

Statement of Proposal: Draft Local Alcohol Policy 2024

The Gisborne District Council (Council) is proposing to update its Local Alcohol Policy 2018. The Policy is made under Subpart 2 of the Sale and Supply of Alcohol Act 2012. This allows Council to maintain the sale, supply, and consumption of alcohol to be undertaken in a safe and responsibly manner; and minimize any harm caused because of excessive or inappropriate consumption of alcohol.

As per Section 97 of the Sale and Supply of Alcohol Act 2012, a Local Alcohol Policy once adopted is required to be reviewed within six (6) years from its adoption. Council's current Local Alcohol Policy was adopted in March 2018 and as such, Council is required to review the current policy by March 2024.

This document is the Statement of Proposal for the purposes of Section 83(1)(a) of the Local Government Act 2002 and Section 97 of the Sale and Supply of Alcohol Act 2012. This document contains:

- A summary of relevant information
- A description of the problems and the options to address these problems.
- Legislative requirements
- A draft of the proposed Policy
- How you can have your say

Summary of information

Council is proposing to update its Local Alcohol Policy 2018 and wants to hear what the community think about the changes.

The changes being suggested are:

- No new licences to be granted for Class 1 restaurants located within 150 meters of sensitive sites.
- Reduce operating hours for on-licences Class 2 and 3 restaurants, cafes, and wineries from 10am to 12am instead of 10am to 2am.
- Option to include a discretionary condition in liquor store licenses that facilitates ceasing of external advertisements at liquor stores.
- Include legal definition of Class 1, Class 2 and Class 3 Restaurants through footnotes for better readability.

More details about why Council is proposing these changes can be found under each proposal in the following section.

Have your say: Before making any final decisions, we'd like to have your input. You can make a submission:

- Online: [[LINK to PARTICIPATE](#)]
- By Post: P.O Box 747, Gisborne 4040
- In person: At Gisborne District Council – 15 Fitzherbert Street, Gisborne

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to let you know the date and time for verbal submissions.

Timeline:

Consultation period begins: 01 March 2024

Closing date for submissions: 01 April 2024

Next Step(s):

Following the recent amendments in the Sale and Supply of Alcohol Act 2012 ([Sale and Supply of Alcohol \(Community Participation\) Amendment Act 2023](#)) Council is no longer required to adopt a provisional LAP and further provide right of appeal against the draft/provisional policy. The next step for Council after the consultation phase ends would be to take a final decision on Tairāwhiti's Local Alcohol Policy 2023.

Proposal

The following tables describe what Council is proposing, the reason for the proposal, the options considered, and Council's preferred option.

Changes to the Policy and Bylaw

Proposal One	No new licences to be granted for Class 1¹ restaurants located within 150 meters of sensitive sites.
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Reasoning	<p>Under the current LAP no new licenses can be provided to taverns² located within 150 meters of sensitive sites while all restaurants (including Class 1) and cafes can be provided new licenses.</p> <p>The primary reason for this proposal is to provide clarity and consistency in terms of operational realities between taverns and Class 1 restaurants. Staff note that based on their experiences when dealing with various Class 1 restaurants, these premises often use their legal classification to function as a tavern most nights of the week, where the purpose of the business is to principally provide alcohol to the public.</p> <p>The proposed change also allows Council to reduce accessibility and availability of alcohol for longer periods near sensitive sites.</p> <p>Staff note that if this proposal is accepted then a case-by-case approach will be adopted when dealing with new licences relating to Class 1 restaurants.</p>
Options Considered	<p>Option One – Status quo: Allow Class 1 restaurants applications for new licences to be assessed without consideration for sensitive sites located within 150 meters.</p> <p>Option Two – No new licences to be granted for Class 1 restaurants located within 150 meters of sensitive sites.</p> <p>Meaning, adopt a sinking lid approach and disallow any new Class 1 restaurant licences for premises located within 150 meters of sensitive sites.</p> <p>The above approach would reduce accessibility and availability of alcohol and offer protection for young people from exposure to alcohol promotion, helping to reduce the risk of early onset of drinking and problems developing.</p> <p>Option three - No new licences to be granted for Class 1 restaurants located within 150 meters of sensitive sites unless such premises are within the CBD area³.</p> <p>This option would allow Class 1 restaurants to apply for alcohol licenses within CBD region even if they are within 150 meters of any sensitive sites. This option will allow Council to strike a balance between health and safety of the region and a vibrant and prosperous CBD.</p>
Preferred Option	<p>Option Two – No new licences to be granted for Class 1 premises located within 150 meters of sensitive sites.</p>

¹ As per Regulation 6 of Sale and Supply of Alcohol (Fees) Regulations 2013:
Class 1 restaurant means a restaurant that has or applies for an on-licence and—
(a) has, in the opinion of the territorial authority, a significant separate bar area; and
(b) in the opinion of the territorial authority, operates that bar area, at least 1 night a week, **in the manner of a tavern**.

