

REPORT

TO: Chief Executive
FOR: Council Meeting – 11 September 2013
FROM: Research and Policy Advisor
DATE: 2 September 2013
SUBJECT: **Provisional Local Alcohol Policy (LAP)**

1. RECOMMENDATION

That the Council:

Endorses the draft Selwyn District Council Local Alcohol Policy (LAP) as amended, as the provisional policy.

2. PURPOSE

This is a report of the Draft Local Alcohol Policy (LAP) 2013 Hearing Panel (the Panel). This report presents for consideration the revised draft Local Alcohol Policy (LAP) under the Sale and Supply of Alcohol Act 2012. It summarises the consultation process and submissions received on the draft LAP and recommends the endorsement of the amended draft LAP as the Provisional Local Alcohol Policy. The draft provisional LAP is provided in Attachment 1. Attachment 2 shows the draft LAP with amendments based on deliberations following submissions and workshop discussions. A summary of the submissions received during consultation is provided in Attachment 3.

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

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

The Council continues to follow the process under the Sale and Supply of Alcohol Act 2012 to prepare a LAP and prior to 18 December 2013, the Council is only able to prepare a provisional policy.

4. HISTORY/BACKGROUND

Introduction

The Sale and Supply of Alcohol Act 2012 provides clear guidance on how a territorial authority (TA) is to prepare a LAP. Prior to 18 December 2013, a TA can prepare a provisional LAP. To enable this, a draft LAP was prepared and consulted on through the special consultative procedure from 5 June to 5 July 2013 and hearings were held on 30 July. The Council received 67 submissions in total. Seventeen submitters spoke to their submission to the Hearing Panel consisting of the Mayor and Councillors Alexander, Barnett, Broughton, Hassen, Hill and Walters.

Submissions summary (Refer to Attachment 3)

Of the 67 submissions received 50 were received from national or regional stakeholders including representatives of the retail and the hospitality industry, the New Zealand Police, public health providers and Selwyn community boards and committees, and local licence holders (such as sports clubs and taverns). Seventeen submissions were received from the general public (including seven submissions lodged by Hospitality New Zealand using a questionnaire prepared by Hospitality New Zealand).

Of the 50 organisational submissions, 30 submissions are from individual local licensees such as clubs (12 submissions), wineries, restaurants and cafes (11 submissions) and taverns (7 submissions of which 3 are from 1 tavern). The other submissions are from community boards and committees, national and regional organisations, including a range of industry representatives such as the New Zealand Retailers Association, Foodstuffs South Island Ltd, NZ Wine Growers as well as the health sector including the Canterbury District Health Board, Cancer Society of New Zealand and West Coast Division Inc., and the Canterbury District Police.

Although 21 submitters wished to speak to their submission on 30 July, only 17 submitters spoke at the hearing.

The majority of submitters agree with most aspects of the draft LAP. Most submitters who did not state affiliation with specific licensed businesses, agree with the draft LAP in general or seek further restrictions. In general, those submitting on behalf of a licensed business or association raised specific issues associated with parts of the draft LAP relevant to their business.

Submitters who disagreed with the policy provisions did so for different reasons. Some sought longer operating hours while others sought shorter operating hours for licences. Some disagreed with provisions around location, while others disagreed with the discretionary conditions. Some submitters requested provisions in the LAP that are not provided for under the Act (such as restricting floor space in supermarkets, controlling the price of alcohol and raising the drinking age).

Hearing Panel deliberations

Deliberations on the submissions took place following the hearing. In general most submitters' main concerns revolved around the proposed operating hours of different licences, the effects of the hours on their businesses (especially those licensees proposed to have shorter hours from Sunday to Thursday) and the possible flow on effects of proposed Christchurch City Council LAP hours. The Panel noted that some submitters requested longer hours where their business catered for events or functions and some licensees were concerned that shorter hours would mean people would bypass local establishments and travel into the city. Concerns were raised over the lack of a definition for "winery" as many such establishments did not solely operate as a restaurant but often also had an off-licence. Concerns were also raised on the requirement for clubs to have a "manager" on club premises, the number of special licences which could be applied for, prohibiting off-licences in the proposed neighbourhood and local centres, and clarity around the purpose of discretionary conditions.

