

**SELWYN DISTRICT COUNCIL  
LOCAL ALCOHOL POLICY REVIEW**

**DRAFT**

Selwyn District Council	
Resolution of Council dated	[ ]
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Review before	[ ]

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## 1. INTRODUCTION

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.

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 district. Selwyn 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.

The LAP must be read in conjunction with the Act and relevant regulations.

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.

## 2. OBJECTIVE OF THIS POLICY

The Selwyn District LAP provides guidance for the DLC so that licensing decisions:

- Contribute to Selwyn being a safe and healthy district.
- Reflect the views of local communities regarding licensed premises within their communities.
- Encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

## 3. OUR POLICY

### 3.1. LOCATION OF LICENSED PREMISES

#### a. High crime area

DLC will consider whether an area is a high crime area when making decisions on licensing applications.

#### b. Stand-alone bottle stores

Subject to the requirements of any resource consent or a District Plan rule, new licences for standalone bottle stores will only be issued for a business that locates in Town Centre Zones as identified in the Selwyn District Plan.

*Note: The Town Centre Zone (TCZ) is the primary focus for commercial activities within the*

*district and provides a diverse range of commercial activities, along with residential, recreation, cultural and community activities and civic services. There are specific TCZ rule requirements related to food and beverage activities and resource consent may be required to operate stand-alone bottle stores in the TCZ.*

### **c. Location relating to sensitive sites**

With the exception of restaurants, cafes, and special licences, no new licences will be granted for stand-alone bottle stores within 150 metres of sensitive sites existing at the time of the application for a licence.

*Note: 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.*

## **3.2 TRADING HOURS**

### **MAXIMUM PERMITTED TRADING HOURS IN THE SELWYN DISTRICT:**

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

OFF-LICENCE			
Off-licence types	Maximum operating hours	Trading days	Location
Supermarkets, wineries, taverns, stand-alone bottle stores, grocery stores, manufacturers and Hotels.	7 am – 10 pm <i>(10pm requested by 62.4%)</i>	Monday-Sunday	District-wide

REMOTE SELLER			
Remote seller	Maximum operating hours	Trading days	Location
Individuals or businesses who sell or deliver alcohol remotely	7 am – 10 pm <i>(to match the off-licences)</i>	Monday-Sunday	District-wide

ON-LICENCE			
On-licence types	Maximum operating hours	Trading days	Location
Restaurants, cafes, bars, wineries, BYO, function centres	7 am – 1 am	Monday-Sunday	District-wide
Taverns, Hotels:	7am – 2am	Monday-Sunday	District-wide
Hotel room mini bars sales	24hours	Monday-Sunday	District-wide

CLUBLICENCE			
	Maximum operating hours	Trading days	Location
All Clubs including sports and other (including RSA)	8 am – 11 pm	Monday-Thursday and on Sundays	District-wide
	8am – 1am the following day <i>(requested by 63.5%)</i>	Friday - Saturday	District-wide

SKI CLUB LICENCE			
Club licence types	Maximum operating hours	Trading days	Location
Ski clubs	7am to <i>9pm (requested by 65.1%)</i>	Monday-Thursday	District-wide
Ski clubs	7 am – 1am the following day <i>(requested by 63.5%)</i>	Friday-Saturday	District-wide

*Note: Ski field clubs differ from other sports clubs in that they are located in remote locations, provide a 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.*

SPECIAL LICENCE	
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	Maximum operating hours	Trading days	Frequency	Location
Events, private functions, street party, sporting event, farmers markets <b>taking place at:</b> <b>On-licence premises</b>	<i>Special licence conditions will specify the same closing time as the on-licence closing Time, depending on the on-licence type</i>	Same trading days as the on-licence premises	Maximum 10 events in 6 months or 20 events per calendar year	District-wide
<b>Off-licence premises</b>	<i>Same as off-licence premises 7am -9pm</i>	Monday - Sunday	Maximum 26 events in 6 months or maximum of 52 events per	District-wide
<b>Club licence premises</b>	<i>Same as club licence</i>  8 am – 11 pm  8am – 1am the following day	Monday-Thursday  Friday - Saturday	Maximum 10 events in 6 months or 20 events per calendar year	District-wide

*Note: 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. Special licences authorise and control the sale and supply of alcohol for events (such as a wine and food festival) where the premises are not licensed, and alcohol 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.*

