

REPORT

TO: Chief Executive

FOR: Council Meeting – 9 March 2016

FROM: Research and Policy Advisor

DATE: 29 February 2016

SUBJECT: **Seeking adoption of the amended policies of the provisional Local Alcohol Policy**

1. RECOMMENDATION

That the Council approves:

- (a) the adoption of the amended Policy 1.1 and Policy 3 of the provisional Local Alcohol Policy**
- (b) the resubmission of the amended provisions of the provisional Local Alcohol Policy to the Alcohol Regulatory and Licensing Authority in March 2016.**

2. PURPOSE

This is a report of the Hearing Panel (the Panel) for the reconsideration of Policies 1.1 and 3. It presents for consideration the revised policies as well as the revised provisional Local Alcohol Policy (pLAP). The report summarises the consultation process and the submissions received on the two policies. The report also seeks approval to resubmit the amended pLAP with the revised policies 1.1 and 3 (see Attachment 1). Attachment 2 shows the changes made to the pLAP and Attachment 3 summarises the submissions received.

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This has been assessed against the Significance Policy and is regarded as being of low significance under the policy for the reasons presented below.

Although the Sale and Supply of Alcohol Act 2012 is silent on the process to follow to reconsider a pLAP, the Council sought legal guidance before deciding to choose to publicly consult on options to revise the pLAP. The council considered that consultation would allow those that may not have previously submitted a chance to comment on the suggested changes and would also provide previous submitters and the community the opportunity to hear a range of views in a transparent manner.

4. HISTORY/BACKGROUND

The Council prepared its pLAP under the Sale and Supply of Alcohol Act 2012 and consulted on a draft LAP in June 2013. The Council received 67 submissions from representatives of the retail and the hospitality industry, the New Zealand Police, Medical Officer of Health and public health providers. Submissions were also received from individual local licensees such as sport clubs, wineries, taverns, cafes and from the general public.

Changes to the draft LAP provisions were adopted in late 2013. The pLAP was notified in early 2014 and was appealed by Foodstuffs South Island Limited, The Mill Retail Holdings and Independent Liquor Ltd, Progressive Enterprises, Lincoln Golf Club, Hospitality Association of New Zealand and Super Liquor Holdings Limited.

Prior to the hearing, the appellants and the Council discussed possible options for reconsideration of the pLAP. At the hearings held on 18 May 2015, the Alcohol Regulatory and Licensing Authority (ARLA) asked the council to reconsider Policies 1.1 (maximum trading hours for on-licences) and Policy 3 (location of licensed premises). The other appeals against Policy 1.2 (maximum trading hours for off-licences) and Policy 4 (discretionary conditions) were withdrawn.

Based on the legal advice the Council received, it decided to publicly consult on options to reconsider the two policies. Consultation ran from 20 October to 20 November 2015. Appellants, previous submitters, community boards and committees were emailed or mailed a consultation package which provided information on the issue and consultation timeframes a week before it began. Notices were placed in the local papers to inform the community of the consultation. Information was also available on the Council website and at all Council service centres and libraries.

The Council received 7 submissions from Police, Medical Officer of Health, Hospitality New Zealand, Rolleston Residents Association (2 submissions) and members of the public. Five submitters stated they wished to present, however only four submitters spoke to the Hearing Panel at the Council offices in Rolleston on 7 December. The Hearing Panel consisted of Councillors McEvedy and Morten (Councillor Walters was unable to attend).

Police and the Medical Officer of Health continued to support the 1am closing for on-licences and made no comment on Policy 3. Hospitality New Zealand supported the 2am closing and made no comment on Policy 3. The Rolleston Residents Association sought to include a one-way door policy (and definition of the term) as part of Policy 1.1. The Association did not oppose Policy 3 and also suggested a 5 year review timeframe be included in the pLAP. The two submissions from members of the public agreed with the proposed changes, however both highlight the need for careful management of licences and their effects on communities. One submitter also suggested a one-way door policy be included.

Deliberations on submissions took place after the hearings. The Panel discussed each of the submissions in relation to the policies.

