local alcohol policy to reduce alcohol-related harm in Palmerston North?
48. At Alcohol Healthwatch we are happy to support you to reduce alcohol-related harm.
49. Thank you very much for your kind attention. Kia ora.

stuff

Bottle store magnate keen on early closing

JANINE RANKIN

Last updated 17:02, August 29 2017

MURRAY WILSON/STUFF

Black Bull is still waiting to hear whether it will be granted a liquor licence for its store in Milson after a hearing of objections at the end of July.

The newest entrant into Palmerston North's bottle store market would welcome a 9pm closing time.

Black Bull owner Sahil Sharma said it would be "fantastic" if the city council's local alcohol policy endorsed the mid-evening end time.

Big Barrel owner Baldeep Dhillon has already proposed the 9pm curfew to discourage people returning to off-licences for "second serves".

But while Dhillon said the rule should apply to everyone, including supermarkets and dairies, Sharma was prepared to go one further if the plan applied to bottle stores alone.

READ MORE:

- * Bottle store owner wants hours restricted, willing to give up late night sales
- * Alcohol worries fuel objections against Palmerston North bottle store
- * Opposition mounts against Black Bull bottle store

The Black Bull liquor store in Rangitikei St closes at 10pm while Sharma waits for a decision from the District Licensing Committee about granting an off-licence for a Milson store.

It has applied to stay open until 10pm.

One of the objectors to the Milson application, Anne Strawbridge, said her fear was that having the Black Bull open so late would tempt people to drink more, because it would be easy to pop out to buy another round.

Sharma said Whanganui bottle stores had agreed to close at 10pm even where licences allowed trading until 11pm.

"And we would be happy to reduce to 9pm.

Ad Feedback

"For security reasons, it would be fantastic."

He said, despite a range of security measures, staff in a liquor outlets late in the evenings felt vulnerable to robberies.

"If off-licences agreed I would be happy to do it, even if the supermarkets did not."

Sharma said bottle stores with a range of premier products were not in direct competition with supermarkets, where customers picked up a bottle of wine or some beer with their groceries.

"Most people come specifically to bottle stores for different products."

Dhillon said 9pm closing should be for everyone.

He said there was no point in Big Barrel closing early if people

could just cross the road to buy alcohol at a dairy.

"Otherwise it's not going to do anything. I'm looking at the bigger picture. People will just drive to the supermarket if we are not open and there will be more drunk drivers."

Submissions have closed on the city council's draft local alcohol policy, which proposes bringing back closing time for off-licence premises from 11pm to 10pm.

The council will hold a hearing for people to speak further about the matter on October 16.

Foodstuffs' response to earlier closing was that it favoured the national default hours of 7am to 11pm so customers choosing to do their grocery shopping in the evening could also buy something to drink.

The latest three of its four Liquorland outlets in Palmerston North currently close at 9pm, with only Pioneer Highway open until 10pm on Fridays and Saturdays.

Countdown's alcohol responsibility manager Paul Radich said the supermarket chain supported the 10pm closing time.

"Customers tell us that they prefer the convenience of us being able to retail beer and wine up until 10pm."

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LOCAL ALCOHOL POLICY – PALMERSTON NORTH

I am writing to propose a change to the Local Alcohol Policy in the Palmerston North area.

I propose all off-licences in Palmerston North to close at 9:00 pm every night.

Alcohol is well known to slow reflexes, reduce co-ordination, impair decision-making skills, memory and motor functions and has many more negative effects on how the body functions (White, 2003). Closing all off-licences at 9:00 pm would prevent the public “pre-loading” before heading into town and reduce the amount of drunk driving happening on our roads today which in turn puts many public lives at risk. Alcohol also contributes to making poor financial decisions which is adding to New Zealand’s child poverty by parents not being able to provide for their children as a direct link to the amount of alcohol consumed (Boston & Chapple, 2014).

With Auckland City Council, Hamilton City Council and New Plymouth City Council already on board with this possible change and showing good outcomes, and now Gisborne City Council also looking into adopting the change as well. I believe this is a good opportunity for Palmerston North City Council to also consider this proposal. I have attached copies of the above Council’s Local Alcohol Policy’s for your information. Following the lead of these Council’s would be a smart move for Palmerston North and reduce problems we face currently.

The current proposal of 10:00pm as closing time for off-licences is a start but I believe it will not make enough of an impact on the public and the alcohol abuse we have. It will not stop the public driving late to buy alcohol and “pre-loading” before heading to town around midnight and drink driving. This needs to be reduced and to do that, the closing hours need to be brought forward by a couple of hours.

I believe 10:00pm will also encourage the young public to drive at 10:00pm to quickly dive in and grab their last minute supplies before the doors shut. A lot of these young drivers are in restricted driver’s licences and 10:00pm closing is encouraging them to drive illegally outside their restricted hours. Bringing the closing hour forward to 9:00pm would reduce this and keep the public safer.

Many Councils around New Zealand have also set limits on the proximity that both on-licences and off licences are allowed within sensitive sites (for example churches, schools, playgrounds). Palmerston North should consider these restrictions and put in place stricter rules regarding the location of all licences.

Licences within close proximity of these sensitive sites can encourage:

1. Drinking from a young age.
2. Vandalism of these sites.
3. Risk for business selling to minors.
4. With many sites being out of town centre it leads to robberies and more crime.
5. Health and Safety issues for staff.

References:

Boston, J., & Chapple, S. (2014). *Child Poverty in New Zealand*. Bridget Williams Books.

