



# COMBINED LOCAL ALCOHOL POLICY

- 2014 -

**ADOPTED 31 MAY 2016**

OPERATIVE 30 AUGUST 2016

OTHER THAN POLICY B1 TRADING HOURS- OPERATIVE 7 DECEMBER 2016.



# INTRODUCTION

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## Background

Alcohol problems can be seen as the result of the social, economic and geographical nature of the community.

*“Significant alcohol involvement exists in many community level problems, such as alcohol involved traffic crashes (including fatalities and injuries), non-traffic death and trauma (burns, drowning, falls, assaults), while a major percentage of homicide victims have high blood alcohol levels. Each of these can be viewed as products of the community system.” (1)*

The current New Zealand drinking culture is said (2) to be characterised by the following:

- (a) New Zealand is a society in which many people are tolerant of drunkenness.
- (b) It is a society in which many current drinkers appear to exercise little self-control.
- (c) It is a society in which many adults who currently drink appear not to be concerned about their physical or mental well-being because of their drinking behaviour.
- (d) It is a society in which many parents do not know about their children’s alcohol drinking habits.

Several factors may have contributed to this, including the following:

- (a) Alcohol is readily available from a range of retail outlets.
- (b) Alcohol is, and is perceived to be, inexpensive when bought retail from an off-licence.
- (c) Alcohol is vigorously advertised, often associated with attractive role models and popular activities.

Information from the Police and the Medical Officer of Health indicates that the problem of alcohol abuse appears to be at least as significant in the Southland region as elsewhere in New Zealand.

It is also recognised that many New Zealanders enjoy alcohol in moderation as a social “lubricant” and “relaxant”.

A Local Alcohol Policy (LAP) aims to create a meaningful contribution by local authorities to address the sale, supply or consumption of alcohol.

The Gore District, Invercargill City and Southland District Councils have worked together and developed this LAP in recognition of the significant harm that excessive consumption of alcohol continues to have in our communities.

Prior to preparing this policy in 2013, focus groups were held with stakeholders. When the Draft LAP was advertised for public submission, 585 submissions were received. Submissions were heard in June and August 2014.

Alcohol is a legal drug. Some would have it otherwise, but “prohibition” is not the legislated position in New Zealand. Further, the reasonable use of alcohol in social settings is generally recognised by New Zealand society as being appropriate. The use and abuse of alcohol can be a significant cause of disease, disability and social harm. Its negative impacts include illness, injury, violence, crime, motor vehicle accidents and death. These impacts have an adverse effect on individuals and families, and also come at a significant cost to the community which must provide emergency, healthcare and other services.

About 84% of New Zealand adults (18 years or older) drink alcohol (3). 63% percent are classed as “moderate drinkers” and 21% as “binge” drinkers. Most drinking occurs in people’s own homes (52%) followed by a friend/relative’s home (16%) (3).

Invercargill, Gore/Mataura and part of Southland District are Licensing Trust areas. In such areas the retailing of alcohol from off-licences and the operation of taverns is the preserve of community-elected licensing trusts.

### **The Purpose of a Local Alcohol Policy**

The policy reflects the intent of the Act, which is to ensure that alcohol is sold and supplied in a safe and responsible manner and to ensure that the harm arising in individuals and communities as a consequence of the consumption of alcohol is minimised. A LAP allows the Council to fine-tune the application of the Act through its own activities and those of the Alcohol Regulatory and Licensing Authority, to meet the needs of individual communities.

The policy will help to inform the decisions of the District Licensing Committees (DLC) on alcohol licences for the sale of alcohol in the Southland region, providing a direction as to whether they should be granted, and if so, the conditions that could be imposed.

### **The Effect of a Local Alcohol Policy**

The Act is quite prescriptive about the areas a LAP can cover. Specifically they are:

- Limits on the **location** of licensed premises in particular areas or near certain types of facilities, such as specific neighbourhoods or near schools or churches.
- Limits on the **density** of licensed premises by specifying whether new licences or types of licences should be issued in a particular area.
- Imposition of **conditions** on groups of licences, such as a “one way door” condition that would allow patrons to leave premises but not to enter or re-enter after a certain time.
- Recommendations on **discretionary conditions** for licences.
- To provide for the maximum **trading hours** of On, Off and Club Licences, which are:
  - 8.00 am – 4.00 am the following day for on-licences and club licences.
  - 7.00 am – 11.00 pm for off-licences.