Policy 1.1 on-hours licences

The Police and Medical Officer of Health continue to support a 1am closing for all on-licences although neither organisation provided information specific to Selwyn supporting a 1am closing over a 2am closing for tavern on-licences. The Medical Officer of Health's submission made reference to information provided to the Council in June 2015 which showed more Selwyn residents presenting to the hospital emergency department (ED) between the hours of 11pm and 2am. The Panel noted that it was difficult to use this information without knowing where people had been drinking before presenting to ED and/or when the accident happened as people may not present to ED immediately after. With regards to Selwyn venues, travel time needed to get to ED should also be a consideration when looking at arrival time at ED.

The Panel considered that the Medical Officer of Health provided no evidence to link alcohol harm to on-licence hours after 1am in Selwyn. There was also no evidence to show that there was a difference in alcohol related harm between 1am and 2am closing for taverns.

The Panel then considered the Medical Officer of Health's concerns around the possibility of cross-border issues as the Ashburton CDB and suburban Christchurch are proposed to have a 1am closing time. The Panel also did not see any evidence that migration into Selwyn would take place if the Christchurch's suburban taverns closed at 1am. The Panel felt that it was unlikely that patrons from Ashburton or suburban Christchurch would travel to Selwyn venues for an extra hour or less, depending on where they were travelling from. The Panel felt that it was more likely that Selwyn residents would travel into Central Christchurch instead as the Central City venues would likely have longer hours. The Panel also noted that anecdotally this was what residents seemed to have always done.

Three submitters¹ supported the 1am closing for restaurants and cafes and the 2am closing for taverns. One submitter supported the hours for restaurants but provided no comment on tavern hours. Two submitters also suggested a 1am one way door policy be included for taverns and one of the submitters also suggested including a review timeframe of 5 years.

The Panel did not consider a mandatory one way door policy necessary as most townships only had one venue and as stated above, the Panel did not think there would be migration issues with people from Christchurch coming to Selwyn venues.

The Panel however, did consider that a one way door discretionary condition would be a useful tool to manage Selwyn residents travelling between venues. Councillor McEvedy noted that when there were two venues in Leeston, residents had complained of drunken patrons going back and forth between the two venues. The Panel noted that as the townships grew it was likely that there would be more venues per township. For example the Laboratory opened in 2015 in Lincoln which already had a tavern and there have been a few proposals in West Melton and Rolleston over the last few years (although none have eventuated).

¹ Rolleston Residents Association submitted two submissions which were deliberated as a single submission as the submissions provided the same information.

The Panel also discussed LAP review timeframes and noted that under the Act, LAPs had to be reviewed in six years. The Panel agreed that an earlier timeframe would be preferable taking into consideration the changes in the townships' developments over the last few years. The Panel considered that a four year timeframe would allow the Council sufficient time to consider the effectiveness of the LAP.

The Panel discussed making these changes to the pLAP along with the changes to Policy 1.1 and Policy 3. However, legal advice provided to council after deliberations indicated that as per the Practise Note (19 March 2015) the council cannot make any changes to any other part of the policy unless it has been referred back to the council by ARLA. The Panel was also informed that although it could not include a one way door discretionary condition this option would still be available to the District Licensing Committee (DLC) even if it was not included in the policy. Likewise the Council could always choose to review the pLAP earlier than six years without a review timeframe being included in the policy.

Panel recommendations

The Panel therefore recommended that Policy 1.1 as proposed in the consultation document be retained. This would enable restaurants and cafes to have maximum hours of 7am to 1am the following day, seven days a week and for taverns to have maximum hours of 7am to 2am the following day, seven days a week.

Policy 3 location provisions

Of the seven submissions, three did not comment on the proposed changes for Policy 3 and two did not oppose changes. Two submissions raised concerns around the negative impacts of bottle stores such as the underage theft of alcohol, prolific advertising and the need for greater controls around management of bottle stores.

The Panel discussed the submitters' concerns around possible negative effects, location and monitoring of bottle stores and noted that most of these concerns would be dealt with by the DLC when assessing an application.

With regards to comments on location, the Panel considered that the existing information did not show a difference between the effects of stand alone bottle stores and supermarkets. As currently worded, Policy 3 would allow supermarkets but not stand alone bottle stores to operate in neighbourhood and local centres. As both activities are permitted in Business Zones in the district plan, and neighbourhood and local centres would be assessed as business zones it would be difficult to prohibit some activities over others without clear evidence and reasons for it.

Recommendations

The Panel recommended that Policy 3 as proposed in the consultation document be retained. This would enable all off-licences to locate in Business Zones including neighbourhood and local centres.