White, A. M. (2003). What happened? Alcohol, memory blackouts, and the brain. *Alcohol Research and Health*, 27(2), 186-196.



Local Alcohol Policy - Hamilton X

Baldeep

[www.hamilton.govt.nz/our-services/alcohol-licensing/Pages/Local-Alcohol-Policy.aspx](#)

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Local Alcohol Policy

Selling alcohol

The **Sale and Supply of Alcohol Act 2012** allows local authorities to decide whether to implement a local alcohol policy (LAP) to regulate alcohol sales in their areas.

While a local alcohol policy can't address things like the price of alcohol, age limits for drinking or alcohol advertising and sponsorship, it could, for example, determine:

- whether further alcohol licences should be issued
- hours of operation
- how close a new alcohol outlet can be to an existing outlet
- how close a new alcohol outlet can be to a church, a school, a childcare centre or a retirement village.

The Council has adopted a Provisional Local Alcohol Policy (PLAP), which includes the following provisions:

- Setting trading hours for off-licences (eg, bottle stores and supermarkets) as 7am to 9pm
- Limiting the location of where new off-licences can operate to 'retail centres'
- Setting the maximum trading hours for on-licences inside the central city area as Monday to Sunday, 7am to 3am (the following day).
- Setting the maximum trading hours for on-licences outside of the central city area, Monday to Sunday 7am to 1am (the following day).
- There are no restrictions on the location of on-licences.
- Council did not adopt the introduction of a one-way door restriction.

Council's focus is to maintain a balance between reducing the harm of alcohol in the community, while allowing the thriving hospitality and retail industries to continue.

The PLAP achieves this balance while addressing statutory requirements of the **Sale and Supply of Alcohol Act 2012**.

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Related links

- [The Sale and Supply of Alcohol Act](#)
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- [Alcohol bans - Hamilton](#)

Explanatory Document for the Provisional Auckland Council Local Alcohol Policy

May 2015

For further information, please visit:

www.aucklandcouncil.govt.nz/liquor

Or alternatively, contact:

LAP@aucklandcouncil.govt.nz

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Introduction

1. This document provides an overview of the reasoning informing the key policy elements of the Provisional Auckland Council Local Alcohol Policy ("LAP"), developed pursuant to the Sale and Supply of Alcohol Act 2012 ("the Act"). It should be read in conjunction with the Provisional LAP.

Context

2. Auckland Council's ("the council") Regional Strategy and Policy Committee adopted the Provisional LAP on 13 May 2015.
3. Once the Provisional LAP has been publicly notified, the Act allows submitters 30 days to lodge an appeal to the Alcohol Regulatory and Licensing Authority ("ARLA") if they consider that an element of the policy is unreasonable in light of the object of the Act (this is the only ground for appeal). ARLA has the jurisdiction to determine any appeals.
4. Given that this is a new area of law for New Zealand, ARLA treated the first two appeals of this nature as test cases (namely the appeals against the Tasman District Council and Wellington City Council Provisional LAPs). Both judgments provide important guidance on the appeals process, interpreting the ground for appeal and ARLA's expectations for LAPs in general. ARLA has made it clear that it expects councils to document the reasons for the policy elements when adopting a provisional LAP, with particular reference to the object of the Act, the matters set out in section 78(2) of the Act and the concerns of submitters.

Scope of this document

5. In line with ARLA's guidance, this document summarises the matters the council has considered in determining each policy element, including the object of the Act and the matters set out in section 78(2) of the Act. The document also shows how submitters' concerns have been considered and weighed against the overall purpose of the Act.
6. The document is not intended to be exhaustive. It provides an overview of the council's reasoning. In reaching its decisions, the council has had regard to all submissions received, the information provided at hearings, and reports and advice provided by council officers.
7. The document does not discuss the introduction section of the Provisional LAP as these clauses clearly align with and reference the Act. The definitions in the interpretation section are discussed under the relevant policy element (i.e. where each definition is applied) as required.

Further information on the considerations

Section 78(2) considerations

8. Section 79(2) of the Act requires the council to have regard to the matters listed at section 78(2), when producing its Provisional LAP. These matters are:
 - (a) the objectives and policies of the district plan

- (b) the number of licences of each kind held for premises in the district, and the location and opening hours of each of the premises
 - (c) any areas in which bylaws prohibiting alcohol in public places are in force
 - (d) the demography of the district's residents
 - (e) the demography of people who visit the district as tourists or holidaymakers
 - (f) the overall health indicators of the district's residents
 - (g) the nature and severity of the alcohol-related problems arising in the district.
9. In relation to section 78(2)(b), the council has had regard to the objectives and policies of both the Proposed Auckland Unitary Plan (as notified at 30 September 2013) and the operative district plans. There are currently nine operative district plans in the Auckland region but these will be superseded by the Unitary Plan from late-2016. Whilst the council considered the operative plans in developing the Provisional LAP, the district plan references in the policy relate to the Proposed Auckland Unitary Plan. This ensures that the LAP is forward-looking and recognises the regional coverage of both the Proposed Auckland Unitary Plan and the Provisional LAP.
10. The council is also currently reviewing its alcohol controls in order to rationalise the seven 'legacy' bylaws inherited from the former Auckland-based councils, and to comply with the new requirements of the Local Government Act 2002. Whilst the council has considered alcohol control locations in developing the policy (under section 78(2)(c)), this document does not provide an in-depth analysis of their locations as they are subject to change.