# OBJECTIVES

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## OVER-ARCHING ISSUES

1. Hazardous drinking is a social and public health problem with significant implications for the social and economic well-being of people in the Southland region.
2. Only a minority of the total quantity of alcohol sold is consumed in licensed premises or licensed events, where there is supervision, control and host responsibility. The majority of alcohol is consumed in situations where there may be little control or supervision.

## OBJECTIVE 1: RECOGNITION OF HARM REDUCTION FROM ALCOHOL MISUSE AS A COMMUNITY PRIORITY

**The seriousness of alcohol misuse as a serious social and public health problem is recognised and addressed in the way Councils make policy for, and deliver services to, the people in their districts.**

### Implications:

The seriousness of the problem is such that it is a major social issue. Local government has opportunities to help address this issue, at least partially through its responsibilities under the Act.

A LAP can be a useful part of a series of measures a community can take to address alcohol-related problems.

## OBJECTIVE 2: PROVISION OF A SAFE DRINKING ENVIRONMENT

**The provision of safe environments for the responsible sale, supply and consumption of alcohol.**

### Implications:

This means that the Councils will:

- Place significant emphasis on host responsibility, particularly in assessing applications and imposing conditions of approval.
- Encourage organisers of an event or special occasion to properly plan for it, if alcohol is to be available.

### **OBJECTIVE 3: COLLECTION OF EVIDENCE AND REVIEW OF POLICY**

After two years of implementing the Policy and gathering information relating to alcohol related harm, it will be reviewed.

#### **Implications:**

- This means that the Councils will receive regular monitoring reports of premises, events and the conditions imposed on licences from their Licensing Inspectors.
- This means that the Southern District Health Board will be requested to provide statistics of Southland hospital admissions of alcohol related harm incidents and associated costs.
- This means that Primary Health South will be requested to provide monitoring statistics of education outcomes and awareness of community issues.
- This means that the NZ Police will be requested to provide statistics on alcohol related crime statistics in Southland communities as well as controlled purchase operations.

# POLICIES

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## A. SENSITIVE PREMISES

### POLICY A1: SENSITIVE PREMISES

Where there is an application for a proposed On, Off or Club licence or a renewal where the application relates to a significant change in the style or operation of the business (special licence applications are exempt) evidence of consultation with the sensitive premises shall be provided.

“Sensitive premises” are deemed to be:

- Any school, child care facility, pre-school or other facility providing for the education or care of children.
- Any place of religious gathering or assembly.
- Any residential activity – dwelling or apartment.
- Any community facility.

Within 50 metres of the boundary of the subject property.

Evidence of consultation will not be required where a resource consent has been granted under the Resource Management Act 1991.

#### **Reason:**

This policy is to ensure that neighbouring properties are aware of the possibility of licensed premises being established or having its licence renewed where there is a change in the style of business (for example from a café closing at 5.00 pm to a late night “dance” venue ) nearby. It gives the occupants of a sensitive premises an opportunity to voice their concerns and the applicant an opportunity to identify and address them.

In principle the community felt that there should be a separation between a licensed premises and a “sensitive premises”. This recognises that licensed premises are often grouped with other non-residential uses and the grouping proves to be quite appropriate, or has been there for such a long time that the situation was accepted and managed. It was the “fear of what might happen” that caused concern.

## **B. TRADING HOURS**

### **POLICY B1: TRADING HOURS**

The following shall be the maximum trading hours for the sale, supply and consumption of alcohol (within the context of their licences) on licensed premises within the Gore District/Invercargill City/Southland District Council areas:

1. **On-licences (bars, taverns, hotels, entertainment venues and Class 1 restaurants):**
  - (i) **Invercargill Central Business District Area:** The hours between 8.00 am on any day to 3.00 am the following day.
  - (ii) **Invercargill (other than the Invercargill Central Business District Area):** The hours between 8.00 am on any day to 1.00 am on the next day.
  - (iii) **Gore District/Southland District:** The hours between 8.00 am on any day to 3.00 am on the following day.
2. **On-licences (Class 2 and Class 3 restaurants) including BYO restaurants:**  
The hours between 8.00 am on any day of the week to 1.00 am the following day.
3. **Off-licences:**  
The hours between 7.00 am on any day to 11.00 pm the same day and includes dedicated "bottle store" outlets and "across the bar" sales.
4. **Club licences:**  
Not to operate outside the hours of 8.00 am - 3.00 am. (Note: Applications for Club licences will need to justify the hours requested on the basis of the activity of the Club.)
5. **Special licences:**  
No restriction, however applications for Special Licences will need to justify the hours requested in terms of the purpose of the function or event.

**Note:** All above provisions are subject to Sections 47 and 48 of the Act, which relate to the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday and Christmas Day.



