



Joint Committee – Combined Local Alcohol Policy Meeting of Wednesday 5 June 2019

Combined Local Alcohol Policy – Statement of Proposal

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1. Introduction

Invercargill City Council (ICC) and Southland District Council (SDC) are reviewing the Combined Local Alcohol Policy (LAP).

A Joint Local Alcohol Committee (the committee) has been established, consisting of representatives from both councils, in order to manage and oversee the review process.

The LAP is a policy drafted by the committee, in consultation with the community, concerning the licensing of premises for the sale and supply of alcohol.

The current LAP came into effect in 2016. On adoption of the policy, it was resolved to review it after two years instead of the statutory six. It was decided to have an earlier review date to give a formal opportunity to the participating councils, the partner agencies, the key stakeholders, and the wider community, to consider the application and efficiency of the new policy.

The committee is seeking feedback on the draft policy over a submission period that will run from 8am 1 July to 5pm 5 August 2019. People who make a written submission can request to also make an oral submission to the Committee.

2. Background information

ICC and SDC are reviewing the LAP to confirm the policy is still relevant for licensing within the territorial boundaries of the councils.

Both councils recognise that within their districts there is concern about the effects of excessive and inappropriate drinking.

ICC and SDC view the LAP as an important tool to assist the District Licensing Committee in making its decisions and to help achieve the objective of the Sale and Supply of Alcohol Act 2012 (the act).

The object of the act is that:

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

3. Summary of proposed changes

The draft LAP is included as Attachment A.

The current LAP contains the following types of licensing policies:

- sensitive premises
- trading hours
- discretionary conditions

The draft LAP is largely the same as the current LAP - there have only been minor changes to streamline the policy in terms of content and style, rather than significant changes to policy content.

In undertaking the review of the LAP, the committee has considered a range of policy options, some of which were not supported and not included in the draft LAP.

| Current element | Proposed amendment | Support/not support | Summary of reasons |
|--|--|---------------------|--|
| Sensitive premises | | | |
| | No change | Supported | |
| Trading hours | | | |
| On-licenses | Addition of a section within on-licenses to include those establishments that are not currently included eg lodges and boats in Milford, theatres, caterers, function centres and cellar doors | Supported | These have been included for consistency but with the acknowledgement that they are variable and will be assessed on a case by case basis |
| Off-licenses: Hours of operation from 7am on any day to 11pm the same day | Hours of operation from 7am on any day to 10pm the same day | Not supported | The default trading hours provided for in the Act have been accepted. The risks associated with later closing times are not supported by evidence for the LAP District |
| Club licenses | No change | Supported | |
| Special licenses | No change | Supported | |
| Discretionary Conditions | | | |
| Premises layout and design | No change | Supported | |
| Staffing | Certified manager to be on duty at club-licensed premises, excluding chartered clubs, when alcohol is being sold or supplied during higher risk periods that are | Supported | Proposed to reduce compliance costs for clubs. To be assessed on a case by case by the committees |

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|--|--|---------------|--|
| | determined by the Committees | | |
| Host responsibility | Display of safe drinking messages/material | Supported | Proposed to encourage responsible alcohol sales |
| | Addition of sub section reflecting any other matter that can encourage responsible alcohol sales, supply and consumption | Supported | Proposed to address issues such as payment options (ie pay wave) that do not help staff recognize intoxication levels |
| Amenity and good order | No change | Supported | |
| Management of incidents | No change | Supported | |
| CPTED principles | No change | Supported | |
| Other inclusions discussed by the committee | | | |
| | Revisit the need for social impact study to accompany any application for new off-licenses | Not supported | The act does not make provision for a social impact study within a LAP. These matters are considered adequately covered in s105 and s 106 of the Act |

4. The reasons for the proposal

The main reasons for this proposal are to:

- seek feedback on the policy approach from the community
- meet the requirements of act (section 95 and section 97)
- where appropriate, update the policies and refine wording/formatting

5. How to have your say

Anyone can make a submission online at <https://www.southlanddc.govt.nz/my-council-/have-your-say/>.