Public submissions

11. The council received 2,693 public submissions, including 12 late submissions. Nearly half of the submissions (1,352) were made using the council's online form, and a third (897) through the Alcohol Healthwatch pro-forma postcards. The postcards comprised a series of statements that submitters could tick if they agreed.
12. Some submitters worked together on their submissions and provided similar or in some cases identical comments. Examples include Progressive Enterprises Ltd, which in addition to its own submission provided the same submissions from each of its 49 stores and proponents of the dance music scene who connected through the "Dance till Dawn" campaign.
13. Further information on the public submissions is provided in the council officers' report to the Hearings Panel (Local Alcohol Policy Project – Background report for hearing of submissions on draft policy, dated August, 2014) and the Hearings Panel's report to the council's Regional Strategy and Policy Committee requesting adoption of the Provisional LAP (May, 2015). Copies of these reports are available on the council's website.
14. The Panel considered all written submissions received. Key points from the submissions, and comments that resulted in changes to the proposed LAP, are summarised below.

Policy areas

Overview

15. The Provisional LAP sets out general policy positions for the Auckland region as well as targeted policies for specific areas. The specific areas are the City Centre; areas within the Priority Overlay and; in some instances, certain zones identified in the Proposed Auckland Unitary Plan.

General considerations

16. Analysis of the matters under section 78(2) of the Act showed that there is considerable variation across the Auckland region, particularly in terms of the number, nature and licensed hours of existing licences, and in relation to population characteristics. In recognition of this, the council adopted an areas-based approach in the Provisional LAP. This enables the council to tailor its policies to the needs of an area, by providing more permissive or restrictive variations to the standard policies, as required. This approach was also developed in response to submitters' feedback that one set of policy provisions would not be appropriate for the large area covered by the council's jurisdiction.
17. Other general considerations that have informed the council include:
 - Examples from the UK and Australia of area-specific policies to protect the community and/or the character of an area from the existing, or potential, negative cumulative impact of licences. (Both the UK and Australia are comparable to New Zealand in terms of culture).
 - Auckland research and international literature that shows different populations, particularly different socio-economic and ethnic populations, experience differing levels of alcohol-related harm, and that different types of intervention are warranted to address this inequity.

City Centre

18. The Provisional LAP adopts the Proposed Auckland Unitary Plan's definition of the City Centre. The LAP applies targeted location, density and hours policies to the City Centre.
19. In adopting this approach, the council has considered the following:
 - Existing on-licences in the City Centre display different characteristics to those in the rest of the region. Specifically, there is a much greater concentration of licences, particularly late-trading premises. The entire City Centre is also currently covered by alcohol bans, and the demographic makeup of City Centre residents is different to the rest of the region. In particular, there is a large concentration of young adults (students). The City Centre also attracts more visitors, both international and from the rest of New Zealand, than other parts of the region.
 - There is a greater concentration of direct alcohol-related harm, particularly crime and disorder, occurring in the City Centre than in the rest of the region.

20. In addition, most submitters agreed that the central city is unique when compared to the rest of the region and that it warrants its own special category.
21. Many submitters from Parnell and Newmarket considered that the same rules, particularly regarding on-licences, should apply to all parts of the city fringe. Residents in Ponsonby who submitted did not consider the Ponsonby strip to be a part of the central city.

Priority Overlay

22. The Provisional LAP includes a Priority Overlay, which comprises a series of areas where there is evidence of greater levels of alcohol-related harm.
23. Each Priority Overlay area is defined by applying a 200 metre radius from the boundary of the main Business Centre zone(s) relevant to each area. This aligns with the Proposed Auckland Unitary Plan.
24. Areas included in the Priority Overlay were established with reference to the matters specified at section 78(2) of the Act. In particular, the council had regard to information on demography, the nature and severity of alcohol-related harm, and the number and nature of existing licences in determining where the Priority Overlay was warranted.
25. The majority of submitters who indicated a position on the proposal supported the Priority Overlay, including a wide range of individuals and stakeholders. Many submitters living in suburbs covered by the overlay voiced support for the inclusion of their particular areas, and their concern about proliferation of off-licence premises and alcohol-related harm experienced by their communities.

Local Impacts Reports

Overview

26. The Provisional LAP includes a special reporting process to help inform the DLC and ARLA's decisions about the location and density of new licences. It recommends that a Local Impacts Report should be prepared for certain licence applications in certain locations.
27. The Local Impacts Report will contain information on the area including existing licensed premises, sensitive sites, land uses, and alcohol-related harm, as well as the nature of the application and steps the applicant is proposing to take to manage the premises.
28. The report process ensures the DLC or ARLA are fully informed of objective considerations, based on sections 78(2) and 105 of the Act.

General considerations

29. The Local Impacts Report also includes a description of five of the seven section 78(2) considerations, specifically, zoning under the district plan, existing licences in the area, the demography of the local population, and existing levels of alcohol-related harm, including both health and crime related issues.
30. In determining where a Local Impacts Report is required, the council has considered district plan objectives and policies; the locational triggers include the zoning of the proposed site.
31. Existing alcohol-related problems have also informed the policy's requirements for a Local Impacts Report, that is, riskier applications are required to undergo the Local Impacts Report process, while Very Low Risk applications are not.
32. The majority of submitters who indicated a position on the proposal supported assessing the surrounding area and considering this in licence decision-making. As well as individual submitters, those in favour of the approach included both the public health sector and some industry stakeholders.
33. A large number of submitters supported the inclusion of reporting on sensitive sites, particularly schools. Some submitters, including the Police, proposed that marae should be considered a sensitive site. The council agreed that this inclusion had merit.
34. There is cross-sector support for the council to provide Local Impact Reports.

