

Council Policy

Policy Title:	2018 Local Alcohol Policy		
Responsibility:	Group Manager responsible for Liquor Licensing		
First Adopted:	13 May 2014		
Review Frequency:	Six yearly or as required		
Last Reviewed:	Feb 2018		
Next Review Due:	Feb 2024		
Doc No	685196	File No	P50-0037



1 Policy Objectives

- 1.1 The purpose of the Ruapehu Local Alcohol Policy (LAP) is to meet the objectives of the Sale and Supply of Alcohol Act, whereby;
- (a) The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

2 Definitions

- 2.1 **Act** - the Sale and Supply of Alcohol Act 2012.
- 2.2 **Club** - a body which;
- (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
 - (b) is a body corporate whose object is not (or none of whose objects is) gain; or
 - (c) holds a permanent club charter.
- 2.3 **District** means the Ruapehu District.
- 2.4 **District Licensing Committee** - the Ruapehu District Licensing Committee appointed pursuant to section 186 of the Act.
- 2.5 **District Plan** - the Ruapehu District Plan.
- 2.6 **Grocery store & Supermarket** – means a shop that;
- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
 - (b) comprises premises where:
 - (i) a range of food products and other household items is sold; but
 - (ii) the principal business carried on is or will be the sale of food products
- 2.7 **Hotel** - 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.
- 2.8 **Licences** - Licences cover many different kinds of premises and events. Premises include those established as nightclubs, cafes, restaurants, chartered clubs, sports clubs, hotels,

motels and ski resorts. Special events can be weddings, festivals, sporting events such as rodeo and hunts, funeral and tangi.

- 2.8.1 **Club-Licence** - is a licence which allows a premises that meets criteria for being acknowledged as a 'club' to;
- (a) sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption onsite.
- 2.8.2 **On-Licence** – is a licence which allows a premises (other than an on-licence endorsed under section 37) to:
- (a) sell and supply alcohol for consumption there; and
 - (b) let people consume alcohol.
- 2.8.3 **Off-Licence** – is a licence which allows a premises to:
- (a) sell alcohol for consumption somewhere else;
 - (b) supply alcohol for free, as a sample, for consumption on the premises while open for business to carry out the above;
 - (c) sell alcohol on or from the premises the licence is issued for and deliver it somewhere else.
- 2.8.4 **Special-Licence** - there are two kinds of special licence: on-site special licences and off-site special licences;
- (a) **On-site Special-Licence**
 - (i) This licence is usually for the purpose of a one-off event. The licensee can sell and supply alcohol for consumption on a specified premises, to people attending an event described in the licence.
 - (ii) This licence may allow the holder of an existing on-licence or club licence for any premises to sell and/or supply alcohol for consumption on that premises, at a time when it would otherwise be unlawful to do so, if it is sold or supplied:
 - (i) to people attending an event described in the special licence; and
 - (ii) in accordance with the special licence.
 - (b) **Off-site Special-Licence**
 - (i) This licence allows the licensee to sell alcohol for consumption elsewhere on the premises of which a special licence designated as an off-site special licence is held. For example, this may be needed for a club holding an event where the consumption of alcohol will be taking place in a marquee as opposed to the actual clubrooms.
 - (ii) This licence also allows the licensee to supply free alcohol, as a sample, for consumption on premises, during the opening hours specified in the licence.
- 2.9 **Prohibited person** - a person to whom alcohol cannot be sold including a person under the age of 18 years, an intoxicated person and, in the case of clubs, a person who is not authorised.
- 2.10 **Sensitive sites** - The term 'Sensitive Site' refers to the following type of premises:
- (a) Educational institution
 - (b) Government department
 - (c) Community facility
 - (d) Train and bus station

3 Principles

- 3.1 Council has chosen to develop a LAP which is consistent with the principles of the Act. This LAP seeks to put in place a system of control over the sale and supply of alcohol that is reasonable and helps achieve the objects of the Act.
- 3.2 This LAP also reflects one of Council's Community Outcomes; safe, healthy communities.