Submissions will be accepted from 8am on 1 July 2019 and must be received by 5pm on 5 August 2019.

All submissions should state:

- the submitter's name
- the submitter's contact details
- whether or not the submitter would like to speak to the Committee about this matter.

If you need help submitting please contact Southland District Council at 0800 732 732, or call in to one of either Southland District or Invercargill City Councils' offices. All written submissions will be acknowledged and made available to the public.

As part of the consultation process, the committee will be giving notice of this proposal to special interest groups and Te Ao Marama, to inform them of the public submission period.

At the close of submissions, the committee will hear those wishing to be heard in support of their submissions. These hearings will take place in Invercargill and Te Anau in August. These meetings are open to the public. If you indicate you would like to be heard, staff will get in touch with you to arrange a time for you to speak at the hearing. If at the hearing you have any requirements, such as that you would like to speak via video conference or you would like to use sign language, please let us know.

6. Timetable for consultation

The dates below outline the timetable for the consultation process. Any changes to these dates will be publically advised on Councils' Facebook pages and websites.

| Date | Activity |
|--------------------|--|
| 5 June 2019 | Committee adopts the proposal for consultation |
| 1 July 2019 | Consultation period begins (8am) |
| 5 August 2019 | Consultation period ends (5pm) |
| End August 2019 | Oral submissions heard by the Committee (at Invercargill City Council offices, 101 Esk St, Invercargill) |
| End August 2019 | Oral submissions heard by the Committee (at Southland District Council offices, 15 Forth St, Invercargill) |
| End August 2019 | Oral submissions heard by the Committee (Council offices, Te Anau) |
| Mid September 2019 | Provisional LAP will be prepared and ratified by the Committee |
| TBC | The LAP comes into effect 30 days after it is publically notified provided there are no appeals |

7. Options

The Committee has two possible options on how it could proceed. These are to:

- option 1 – adopt the draft policy, or
- option 2 – adopt an amended policy

The advantages and disadvantages of these options are outlined below.

Option 1 – adopt the draft policy

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none"> • a consistent approach is beneficial for alcohol licence applicants and is promoted by the Southland Regional Development Strategy • is consistent with the previous approach taken by councils • is part of a process that aims to assist in improving the overall health and wellbeing of our communities | <ul style="list-style-type: none"> • an amended policy may better reflect community/stakeholder views • a LAP results in more monitoring and reporting. As it is not compulsory, it could be viewed as an additional administrative burden, with a financial cost attached |

Option 2 – adopt an amended policy

| <i>Advantages</i> | <i>Disadvantages</i> |
|--|--|
| <ul style="list-style-type: none">• an amended policy may better reflect community/stakeholder views | <ul style="list-style-type: none">• a significant change in approach may be confusing to both the public and the people who run alcohol licensed premises• may require further consultation if significant changes are proposed• a LAP results in more monitoring and reporting. As it is not compulsory, it could be viewed as an additional administrative with a financial cost attached. |

Draft COMBINED LOCAL ALCOHOL POLICY

Purpose

A Local Alcohol Policy (LAP) enables local authorities to make a meaningful contribution towards addressing issues associated with the sale, supply or consumption of alcohol.

This combined local alcohol policy (the policy) has been developed in recognition of the significant harm that the excessive consumption of alcohol has in our communities.

The policy is in line with the Sale and Supply of Alcohol Act 2012 (the Act), 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 alcohol consumption, is minimised.

The policy aims to inform the decisions of the District Licensing Committees (the Committees) on alcohol licences for the sale of alcohol within the Invercargill City and Southland District boundaries (the LAP District), not including Gore District.

The policy will provide direction as to whether alcohol licences shall be granted and what licence conditions could be imposed.