Off-licences

35. Under the Provisional LAP, all applications for Low, Medium, High and Very High Risk off-licences in the region would be accompanied by a Local Impacts Report, unless more specific location and density provisions apply.
36. In determining these policies, the council has considered literature, which demonstrates that additional off-licences in an area can be linked with violence in the home and at other licensed premises in the vicinity, and have been linked to higher levels of drinking among young people in the area. Literature also shows that clusters of off-licence premises can lead to price competition and an increase in sales to prohibited persons, because of competition for customers. Auckland data on controlled purchase operations aligns with this.

37. The council therefore considers that it is important for decision-making bodies to be aware of the number and nature of existing licences in the locality, and of the local demography and any population groups or sensitive sites that are likely to be adversely affected by the granting of an off-licence.
38. Submissions show strong community support for applying the Local Impacts Report process to off-licence applications. Submitters particularly supported reporting on existing licences in the area, as well as local schools and land uses.

Remote sellers

39. Off-licences for remote sale of alcohol (licences endorsed under section 40 of the Act) are exempted from the Local Impacts Report process, as well as the Temporary Freeze and the Rebuttable Presumption, as they are can deliver anywhere and have no direct alcohol-related impacts on their locality.
40. In creating this exemption, the council considered submissions from the remote seller industry, requesting that their businesses be excluded from the Environmental and Cumulative Impacts Assessment (now Local Impacts Report). The submitters gave evidence that they do not generally impact the geographic area in which they are located, and also discussed this as part of their oral submissions.

On-licences

41. The Provisional LAP requires some on-licence applications to be accompanied by a Local Impacts Report, depending on the location and the risk profile of the proposed premises, as follows:
 - High and Very High Risk on-licences across the region
 - Medium Risk on-licences, except in the City Centre, the City Centre Fringe and Metropolitan Centres
 - Low Risk on-licences in Neighbourhood Centres
 - All on-licences in the Priority Overlay
42. Overall, this means that applications for riskier premises in more suburban areas are more likely to require a Local Impacts Report, while triggers for Local Impact Reports in business centres are not as stringent. This aims to direct riskier on-licence premises to larger centres where they are more appropriate; a late-trading premises with live music is unlikely to be appropriate in a residential, suburban neighbourhood, but could be suitable in a Metropolitan Centre, for example.
43. In determining this approach, the council has had regard to the section 78(2) considerations, particularly as follows:
 - District plan objectives and policies are a key consideration in determining where a Local Impacts Report is to be required for an on-licence premise. The zoning of the proposed site, and its corresponding place in the Unitary Plan hierarchy of centres, is one of two determinants triggering the requirement for a report.
 - The number and nature of existing licences is also an important consideration in determining which applications a Local Impacts Report is to be required for. In examining the existing licensed environment, it is clear that some types of on-

licences cluster together, and that larger centres are more suitable for these activities.

- Demography and health outcomes of residents and visitors has also informed where a Local Impacts Report is required; reports are required for a wider range of licences in residential areas, and reports are required for all licence applications in communities that are more deprived and experiencing higher levels of poor health (that is, in the Priority Overlay).
44. Existing alcohol-related problems have also informed the council's policies about when a Local Impacts Report is needed; riskier applications that are associated with more alcohol-related harm are more likely to be required to undergo the Local Impacts Report process. Further, reports are required for all applications in areas currently experiencing high levels of alcohol-related harm (the Priority Overlay).
 45. Literature demonstrates that clusters of on-licence premises can attract heavier drinkers to an area. It also shows that different types of on-licence premises are more (and in some cases less) suitable in different parts of the city (residential vs. commercial). This evidence correlates with findings from Auckland.
 46. Accordingly, the council considers that informing decision-making bodies of the number and nature of existing licences in the locality, and of the local demography and land uses that may be adversely affected by the granting of an on-licence, is key to the application process.
 47. Submissions show strong community support for applying the Local Impacts Report process to on-licence applications. Submitters were particularly supportive of reporting on the surrounding environment and the consideration of transport options and local schools.

Renewals of off-licences and on-licences

48. The Local Impacts Report is required for higher-risk licence renewals in the Priority Overlay to assist decision-makers in determining the conditions to be included in a licence.
49. Licence renewals were not a prominent theme in the submissions. However, a few submitters recommended considering location and density factors when setting conditions for licence renewals; the council considered that these recommendations warranted investigation.
50. Literature demonstrates that access to off-licence premises has been linked to heavier drinking among young people. Informing decision-making bodies of the local demography, land uses and sensitive sites in the area assists them in setting conditions to mitigate the impact of the licence on particular populations.
51. In establishing which licence renewals are to be accompanied by a Local Impacts Report, the number and nature of existing licences is significant. The areas where the report is required for renewals already have existing licensed premises which are, directly or indirectly, impacting the community negatively.
52. Demography, health outcomes of residents, and existing alcohol-related problems have informed where a Local Impacts Report is required for renewals; the communities located within the Priority Overlay experience higher levels of problems associated with alcohol than the rest of Auckland.

53. Existing alcohol-related problems have also informed the type of renewals which need to go through the Local Impacts Report process, that is, riskier applications which are associated with more alcohol-related harm.

