

Kaikoura District Licensing Agency (Committee)

LOCAL ALCOHOL POLICY 2013

Sale and Supply of Alcohol Act 2012

Provisional Policy: Not in use. To be advertised in 2014



Executive Summary of Local Alcohol Policy 2013

The Sale and Supply of Alcohol Act 2012 provides clear guidance on what provisions a LAP can contain. A LAP may only deal with liquor licensing issues and may only have provisions on maximum trading hours, location of and density of premises.

A LAP may also impose conditions for groups of licences. The Act also gives legal standing to LAPs.

Under the Act, a LAP must be developed in consultation with licensing inspector, Police and Medical Officers of Health. Furthermore, the community and key stakeholders must be consulted through the special consultative procedure under the Local Government Act.

The LAP for Kaikoura does not differ significantly from the draft Policy prepared some years ago, but due to the alcohol reform process, the policies were never reviewed or adopted. Kaikoura District Council's LAP provides maximum trading hours for all licensed premises and provides conditions for special licences.

The intended timeframe is for the Council to have a provisional LAP by September 2013 and publicly notify it in 2014.

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LOCAL ALCOHOL POLICY

1. GENERAL INTRODUCTION

In December 2012, the new **Sale and Supply of Alcohol Act 2012 (The Act)** was enacted, replacing the Sale of Liquor Act 1989. The purpose of the new Act was to put into place a new system of control over the responsible sale and supply of alcohol that is reasonable and where the local administration of the Act ensures the object of the Act is achieved.

Section 4 (1) of the Sale and Supply of Alcohol Act 2012, states that the object of the Act is that -

- (a) the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and;
- (b) the harm caused by excessive or inappropriate consumption of alcohol should be minimised.

Section 4 (2) goes on to state that the harm caused by the excessive or inappropriate consumption of alcohol includes;

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

2. POLICY GOALS & CONTEXT

- To contribute to Kaikoura being a safe place in which to live, work and play.
- To reflect the changing character of Kaikoura district and its communities.
- To minimise alcohol related harm across all areas within Kaikoura district.

The new Act is designed to give local communities more control over the sale and supply of alcohol within each territorial district. One of the tools to assist in achieving this outcome is to develop and implement a robust, workable and consistent Local Alcohol Policy, which contains clear policies relating to how alcohol is to be sold, and consumed responsibly within the district.

This policy has been developed by a working group in conjunction with the Police, Liquor Licensing Inspector, Medical Officer of Health and local community by way of the special consultative process via the Local Government Act.

3. POLICY OBJECTIVES

- To regulate the operating hours of all on, club and off-licences within Kaikoura district.
- To ensure licensed premises take appropriate measures to minimise alcohol harm.

- ❑ To provide clear guidance to the District Licensing Committee.
- ❑ To have the ability to ensure that the robustness of the policy assists in managing licensed premises at local level, whilst achieving the object of the Act.

The following policies are intended to promote fairness, consistency and transparency. The LAP will give applicants for licences and the community, some clear certainty with respect to the administration of the Act within Kaikoura District.

4. DEFINITIONS

The following definitions are clearly defined in Section 5 of the Act, and state;

- **alcohol** means a substance –
 - (a) that –
 - (i) contains a fermented, distilled or spirituous liquor; and
 - (ii) at 20°C is found on analysis to 1.15% or more ethanol by volume; or
 - (b) that –
 - (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
 - (ii) is alcohol (within the meaning of paragraph (a) when completely thawed to 20°C; or
 - (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.

- **alcohol related harm** –
 - (a) means the harm caused by the excessive or inappropriate consumption of alcohol
 - (b) and includes;
 - (i) any crime, damage, death, disease, disorderly behaviour, illness, or injury directly or indirectly caused or directly or indirectly 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 indirectly contributed to, by any crime, damage, death, disease disorderly behaviour, illness, or injury of a kind described in paragraph (a).

- **amenity and good order of the locality**, in relation to an application for a new licence or renewal, means to the extent to which, and ways in which, the locality in which the premises concerned are situated is (or, in the case of a conveyance, the localities where the conveyance is likely to travel are) pleasant or agreeable.

- **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 at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else (see section 32) (1).

- **club** means a body that—
 - (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 permanent club charter.

- **grocery store** 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 (see section 33) (1).
- **hotel** means 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.
- **intoxicated** means observably affected by alcohol, other drugs or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident;
 - (a) appearance is affected;
 - (b) behaviour is impaired;
 - (c) co-ordination is impaired;
 - (d) speech is impaired.
- **one way door restriction**, in relation to a licence, is a requirement that during the hours stated in the restriction -
 - (a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and
 - (b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol.
- **premises**—
 - (a) includes a conveyance; and
 - (b) includes part of any premises; and
 - (c) in relation to a licence, means the premises it was issued for
- **restaurant** means premises that—
 - (a) are not a conveyance; and
 - (b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.
- **restricted area**—
 - (a) means an area that is designated (under [section 119](#) or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted; and
 - (b) in relation to any licensed premises or the licensee or a manager of any licensed premises, means an area of those premises that is designated (under this Act or a former licensing Act) as an area to which minors must not be admitted
- **sell**, in relation to alcohol, includes—

- (a) charge a fee (however described, and whether an entry fee, a ticket price, or a payment of any other kind) for an alcohol-inclusive matter; and
 - (b) require, ask for, or (expressly or by implication) suggest the making of a koha or other donation (whether to be made before, after, or during the entry event, activity, or function concerned) in relation to an alcohol-inclusive matter.
- **supervised area—**
 - (a) means an area that is designated (under [section 119](#) or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian; and
 - (b) in relation to any licensed premises or the licensee or a manager of any licensed premises, means an area of those premises that is designated (under this Act or a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian.
 - **supermarket** – means premises with a floor area of at least 1 000 m² including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items (see section 32)(1).
 - **tavern—**
 - (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
 - (b) does not include an airport bar.