Request for mediation

Police and the Medical Office of Health also requested a mediation conference between themselves and the Council. The Panel considered this request once it had received legal advice as to how mediation would “fit” in the consultation process the Council had adopted and if it could provide further benefits.

The Panel did not consider there to be additional benefits to be gained through mediation as the consultation process was a transparent method that allowed for all appellants, previous submitters and section 205 parties as well as new submitters to provide comment on options to reconsider the policies. Deliberations had been also open to the public allowing everyone to hear the discussion. The Panel considered that if mediation was undertaken it would have to open that option to all stakeholders, to ensure the entire process to reconsider the policies was transparent.

The Panel therefore did not consider that mediation is necessary in this consultation process.

5. PROPOSAL

The Panel has considered all submissions the Council received and is recommending that the proposed policies are retained.

The Panel recommends that the maximum hours provided for restaurants and cafés are 7am to 1am the following day and the maximum hours for taverns are 7am to 2am the following day, seven days a week.

The Panel also recommends that new stand alone bottle stores are only allowed to locate in Business Zones or Neighbourhood and Local Centres as identified in the District Plan.

6. OPTIONS

There are two options for consideration:

Option 1 – Accept the Hearing Panel’s recommendation to revise the existing pLAP and notify the pLAP to ARLA.

Option 2 – Do not accept the Hearing Panel’s recommendation.

Policy 1.1 on-licence hours

Over the last year, most of the tavern licensed premises have renewed their licence for shorter hours and chosen to close venues at 2am. The Licensing Inspector considers that most licensees have chosen shorter hours for a variety of reasons including the reduced fee (as they are assessed as being of lower risk by closing at 2am) and that many licensees were not using the longer hours on a regular basis.

Out of the 15 taverns, four venues have hours closing at 3am. Neither Police, the Medical Officer of Health or the Licensing Inspector raised concerns specific to Selwyn tavern licences during consultation.

There are 33 other types of on-licences including cafes, restaurants and function centres. Of these other on-licences, only eight have a closing of 1am. The rest of the on-licences have a range of different closing hours, with some on-licences closing later on the weekends.

It is likely that as Selwyn has historically never had issues similar to that in Christchurch City (with large drunken crowds moving to different venues over the later hours) it can be assumed that the issues Selwyn faces now are similar to the issues it has always faced (issues around drink driving, underage drinking and drinking at private residences).

Learnings from the hearings for other LAPs indicate that ARLA considers local based evidence a priority when deciding if a policy is unreasonable. In this case, the Council has no evidence to show there are issues arising from on-licences or that there are clear issues around a 1am closing compared to a 2am closing. It is also important to note that the hours provided by the LAP are the maximum a licensee can *apply for* to the DLC but not necessarily what the DLC will grant. Section 45 of the Act makes it clear that the maximum trading hours are those specific in the LAP, unless a licence has been issued with more restrictive conditions.

Of the seven submissions received in October 2015, five supported the hours proposed for the different on-licences and two did not. Three submissions also suggested including a 1am one way door policy.

The Panel noted that most of the taverns' on-licences had reduced closing times by 1 hour since the Sale and Supply of Alcohol regulations have been in place. As no issues have been reported by Police or the Medical Officer of Health that would support a 1am closing over a 2am closing, the Panel recommends to retain the proposed revisions to Policy 1.1. With regards to the suggestions for a one way door policy, the Panel noted that this option would be available to the DLC as part of its assessment of applications even if it is not noted in the pLAP.

Policy 3 location provisions

As the Council does not have any evidence to show that stand alone bottles stores cause any issues or that stand alone bottle stores cause more alcohol harm than other off-licences, the Council is not able to provide evidence that supports the policy to prohibit bottle stores alone from the neighbourhood and local centres when they are currently able to operate in locations similar to neighbourhood and local centres.

Two stand alone bottle stores have opened in two towns in Selwyn over the last year. No issues have been raised by Police, the Licensing Inspector or the Medical Officer of Health with regards to any of these venues.

The new bottle stores are located in the business part of Leeston and Darfield. As the town centres are small and back onto residential areas both bottle stores are close to homes, schools and community facilities. This is a similar situation with

what could happen in neighbourhood and local centres which are meant to be small shopping areas surrounded by residential and community facilities. Specifically as these centres will be assessed as business zones, without evidence of negative effects, there is no ability for the Council to prohibit these activities there when they are permitted in other business zones.