## **Reasons:**

### **Off-licences**

- (i) The default trading hours provided for in the Act have been accepted. The risks associated with later closing times do not outweigh the benefit of providing a service where there is a demand.

### **On-licences**

- (i) Earlier closing hours reduce the risk of alcohol-related offences occurring. The later premises close, the higher the percentage of alcohol-related offending. Ministry of Justice studies indicate that there is a direct correlation between the lateness of closing hours of on-licences and club licences and alcohol related offending. The later the premises closes, the higher the risk of offending (5). Information supplied by the Police (4) indicated that calls relating to alcohol related events in Invercargill City peaked at 3,117 in 2009 but had reduced to 2,723 by 2012 in response to earlier closing times.
- (ii) The policy reflects hours currently observed.
- (iii) In Invercargill the Proposed District Plan contains policies favouring the ongoing maintenance and development of the CBD as a late night entertainment area. Earlier closing of on-licences in suburban areas helps maintain residential amenity in Invercargill and helps direct late night entertainment into the CBD.
- (iv) 1.00 am closing for restaurants reflects the purpose of a restaurant licence.

### **Club Licences and Special Licences**

- (i) The pattern of social behaviour should relate to the activity of the club, in the case of a club licence, and the nature of the occasion, in the case of a special licence, and the alcohol licence should be tailored accordingly.

## C. DISCRETIONARY CONDITIONS

### POLICY C1: DISCRETIONARY CONDITIONS

Alcohol licences of any type may be issued subject to discretionary conditions. A list of the possible conditions are detailed below. Applicants are encouraged to consider the discretionary conditions, and submit as to their applicability. Matters which may be addressed in discretionary conditions include, but are not restricted to, the following:

#### A. Premises layout and design

- (i) Design and layout requirements
- (ii) Minimum seating requirements
- (iii) Maximum numbers of patrons

#### B. Staffing

- (i) Training requirements for staff
- (ii) Management requirements in relation to staff (e.g. number of staff, duty managers)
- (iii) Prescribed ratio of security staff to patrons
- (iv) Uniform requirements (e.g. high visibility vests for security staff)

#### C. Host responsibility

- (i) Queue management
- (ii) Provision of food
- (iii) Management of an event in such a way as to reduce abuse of alcohol, e.g.
  - Ten minutes of “no alcohol service” every hour
  - No “shots” served after midnight
  - Limits on the number of drinks sold in any one transaction
  - Restrictions on use of glass vessels
  - Minimum wind-down periods (or short duration closings – to encourage a break in drinking and food consumption)
  - Restrictions on discounts (e.g. “happy” hours)
  - Steps to prevent sales to minors
  - One-way door policy
  - Entry or “cover charge”
  - Restrictions on activities (e.g. drinking games, cage fights)
  - Provision of a place of safety for any intoxicated patrons
  - Limiting the sale of undiluted spirits close to closing time
  - Restricting the number of serves per sale at large scale events
  - Membership and expansion of the IBAN (Invercargill Bar Alert Network)
  - Support mechanisms for sober drivers

- Advertising proposed for the event
  - Advertising of alcohol promotions or “specials”
  - Procedures that will ensure that minors only receive legal alcohol on the premises/event
  - Requiring the presence of a Duty Manager
- (iv) Availability of transport home for patrons

*D. Amenity and good order*

- (i) Cleaning the outside of the premises and immediate environs
- (ii) Use of CCTV
- (iii) Signage and advertising

*E. Management of incidents*

- (i) Licensee to keep a register of incidents
- (ii) Mandatory notification to Police of violent incidents

*F. CPTED Principles.*

Reason:

Experience has shown that attention to the matters raised as possible conditions can help alleviate harm associated with consumption of alcohol at that event or premises.

The Committee also wishes to create a local practice note that will encourage (but not require) a pre-application meeting. This will enable the applicant to discuss the various conditions prior to lodging an application.

Each and every condition will not be applicable to each and every Licence. The Licence applicant can submit on those conditions it thinks are most applicable and the Committee can impose such conditions as may be applicable from the list.

This policy is to encourage good working relationships between Councils and industry providers while enabling the use of conditions to promote the purposes of the Act.

# RELATED MATTERS

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## ALCOHOL BAN AREAS

The Gore District, Invercargill City and Southland District Councils intend to maintain and enforce existing Alcohol or Alcohol Ban Areas established under a bylaw or bylaws promulgated under the Local Government Act 2002.