Temporary Freeze and Rebuttable Presumption against New Off-licences

Overview

54. The Provisional LAP includes a Temporary Freeze, which recommends that the DLC and ARLA should refuse to issue new off-licences in the City Centre and the Priority Overlay for the first 24 months of the policy being in force.
55. The Provisional LAP also includes a presumption against the issuing of new off-licences in:
 - the City Centre and the Priority Overlay areas, following the expiry of the Temporary Freeze; and
 - Neighbourhood Centres from the date the policy comes into force.
56. The effect of the rebuttable presumption is that applications for new off-licences should generally be refused, unless the DLC or ARLA is satisfied that the applicant has rebutted the presumption.

General considerations

57. In adopting these policies, the council aims to address high levels of alcohol-related harm whilst also recognising that there may be limited circumstances where a new off-licence is acceptable, and that an area may change over time.
58. Many submitters raised concerns about the proliferation of off-licences in Auckland.
59. Australian research shows that an additional off-licence:
 - can be a significant predictor of area-level violent crime and violence on residential premises; and
 - is more likely to result in an increase in assaults at licensed premises than an additional on-licence.
60. Accordingly, the council considers that restricting the establishment of new off-licences is likely to limit the incidence of alcohol-related harm, both generally and at licensed premises. A temporary freeze to regulate the density of licences has been used successfully overseas, and is applied for two years in line with international best practice. Cities in the UK also use a presumption against the issue of new licences to regulate density.

City Centre and Priority Overlay

61. The Provisional LAP seeks to limit the number of new off-licences establishing the Priority Overlay and the City Centre as these areas experience higher levels of alcohol-related harm compared with the rest of Auckland.
62. Off-licence premises are already located in areas where the freeze and presumption against new off-licences applies, often at greater densities than in other parts of Auckland.
63. The City Centre has the largest number and highest density of off-licences of any area in Auckland.

64. The Priority Overlay areas have higher levels of vulnerable populations that are more likely to experience alcohol-related harm than other groups, for example, those living in higher deprivation and young males. Many of these populations also experience poor health outcomes. The City Centre also has high numbers of young people (particularly students).
65. The majority of submitters that indicated a position on the Temporary Freeze and Rebuttable Presumption showed support, and many submitters raised concerns about the proliferation of off-licences, particularly in areas of high deprivation. Submitters from the on-licence industry also considered the consumption of cheap and readily available off-licence alcohol or "pre-loading" to be a major contributor to problems experienced at their establishments.

Neighbourhood Centres

66. The Provisional LAP also establishes targeted policies for Neighbourhood Centres.
67. Analysis of the number and nature of existing licences, and how they relate to the Proposed Auckland Unitary Plan, shows that community concerns about "bottle stores on every corner" are reflective of the current licensed environment, especially in areas of higher deprivation. Applying the rebuttable presumption to Neighbourhood Centres also complements the Proposed Auckland Unitary Plan provision that "non-residential activities that locate in residential areas contribute to and support the amenity of the neighbourhood".
68. The application of the rebuttable presumption to Neighbourhood Centres is further supported by evidence that the presence of alcohol retailers within walking distance, particularly shops in predominantly residential areas, increases the availability of alcohol to populations who are less mobile and are generally more at risk of alcohol-related harm, for example, minors or people living in areas of high deprivation.
69. Submitters were particularly supportive of the rebuttable presumption in its application to Neighbourhood Centres.

Definition of "New Off-licences"

70. The Provisional LAP includes a definition for the term "New Licence", so that applications for premises that have traded within the previous 6 months under the same kind of licence are not captured by the Temporary Freeze and Rebuttable Presumption policy elements.
71. This ensures that the Temporary Freeze and Rebuttable Presumption will not apply to an application for a licence where a premises has been sold or changed hands; any business within the areas where these density and location tools apply will not be immediately de-valued because of the Auckland Council Local Alcohol Policy.
72. This policy responds to stakeholder feedback provided throughout the general policy development process about the adverse effects these policies could have on the ability for licensees to sell their businesses.

Maximum trading hours

Overview

73. The Provisional LAP includes policies on maximum trading hours for off-licences, on-licences, club licences and special licences in Auckland.
74. The specific hours proposed are outlined in the following subsections.

General considerations

75. In determining the maximum hours for licensed premises in Auckland, the council had regard to the matters at section 78(2) of the Act, particularly as follows:
 - Proposed Auckland Unitary Plan objectives and policies demonstrate that different hours may be required for some areas.
 - Licensees in Auckland have been granted many different sets of trading hours (though they often do not operate to the full extent of these hours).
 - The nature and severity of alcohol-related harm varies greatly across the region.
76. Research shows that there is a strong correlation between the availability of alcohol, both geographically and temporally, and the incidence of alcohol-related harm. It recommends restricting the overall hours that alcohol is available in order to decrease alcohol-related harm. This is applicable to both retailers selling alcohol to take away and to alcohol sold for consumption on-site.
77. Trading hour reductions, both overseas and in Auckland, have corresponded with significant reductions alcohol-related harm, providing empirical evidence in support of the literature.