4 Background

- 4.1 The Act allows Council to develop a LAP. A LAP is a policy which sets out licensing provisions that are specific to a district. A LAP can modify and refine some provisions in the Act. The intention of a LAP is to enable local communities to tailor alcohol licensing policies to the particular circumstances of their local area.
- 4.2 A LAP must not include policies on any matter not relating to licensing.
- 4.3 A LAP must be reasonable and consistent with the objectives of the Act. The LAP must be developed by Council in consultation with Medical Officers of Health, Police, Licensing Inspectors and the community and meet the following objectives;
- (a) Promote safe and responsible sale, supply and consumption of alcohol,
 - (b) Minimise the harm caused by excessive or inappropriate consumption of alcohol,
 - (c) Enable communities to have input into licensing policies at a broader level than is possible by objecting to an individual licence application,
 - (d) Encourage consistency in decision making by the District Licensing Committee and the Alcohol Regulatory and Licensing Authority on conditions of sale and supply of alcohol,
 - (e) Increase certainty and clarity for applicants and the public.
- 4.4 As required by the Act, Council must consider the following matters when preparing the LAP;
- (a) Objectives and policies in the District Plan,
 - (b) The number of licences of each kind in the District and location and opening hours of premises,
 - (c) Liquor bans that are in force,
 - (d) The demographic profile of residents and tourists,
 - (e) Overall indicators of the health of residents,
 - (f) The nature and severity of alcohol-related problems.
- 4.5 No policy can detail all the conditions of all licences that might be appropriate to meet the objectives of the Act.

5 Policy Statement

5.1 APPLICATION

(Sections 45, 90 and 133 Sale and Supply of Alcohol Act 2012)

This policy will apply to all applications for new licences after the date the policy comes into force.

- 5.1.1 Decisions on applications for licences are made by the District Licensing Committee. The Committee must consider each application in accordance with criteria set out in the Act. The criteria includes whether the application complies with this LAP. Other criteria are:
- (a) The objectives of the Act,
 - (b) Suitability of the applicant
 - (c) Design and layout of the premises,
 - (d) Whether the applicant provides goods or services other than those related to the sale of alcoholic and non-alcoholic refreshments and food,
 - (e) Whether, in the opinion of the Committee, the amenity and good order of the locality in which the premises is located is likely to be reduced by more than a minor extent by the issue of a licence,
 - (f) Whether the applicant has the appropriate systems, staff and training to comply with the law.
- 5.1.2 In exercising its general discretion under Section 117 of the Act, the District Licensing Committee should consider risks of non-compliance with the Act.
- 5.1.3 The maximum trading hours in this policy will apply to all licences issued before the date this policy comes into force.
- 5.1.4 This policy applies to renewals of licences in accordance with section 133 of the Act.
- 5.1.5 A LAP must not include policies on any matter not relating to licensing.

5.2 GENERAL POLICIES

5.2.1 Trading Hours

(Section 43 of Sale and Supply of Alcohol Act 2012)

All licences must include conditions relating to trading hours.

- 5.2.2 The District Licensing Committee can set trading hours for any licence. These hours may be more restrictive than the maximum trading hours set out in this policy.

5.2.3 Conditions of Licences

(Sections 110, 116, 117, 147 of Sale and Supply of Alcohol Act 2012)

The Act permits District Licensing Committees to issue an On-Licence, an Off-Licence or a Club Licence subject to conditions prescribing the steps to be taken by the licensee to ensure the provisions of this Act are observed relating to:

- (a) The sale or supply of alcohol to prohibited persons.
- (b) Management of the premises.
- (c) The people or kind of person to whom alcohol may be sold or supplied.
- (d) Conditions imposing one-way door restrictions.
- (e) The requirement for a manager to be on duty (Club Licences).
- (f) The kind or kinds of alcohol that may be sold (Off-Licences for premises where the principal business carried on is not the manufacture or sale of alcohol).

- 5.2.4 Section 147 of the Act specifies other conditions that may apply to special licences, for example, requiring the exclusion of the public from premises where an event is held.
- 5.2.5 Section 117(1) of the Act permits the District Licensing Committee to issue any licence subject to any reasonable condition not inconsistent with the Act.
- 5.2.6 Applicants can expect that premises or events with a higher risk of supplying alcohol in a manner that is inconsistent with the Act (for example, a licensee has a poor compliance record or for Special Licences for large scale events¹), are likely to be subject to more stringent licence conditions. Those conditions will be determined on a case-by-case basis, taking into account any information submitted by the applicant as to how they will comply with the Act, recommendations of licensing inspectors, Health Officers and Police. All three report on applications for licences and any other relevant matter.