### Reason:

Alcohol or alcohol ban areas were introduced within the Invercargill City and Gore and Southland District areas in response to requests by Police and also property owners in the affected areas. They have proven an effective way to enable Police to intervene in situations where alcohol use or abuse has been a factor.

### Background:

*"The growing incidence of drinking in public places, especially by young people, has been a particular source of anxiety, as are reports of alcohol-fuelled street violence. With the decriminalisation of public drunkenness in the early 1980s, some observers have pointed to a lack of tools which frontline police can use to "nip trouble in the bud", leading to calls for local councils to pass by-laws which prohibit the possession or consumption of alcohol in defined public places." (6)*

However, the Police submission noted:

*"Repeat observations and anecdotal information continue to indicate that a significant number of people continue to ignore the (Invercargill) alcohol ban by consuming alcohol whilst travelling around/through the CBD ...." (5)*

Considering alcohol bans over New Zealand as a whole, Webb, Marriott-Lloyd and Grenfell (6) concluded:

*".... largely uncontrolled and unregulated use of alcohol in public places (especially main public thoroughfares and inner city parks) can frustrate local police goals of crime reduction and inner city safety. From a crime science perspective, such locations for public place drinking can be seen as "offender convergence settings", where offenders meet, spend time and identify potential co-offenders ..... Seen in this light, disrupting such locations by proactively enforcing alcohol ban bylaws gives police a useful way to minimise the serious impact of alcohol-related co-offending. Police also recognise that there should not be a "silver bullet" mentality about alcohol bans ...."*

## Implications:

The alcohol ban areas already in existence need to be enforced. For local authorities, this means

- Ensuring that signage is adequate and is maintained.
- Ensuring that the bylaws are reviewed as necessary.
- Taking necessary steps to enforce the bylaw with the Councils' own regulatory staff.

## REFERENCES

- (1) Holder H.D. Alcohol Related Data Collection for Harm Reduction Purposes at the Local Level: A Review of New Zealand Data and Action Recommendations. Alcohol Liquor Advisory Council. January 2003.
- (2) ALAC: The Way We Drink 2005; ALAC Occasional Publication No 27.
- (3) Public Health South: The Impact of Alcohol on the Health of Southern Communities - a Report to Inform the Development of Local Alcohol Policies by Southern District Councils, 1 July 2013).
- (4) ALAC Alcohol Monitor, Research NZ, 14 January 2011.
- (5) New Zealand Police: Calls to Police (and Invercargill offences) related to alcohol – Southland Area, Released 07 October 2013.
- (6) Webb M, Marriott-Lloyd P, Grenfell M: Banning the Bottle: Alcohol Bans in New Zealand. Ministry of Justice.

# GLOSSARY

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All terminology used in this Policy shall have the same meaning as that used in the Sale and Supply of Alcohol Act 2012. The more commonly used terms are reproduced below:

- Alcohol** Means a substance -
- (a) That -
    - (i) Is or contains a fermented, distilled, or spirituous liquor; and
    - (ii) At 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
  - (b) That -
    - (i) Is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
    - (ii) Is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
  - (c) That, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.
- 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.
- Intoxicated** Means observably affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:
- (a) Appearance is affected
  - (b) Behaviour is impaired
  - (c) Co-ordination is impaired
  - (d) Speech is impaired
- Licence**
- (a) Means a licence issued under this Act that is in force; and
  - (b) In relation to any licensed premises means the licence issued for them (or, in the case of premises that two or more licences have been issued for, any of those licences).

**NOTE:** Under Section 13 of the Act there are four kinds of licence: On-licences, Off-licences, Club licences and Special Licences. Reference should be made to Sections 13 – 22 of the Act for further details/kinds of licences.

**Local Alcohol Policy:**

- (a) Means a policy, in force under Section 90 of the Act, relating to the sale, supply, or consumption of alcohol (or to two or all of those matters) within the district of a territorial authority or the districts of two or more territorial authorities; and
- (b) In relation to a territorial authority, means a policy, in force under Section 90, relating to the sale, supply or consumption of alcohol (or to two or all of those matters) within its district or the districts of two or more territorial authorities that include it.

**Premises:**

- (a) includes a conveyance; and
- (b) includes part of any premises; and
- (c) in relation to a licence, means the premises it was issued for.

**Other Terms used in this report:**

**Binge drinking:** Drinking alcoholic beverages with the primary intention of becoming intoxicated by heavy consumption of alcohol over a short period of time.

**Pre-loading:** Drinking alcoholic beverages at home or other non-licensed premises, prior to a planned visit to a licensed premises, with the primary intention of being at least partially affected by alcohol prior to arriving at the licensed premises.