Off-licences

78. The Provisional LAP sets regional off-licence trading hours of 9am to 9pm. This approach limits the availability of alcohol, in particular: young people's exposure to alcohol in the morning; and to legal age users at times when prior consumption of alcohol is more likely to influence purchasing choices and there is strong evidence of alcohol-related harm occurring (that is, late in the evening).
79. Off-licence premises are ubiquitous throughout the Auckland region, but are most densely concentrated in the City Centre, where there is also the highest concentration of on-licence premises.
80. The most common opening time for off-licence premises in Auckland is 9am. The most common closing time 11pm, and across the Auckland region, alcohol-related crime and disorder is worst between 9pm and 1am.
81. As well as general evidence relating to reductions in hours, a recent study on New Zealand drinkers showed that those purchasing alcohol at an off-licence after 10pm are twice as likely to drink heavily than those purchasing alcohol before 10pm. Evidence indicates that variations in off-licence hours is likely to lead to purchasers travelling to get take-away alcohol, so regionally consistent hours are more effective at limiting alcohol-related harm.

Draft Local Alcohol Policy for Gisborne District



POLICY REFERENCES

- | | |
|------------------------|--|
| • Sponsor | Group Manager Environment & Policy |
| • Effective | |
| • Review due | 12 months from adoption date |
| • Legal compliance | Sale and Supply of Alcohol 2012 |
| • Associated documents | Alcohol in the Gisborne District (A441290) |
| • Policy number | POL13/02 |

1. INTRODUCTION

- 1.1 The Sale and Supply of Alcohol Act 2012 ("the Act") is the primary legislation regulating the sale and supply of alcohol in New Zealand. The aim 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.
- 1.2 The Act allows a territorial authority to develop a Local Alcohol Policy ("LAP") in consultation with its community, about the sale and supply of alcohol in its geographical area. Gisborne District Council has decided to develop a LAP for its district and to set different restrictions and conditions for identified areas and licence types within the district.
- 1.3 The LAP must be read in conjunction with the Act and relevant regulations.
- 1.4 The Council's District Licensing Committee ("DLC") and the Alcohol Regulatory Licensing Authority ("ARLA") must have regard to the LAP when deciding licence applications in the District.
- 1.5 A LAP may include policies about the:
- Location and density of licensed premises;
 - Number of licensed premises of different types;
 - Hours of operation of licensed premises;
 - Discretionary conditions that may be imposed on licences including one-way door conditions.

2. POLICY OBJECTIVE

- 2.1 The Gisborne District LAP provides guidance for the DLC so that licensing decisions:
- Balance a vibrant and prosperous Tairāwhiti with a healthy and safe Tairāwhiti;
 - Encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm; and

- Reflect the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities.

Indicators and measures for monitoring the effectiveness of the Policy will be identified at the implementation phase.

3. POLICY PROVISIONS

3.1 Location and Density of Licensed Premises

- 3.1.1 No new licence of any type, except for restaurants or cafes, to be granted for locations in proximity to sensitive sites. Sensitive sites are defined as areas, premises or facilities that are either considered more sensitive to alcohol-related harm, or already experiencing greater levels of alcohol related harm than other areas as determined by the District Licensing Committee. Relicensing under a change of ownership is not classified as a new licence under this Policy provided the licence type and scope is the same.
- 3.1.2 No new bottle store Off-Licences to be approved for any location within the Gisborne District. Re-licensing under a change of ownership is not classified as a new licence under this Policy provided the licence type and scope is the same.

3.2 Maximum Licensed Operating Hours

OFF-LICENCE			
Off-Licence types	Maximum operating hours	Trading days	Location
All Off-Licences including taverns, supermarkets, wineries, bottle stores, across-the-bar, grocery stores, clubs	10.00am – 9.00pm	Monday - Sunday	District-wide
ON-LICENCE			
On-Licence types	Maximum operating hours	Trading days	Location
Restaurants, cafes, wineries, taverns (including night-clubs), BYO, entertainment centres	10.00am – 2.00am One-way door from 1.00am for taverns including night clubs	Monday - Sunday	District-wide
CLUB LICENCE			
Club licence types ¹	Maximum operating hours	Trading days	Location
All Clubs including sports and other (including RSA)	10.00am – 11.00pm	Sunday - Thursday	District-wide
	10.00am – 12.00am	Friday - Saturday	

3.3 Special Licences

¹ Chartered Clubs are not subject to licensing under the DLC, unless they operate outside the rules of their charter, so are exempt from this Policy.

P16-003 – Local Alcohol Policy

Approved by Council 13 December 2016



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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NEW PLYMOUTH DISTRICT COUNCIL AND STRATFORD DISTRICT COUNCIL LOCAL ALCOHOL POLICY

New Plymouth District Council and Stratford District Council Local Alcohol Policy

The Local Alcohol Policy is made in accordance with the authority set out in section 75 of the Sale and Supply of Alcohol Act 2012.

1. POLICY PURPOSE

The purpose of the Local Alcohol Policy is to provide local direction on alcohol licensing matters within the district to:

- (a) The District Licensing Committee who will make alcohol licensing determinations.
- (b) Alcohol licence applicants so they are certain about what may be permissible in relation to alcohol licensing.
- (c) The community so they are certain about the provisions of the alcohol licensing environment as it relates to their communities.

2. POLICY OBJECTIVES

The objectives of the policy are to provide statements that:

- (a) Reflect the views of local communities about alcohol licensing matters.
- (b) Reflect the Council's stance towards alcohol licensing within the district.
- (c) Provide certainty to applicants about those matters that will be considered as part of alcohol licensing applications.
- (d) Provide effective and unambiguous guidance to the District Licensing Committee and Alcohol and Regulatory Licensing Authority.
- (e) Foster an alcohol licensing environment that minimises alcohol related harm in the community.

3. POLICY SCOPE

The policy includes policy statements in relation to the matters that are permitted under Section 77 of the Sale and Supply of Alcohol Act 2012 (the "Act").