The Panel discussed the pros and cons of people's ability to obtain and consume alcohol from the different types of licensed premises in Selwyn and from those in the city. The Panel highlighted concerns around issues such as drinking behaviour and perceptions of alcohol, people's ability to pre-load, drink driving, and how these issues were related to licensees' operating hours in Selwyn and the city. The Panel also discussed the benefits of consistent hours with neighbouring TAs and sought an update on other TAs progress on their LAPs.

The Panel discussed the different types of establishments that had on-licences and the differences in the proposed operating hours for restaurants and taverns. The Panel considered the effects of shorter operating hours on the possible increase in applications for special licences and discussed the number of special licences that could be applied for in any given period by different licence holders.

The Panel also discussed the need for additional definitions for wineries and “function centres” and if these licences should be allowed different operating hours.

The Panel discussed the location provisions and sought further clarification around what types of licences could be allowed in neighbourhood and local centres. The Panel agreed that the discretionary conditions as currently worded needed clarification around what these conditions were and how they applied to the different types of licences. The Panel also discussed the concerns raised around needing a “certified manager” at a club premises in terms of cost and resourcing for some clubs who may not be able to afford to have more than one certified manager.

The Panel acknowledged the difficulties in preparing a draft LAP under a new process and short timeframes and also discussed the options around the review period of the LAP once it was adopted.

At the conclusion of the deliberations the Panel recommended several changes to the draft LAP provisions around licence hours, special licences, location and discretionary conditions.

Hearing Panel recommendations

The Panel recommended that all on-licences (including restaurants and tavern on-licences be permitted the same maximum hours of 7am to 1am the following day, seven days a week. The Panel recommended that all off-licences be permitted the maximum hours of 9am to 9pm and that club licences should have a start time of 8am and closing at 10pm on Sunday to Thursday and closing at 12am the following day on Friday and Saturday.

The Panel requested that staff look again at the definitions for neighbourhood and local centres and look at what types of licences would be appropriate to include and or exclude from these proposed areas. The Panel also requested a definition of a “winery” and function centre.

The Panel also recommended that the number of special licences at a premises with an on-licence be increased to a maximum of 10 events in six months and that a maximum of 26 events in 6 months be allowed for an off-site special licence (for example a farmer’s market).

The Panel requested staff to provide further wording around the discretionary conditions to ensure conditions were clear and appropriate for different licence types. The Panel was supportive of the need to have a “manager” on site when there were 20 or more people at the club premises but requested that staff consider other wording around this requirement. The Panel agreed to review the recommendations at a Council workshop.

Council workshop discussions

Staff made the recommended changes to the draft LAP and presented the revised LAP to the full Council at the workshop on 14 August 2013. Staff discussed changes to the policy and the possible implications and risks of some of the recommendations.

In particular, staff advised that the recommended off-licence hours were difficult to support for a number reasons. In particular, staff noted that the recommended off-licence hours of 9am-9pm were much shorter than what had been consulted on (7am – 10pm). The proposed hours in the draft LAP were a reflection of current off-licence hours in practice and although some licensees had longer hours allowed in their licence few made use of them. Staff were of the opinion that although it was beneficial to have consistent hours with surrounding TAs, it was difficult to guarantee this could happen as neighbouring TAs are at different stages of LAP development. Staff advised that LAPs should reflect local issues and that at present, there did not seem to be the need for such a reduction in off-licence hours. Staff also highlighted the risk of increased appeals against major changes.

With regards to the location of off-licences in proposed neighbourhood and local centres, staff suggested that the location provisions be specific to stand alone bottle stores only rather than all off-licences. Staff suggested that this amendment would satisfy submitters who provided feedback in support of and those who did not support the original proposal. This amendment would maintain the main function of these centres’ which is to provide local services and a social hub within walking

distance from surrounding residential areas as well as provide for the location of other off-licences (such as supermarkets or delicatessens which provide more than just alcohol).

Staff provided a definition for wineries but suggested that there was no need to provide a definition for “function centres”. Those submitters who operated businesses that catered for events and functions sought longer hours throughout the week to ensure they could provide for a range of customers. As the provisional LAP provides longer hours for all on-licences throughout the week, staff suggested that there was no need for a specific definition for ‘function centres’.