The Panel noted that the Council has no evidence to show that the effect of stand alone bottle stores in the proposed neighbourhood and local centres would be any different to the presence of grocery stores or the existing stand alone bottle stores in existing shopping areas.

The Panel therefore recommends that location provisions for new stand alone bottle stores be similar to what is provided for other off-licences allowing stand alone bottle stores to be able to locate in neighbourhood and local centres.

Option 1 is therefore the preferred option as it best reflects the information available and that provided by the submitters. Option 1 would also allow the Council to notify the policy to ARLA and progress the adoption of the pLAP under the Act.

Option 2 Do not accept the Hearing Panel's recommendation

If the Council chooses to not accept the Panel's recommendation it will need to provide clear reasons why that option is not acceptable and it would also need to direct the Panel to assess its next steps.

Option 2 would also delay the next step in the adoption of the pLAP and further increase the cost of finalising the policy. For these reasons the Panel considers Option 1 to be the best option.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Views of those affected

The Council had considered a range of information that it had collected over the last 3 years including a survey conducted on people's perception of alcohol, pre-consultation views of the Police, Medical Officer of Health, the Licensing Inspector and Selwyn licence holders as well as all the submissions received during the two public consultations.

b) Consultation

The recent community consultation was undertaken in October 2016. Appellants, section 205 parties and previous submitters were informed before consultation began. Hearings and deliberations were held in December and were open to the public.

c) Maori implications

No specific issues have been identified in Selwyn with regards to tangata whenua. MKT and Te Runanga O Ngai Tahu were provided the opportunity to provide feedback throughout the process.

8. RELEVANT POLICY/PLANS

District plan

The LAP cannot allow activities not permitted by the District Plan, although it can be more restrictive than the District Plan. The provisional LAP has been prepared having regard to the objectives and policies of the District Plan and is not inconsistent with these.

District Development Strategies and Plans

The Council has prepared a number of plans and strategies to ensure future planning and development in the district take into consideration the existing towns, villages and Selwyn's rural setting. These plans have been considered in the preparation of the provisional LAP and in revising the two policies.

9. COMMUNITY OUTCOMES

The provisions in the pLAP including the revisions of the policies continue to seek to contribute to the community outcome "Selwyn is a safe place in which to live, work and play". The changes to the pLAP will continue to provide clarity to new liquor licence applicants, existing licence holders and the public with regards to hours of operation and locations for stand-alone bottle stores.

10. NEGATIVE IMPACTS

There are likely to be few negative impacts as the hours proposed by the LAP are similar to that which was proposed in the pLAP and are similar to what current licensees use in practise.

11. LEGAL IMPLICATIONS

The provisional LAP has been prepared in accordance with section 77 and section 78 of the Sale and Supply of Alcohol 2012. The Council also sought legal advice on the process to follow to reconsider the pLAP as well as the revised pLAP itself.

12. FUNDING IMPLICATIONS

The cost of enforcing the LAP's provisions will be similar to that of enforcing the existing policy and will be met from existing staff resources (where possible) and rates.

13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?

Discussions were held with the Project Manager (formerly the Environmental Services Manager) throughout this part of the process.



Mel Renganathan
RESEARCH AND POLICY ADVISOR

ENDORSED FOR AGENDA



Tim Harris
MANAGER ENVIRONMENTAL SERVICES

Provisional Local Alcohol Policy

Goals

- To minimise alcohol related harm and contribute to Selwyn being a safe place in which to live, work and play.
- To reflect the changing character of the Selwyn district and its communities.
- To encourage safe and responsible alcohol consumption.

Objectives

- To regulate the operating hours of on, club, special and off- licences.
- To regulate the location of licensed premises.
- To ensure licensed premises take appropriate measures to minimise alcohol-related harm.
- To provide clear guidance to the District Licensing Committee.

Policy 1: Maximum Trading Hours

Note: Applicants can apply for maximum trading hours but there is no guarantee that these maximum trading hours will be granted.

1.1 On-licences (refer to the section on definitions in this policy)

- The maximum permitted trading hours in the Selwyn district for all on-licences, including restaurants, function centres and cafés will be:
 - Seven days a week: 7am to 1am the following day
- The maximum permitted trading hours in the Selwyn district for all on-licence taverns and hotels will be:
 - Seven days a week: 7am to 2am the following day

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

1.2 Off-licences (refer to the section on definitions in this policy)

- The maximum permitted trading hours in the Selwyn district for all off-licence premises will be:

- Seven days a week: 7am to 9pm
- The following hours apply to hotel in bedroom mini bars sales:
 - Monday to Sunday 24 hours a day

Note: Off-licence premises are where alcohol is purchased to be consumed off site (e.g. a bottle store; refer to the section on definitions in this policy).