5.2.7 Location of premises: Broad Areas

This policy does not restrict the location of licensed premises by reference to broad areas in the district. The rules in the District Plan determine zones where the sale and supply of alcohol is a permitted activity, where resource consent is required and where sale and supply is prohibited.

5.2.8 Location of premises: Sensitive Sites

This policy does not restrict the location of licensed premises by reference to other premises or facilities of a particular kind or kinds (also known as sensitive sites).

5.2.9 Number of licences in the District

This policy does not restrict the number of On-Licences, Off-Licences or Club-Licences that may be issued in the District.

5.3 ON-LICENCES

5.3.1 Maximum trading hours

Licence Type	Locality	Maximum Trading Hours	
		Opening	Closing
On-Licences	Waimarino-Waiouru and National Park Wards	8.00am	3.00am next day
	Taumarunui and Ohura Wards	8.00am	1.00am next day
Hotels	All Wards	At any time on any day to lodgers	

¹ For information on large events see ALAC Guidelines for Managing Alcohol at Large Events, <http://www.alcohol.org.nz/node/136186>

5.3.2 **Discretionary Conditions**

In terms of promoting responsible sale and supply, conditions that might be imposed include, but are not limited to:

- (a) The range of food, non-alcohol and low-alcohol drinks to be provided,
- (b) provision of information about alternative transport arrangements,
- (c) display of appropriate signage,
- (d) an obligation to develop and implement host responsibility policies or risk management plans,
- (e) conditions relating to management such as a requirement for multiple managers at large events or establishments.

5.4 OFF-LICENCES

5.4.1 **Maximum trading hours**

Licence Type	Locality	Maximum Trading Hours	
		Opening	Closing
Off-Licence; Supermarkets and Grocery stores	All Wards	7.00am	10.00pm
Off-Licence; All other Off- Licence holders	All Wards	9.00am	10.00pm

5.4.2 **Discretionary Conditions**

In terms of promoting responsible sale and supply, conditions that might be imposed include, but are not limited to:

- (a) Display of appropriate signage.

5.5 CLUB LICENCES

5.5.1 **Maximum trading hours**

Licence Type	Locality	Maximum Trading Hours	
		Opening	Closing
Club-Licences	All Wards	9.00am	1.00am next day

5.5.2 **Discretionary Conditions**

In terms of promoting responsible sale and supply, conditions that might be imposed include, but are not limited to:

- (a) The range of food, non-alcohol and low-alcohol drinks to be provided.
- (b) Provision of information about alternative transport arrangements,
- (c) Display of appropriate signage,
- (d) An obligation to develop and implement host responsibility policies or risk management plans,
- (e) Conditions relating to management such as a requirement for multiple managers at large events or establishments,
- (f) The days and times at which a manager must be on duty.

5.6 SPECIAL LICENCES

5.6.1 *Maximum trading hours*

Licence Type	Locality	Maximum Trading Hours
Special-Licences	All Wards	Maximum trading hours for Special Licences are to be determined on a case-by-case basis.

5.6.2 *Discretionary conditions*

In terms of promoting responsible sale and supply, conditions that might be imposed include, but are not limited to:

- (a) The range of food, non-alcohol and low-alcohol drinks to be provided.
- (b) Provision of information about alternative transport arrangements.
- (c) An obligation to develop and implement host responsibility policies or risk management plans.
- (d) Conditions relating to management such as a requirement for multiple managers at large events or establishments.
- (e) Limits on the number of drinks per sale transaction may be specified.
- (f) The types of containers drinks can be sold in, eg, plastic only.
- (g) The types of people who can be served at a special event, eg, invited guests only.

Annotations

Date	Description
13 May 2014	First adopted by Council
21 August 2014	Effective Date
June 2017	Policy reviewed and adopted for Consultation (see reports document 654606 and 658362)
February 2018	PLAP adopted by Council appeal period open
22 March 2018	2018 LAP effective – no appeals received