Following the advice received from Adderley Head solicitors, policy 1.4 (special licences) was removed from Policy 1 (which is a policy on operating hours) and amended to Policy 2 to provide clear directions on provisions for special licences. Additional policy provisions were also included to allow for an increased number of special licences and to differentiate between on-site and off-site special licences.

As suggested by Adderley Head, the discretionary conditions (Policy 4 in the provisional policy) have been amended to ensure conditions clearly relate to the relevant licence type and that these are not the only conditions that could be applied. An explanation is also provided to clarify that other conditions can also be imposed by the district licensing committee.

Staff also highlighted an issue that had not been previously raised. Craigieburn Valley Ski Club submitted that the proposed hours for club licences were too short for their particular type of club licence which provided lodging and recreation services. The Club submitted that their club was a different type of club licence in that it provided services for people who were there to ski, in most cases, over several days and use the accommodation provided on site, as opposed to other clubs whose activities ran over a few hours and were located closer to townships. In response to this staff suggested that ski field clubs (of which there are currently six in the district) could be considered a different type of club licence and under specific criteria, be allowed longer hours of operation.

Staff advised that a review of the LAP could be undertaken once there was sufficient information available to assess the effectiveness of the policy (for example after the policy had been in place for a year).

5. PROPOSAL

The Sale and Supply of Alcohol Act 2012 (section 77) provides legal standing for LAPs and gives clear guidance on the provisions a LAP can contain. A LAP may only deal with liquor licensing issues and may only have provisions on maximum trading hours, location and density of premises. A LAP may also impose conditions for specific licences.

A provisional LAP for Selwyn has been prepared and is presented for endorsement in this report. This provisional LAP takes into consideration the Council’s research conducted early in the preparation of the draft LAP, the submissions received during consultation and the discussions of the Hearing Panel. A legal review of the process the council followed and of the draft LAP was undertaken by Adderley Head which also provided advice on the appropriateness of the provisional LAP’s hours.

The provisional LAP provides consistent maximum trading hours for all licensed premises and provides conditions for special licences. The provisional LAP also provides a maximum start time for club licences and provides longer operating hours for ski field clubs. Greater clarity around conditions for special licences and discretionary conditions is also provided. The provisional LAP prohibits stand alone bottle stores in proposed neighbourhood or local centres in Rolleston and Lincoln.

The provisional LAP (see Attachment 1) proposes goals and objectives that seek to highlight the policy’s aim to make Selwyn a good place to live with a variety of places for the community to

socialise and a variety of licensed premises to reflect this. The LAP will also provide guidance to the district licensing committee's (DLC)¹ decision making.

The provisional LAP proposals

Operating hours:

- Maximum hours for all on- licences (including restaurants, cafés and taverns) are 7am to 1am the following day, seven days a week.
- Maximum hours for all off- licences are 7am to 9pm seven days a week.
- Maximum hours for club licences (excluding ski field clubs) will reflect the principle club activity and are 8am to 10pm Sunday to Thursday and 8am to 12 midnight Friday and Saturday.
- Maximum hours for ski field club licences that provide accommodation will reflect the principle club activity and are 7am to 1am the following day, seven days a week.

Special licence provisions:

- Special licences can cover an event or series of related events (where a series of related events is defined as a similar event held at the same venue, such as a 3 day tournament or a weekly farmers' market).
- On-licence holders can apply for a two hour extension of their on-licence opening and closing hours.
- An on-licence holder can apply for a maximum of 10 events in six months or a maximum of 20 events per year. An application for a special licence may be made for 6 related events.
- 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 will be required where an event is held at a premises with a club licence, but outside the normal authorised club hours, the majority of attendees are not club members and it is not a club activity.
- The district licensing committee will be able to request an alcohol management plan, if the committee is of the opinion that the event is at risk of alcohol related harm.

Location provisions:

- Stand alone bottle stores will not be allowed in proposed neighbourhood or local centres in Rolleston and Lincoln.

Discretionary conditions specific to licence type:

For a club licence:

- An "approved" person to be on site at a premises with a club licence where the number of patrons exceeds 20 persons.

For an on-licence and club licence:

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

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.

¹ The district licensing committee will be in place by 18 December 2013.