1.3 Club licences (refer to the section on definitions in this policy)

- The maximum permitted trading hours in the Selwyn district for all club licences (except ski field club licences that provide accommodation) will reflect the principle club activity and be:
 - Sunday to Thursday: 8am to 10pm
 - Friday and Saturday: 8am to 12 midnight
- The maximum permitted trading hours in the Selwyn district for all ski field club licences that provide accommodation will reflect the principle club activity and be:
 - Seven days a week: 7am to 1am the following day

Note: Ski field clubs differ from other sports clubs in that they are located in remote locations, provide an unique “destination” activity (in that people use club facilities as part of the ski trip experience), and provide accommodation. Ski field clubs are permitted to apply for longer hours to allow them to provide these services.

Policy 2 Special licences (refer to section 22 of the Act)

- Special licences can cover an event or series of related events. A series of related events is defined as a similar event held at the same venue.
- Where the premises already holds an on-licence, the conditions of a special licence will specify a closing time no more than two hours earlier and/or two hours later than permitted by its on-licence.
- An on-site special licence will allow for a maximum of 10 events in six months or a maximum of 20 events per year. Each applicant may apply for 6 events in a series of related events per special licence.
- An off-site special licence will allow for a maximum of 26 events in six months or a maximum of 52 events per year.

- A special licence is required where an event is held at a premises with a club licence, but outside the normal authorised club hours, where the majority of attendees are not club members and it is not a club activity.
- 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).

Note: Special licences authorise and control the sale and supply of alcohol for events (such as a wine and food festival) where the premises is not licensed and liquor is sold and supplied to those attending. A special licence can also be applied for events (such as a wedding reception or school reunion) where a permanent on, off or club licence is not appropriate.

A series of related events for an off-site special licence could be holding a stall at a farmers' market. A series of related events for an on-site special licence could be a sports tournament held over 3 days or monthly club meetings.

Policy 3 Location of licensed premises

- New licences for stand alone bottle stores will only be issued for a business that locates in Business zones or Neighbourhood and Local Centres as identified in the Selwyn District Plan.

Note: Neighbourhood and local centres are proposed shopping areas in the Rolleston and Lincoln Structure Plans that will service local communities at a scale that would not compete with the main town centre. The Selwyn District Plan defines neighbourhood centres as a “grouping of principally convenience stores (in the order of 6-15 stores) predominantly servicing the local communities weekly and day-to-day requirements” and local centres as “a small grouping of convenience stores (in order of 1-5 stores) servicing residents’ day-to-day retailing requirements and predominantly draws people from a localised area”.

Policy 4 Discretionary conditions

Conditions relating to the following matters may be appropriate for a club licence:

- An approved person to be present on site during the trading hours of a premises with a club licence (such as rugby and associated sports clubs) where the number of patrons exceeds 20 persons.

Conditions relating to the following matters may be appropriate for an on-licence and club licence:

- Restrictions on the size and time of last orders.
- Bar staff to undertake appropriate training such as the online training offered by the Accident Compensation Corporation (ACC).

Conditions relating to the following matters may be appropriate for an off-licence:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores.
- Display of safe drinking messages/material.

Note: Section 117 of the Sale and Supply of Alcohol Act 2012, allows the district licensing committee to include any other reasonable conditions that are consistent with the Act. There are also a number of mandatory conditions outlined in the Act that must be imposed.

An “approved” person could be someone who has previously held a club manager’s certificate and/or completed Sporting Clubs Association of New Zealand (SCANZ) training.

Definitions

(see section 5 of the Sale and Supply of Alcohol Act 2012)

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

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

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

winery can be taken to be —

- (a) premises where fruit or vegetable wine or grape wine is made; or
- (b) premises situated on land from which there is harvested produce from which fruit or vegetable wine or grape wine is made {see Section 215 (2)(a)}.

Provisional Local Alcohol Policy

Goals

- To minimise alcohol related harm and contribute to Selwyn being a safe place in which to live, work and play.
- To reflect the changing character of the Selwyn district and its communities.
- To encourage safe and responsible alcohol consumption.

