

Western Bay of Plenty District

Provisional Local Alcohol Policy 2022

1. Policy goals

- To minimise alcohol-related harm in the western Bay of Plenty.
- To contribute to the western Bay of Plenty being a safe and healthy district.
- To reflect local communities' character, amenity, values, preferences and needs.
- To encourage licensed premises to foster positive, responsible drinking behaviour.

2. Policy objectives

To provide guidance to the licensing committee and licensing authority regarding:

- The trading hours of licensed premises.
- The further issuing of licences.
- One-way door restrictions.
- Discretionary conditions.

3. Definitions

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

Bottle store means an off-licensed premises being a retail premises where (in the opinion of the licensing authority or licensing committee concerned) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else. (Refer section 32(1)(b) of the Act.)

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. (Refer section 5 of the Act.)

District Plan means the Western Bay of Plenty District Council's operative District Plan.

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. (Refer section 5 of the Act.)

Licensing authority means the Alcohol Regulatory and Licensing Authority continued in existence under section 169(1) of the Act.

Licensing committee means the District Licensing Committee established under section 186 of the Act, by Western Bay of Plenty District Council, relevant to the licence or matter under consideration.

Off-licence is a licence for premises where the licensee can sell alcohol for consumption somewhere else.

On-licence is a licence for premises where the licensee can sell alcohol for consumption on the premises or can let people consume alcohol on the premises. For the avoidance of doubt, on-licence does not include club licences per section 21 of the Act.

One-way door restriction means, in relation to a licence, 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. (Refer section 5 of the Act.)

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. (Refer section 5 of the Act.)

4. Background

The Act has the following objects:

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

Under the Act, councils and their communities have the opportunity to develop a local alcohol policy. Section 77 of the Act allows that a local alcohol policy may include policies on the following matters (and no others):

- the location of licensed premises by reference to broad areas

- the proximity of licensed premises to other facilities or licensed premises
- whether further licences should be issued in the district or parts of the district
- maximum trading hours
- the issue of licences subject to discretionary conditions, and
- one-way door restrictions.

In making decisions on licence applications, the licensing committee or licensing authority must have regard to the local alcohol policy. Except for persons with a greater interest in a licence application than the public generally, the local alcohol policy is the principal method by which communities can influence licensing decision-making.

Under the Act, a local alcohol policy must be reviewed no later than six years after adoption.

5. Policy Statement

5.1 Off-licenses

5.1.1 Maximum licensed hours

- Maximum licensed hours for off-licences shall be 7am to 9pm.

5.1.2 Whether further licences should be issued in the district or parts of the district

- From the date this LAP comes into force, no new licences for bottle stores should be issued for premises in the Te Puke – Maketu Ward area (as set out in attachment 1). For clarity, new licences for an existing premise that has been sold, or for an existing premise that relocates to a new site that is very close to the existing site, may be issued.

5.2 On-licences

5.2.1 Maximum licensed hours

- Maximum licensed hours for all on-licences shall be 9am to 1am the following day.

5.2.2 Discretionary conditions

The following discretionary conditions have been identified for consideration by the District Licensing Committee when issuing and renewing on-licences, including on-licences issued to clubs:

- Patron number to security ratio;
- Patron number to bar manager ratio;
- Provision of additional security (staff) after 11pm;
- The installation and operation of CCTV cameras on the exterior of, and within premises;

- Provision of effective exterior lighting;
- Restrictions on the size (e.g. 'doubles') and time of 'last orders';
- Management of patrons queuing to enter the licenced premise;
- Restriction on the use of outdoor areas after 10pm;
- Provision of seating i.e. no vertical drinking zones within the licence-to-occupy area (i.e.: all LTO areas are seated only at all times);
- No serving in glass containers at specified times;
- No shots or particular types of drinks to be served after specified times;
- A restriction on the number of drinks per customer;
- Restrictions on permitted drinking vessels;
- No alcohol service for a specified time before the closing the licensed premises;
- Provision of transport for patrons;
- Acoustic design certificate required if an existing tavern is the subject of complaints;
- Acoustic design certificate required for all new on-licenced and club premises with a residential boundary within 500 metres and an outside area operating after 11pm.
- The above conditions would apply to all types of on-licence premises.

5.3 Club licences

5.3.1 Maximum licensed hours

- Maximum licensed hours for all on-licences shall be 9am to 1am the following day.

5.3.2 Discretionary conditions

The following discretionary conditions have been identified for consideration by the District Licensing Committee when issuing and renewing on-licences, including on-licences issued to clubs:

- Patron number to security ratio;
- Patron number to bar manager ratio;
- Provision of additional security (staff) after 11pm;
- The installation and operation of CCTV cameras on the exterior of, and within premises;
- Provision of effective exterior lighting;
- Restrictions on the size (e.g. 'doubles') and time of 'last orders';
- Management of patrons queuing to enter the licenced premise;
- Restriction on the use of outdoor areas after 10pm;

- Provision of seating i.e. no vertical drinking zones within the licence-to-occupy area (i.e.: all LTO areas are seated only at all times);
- No serving in glass containers at specified times;
- No shots or particular types of drinks to be served after specified times;
- A restriction on the number of drinks per customer;
- Restrictions on permitted drinking vessels;
- No alcohol service for a specified time before the closing the licensed premises;
- Provision of transport for patrons;
- Acoustic design certificate required if an existing tavern is the subject of complaints;
- Acoustic design certificate required for all new on-licensed and club premises with a residential boundary within 500 metres and an outside area operating after 11pm.
- The above conditions would apply to all types of on-licence premises.

5.4 Special Licences

5.4.1 Discretionary conditions

The following discretionary conditions have been identified for consideration by the District Licensing Committee when issuing special licences, including special licences issued to clubs:

- Number of 'responsible persons' or certified Duty Managers to be present;
- Specify locations Managers to be present at. (e.g.: at point of sale, anywhere else on site that their presence would be beneficial);
- Free water to be available;
- Limit on number of drinks to be sold in one transaction;
- Drink containers to be opened at point of sale;
- No high alcohol doubles or shots to be sold;
- Specify security staff number required and their location.(Guard to patron ratio);
- Specify event staff to wear high viz clothing;
- Specify containers alcohol may be sold in;
- Condition to ensure Police reserve rights to require earlier cessation of licence hours by request to the licensee and reduce number of sales and slowing of service;
- Limits on promotion of alcohol;

- Require one way door procedure;
- Limits as to noise from event;
- Lighting requirements;
- Consideration of having specific 'licenced area' within an overall 'event area' - this will help restrict movement of patrons with alcohol inside the event and be easier to monitor for event staff and Police/Licensing Inspectors;
- The above conditions apply to both on-site and off-site special licences.

6. Relevant Delegations

This policy is delegated to the licensing committees and licensing authority to implement as appropriate.

7. References and Relevant Legislation

Sale and Supply of Alcohol Act 2012

Attachment 1

Map of the Te Puke – Maketu Ward Area

Ward Boundaries

- KAIMAI WARD
- KATIKATI-WAIHI BEACH WARD
- MAKETU-TE PUKE WARD