6. OPTIONS

There are three options for the Council to consider:

- Option 1 – Accept the recommendation of the Hearing Panel to endorse the provisional LAP.
- Option 2 – Accept the provisional LAP with amendments.
- Option 3 – Do not accept the Hearing Panel's recommendation.

The original draft LAP was developed in discussion with the Selwyn liquor licensing inspector, Police and representatives of the Medical Officer of Health and based on initial feedback obtained through discussions with licensees and surveys of the general public and young people. The draft LAP was then consulted on through the special consultative procedure before being revised. The provisional LAP takes into consideration all the submissions received during consultation and the Hearing Panel's deliberations.

Following the workshop discussions, the members of the Hearing Panel requested staff to revise the Panel's recommendations. The revised policy provisions with amendments, following the Council workshop is presented below as Option 1.

Option 1:

Operating hours:

- Maximum hours for all on- licences are 7am to 1am the following day, seven days a week.
- Maximum hours for all off- licences are 7am to 9pm seven days a week.
- Maximum hours for club licences (excluding ski field clubs) are 8am to 10pm Sunday to Thursday and 8am to 12 midnight Friday and Saturday.
- Maximum hours for ski field club licences that also provide accommodation are 7am to 1am the following day, seven days a week.

These hours reflect submitters' feedback and the Panel's deliberations, in that longer hours are permitted for on-licences but off-licence hours are reduced slightly. These hours take into consideration what neighbouring TAs are proposing but also reflect the Selwyn situation. Club licence hours are reflective of the types of activities different clubs provide. Ski field club licences that provide accommodation are permitted longer hours as these clubs are catering for people visiting and staying on location.

Special licence provisions:

- Special licences can cover an event or series of related events (where a series of related events is defined as a similar event held at the same venue, such as a 3 day tournament or a weekly farmers' market).
- On-licence holders can apply for a two hour extension of their on-licence opening and closing hours.
- An on-licence holder can apply for a maximum of 10 events in six months or a maximum of 20 events per year. An application for a special licence may be made for 6 related events.
- 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 will be required where an event is held at a premises with a club licence, but outside the normal authorised club hours, the majority of attendees are not club members and it is not a club activity.
- The district licensing committee will be able to request an alcohol management plan, if the committee is of the opinion that the event is at risk of alcohol related harm.

The provisions provide for special licences address submitters' concerns over the number of events that can be applied for under a special licence by increasing the number of events that can be applied

for and differentiate between the licences provided for events taking place at on- site and off-site venues to provide additional clarity for each type of special licence.

Location provisions:

- Stand alone bottle stores will not be allowed in proposed neighbourhood or local centres in Rolleston and Lincoln.

The location provisions support the function of these proposed centres as community hub areas providing services to residents within walking distance. These provisions seek to provide certainty to the community and potential licence holders as to what licences would be appropriate in these areas. For example, off- licences whose primary purpose are to sell alcohol are considered inappropriate. However, off-licences such as a supermarket whose primary purpose is the sale of groceries are considered appropriate.

Discretionary conditions specific to licence type:

For a club licence:

- An “approved” person to be on site at a premises with a club licence where the number of patrons exceeds 20 persons.

For an on-licence and club licence:

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

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.

Discretionary conditions provided relate to the different licence types and an additional note is provided to explain that these conditions are a selection among others that a DLC can impose on a licence. In regards to submissions concerned over the inability of clubs to have more than one “certified manager” due to resourcing issues, the revised discretionary condition requires a club to have an “approved” person on site instead. An explanation is also provided to identify the qualifications an “approved” person may need.

Option 1 is the preferred option as this option best reflects the results of a comprehensive process followed to develop a LAP and is based on the information gathered throughout the development of the LAP, submitters’ feedback and the discussions had by the Hearing Panel.

If the Council considers the provisional LAP inappropriate, it can choose to accept Option 2 or Option 3 and provide clear reasons for doing so. Should the Council wish to make amendments to the Hearing Panel recommendations (Option 2) the Council must provide reasons for amendments and decide if the amendments warrant further consultation. Should the Council choose not to accept the Hearing Panel’s recommendation (Option 3), the Council will have to decide if it seeks to begin the process again by preparing another draft LAP and running another consultative procedure. Both Options 2 and 3 will incur additional time and cost. Option 3 may also mean a provisional LAP is not in place before elections.