The policy applies to any alcohol licensing application made to the District Licensing Committee within the New Plymouth District and the Stratford District.

4. RELATIONSHIP TO THE ACT

The policy does not include all of the provisions that may apply to particular licence applications, and should therefore be read in conjunction with the Act (and other legislation including, but not limited to, the Resource Management Act 1991).

Alcohol licence determinations shall be made in accordance with the requirements and authority of the Sale and Supply of Alcohol Act 2012, in conjunction with the policy.

5. POLICY DEFINITIONS

Alcohol related harm has the same meaning as in section 5 of the Act

Authorised customer in relation to premises a club licence is held for means a person who is either –

- a member of the club concerned; or
- on the premises at the invitation of, and is accompanied by a member of the club concerned; or
- an authorised visitor.

Authorised visitor in relation to premises for which a club licence is held, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

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.

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, excluding cellar doors.

Café has the same meaning as restaurant in terms of the licence.

Cellar door means a retail outlet located on a premises used primarily for the manufacture of alcohol for consumption elsewhere (i.e. winery, brewery, distillery or similar style of premises).

Club means a body that –

- 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 (or none of whose objects is) gain; or
- holds a permanent club charter;

and

- **Class 1 club** means a club that has or applies for a club licence and has at least 1,000 members of purchase age; and in the opinion of the territorial authority, operates any part of the premises in the nature of a tavern at any time; and

- **Class 2 club** means a club that has or applies for a club licence and is not a class 1 or class 3 club; and
- **Class 3 club** means a club that has, or applies for, a club licence and has fewer than 250 members of purchase age; and operates a bar for no more than 40 hours each week.

Club licence means where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (section 21 of the Act).

Environment area means an area having a different character from another area and a particular level of amenity. An environment area may be considered similar to a 'zone' and are those Environment Areas identified on the planning maps in the New Plymouth District Plan, which include residential, rural, industrial, business, and open space environment areas.

Grocery Store has the same meaning as in section 5 of the Act.

Hotel means premises used or intended to be used in the course of business principally for providing to the public:

- lodging; and
- alcohol, meals, and refreshments for consumption on the premises.

Member in relation to a club means a person who

- has expressly agreed in writing to comply with the club's rules; and
- is recognised as a member of the club by those rules.

New Plymouth CBD zone means the area contained by:

- St Aubyn Street from Liardet Street to Queen Street,
- Queen Street,
- the part of Devon Street west between Queen Street and Robe Street,
- Robe Street between Devon Street west and Powderham Street,
- Powderham Street (from Robe Street) and Courtney Street (to Gover Street),
- Gover Street between Courtney Street and Molesworth Street, and
- Molesworth Street from Gover Street to Liardet Street

Off-licence means where the licensee sells alcohol from a premises for consumption somewhere else (section 17 of the Act).

On-licence means where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (section 14 of the Act).

One way door restriction means no person (other than an exempt person) shall be admitted or re-admitted to a licensed premises after a specified time.

Restaurant means premises that –

- are not a conveyance; and
- are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1) of the Act);

and

- **BYO restaurant** means a restaurant for which an on-licence permits BYO only. (Section 37 of the Act.)
- **Class 1 restaurant** means a restaurant that has, or applies for, an on-licence and has, in the opinion of the territorial authority, a significant separate bar area; and in the opinion of the territorial authority, operates that bar area, at least one night a week, in the manner of a tavern.
- **Class 2 restaurant** means a restaurant that has, or applies for, an on-licence and has, in the opinion of the territorial authority, a separate bar; and in the opinion of the territorial authority, does not operate that bar area in the manner of a tavern at any time.
- **Class 3 restaurant** means a restaurant that has or applies for an on-licence and that, in the opinion of the territorial authority, only serves alcohol to the table and does not have a separate bar area.

Sensitive site means:

- An early childhood centre, a child care facility, a primary school and a secondary school (but excluding residential dwellings which are used for the provision of in-home early childcare services);
- A recreational facility or open space where facilities have been designed to attract the public, and in particular young people under the legal purchase age (e.g. play grounds, parks, skateboard parks and so on) (but excluding recreational facilities which are administered, managed or funded by privately owned entities for commercial gain);
- A community centre or hall where members of a community tend to gather for group activities, social support and related activities, public information, and other meetings and gatherings;
- A hospital, addiction treatment facility, or Well Child / Tamariki Ora programme provider's centre

Stratford Central Business/ Retail Area is the area defined by the map in Appendix 1 for the purpose of interpreting and implementing clauses 6.3.3 and 6.6 of this policy

Special licence means the licensee can sell or supply alcohol, for consumption to people attending an event (on-site special), or the licensee can sell the licensee's alcohol for consumption somewhere else (off-site special) (section 22 of the Act).

Supermarket has the same meaning as defined in the Sale and Supply of Alcohol Act 2012

Tavern means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public.

Zone means a zone or environment area as defined in the operative New Plymouth District Plan and / or Stratford District Plan.

Distances are measured from the boundary of the licensed premises to

- in the case of a zone or area: the boundary of the zone or area
- in the case of a sensitive site: to the boundary of the sensitive site

In all cases, distances are measured along the shortest possible publicly accessible route.

6. POLICY STATEMENTS

6.1 Location of Licensed Premises

Classes of alcohol licences may be located within:

- Existing premises locations (renewals).
- Specific (District Plan defined) environment areas (defined below) (new applications).