Objectives

- To regulate the operating hours of on, club, special and off- licences.
- To regulate the location of licensed premises.
- To ensure licensed premises take appropriate measures to minimise alcohol-related harm.
- To provide clear guidance to the District Licensing Committee.

Policy 1: Maximum Trading Hours

Note: Applicants can apply for maximum trading hours but there is no guarantee that these maximum trading hours will be granted.

1.1 On-licences (refer to the section on definitions in this policy)

- The maximum permitted trading hours in the Selwyn district for all on-licences, including restaurants, function centres and cafés will be:
 - Seven days a week: 7am to 1am the following day
- The maximum permitted trading hours in the Selwyn district for all on-licence taverns and hotels will be:
 - Seven days a week: 7am to ~~4~~2am the following day

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

1.2 Off-licences (refer to the section on definitions in this policy)

- The maximum permitted trading hours in the Selwyn district for all off-licence premises will

be:

- Seven days a week: 7am to 9pm
- The following hours apply to hotel in bedroom mini bars sales:
 - Monday to Sunday 24 hours a day

Note: Off-licence premises are where alcohol is purchased to be consumed off site (e.g. a bottle store; refer to the section on definitions in this policy).

1.3 Club licences (refer to the section on definitions in this policy)

- The maximum permitted trading hours in the Selwyn district for all club licences (except ski field club licences that provide accommodation) will reflect the principle club activity and be:
 - Sunday to Thursday: 8am to 10pm
 - Friday and Saturday: 8am to 12 midnight
- The maximum permitted trading hours in the Selwyn district for all ski field club licences that provide accommodation will reflect the principle club activity and be:
 - Seven days a week: 7am to 1am the following day

Note: Ski field clubs differ from other sports clubs in that they are located in remote locations, provide an unique “destination” activity (in that people use club facilities as part of the ski trip experience), and provide accommodation. Ski field clubs are permitted to apply for longer hours to allow them to provide these services.

Policy 2 Special licences (refer to section 22 of the Act)

- Special licences can cover an event or series of related events. A series of related events is defined as a similar event held at the same venue.
- Where the premises already holds an on-licence, the conditions of a special licence will specify a closing time no more than two hours earlier and/or two hours later than permitted by its on-licence.
- An on-site special licence will allow for a maximum of 10 events in six months or a maximum of 20 events per year. Each applicant may apply for 6 events in a series of related events per special licence.
- An off-site special licence will allow for a maximum of 26 events in six months or a maximum

of 52 events per year.

- A special licence is required where an event is held at a premises with a club licence, but outside the normal authorised club hours, where the majority of attendees are not club members and it is not a club activity.
- 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).

Note: Special licences authorise and control the sale and supply of alcohol for events (such as a wine and food festival) where the premises is not licensed and liquor is sold and supplied to those attending. A special licence can also be applied for events (such as a wedding reception or school reunion) where a permanent on, off or club licence is not appropriate.

A series of related events for an off-site special licence could be holding a stall at a farmers' market. A series of related events for an on-site special licence could be a sports tournament held over 3 days or monthly club meetings.

Policy 3 Location of licensed premises

- ~~Off-licences for bottle stores will not be granted for a neighbourhood or local centre~~
- New licences for stand alone bottle stores will only be issued for a business that locates in Business zones or Neighbourhood and Local Centres as identified in the Selwyn District Plan.

Note: Neighbourhood and local centres are proposed shopping areas in the Rolleston and Lincoln Structure Plans that will service local communities at a scale that would not compete with the main town centre. The Selwyn District Plan defines neighbourhood centres as a “grouping of principally convenience stores (in the order of 6-15 stores) predominantly servicing the local communities weekly and day-to-day requirements” and local centres as “a small grouping of convenience stores (in order of 1-5 stores) servicing residents’ day-to-day retailing requirements and predominantly draws people from a localised area”.

Policy 4 Discretionary conditions

Conditions relating to the following matters may be appropriate for a club licence:

- An approved person to be present on site during the trading hours of a premises with a club licence (such as rugby and associated sports clubs) where the number of patrons exceeds 20 persons.

Conditions relating to the following matters may be appropriate for an on-licence and club licence:

- Restrictions on the size and time of last orders.
- Bar staff to undertake appropriate training such as the online training offered by the Accident Compensation Corporation (ACC).