The Council has followed the process outlined in the Sale and Supply of Alcohol Act 2012 in developing the provisional LAP which takes into consideration the views of submitters and the Hearing Panel discussions. The Hearing Panel considers the provisional LAP to be an appropriate policy for the Selwyn district in that the policy strikes a balance between enabling people to enjoy alcohol responsibly and also seeks to reduce alcohol-related harm.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Views of those affected

Initial discussions were held with Council staff, the Licensing Inspector, Health and Police Officers and additional information was gathered through a public survey conducted by Research First in March 2013. Staff also sought feedback from Councillors, Community Boards and Community committees. Feedback was obtained from licence holders in the district at two stakeholder meetings held in Darfield and Lincoln on 15 and 16 April 2013. Licensees were also provided the opportunity to provide feedback through a survey. Young people's views were obtained through an online survey and a survey undertaken at two of the district's three high schools.

b) Consultation

Consultation on the draft LAP ran from 5 June to 5 July 2013. Consultation material including the draft LAP, statement of proposal and summary of information was made available on the Council's website and at all Council service centres and libraries. Licence holders were posted consultation material and key stakeholders (including organisations in the health sector, the Police, Mahaanui Kurataiao Ltd, community boards and committees) were emailed links to the consultation webpage.

Two public drop-in sessions were held on 12 and 18 June at Darfield and Rolleston. Seven people attended the session at Darfield and four people attended the Rolleston session. The consultation time frame was advertised in the Selwyn Times on 11 June 2013 and a reminder notice published in the Central Canterbury News on 26 June. Updates were also provided to the Selwyn Central and Malvern community board meetings on 19 and 24 June 2013.

c) Maori implications

Advice was sought from Mahaanui Kurataiao Ltd. (MKT) on engaging with tangata whenua. MKT was informed of the consultation process through email and feedback sought from them on the draft LAP.

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.

Community Development (2006)² and Social Wellbeing Strategies (2009-2015)

These strategies seek to provide for the needs of the district's different communities and aim to achieve the relevant community outcomes. Focus areas of these strategies relevant to reducing and managing alcohol related harm include improving road safety, safety from crime and supporting injury prevention. Once adopted, the LAP can be considered a legal tool to help achieve some of the strategies' objectives with regards to reducing alcohol related harm.

Liquor Licensing Policy 2008

² Currently being reviewed.

The Selwyn District Council's Liquor Licensing Policy 2008 was prepared under the Sale of Liquor Act 1989. The policy is used by the DLA to guide its decisions on uncontested applications, opposing licensing applications and appointing the district's liquor licensing inspectors. This policy provided the background material in the preparation of the provisional LAP.

9. COMMUNITY OUTCOMES

The provisions in the provisional LAP on maximum trading hours for on, off and club licences and not allowing off-licences in neighbourhood and local centres seek to contribute to the community outcome "Selwyn is a safe place in which to live, work and play". The LAP will provide clarity to new liquor licence applicants, existing licence holders and the public with regards to hours of operation and acceptable locations for off-licences in future developments.

10. NEGATIVE IMPACTS

There are likely to be few negative impacts as the hours proposed by the LAP are similar to that which the existing policy provides and are similar to what current licensees use in practise. It is possible that there may be some negative impact on future bottle store businesses due to the restrictions placed on them in the proposed neighbourhood and local centres.

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 as discussed in section 4 of this report. Staff have also sought a review of the draft LAP and the process undertaken to prepare it. Following preparation of the provisional LAP staff also sought legal advice on the recommended hours of operation for licences.

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?

Initial discussions were held with relevant staff from all Units to improve understanding of the district's issues related to alcohol consumption and/or abuse. Greater input has been sought from the Planning Teams to ensure that the LAP is not inconsistent with the District Plan.

Mel Renganathan
RESEARCH AND POLICY ADVISOR

ENDORSED FOR AGENDA

John Christensen
MANAGER ENVIRONMENTAL SERVICES

Attachment 1

Provisional Selwyn 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 1am 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

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)}.