Any application for a licence renewal shall be exempt from the provisions relating to restrictions on the location of licensed premises, so long as the premises remains continuously licensed. For the purposes of this provision, continuously licensed will include a premises for which an existing licence has expired, provided an application to renew the licence has been made before the expiry date of the existing licence. If the application to renew the licence is refused, the premises will cease being continuously licensed from the date of the expiry of the existing licence.

Any application for a new licence received before this policy comes into effect, or any application for a new licence received from a premises issued with a temporary authority under section 136 of the Sale and Supply of Alcohol Act 2012 when this policy comes into effect, shall be exempt from the provisions relating to restriction on the location of licensed premises.

6.2 New on-licence applications - permitted areas

The following classes of alcohol premises are permitted in the following locations:

- 6.2.1 Class 1, 2 and 3 restaurants and BYO restaurants shall be allowed in all zones.
- 6.2.2 Nightclubs, taverns or adult premises and class 1 clubs shall be allowed in:
 - New Plymouth Business Environment Areas A, B, C and D (but not within 50 metres of a residential zone or rural zone).
 - Stratford Business Zone or Rural Zone.
- 6.2.3 Hotels shall be allowed in:
 - New Plymouth Business Environment Areas A, B, C, and D (but not within 50 metres of a residential zone or rural zone).
 - Stratford Business Zone or Rural Zone
- 6.2.4 Class 2 and 3 clubs shall be allowed in:
 - New Plymouth Business Environment Areas A, B, C and D, and Open Space Environment Areas.
 - Stratford Business Zone and Protected Area Zone
- 6.2.5 Theatres and cinemas shall be allowed in:
 - New Plymouth Business Environment Areas A, B, C and D, Industrial and Residential Environment Areas.
 - Stratford Business Zone.

6.2.6 Other on-licences shall be allowed in:

- New Plymouth Business Environment Areas A, B, C and D (but not within 50 metres of a residential zone or rural zone).
- Stratford Business Zone or Rural Zone.

Note, this provision is subject to clause 6.1.

6.3 New off licence applications - permitted areas

6.3.1 Remote sale premises and cellar doors shall be allowed in all zones.

6.3.2 Supermarkets and grocery stores shall be allowed in all zones.

6.3.3 Bottle stores shall be allowed in:

- New Plymouth Business Environment Areas A, B, C, D and Industrial Environment Areas (but not within 50 metres of a residential zone or rural zone).
- Stratford Central Business/ Retail Area (as defined in Appendix 1)

Note, this provision is subject to clause 6.1.

6.4 Special licences

Special licences may be considered for any zoned area.

6.5 Proximity to sensitive sites

No new on-licence or off-licence premises (excluding supermarket and grocery store) outside the New Plymouth CBD Zone and the Stratford Central Business/ Retail Area shall be allowed within 100 metres of a sensitive site.

Note, this provision is subject to clause 6.1.

6.6 Licence restrictions

6.6.1 *Off Licence (stand alone bottle stores)*

The maximum number of off-licence bottle stores permitted for each district shall be the number of off-licensed bottle stores at the time this policy is adopted.

The District Licensing Committee has discretion as to compliance with this policy for premises that will take active steps to minimise alcohol-related harm that are within permitted areas (alcohol-related harm as defined by section 5(1) of the Sale and Supply of Alcohol Act 2012).

In determining whether premises will take active steps to minimise alcohol-related harm for the purpose of this provision, the District Licensing Committee shall, based on information supplied by the applicant, take into account:

- If the operator operates other licensed premises in New Zealand, whether those premises operate in a manner that minimises alcohol-related harm (including whether any enforcement action has been taken against those premises)
- The proposed style and types of sale (such as the price or type of alcohol being sold)

- Any conditions that the applicant proposes the District Licensing Committee applies to the premises (including opening times)
- Any other matter that the District Licensing Committee considers relevant.

For the avoidance of doubt, the burden of proof that the proposed off licence bottle store will take active steps to minimise alcohol-related harm is on the applicant.

6.7 Maximum Trading Hours

6.7.1 *On-Licences*

The following maximum trading hours shall apply to the following types of on licences.

Classification of on licence	Maximum trading hours
Club (all classes), nightclub, tavern, restaurants (all classes), bars and hotels	Monday to Sunday, 8am to 2am the following day in the New Plymouth District, excluding the New Plymouth CBD zone where the maximum trading hours are Monday to Sunday, 8am to 3am. Monday to Sunday, 8am to 2am the following day in the Stratford District.
Airport	Monday to Sunday, 7am to 1am the following day.

Note that when daylight saving changes, closing time is set according to New Zealand Daylight Time not New Zealand Standard Time (as defined in the Time Act 1974).

6.7.2 *Off Licences*

The following maximum trading hours shall apply to the following types of off-licences.

Classification of off licence	Maximum trading hours	
	New Plymouth District	Stratford District
Supermarket	Monday to Sunday, 7am to 9.30pm	Monday to Sunday, 7am to 10pm
Grocery stores, bottle stores, cellar doors and over the counter sales	Monday to Sunday, 7am to 9.30pm	Monday to Sunday, 7am to 10pm
Hotel in bedroom mini bar sales	Monday to Sunday, 24 hours per day	Monday to Sunday, 24 hours per day

Note – The maximum trading hours does not preclude a licence being subject to more restrictive trading hours.

6.7.3 *Special Licences*

Permitted hours do not apply to special licences which shall be considered on a case by case basis.