5.0 POLICY PRINCIPLES

POLICY 1: MAXIMUM TRADING HOURS

Note:

Applicants may apply for opening times within or up to the maximum trading hours. Granting of opening hours shall be at the discretion of the licensing authority and may not necessarily be the maximum trading hours outlined in this section.

POLICY 1.1 On-Licences

On-licenced premises are where alcohol is sold and consumed on site (e.g. a restaurant, refer to the section on definitions in this policy).

- (a) The maximum permitted trading hours in the Kaikoura district for all on-licenced restaurants and cafés shall be:
 - **Monday to Sunday from 8.00am to 1.00am (the following day).**
- (b) The maximum permitted trading hours in the Kaikoura district for all on-licenced taverns and hotels shall be:
 - **Monday to Sunday from 8.00am to 2.00am (the following day)**
- (c) The following hours apply to hotel in bedroom mini bars sales:
 - **Monday to Sunday 24 hours a day**

Note: This policy shall not automatically change the already approved licenced hours as detailed on the individual On-Licences. A variation application would be required should any premises wish to change granted licenced hours.

POLICY 1.2 Off-Licences

Off-licensed premises are where alcohol is purchased to be consumed off site, and include bottle stores & supermarkets - refer to the section on definitions in this policy.

- (a) The maximum permitted trading hours in the Kaikoura district for all off-licensed premises shall be:

- **Monday to Sunday from 7.00am to 10.00pm**

Note: This policy shall not automatically change the already approved licensed hours as detailed on the individual Off-Licences. A variation application would be required should any premises wish to change the granted licensed hours.

POLICY 1.3 Club Licences

A **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 permanent club charter.

- (a) The maximum permitted trading hours in the Kaikoura district for all clubs, reflecting the principle nature or activity of the club, shall be:

- **Sunday to Thursday from 8.00am to 10.00pm**
- **Friday and Saturday from 8.00am to 12.00 midnight**

- (b) Any activity outside normal club activity will require a special license.

Note: This policy shall not automatically change the already approved licensed hours as detailed on the individual club licences. A variation application would be required should any club wish to change the licensed hours.

POLICY 2: SPECIAL LICENCES

Special licences authorise and control the sale and supply of alcohol for events (such as a wine and food festival) where a premise is not licensed and liquor is sold and supplied to those attending. An application for a Special License may be made for events (such as a wedding reception or school reunion) where a permanent on, off or club license is not appropriate.

(refer to section 22 of the Act)

POLICY 2.1 Special licences can cover an event or series of related events for a maximum of six events. A **maximum of 15 special licenses or 15 events** will be issued per year (1 July to 30 June) per premises.

POLICY 2.2 Where the premise already holds an on-license, the conditions of a special license will specify a closing time no more than two hours later than permitted by the current on-license.

POLICY 2.3 Where the time, setting and numbers attending creates a risk of alcohol related harm, the District Licensing Committee may request an alcohol management plan be completed (refer to section 143 of the Act).

POLICY 3: DISCRETIONARY CONDITIONS

The Sale and Supply of Alcohol Act 2012, allows District Licensing Committees to apply discretionary conditions on all licences issued. The following discretionary conditions provide for uniform application of specific licensing matters, ensuring consistency within the Kaikoura District.

POLICY 3.1 Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores.

POLICY 3.2 All “Public Bars” and places of entertainment be supervised areas.

POLICY 3.3 Display of safe drinking messages, material and signage must be clearly displayed at all points of sale, including food availability, transport options and identification options.

POLICY 3.4 A one-way door restriction **maybe** a requirement of all hotels, taverns and pubs from 12.00 midnight.

POLICY 3.5 Conditions may be applied to licences in a graduated manner that would promote the object of the act and could include (but not limited to) restrictions on type or quantity of liquor sold as well as mechanisms that support harm minimisation, e.g. CCTV, door restrictions & one way door policy and age restrictions.

POLICY 4: ADOPTION OF THE POLICY

POLICY 4.1 The Kaikoura District Local Alcohol Policy (LAP) was formally adopted by the Kaikoura District Council on **[date]**, and that the said Council shall resolve that the Policy will come into force, with legal standing on **[date]**.

POLICY 4.2 The Sale and Supply of Alcohol Act 2012 requires the LAP must be reviewed every 6 years via the special consultative process, although Council may choose to review it sooner. As per section 97 of the Act which is below;

Local alcohol policies to be reviewed every 6 years

A territorial authority that has a local alcohol policy must review it, using the special consultative procedure,—

- (a) no later than 6 years after it came into force; and
- (b) no later than 6 years after the most recent review of it was completed.

Signed:

Stuart Grant
Chief Executive Officer
Kaikoura District Council

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