Attachment 2

Draft Selwyn 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
- ~~To minimise alcohol related harm in Selwyn.~~

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 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

- The maximum permitted trading hours in the Selwyn district for all on-licensed restaurants, function centres and cafés will be:

Seven days a week: 7am to 1am the following day

Sunday to Thursday: 8am to 11pm

Friday and Saturday: 8am to 1am the following day

- The maximum permitted trading hours in the Selwyn district for all on-licensed taverns and hotels will be:

Seven days a week: 78am to 1am the following day

Note:

On-licensed 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

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

Seven days a week: ~~97am to 109pm~~ 7am to 9pm

- The following hours apply to hotel in bedroom mini bars sales:

Monday to Sunday 24 hours a day

Note:

Off-licences 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 clubs will reflect the principle club activity ~~with the closing times of:~~

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 clubs 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 specifically use club facilities while on a ski trip), and provide accommodation. Ski field clubs are permitted to apply for longer hours to allow them to continue to provide this service.

Policy 2 1.4 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 premise 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 licence special will allow for a maximum of 10 events in six months or a maximum of 20 events per year. Each applicant ~~tion~~ 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. ~~Each application may apply for 6 events in a series of related events. . for a maximum of six events in six months~~Special licences can cover an event or series of related events
- Where the premise already holds an on licence, the conditions of a special licence will specify a closing time no more than two hours later than permitted by its on-licence.
- A special licence is required where an event is held at a premise with a club licence, but outside the normal authorised club hours and 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 Licencing 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 premise is not licensed and liquor is sold and supplied to those attending. A Special ~~L~~icence 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' markets. 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 23 Location of licensed premises

- Off-licences for bottle stores will not be granted for a neighbourhood or local centre

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. ~~Neighbourhood centres will be located on primary movement routes and may provide a small range of shops (e.g. café, hairdresser). Local centres will be located on local routes and may provide a few shops such a dairy or facilities such as a reserve or bus stop.~~ 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 34 Discretionary conditions

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

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

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

- Restrictions on the size and time of last orders for on and club licences.

- Bar staff to undertake appropriate training such as the online training offered by the Accident Compensation Corporation (ACC).

Conditions relating to 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)}.

Attachment 3

Draft Local Alcohol Policy Submissions Analysis July 2013

Introduction

Consultation on the draft Local Alcohol Policy ran from 5 June to 5 July 2013. Consultation material (see Appendix 1 for the consultation document) was made available to key stakeholders and community boards and committees before consultation formally began. Licence holders were posted consultation material and emailed links to the consultation webpage. Key stakeholders (including organisations in the health sector, the Police, Mahaanui Kurataiao Ltd, community boards and committees) were emailed links to the consultation webpage. Printed copies were also available at all Council service centres and libraries. Two public drop-in sessions were held on 12 and 18 June 2013 at Darfield and Rolleston. An update of the process and consultation was also provided to the Selwyn Central and Malvern Community Boards on 19 and 24 June respectively. The consultation time frame was advertised in the Selwyn Times on 11 June and a reminder notice published in the Central Canterbury News on 26 June 2013.

Existing Liquor Licensing Policy 2008

The Council's existing Liquor Licensing Policy was adopted in 2008. The 2008 Policy has a range of trading hours for the different licences and within groups of licences:

On-licences

- On-licences for restaurants have maximum trading hours of 7am to 1am the following day.
- On-licences for taverns have maximum trading hours of 7am to 3am the following day.
- On-licence premises operating in or adjacent to residential areas have maximum trading hours of 9am to 11pm (Sunday to Thursday) and 9am to 1 am the following day (Friday and Saturday).

Off-licences:

- Off-licences for stand-alone bottle stores and tavern bottle stores can have maximum trading hours of 9am to 11pm.
- Off-licence for supermarkets allow them to sell alcohol during their normal operating hours but no later than 11pm.

Club licences:

- Club licences allow clubs (such as sports clubs) to sell alcohol during their normal club hours, with closing times no later than 10pm (Sunday to Thursday) and 12 midnight (Friday and Saturday).

Draft Local Alcohol Policy

The draft Local Alcohol Policy has hours similar to that in the existing 2008 Policy. Operating hours were changed by reducing some licences' maximum hours of operation by one or two hours and in the case of off-licences providing longer maximum operating hours. No changes were proposed to club or

special licences, although several discretionary conditions were proposed.

