

Provisional

Eastern Bay of Plenty Local Alcohol Policy 2023



Eastern
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1. Introduction

This is the joint Local Alcohol Policy of the Kawerau, Ōpōtiki and Whakatāne District Councils. The Sale and Supply of Alcohol Act 2012 (the Act) allows each territorial authority to develop a local alcohol policy for the sale, supply and consumption of alcohol in its district. The Eastern Bay of Plenty has had a joint policy in place since 2016, with a review undertaken in 2022/23.

The Eastern Bay of Plenty Local Alcohol Policy (LAP) aims to guide decision making by the District Licensing Committee (DLC) to meet the object of the Act, which is that *“the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised”*.

This LAP has been developed in collaboration with New Zealand Police, Medical Officer of Health, Licence Inspectors, and other community stakeholders, who have confirmed the need to retain a local alcohol policy for the three districts, and to strengthen its provisions.

A research paper was developed to inform the 2022/23 review of the LAP. The research paper focused on:

- the objectives and policies of the Councils’ District Plans;
- the number of licences of each kind, and the location and opening hours of licenced premises in the districts;
- any areas of the districts in which bylaws prohibiting alcohol in public places are in force;
- the demography of each district’s residents;
- the demography of the people who visit the districts as tourists or holidaymakers;
- the overall health indicators of each district’s residents, and
- the nature and severity of the alcohol-related problems arising in the districts.

2. Policy Vision and Purpose

2.1 *Vision*

To support the object of the Sale and Supply of Alcohol Act 2012 and contribute to the safety and health of the communities in the Eastern Bay of Plenty.

2.2 *Purpose*

- To minimise alcohol-related harm in the Eastern Bay of Plenty;
- To regulate the sale, supply and consumption of alcohol so that it is undertaken safely and responsibly;
- To demonstrate leadership in supporting a safer drinking culture;
- To provide direction to the District Licensing Committee so that licencing decisions reflect local community views and aspirations.

3. Policy Principles

When using this policy, the following principles must be taken into account:

1. All District Licensing Committee considerations should have regard to the needs and views of local communities;
2. All District Licensing Committee processes regulating the sale and supply of alcohol should be transparent, consistent and objective;
3. All District Licensing Committee actions should promote the object and be consistent with the provisions of the Sale and Supply of Alcohol Act 2012;
4. All District Licensing Committee decisions will be based on evidence and will be considered objectively.

4. Application and Scope

This policy applies to any current licence and any licensing application within Eastern Bay of Plenty Region.

5. Transitional provisions

The provisions of this policy relating to maximum trading hours will come into effect on [date].

6. Exceptions

Any application for a new licence or licence renewal for any premises which had a current licence at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licenced premises (section 9.1).

The exemption remains in force unless there is a 'change of use' for those premises which does not include an alcohol licence of the same type, any future application for a licence will be considered against this policy.

7. Relationship to the Act

This policy does not include all provisions that may apply to licence applications and must therefore be read in conjunction with the Act, which contains a number of additional provisions, including in relation to issue of licences, renewal of licences, compulsory licence conditions, manager's certificates, application processes, restrictions for supermarkets and dairies, and further detail on host responsibilities.

8. Definitions

Alcohol means a substance that is or contains a fermented, distilled, or spirituous liquor, which; in whatever form is found on analysis to contain 1.15% or more ethanol by weight, in a form that can be consumed by people.

Alcohol-related harm means:

- a) The harm caused by the excessive or inappropriate consumption of alcohol; and
- b) Includes
 - i. Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused or contributed to by the excessive or inappropriate consumption of alcohol; and
 - ii. Any harm to society generally or the community, directly or indirectly caused or contributed to by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i).

Club licence is a licence that allows for the sale and supply of alcohol to authorised customers for consumption on the club premises to which the licence applies.

Eastern Bay of Plenty Region means the area comprised of the Kawerau District, the Ōpōtiki District, and the Whakatāne District.

Minibar means a small refrigerator in a hotel room that is stocked with alcoholic and non-alcohol beverages and snacks for guests.

Off-licence is a licence that allows for the sale and supply of alcohol on a premise for consumption off the premise and the consumption of samples on the premise during opening hours.

One-way door policy means patrons can leave a licensed premises but not enter or re-enter after a specific time.

On-licence is a licence that allows for the sale and supply of alcohol on a premise for consumption on the premise.

Sensitive premises/facilities means locations where the effects associated with the sale and supply of alcohol could be incongruous, insensitive or socially or culturally incompatible for people congregating for social, cultural, educational or recreational purposes. This includes people who may be more influenced, impressionable or vulnerable to alcohol-related harm, such as those recovering from addiction and children; or those who attend church, Marae and similar places where it is culturally and/or socially inappropriate to have a licensed premise nearby.

For the purposes of this policy 'sensitive premises/facilities' include but are not limited to:

- Primary and secondary schools
- Childcare facilities - includes any crèche, day or after-school care centre, pre-school, kindergarten, kohanga reo or play centre
- Children's playgrounds
- Medical centres - premises used to provide essential medical, physical and mental health services, as well as any addiction treatment facilities
- Places of worship - buildings and land used mainly for worship or religious purposes
- Marae

Special licence is a licence that authorises the sale, supply and consumption of alcohol at a specific place for a particular occasion, event, or series of events.