### 3.3. DISCRETIONARY CONDITIONS

*Note: Section 117 of the Sale and Supply of Alcohol Act 2012, allows the DLC 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.*

Where the DLC is satisfied that one or more of the following matters are relevant to an application the DLC may include (among other things) the following discretionary conditions as applicable:

#### 3.3.1. OFF-LICENCES

Conditions relating to the following matters may be appropriate for bottle stores:

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

### **3.3.2 ON-LICENCES**

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

- a. Bar staff to undertake appropriate training such as 'Serve Wise', the online training offered by Te Whatu Ora).
- b. One-way door conditions for premises holding on-licences, to allow patrons to leave premises but not enter or re-enter after a certain time.

### **3.3.3 CLUB LICENCES**

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

A Duty Manager must 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.

### **3.3.4 SPECIAL LICENCES**

Conditions relating to the following matters may be appropriate for special licences:

- a. A special licence is required where an event is held at a premises with a club licence, and it is not a club activity.
- b. 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).
- c. Non-licensed premises will not be issued a special licence beyond [1a.m.]
- d. Requirement for Manager's Certificate – all special licences shall be exercised by a person holding a Manager's Certificate under the Act. Exemptions may be considered by the DLC.

### **3.3.5 TRAINING FOR ALL LICENCES**

All bar staff, including certified manager must complete Serve-Wise, or other approved training no less than once a year.

### **3.3.6 SIGNAGE FOR ALL LICENCES**

- a. Display of safe and responsible drinking messages/material
- b. External alcohol advertising to be ceased.

### **3.3.7**

#### **LIGHTING FOR ALL LICENCES**

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

### **3.3.8**

#### **CCTV**

- a. CCTV is installed in suitable locations to monitor areas which are not easily or not continuously monitored by staff. The areas that must be covered by the CCTV, such as entry and exit points, footpaths that are immediately adjacent to the premises, main areas accessed by patrons.
- b. Customers are aware of the CCTV system.
- c. Recordings made may be provided to a Police Officer or Inspector if requested.



## DEFINITIONS

***Any terms that are not defined in this LAP are to be interpreted in accordance with the interpretation provided in the section 5 of the Sale and Supply of Alcohol Act 2012.***

**Addiction treatment** facility means a facility where people are treated for addiction.

**Approved person** in relation to a club licence is someone who has or has previously held a club manager's certificate.

**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.

**Stand-alone 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 Sale and Supply Alcohol Act 2012, section 32 (1)(b))

**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.

**Door staff** is defined as any person assigned by the licensee to stand by the entrances/exits to licenced premises.

**Educational facilities** include early learning and child-care facilities, primary, secondary and tertiary institutions and institutions delivering educational services for vulnerable groups such as unemployed, youth.

**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 Sale and Supply Alcohol Act 2012 section 33(1))

**Health facilities** include hospitals, urgent care, nursing homes, birth centres, healthcare facilities, doctors' offices, addiction treatment centres, clinics, and general health care facilities.

**Host/social responsibility policy** is defined as a policy the licensee and/or premises manager composes, that outlines steps they will take to ensure they are acting as a responsible host. The matters to be covered are the steps that will be taken to prevent intoxication; and not serve alcohol to minors; and provide and actively promote low and non-alcoholic alternatives; and provide and actively promote substantial food; and serve alcohol responsibly or not at all; and arrange safe transport options; and actively manage the premises at all times.

**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.

**Recreational facilities** include parks, reserves, skate parks, youth centres and libraries.

**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

**Sensitive sites** include areas, premises or facilities that are either considered more sensitive to alcohol-related harm or are already experiencing greater levels of alcohol related harm. Such sites are educational facilities, spiritual facilities, marae and recreational facilities, health facilities, addiction facilities.

**Spiritual facilities** include 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.

**Supermarket** means premises with a floor area of at least 1000m<sup>2</sup> including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items (see Sale and Supply Alcohol Act 2012 section 32 (1)).

**Supervised designation** means that people under 18 are only allowed to enter if they are accompanied by a parent or legal guardian

**Town Centre Zones** include the areas as delineated in the Selwyn District Plan.

**Tavern** means:

- a) 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.

**Trading hours** is the period of time when licenced premises are open to the public.

**Winery** means:

- 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 Sale and Supply Alcohol Act 2012 Section 215 (2) (a)).