Scope

Through the LAP, the Committees are able to:

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

Definitions

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| ALCOHOL | means a substance that is or contains a fermented, distilled or spirituous liquor; and at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or that is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and is alcohol when completely thawed to 20°C; or 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 |
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| CELLAR DOOR | means that same as in the Act and includes tasting rooms at a Brewery or distillery. It excludes the sale of alcohol not brewed, distilled or made by that licence holder. |
| CLUB | means a body that is a body corporate having as its objective (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or is a body corporate whose object is not (or none of whose objects is) gain; or holds permanent club charter |
| CPTED PRINCIPLES | means <i>Crime Prevention through Environmental Design</i> and are set out in the Ministry of Environment November 2005 publication <i>National guidelines for crime prevention through environmental design in New Zealand</i> |
| ENTERTAINMENT VENUE (includes centre) | means a venue that is used to provide entertainment. The entertainment may be arranged and organised by the owner/operator of the venue and features some or all of the following: <ul style="list-style-type: none"> • a reasonable cover charge would apply – to be included in all advertising of any entertainment event • live entertainment would be provided on a regular, frequent and ongoing basis (live entertainment is entertainment by way of live performers, including bands, solo artists, live DJs, comedians) • a stage, dance floor or similar area would be available for entertainers and/or patrons to use • the design of the premises including the size of the bar will be required to be consistent with the nature of the principal form of entertainment |
| FUNCTION CENTRE | means a centre that is used to host events/gatherings or occasions regardless of whether or not the Centre has its own licence or is linked to another licenced venue |
| HIGHER RISK PERIODS | means a period of time where either the number of patrons is likely to exceed a specified number or the type of event is assessed to be of greater risk. These higher risk periods will be determined by the Committees on a case-by-case basis. |
| HOST RESPONSIBILITY | means a policy and/or a plan designed to reduce the abuse of alcohol by creating and promoting a safe drinking environment |
| INTOXICATED | means observably affected by alcohol, other drugs, or other substances (or a combination of two or all of those things) to such a degree that two or more of the following are evident: <ul style="list-style-type: none"> • appearance is affected • behaviour is impaired • coordination is impaired • speech is impaired |
| INVERCARGILL CENTRAL BUSINESS DISTRICT | has the same meaning as the Proposed Invercargill City District Plan (or any other plan in substitution) and is shown in the map attached to this policy |
| LAP DISTRICT | means the territorial districts of Invercargill City Council and Southland District Council |
| LICENCE | means a licence issued under the Sale and Supply of Alcohol Act 2012 that is in force; and 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 |

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| SENSITIVE PREMISES | means any school, child care facility, preschool or other facility providing for the education or care of children, or any place of religious gathering or assembly, or any residential activity including a dwelling or apartment and any community facility within 50 metres of the address with or applying for the licence. |
| SIGNIFICANT CHANGE IN STYLE | includes any increase in the risk level to a premise (for example going from a restaurant to a night club/bar) and/or where the nature of the operation is likely to change |
| TRADING HOURS | means the hours a business may be licensed to be open to sell or supply alcohol |

Key Issues

Identifying the problem

Alcohol misuse is a social problem and public health problem with significant implications for the social and economic well-being of people in the LAP District.

A minority of the alcohol sold is consumed in licensed premises or at licensed events, where there is supervision, control and host responsibility. A majority of alcohol is consumed in situations where there may be little control or supervision.

It is a priority to reduce the harm cause by alcohol misuse

As alcohol misuse is a serious social problem and public health problem, the Invercargill City and Southland District Councils (the Councils) will recognise and address alcohol misuse through their policies and through the way they deliver services to the people in the LAP District.

The Councils also have the ability to address alcohol misuse through their responsibilities under the Act.

The policy is a way people in the region can address alcohol misuse.

Providing a safe drinking environment

It is important that there are safe environments for the responsible sale, supply and consumption of alcohol.

Through this policy, 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.

Policy Review

The policy will be reviewed six yearly to ensure it is up to date, relevant and meets legal requirements. At the review stage, information relating to alcohol related harm for the area will be gathered.