The Act means the Sale and Supply of Alcohol Act 2012.

9. Objectives and Policies

9.1 **Objective 1: Licensed premises are located in appropriate areas that minimise alcohol-related harm**

Policy statement: Any application for a new on or off licence must be for a premise located in a zone designed for commercial or business activities under the relevant District Plan. If required for that zone under the relevant District Plan, the applicant must obtain the necessary resource consent prior to seeking a licence. This policy anticipates that the sale and supply of alcohol will primarily be located in zones where bars, taverns, restaurants, cafes, and supermarkets can locate. Applications for premises located in zones not designed for commercial or business activities will not be considered unless a resource consent has been granted.

For all on, off, or club applications, consideration will be given to the licence's proximity to sensitive premises/facilities, and the effects that the sale and supply of alcohol could have on these premises/facilities. The Committee will exercise its judgement in relation to the significance of these effects and may decline to issue a licence where effects cannot be avoided or mitigated, or impose conditions that mitigate the effects that proximity to sensitive premises/facilities could create.

9.2 **Objective 2: Maximum trading hours support appropriate accessibility to alcohol**

Policy statement: The following maximum trading hours apply to all licensed premises within the Eastern Bay of Plenty territorial areas.

Table 1: Maximum trading hours by licence type and District

	Whakatāne	Ōpōtiki	Kawerau
On-licence	9am-1am	9am-1am	9am-1am
Off-licence	9am-10pm	9am-10pm	9am-10pm
Club licence	9am-12am	9am-12am	9am-12am
Special licence	Case by case	Case by case	Case by case

Notes:

- The hours set out in Table 1 are the maximum hours and the Committee may issue any licence subject to more restrictive trading hours.
- Minibars are exempt from the above maximum trading hours and can operate 24 hours a day, 7 days a week.

9.3 Objective 3: The District Licencing Committee will consider reasonable discretionary conditions to minimise alcohol-related harm

Policy statement: The District Licencing Committee may issue any type of licence subject to discretionary conditions appropriate to the circumstances of that licence. These may include, but are not limited to, conditions concerning:

On-licence:

- Patron number to security ratio;
- Patron number to bar staff ratio;
- Provision of additional security (staff);
- Installation and operation of CCTV cameras;
- Provision of effective exterior lighting;
- Size and types of drinks available, and time of 'last orders';
- Management of patrons inside and queuing to enter the premise;
- Use of outdoor areas;
- Number of drinks per customer;
- Permitted drinking vessels;
- Provision of transport for patrons;
- Maintenance of an alcohol-related incidents book;
- Implementation of a one-way door policy.

Off-licence:

- Required signage detailing restrictions on the sale of alcohol to minors (under 18) and intoxicated persons;
- Maintenance of an alcohol-related incidents book;
- Installation and operation of CCTV cameras;
- Provision of effective exterior lighting;
- When single sales of beer, ready to drink spirits (RTDs), or shots may occur;
- Display of advertisements, product or price specials.

Club licence:

- Patron number to security ratio;
- Patron number to bar staff ratio;
- Provision of additional security (staff);
- Installation and operation of CCTV cameras;
- Provision of effective exterior lighting;
- Size and types of drinks available and time of 'last orders';
- Management of patrons inside and queuing to enter the premises;
- Use of outdoor areas;
- Number of drinks per customer;
- Permitted drinking vessels;
- Provision of transport for patrons.

Special licence:

- Number of 'responsible persons' or certified Duty Managers to be present;
- Locations at which Managers must be present;
- Provision of free water;
- Number of drinks per customer/attendee;
- Drink containers to be opened at point of sale;
- Size and types of drinks available;
- Guard to patron ratio;
- Identification of event staff;
- Permitted drinking vessels;
- Promotion of alcohol;
- Implementation of a one-way door policy;
- Lighting requirements;
- Identifying a specific 'licenced area' within an overall 'event area'.

9.4 Objective 4: Good host responsibility is encouraged in line with the Act

Policy statement: Every licenced premises must develop a host responsibility policy containing provisions to encourage and actively inform staff and patrons about the following:

- The provision of non-alcoholic and low-alcohol drinks;
- Making drinking water freely available to customers;
- The availability of food on the premises at all times the licence is in operation;
- Steps taken to ensure alcohol is not supplied to underage, intoxicated, or otherwise prohibited persons;
- Undesignated, restricted and supervised areas;
- Help with and information about alternative transport;
- How host responsibility is promoted on the premises (e.g. by signage and staff service practices)
- Measures to protect the amenity and good order of the locality, and
- Any other matter aimed at encouraging responsible alcohol service and consumption.

10. Policy Review

The three territorial authorities will monitor the policy to ensure it is operating to the full effect.

If the monitoring of this policy does not indicate the need for any changes, a review will be initiated in 2029.

11. References and Relevant Legislation

Sale and Supply of Alcohol Act 2012;

District Plans in the Eastern Bay of Plenty region: Kawerau, Ōpōtiki and Whakatāne.

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