² As per Section 5 (1) (Interpretation) of the Sale and Supply of Alcohol Act 2012 a 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.

³ A map showing the CBD region has been attached at the end of this document at Annexure 1.

Proposal Two

Reduce operating hours for on-licences Class 2⁴ and 3⁵ restaurants, cafes, and wineries from 10am to 12am instead of 10am to 2am.

Reasoning	<p>The current policy allows Class 2 and 3 restaurants, cafes and wineries to operate between 10am to 2am similar to that of Class 1 restaurants, Taverns, Nigh clubs and BYO entertainment centres. However, the present hours do not reflect the reality of the business commercial operations and open up the possibility for certain businesses to provide alcohol in a time frame that is outside the framework of their scope of operation (E.g. cafés operating at 2 am). In the current setup the provisions of food and free water is sufficient to allow these types of businesses to legally operate until late.</p> <p>Cafes, wineries, Class 2 and 3 restaurants, are known to operate well within the operating hours under the current LAP (10am to 2am). Staff note that in reality the usual operating hours for such type of premises is between 10am to 10pm. Adoption of this proposal would also allow reduction in effects of alcohol caused by premises that fall within 150 meters of sensitive sites.</p>
Options Considered	<p>Option One: Maintain Status Quo: Allow Class 2 and 3 restaurants, cafes, and wineries to operate between 10am to 2am.</p> <p>Option Two: Reduce operating hours for on-licences Class 2 and 3 restaurants, cafes, and wineries from 10am to 12am instead of 10am to 2am.</p>
Preferred Option	<p>Option Two: Reduce operating hours for on-licences Class 2 and 3 restaurants, cafes, and wineries from 10am to 12am instead of 10am to 2am</p>

⁴ As per Regulation 6 of Sale and Supply of Alcohol (Fees) Regulations 2013:
Class 2 restaurant means a restaurant that has or applies for an on-licence and—
(a) has, in the opinion of the territorial authority, a separate bar; and
(b) in the opinion of the territorial authority, does not operate that bar area in the manner of a tavern at any time.

⁵ As per Regulation 6 of Supply of Alcohol (Fees) Regulations 2013:
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.

Proposal Three **Option to include a discretionary condition in liquor store licenses that facilitates ceasing of external advertisements at liquor stores.**

<i>Reasoning</i>	<p>At present, liquor stores are able to advertise alcohol outside their licenced premises unless regulated through means of discretionary conditions in the alcohol licencing process. Te Whatu Ora (TDH) has provided advise that our region is leading in the number of liquor stores per capita in the nation. Therefore, the tri-agencies (TDH, Police, the Licensing Inspectorate) strongly recommend adding this proposed change in the new LAP to cease external advertisements outside liquor stores.</p> <p>Staff note that if this proposal is accepted then a case-by-case approach will be adopted when dealing with matters relating to external advertisements at liquor stores.</p>
<i>Options Considered</i>	<p>Option One: Status Quo – no mention of discretionary condition reducing advertisements.</p> <p>Option Two: Option to include a discretionary condition for liquor store licenses that facilitates ceasing of external advertisements at liquor stores.</p>
<i>Preferred Option</i>	<p>Option Two: Option to include a discretionary condition for liquor store licenses that facilitates ceasing of external advertisements at liquor stores.</p>

Proposal Four **Include legal definition of Class 1, Class 2 and Class 3 Restaurants through footnotes for better readability.**

<i>Reasoning</i>	<p>The current policy does not cover certain interpretations referred to in the Sale and Supply of Alcohol Act 2012 such as what is meant by Class 2 or Class 3 restaurants/premises.</p> <p>Adding these as footnotes facilitates better understanding of these technical terms and makes it easier for the readers to understand what the proposed changes would mean.</p>
<i>Options Considered</i>	<p>Option One: Status Quo – do not include footnotes explaining the classes of restaurants.</p> <p>Option Two: include legal definition of Class 2 and Class 3 in footnotes of the policy document.</p>
<i>Preferred Option</i>	<p>Option Two: include legal definition of Class 2 and Class 3 in footnotes of the policy document for better readability.</p>

Council will revoke the existing Local Alcohol Policy 2018 and make a new **Local Alcohol Policy 2024**.

