

Kaupapa Waipiro ā rohe o Te Tairāwhiti 2024
(Tairāwhiti Local Alcohol Policy 2024)

Made by Gisborne District Council

Resolution of Council dated _____ **2024**

Review date _____ **2030**

Contents

<u>1.</u>	<u>INTRODUCTION</u>	<u>3</u>
<u>2.</u>	<u>OBJECTIVE OF THIS POLICY</u>	<u>3</u>
<u>3.</u>	<u>OUR POLICY</u>	<u>3</u>

DRAFT

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 adopt its 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 adopt this 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. Objective of this Policy

- 2.1. The Gisborne District LAP provides guidance for the DLC so that licensing decisions:
- Balance a healthy and safe Tairāwhiti with a vibrant and prosperous 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.
- 2.2. Indicators and measures for monitoring the effectiveness of the Policy will be identified at the implementation phase.

3. Our policy

3.1. Location and Density of Licensed Premises

- 3.1.1. No new licence of any type, except for Class 2¹ or Class 3² restaurants or cafes and Special Licences, to be granted for locations within 150 metres of sensitive sites existing at the time of the application for a licence. This clause will not apply to an application for a new licence made because of a change of ownership of the premises, provided the licence type and scope of the new licence are the same as the existing licence for the premises.

¹ 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.

² 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.

3.1.2.Applications for new off-licences are exempt from clause 3.1.1 where the applicant can demonstrate to the DLC that the hours, alcohol-related signage, and/or operation of the premises will have no significant impact on sensitive sites and/or persons using sensitive sites. In relation to that test, provided the Applicant demonstrates how the conditions for off-licences listed in 3.4.3.1 will be achieved, the following shall be considered to have no significant impact:

- The hours of an off-licence where there is no external display of alcohol advertising; and
- The operation of an off-licence where the licensee implements an ID 25 policy.

Nothing in this clause affects the operation of sections 105 (1) (h) and (i) and section 106 of the Act.

3.1.3.For the purpose of clauses 3.1.1 and 3.1.2, sensitive sites are defined as areas, premises or facilities that are either considered more sensitive to alcohol-related harm or are already experiencing greater levels of alcohol related harm than other areas as determined by the DLC. Such sites are educational institutions³, spiritual facilities⁴, marae and recreational facilities⁵.

3.1.4.Applicants should be aware that the DLC will consider whether an area is a high crime area when making decisions on licensing applications.

3.2. Maximum Licensed Operating Hours

OFF-LICENCE			
Off-Licence types	Maximum operating hours	Trading days	Location
Supermarkets, wineries, taverns, bottle stores, grocery stores, clubs	7 am – 9 pm	Monday-Sunday	District-wide

ON-LICENCE			
On-Licence types	Maximum operating hours	Trading days	Location
Restaurants, taverns (including nightclubs), BYO, entertainment centres	10 am – 2 am One-way door from 1 am for taverns including night clubs	Monday-Sunday	district-wide
Class 2 and 3 Restaurants, cafes and wineries.	10am to 12am	Monday-Sunday	District-wide

³ Educational Facilities are defined as early learning and child-care facilities, primary, secondary and tertiary institutions and institutions delivering educational services for vulnerable groups such as unemployed, youth or disabled group.

⁴ Spiritual Facilities are defined as a building or part of a building used primarily for public and private worship, or for religious purposes, including ceremonies, services, instruction or education, or for meetings or social functions directly related to the work of a religious organisation, and includes all land which is held for any of the foregoing purposes.

⁵ Recreational facilities are defined as including parks, reserves, skate parks, youth centres and libraries.

CLUB LICENCE			
Club licence types ⁶	Maximum operating hours	Trading days	Location
All Clubs including sports and other (including RSA)	10 am – 11 pm	Sunday-Thursday	district-wide
	10 am – 12 midnight	Friday - Saturday	
	Clubs holding commemorative Anzac celebratory services are permitted to open at 6 am on Anzac Day		

3.3. Special Licences

- 3.3.1. Non-licensed premises will not be issued a Special Licence beyond 2 am.
- 3.3.2. Licensed premises applying for a Special Licence will not be permitted to operate beyond 3 am.
- 3.3.3. All Class 1⁷ Special Licences shall be exercised by a person holding a Manager's Certificate under the Act.
- 3.3.4. Any special licence for a series of events should not be for a period exceeding six months.
- 3.3.5. No premises should have more than 20 events under special licence in any 12-month period.

3.4. Conditions

- 3.4.1. The DLC may issue any licence subject to any reasonable conditions not inconsistent with the Act.
- 3.4.2. A combination of conditions that are appropriate to the operating context of the licensee (both mandatory conditions as defined by the Act, and discretionary conditions) will add effect to licensing decisions and contribute towards meeting the object of the Act. It is important that conditions are consistent and adhered to across operations with similar scope and type of licence for greatest impact.
- 3.4.3. Where the DLC is satisfied that one or more of the following matters are relevant to an application and is not satisfied that the applicant has adequately addressed that matter (or matters), the DLC may include (among other things) the following discretionary conditions as applicable.
 - 3.4.3.1. Conditions related to the following matters may be appropriate for all licences:
 - Display of safe and responsible drinking messages/material.
 - External alcohol advertising at liquor stores to be ceased.
 - Appropriate management: such as certified staff required.
 - Application of the principles of Crime Prevention Through Environmental Design where they achieve the following outcomes:

Lighting

- Internal lighting inside the premises enables passive surveillance by staff and active surveillance by CCTV.
- Lighting allows customers to be seen as they enter the premises.
- Lighting allows staff to check identification.

⁶ Chartered Clubs are not subject to licensing under the District Licensing Committee, unless they operate outside the rules of their charter, so are exempt from this Policy.

⁷ 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.

- External areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or a District Plan rule.

CCTV

- CCTV is installed in suitable locations to monitor areas which are not easily or not continuously monitored by staff.
- Customers are aware of the CCTV system.

3.4.3.2. In addition to the general matters in 3.4.3.1, the following conditions may be appropriate for On-Licences and Special Licences:

- Number of door staff and provision of additional appropriately qualified security staff after a specified time.
- Management of patrons queueing to enter the licensed premises.
- Limit on the type and/or size of drinks and the number of drinks per customer and/or the use of glasses after a specified time.
- Limit on the use of glass drinking receptacles at specified times.
- One-way door restrictions applying earlier than default of 2am.
- Provision of transport or information about transport options for patrons.
- Restrictions on use of outdoor areas after a specified time.
- Provision of food.
- Adoption of a Host/Social Responsibility Policy.