Under the draft policy, all on, off and club licences are provided consistent maximum trading hours. The draft policy also has provisions for special licences.

Maximum permitted hours:

- Maximum permitted hours for all on-licence restaurants and cafes are 8am to 11pm (Sunday to Thursday) and 8am to 1am the following day (Friday and Saturday).
- Maximum permitted hours for all on-licence taverns and hotels are 8am to 1 am the following day.
- Maximum permitted hours for all off-licences are 7am to 10 pm seven days a week.
- Maximum permitted hours for club licences will reflect normal club activity with the closing times of 10pm Sunday to Thursday and 12 midnight Friday and Saturday.

Special licence provisions:

- Special licences will be granted for no more than six events in a six month period.
- On-licence premises applying for a special licence may be allowed to close a maximum of two hours later than permitted by their on-licence.
- A special licence is also required where an event is held at a licensed club, but where the event will be outside normal authorised club hours and where the majority of attendees are not club members.
- District licensing committees will be able to request an alcohol management plan, if the committee is of the opinion that the event is at risk of causing alcohol related harm.

The draft policy also proposed to not allow off-licences in proposed neighbourhood and local centres in Rolleston and Lincoln. The policy also proposes discretionary conditions:

- Where there 20 or more people present at the club, there must be a certified manager on site;
- Under the policy bottle stores are to be designated as supervised areas to ensure unaccompanied minors do not enter bottle stores and;
- Bottle stores are to display safe drinking messaging.

Submissions received

A total of 67 submissions were received. Fifty submissions were received from national or regional stakeholders, Selwyn community boards and committees and local licence holders. Submissions were received from representatives of the retail and the hospitality industry, local licence holders (such as sports clubs and taverns), the New Zealand Police and public health providers. Seventeen submissions were received from the general public.

Thirty-one submitters chose to use the SDC submission form of which nineteen were filled out online. The remaining submitters did not use the consultation forms. Seven submissions from individuals were lodged by Hospitality New Zealand using a questionnaire prepared by Hospitality New Zealand¹ (see submission 062 for an example of the questionnaire).

¹Similar submissions were also lodged with the Christchurch City Council. CCC staff advise that these questionnaires can be considered as individual submissions.

The SDC consultation sought feedback on submitters' agreement or not with the draft policy and the individual components of the policy. Submitters could also provide general comments. Generally, submitters agreed with most aspects of the policy. Those submitting on behalf of a licensed business or association raised specific issues relating to parts of the policy relevant to their business. Most submitters who did not state affiliation with specific licensed businesses agreed in general with the proposed policy.

Of the 50 organisational submissions, 30 submissions were from individual local licence holders such as clubs (12 submissions), wineries, restaurants and cafes (11 submissions) and taverns (7 submissions of which three are from 1 tavern). The other submissions are from community boards and committees, national and regional organisations, including a range of industry representatives such as the New Zealand Retailers Association, Foodstuffs South Island Ltd, NZ Wine Growers as well as the health sector including the Canterbury District Health Board, Cancer Society of New Zealand and West Coast Division Inc. and the Canterbury District Police.

Twenty-one submitters wish to speak to their submission on 30 July, however only seventeen spoke at the hearing.

Overall feedback on the draft policy

Eighteen submitters agreed and eleven disagreed with the draft policy overall. Thirty-seven submitters did not provide an answer and two submitters neither agreed nor disagreed. Some submitters (such as the Police, CDHB and Health Protection Agency) provide general support for the policy. Most submitters generally agreed with parts of the draft policy. Of those who disagreed, most disagreed with a specific section (e.g. proposed hours for off-licences) of the proposal, which in most cases applied to their specific licence. Most of these submitters either agreed with the other sections of the policy or did not provide comment.

Submitters' reasons for disagreeing with the policy varied. Some submitter sought longer operating hours while others sought shorter operating hours. Some submitters disagreed with provisions around location, while others disagreed with the discretionary conditions. Others requested provisions in the policy that not provided for under the Act (such as restricting floor space in supermarkets, controlling the price of alcohol and raising the drinking age).

Detailed feedback from submitters is presented below.