Legislative Framework

Sale and Supply of Alcohol Act 2012 (the act):

What can a LAP include:

[Section 77](#) of the act specifies that a LAP “**must not include any matter not relating to licensing**”.

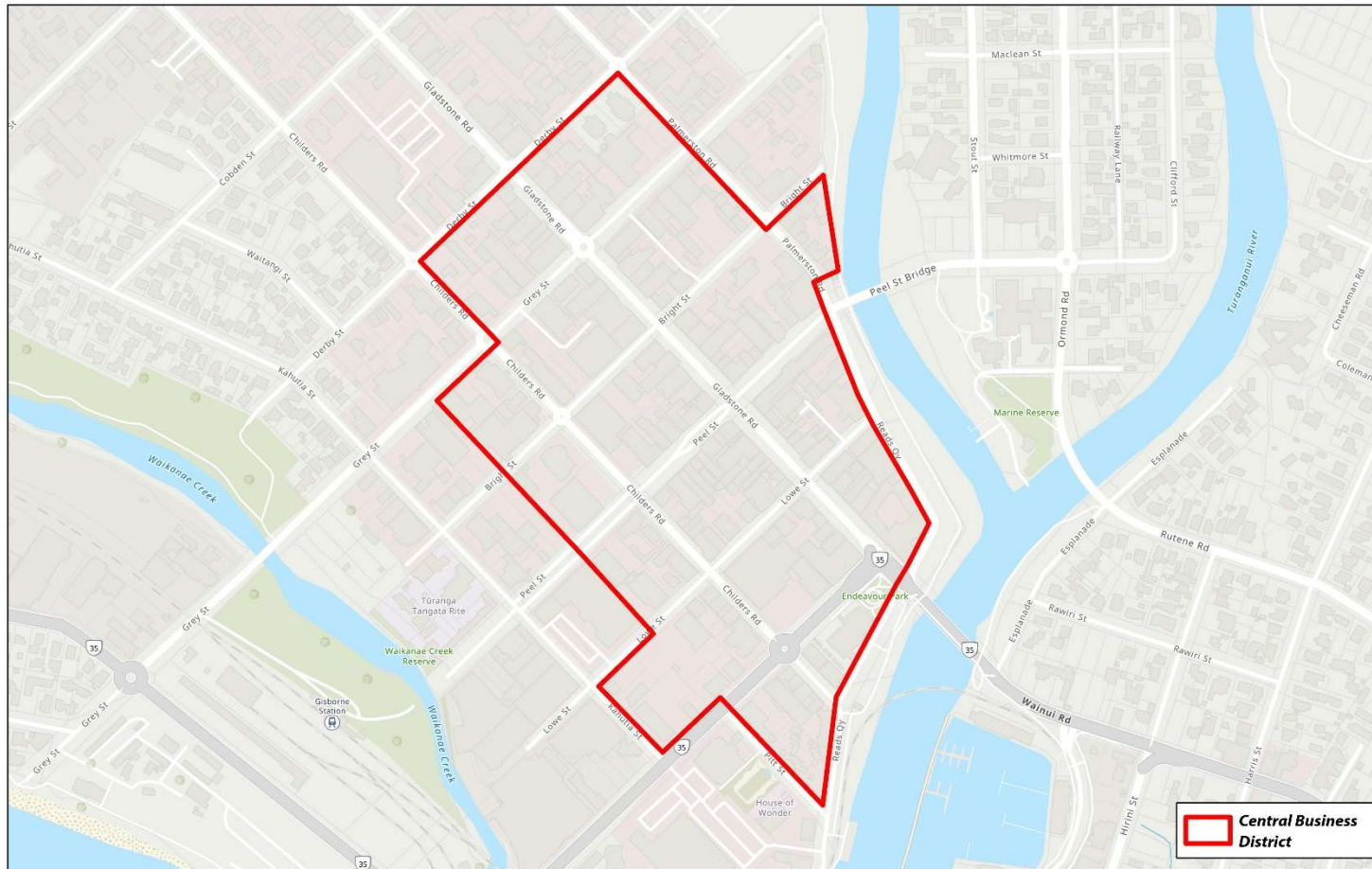
The following matters may be included in the LAP:

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

How and when can a LAP be reviewed:

[Section 97](#) of the act stipulates that, once adopted, the Local Alcohol Policy must be reviewed every six (6) years and follow the special consultative procedure set out by the Local Government Act 2002.

Annexure 1 – Map showing CBD area



Gisborne Central Business District (CBD) | Scale: 1:4,000

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