Conditions relating to the following matters may be appropriate for an off-licence:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores.
- Display of safe drinking messages/material.

Note: Section 117 of the Sale and Supply of Alcohol Act 2012, allows the district licensing committee to include any other reasonable conditions that are consistent with the Act. There are also a number of mandatory conditions outlined in the Act that must be imposed.

An “approved” person could be someone who has previously held a club manager’s certificate and/or completed Sporting Clubs Association of New Zealand (SCANZ) training.

Definitions

(see section 5 of the Sale and Supply of Alcohol Act 2012)

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

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

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

winery can be taken to be —

- (a) premises where fruit or vegetable wine or grape wine is made; or
- (b) premises situated on land from which there is harvested produce from which fruit or vegetable wine or grape wine is made {see Section 215 (2)(a)}.

provisional Local Alcohol Policy
Summary of submissions
November 2015

Introduction

At the Alcohol Regulatory and Licensing Authority (ARLA) hearings in May 2015, ARLA asked the council to reconsider two of the policies in its provisional Local Alcohol Policy (pLAP). These policies dealt with on-licence hours and location of stand-alone bottle stores. After seeking legal advice on how to reconsider these policies, the Council decided to consult again, only on these two policies, to allow all stakeholders including previous submitters and others to provide feedback.

Consultation on policies 1.1 and 3 of the provisional Local Alcohol Policy ran from 20 October to 20 November 2015. Consultation material (see Appendix 1 for the consultation document) was made available to the appellants, section 205 parties and previous submitters before consultation formally began. The consultation time frame was advertised in the Selwyn Times on 20 October and a reminder notice published in the Central Canterbury News on 11 November 2015.

Submissions received

Seven submissions were received, from the Police, Hospitality New Zealand, Medical Officer of Health the Rolleston Residents Association and members of the community.

The Police and Medical Officer of Health continue to support a 1am closing time for all on-licences. They do not provide comment on Policy 3. The Medical Officer of Health notes that information provided to the Council in June 2015 shows that there may be 20 presentations to the Emergency Department per month (see Appendix 2 for the full document). The submission also notes that most of these admissions took place between 11pm and 2am on weekends.

Police and the Medical Officer Health seek to mediate this issue with the Council.

Hospitality New Zealand supports the 2am closing but have reiterated that it sees no reason to shorten closing times.

The Rolleston Residents Association lodged two submissions of which the later submission provides details supporting its comments. The Association supports the proposed changes to policy 1.1 with the addition of a “1am one way door” policy along with a definition of “one-way door”. The Association also suggests that the policy be reviewed in 5 years. The Association does not oppose proposed policy 3 to limit stand alone bottle stores to business zones.

Two submissions were received from members of the public. Although both submitters support the proposed changes, both make additional comments regarding the need to ensure licensed venues are well managed and in appropriate places.

To get a better understanding of alcohol issues, one submitter suggests that off-licence venues should also report instances of alcohol theft when renewing their license to the Council and

District Licensing Commission. This submitter also suggests that no off-licences be permitted in areas of high deprivation and that when licences are being renewed or applied for, restrictions are placed on advertising.

Another submitter supports the hours for restaurants and the hours for taverns. This submitter suggests a 1 am one way door policy for on-licences if they were to close at 2am. This would discourage customers travelling to Selwyn from venues that close at 1am and also perhaps encourage people to drink at venues rather than at home.

Although this submitter agrees that stand alone bottle stores should be restricted to business zones, they consider there is a need to ensure good controls are in place should an application be received for a local or neighbourhood centre. As local and neighbourhood centres are meant to provide convenient retail services to local communities, this submitter raises concerns that should a stand alone bottle store locate in these centres, alcohol consumption could increase following the ease of access to alcohol to these communities.

This submitter also makes suggestions with regard to other conditions that the DLC should consider when assessing applications. These include proximity to education and community facilities and advertising displayed by the venue. They also suggest that should alcohol issues increase with the location of a bottle store in these centres that the DLC will consider these impacts when assessing licence renewals.

Speakers at 7 December Hearing (Executive room 1)

8.45am Elaine McLardy

9.00am

9.10am

9.20am

9.30am Rolleston Residents Association

9.40am Emma-Jane Moore

9.50am Medical Officer of Health

Not confirmed: Hospitality New Zealand