Feedback from submitters

General public

Seventeen submissions were received from individuals. Most of these submitters supported the proposed policy. Of those who did not, most sought further reductions of the hours for on-licences hours for taverns and hotels and off-licences. A few submitters sought longer hours for on and off-licences.

Seven submissions are questionnaires prepared by the Hospitality New Zealand Canterbury branch. These questionnaire sought people's views on trading hours for taverns and hotels, off-licence hours, where they purchased and drank alcohol and effects of reduced hours on their purchasing and drinking behaviour.

Club licence holders

There are approximately 31 club licence holders in the Selwyn District. “Clubs” include ski, rugby, tennis, golf and bowling clubs. Twelve submissions were received from a variety of bowling, rugby, golf and ski clubs. The majority of the submissions supported the policy overall while the rest did not support the hours proposed for club licences and a few question the requirement for a certified manager to be on duty.

Restaurants, cafes and wineries

There are approximately 53 restaurants, cafes, lodges and wineries in Selwyn. Most of the 11 submissions received were from wineries (6 submissions) half of whom supported the policy. Submitters who did not support the policy, raised concerns over the shorter on-licence hours and were concerned that they would not be able to cater for events during the week that could need longer hours. Several also recommended that cellar door sales be treated differently to bottle stores and supported the NZ Winegrowers submission (that wineries/cellar doors sales should be specifically defined in the policy and treated as a low risk licence). Four of the other five submitters supported the policy in general but one sought an increase in the number of events allowed under special licences. One submitter who manages a lodge disagreed with the hours proposed for on-licences on the grounds that they would not be able to cater for visitors and events during the week that could need longer hours.

Taverns and hotels

Seven submissions, (three of which were from one tavern) were received from the 17 taverns in Selwyn. All submitters disagreed with the on and off-licence hours proposed and submitted that existing hours should remain.

Supermarkets and standalone bottle stores

There are five licensed supermarkets and two standalone bottles stores in Selwyn. Submissions received from Foodstuffs South Island Ltd, Progressive Enterprises Ltd, and Liquorland Limited did not support the proposed off-licence hours and sought that national default hours² are used instead. All but Progressive Enterprises did not support Policy 2’s restriction of off-licences from the proposed neighbour and local centres. Progressive Enterprises Ltd neither supported nor opposed Policy 2. The Mill Retail Holdings Ltd and Super Liquor Holdings Ltd. agreed with the proposed off-licence hours but did not support Policy 2. These submitters also requested that the policy be flexible to allow the use of safe drinking messages prepared by the national offices.

Associations, Health and Police

Submissions were received from several associations. The Tourism Industry Association New Zealand raised concerns around the effects of the Sale and Supply of Alcohol Act 2012 and local alcohol policies on the ability of hotels to provide minibar services (and other alcohol services) to guests outside of policy hours.

The New Zealand Retailers Association wanted the policy to provide for the national default hours for off-licences and does not support the location restrictions for off-licences. Hospitality New Zealand Canterbury Branch do not support the reduced hours for taverns, or the cap on special licence hours.

New Zealand Winegrowers and Wines of Canterbury raise concerns around how wineries and cellar

² The Sale and Supply of Alcohol Act 2012 (section 43) provides national default hours for off-licences of 7am – 11pm.

door sales will be defined and dealt with under the policy.

Submissions from the CDHB, Pegasus Health, Cancer Society, the Accident Compensation Cooperation (ACC) and HPA supported the proposed policy. Most of these submitters also sought further reductions for off-licence hours, additional conditions on special licences and additional discretionary conditions. These submitters also suggested that the Council undertake further analysis of the density and location of licensed premises and include the community if and when there are changes.

The Canterbury District Police's submission also supported the proposed policy but sought shorter hours for off-licences of 9am to 9pm. The Police's submission also sought additional conditions on special licences and additional discretionary conditions.

Conclusion

Of the total number of submissions received, a quarter was from the general public. Of the 50 organisational submissions, 30 submissions were received from local licence holders and 20 submissions were received from the national offices of the supermarket chains, industry associations, the Police and health sector. Of the 17 submitters who spoke at the 30 July hearing, 9 are local licence holders while the rest of the submitters represent the industry, health sector and Police.