The following information will be sought:

- monitoring reports of premises and events, and the conditions imposed on licences (from the Councils' licensing inspectors)
- statistics of hospital admissions of alcohol-related harm incidents and associated costs that relate to the LAP District (from the Southland District Health Board);
- monitoring statistics of education outcomes and an outline of community issues (from Primary Health South)
- statistics on alcohol related crime in the region's communities, as well as controlled purchase operations (from the New Zealand Police)

THE POLICIES

Sensitive premises

When the Councils receive an application for a proposed On, Off or Club Licence or a renewal where the application pertains to a significant change in the style or operation of the business (not including special licence applications), evidence of consultation with all applicable sensitive premises shall be provided with the application, if the licenced premises is within 50 metres of the boundary of a sensitive premise.

Sensitive premises are:

- any school, childcare 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

In relation to providing evidence of consultation with a tenanted property, the applicant will have to provide evidence that they consulted with both landowners and tenants.

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

This requirement is to ensure that neighbouring properties are aware of the possibility that a licensed premise may be established nearby or that an existing licenced premise may have its licence renewed or altered. This requirement also ensures the occupants, owners or other parties related to a sensitive premise have an opportunity to voice any concerns, and for the applicants to respond to these.

Trading Hours

The following shall be the maximum trading hours for the sale, supply and consumption of alcohol (within the context of alcohol licences) on licensed premises within the LAP District:

- *On-licences – bars, taverns, hotels, entertainment venues and Class 1 restaurants:*
 - **Invercargill Central Business District Areas:** the hours between 8.00 am on any day to 3.00 am the following day.
 - **Invercargill** (other than Invercargill Central Business District Areas): the hours between 8.00 am on any day to 1.00 am the following day.
 - **Southland District:** the hours between 8.00 am on any day to 3.00 am the following day.
- *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.
- *On-licences – Other.* No restriction, however applications for licences will need to justify the hours requested in terms of the purpose of the function or event. Including but not limited to:
 - function centres
 - theatres
 - boats and lodges in Milford Sound
 - caterers
 - cellar doors
- *Off-licences*
 - the hours between 7.00 am on any day to 11.00 pm the same day and include dedicated 'bottle store' outlets and 'across the bar' sales.
- *Club licences*
 - not to operate outside the hours of 8.00 am to 3.00 am.
 - applications for club licences will need to justify the hours requested on the basis of the activity of the club.
- *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.

All above provisions are subject to sections 47, 47A 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.

Discretionary Conditions

The Act enables the Committees to issue a license subject to discretionary conditions that are consistent with the Act. In terms of promoting responsible sale and supply, conditions that might be imposed include, but are not limited to:

- *Premises layout and design*
 - design and layout requirements
 - minimum seating requirements

- *Staffing*
 - training requirements for staff
 - management requirements in relation to staff (e.g. number of staff, duty managers)
 - prescribed ratio of security staff to patrons
 - uniform requirements (e.g. high visibility vests for security staff)
 - certified manager to be on duty at club-licensed premises, excluding chartered clubs, when alcohol is being sold or supplied during higher risk periods that are determined by the Committees.

- *Host responsibility*
 - queue management
 - provision of food
 - management of an event in such a way as to reduce abuse of alcohol
 - availability of transport home for patrons
 - display of safe drinking messages/material
 - any other matter that can encourage responsible alcohol sales, supply and consumption

- *Amenity and good order*
 - cleaning the outside of the premises and immediate environs
 - use of CCTV
 - signage and advertising

- *Management of incidents*
 - licensee to keep a register of incidents
 - mandatory notification to police of violent incidents

- *Utilising CPTED principles*

The Committees can impose such conditions they deem to be appropriate, from the list.

The process for setting discretionary conditions aims to encourage a good working relationship between the Councils and industry providers. The discretionary conditions also help promote the purposes of the Act.

SCHEDULE ONE

Invercargill City and Southland District Councils intend to maintain and enforce existing Alcohol and Alcohol Ban Areas established under a Bylaw or Bylaws promulgated under the Local Government Act 2002.

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