



# Joint Local Alcohol Policy

<b>Approved by:</b>	Mackenzie, Timaru and Waimate District Councils
<b>Group:</b>	Environmental Services
<b>Responsibility:</b>	Environmental Compliance Manager
<b>Date adopted:</b>	13 February 2024 (by Timaru District Council); 27 February 2024 (by Mackenzie District Council and Waimate District Council)
<b>Review:</b>	Every 6 years or as required This Policy does not cease to have effect because it is due for review, or being reviewed
<b>Consultation:</b>	Required – Special Consultative Procedure
<b>Policy Type</b>	Council External Operational

## Introduction

### Policy Purpose

1. To provide a framework for the safe and responsible sale, supply and consumption of alcohol in South Canterbury;
2. To clearly outline the decision-making approach for applicants and the community, and to enable consistent decisions to be made;
3. To contribute to the minimisation of alcohol-related harm in South Canterbury, consistent with the object of the Sale and Supply of Alcohol Act 2012 (the Act), and;
4. To allow for the views of the local community to be reflected in licensing decisions.

### Scope

5. This policy applies to any licensing application made to a District Licencing Committee in the Mackenzie, Timaru and Waimate Districts.

### Definitions

6. Alcohol: has the same meaning as in the Act.
7. Alcohol Management Plan: a plan of measures and actions designed to manage the sale and supply of alcohol to achieve the objectives of the Act.
8. Alcohol-related harm: has the same meaning as in the Act.
9. Amenity and good order of the locality: has the same meaning as in the Act.

10. Authorised customer: in relation to a premises a club licence is held for, means a person who is a member of the club concerned, or; is on the premises at the invitation of, and is accompanied by, a member of the club concerned, or; is an authorised visitor.
11. Authorised visitor: in relation to a premises for which a club license is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.
12. Bar: has the same meaning as in the Act.
13. 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.
14. Business/ commercial zone: means land zoned for business or commercial activities in the relevant district plan at the time when the relevant off-licence application is determined. For the avoidance of doubt, the term includes land zoned for business activities (in contrast to industrial or residential activities) in any subsequent district plan, irrespective of the specific name of the zone.
15. Club: has the same meaning as in the Act.
16. Discretionary condition: the licensing authority or licensing committee concerned may issue a licence subject to particular conditions if there is any relevant local alcohol policy and in its opinion, the issuing of the licence or the consequences of the issuing of the licence without those conditions would be inconsistent with the policy or purpose of the Act.
17. District: has the same meaning as in the Act.
18. Early child education: A centre licensed under the Education (Early Childhood Centres) Regulations 1998 and meets Section 310 of the Education Act 1989.
19. Food product: has the same meaning as section 33 of the Act.
20. Grocery store: has the same meaning as section 33 of the Act.
21. Inspector: has the same meaning as in the Act.
22. Large event: means an event that the territorial authority believes on reasonable grounds will have a patronage of more than 400 people.
23. Local alcohol policy: has the same meaning as in the Act.
24. Medium event: means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.
25. Off-licence: is a licence for premises where the licensee can sell alcohol for consumption somewhere else.
26. On-licence: is a licence for premises where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol. This includes "Bring your own" restaurants and caterers.
27. One-way door restriction: has the same meaning as in the Act.
28. Primary school: schools offering education to children from years 1 to 8, or a variation of these years.

29. Ready to Drink Product (RTD): means a pre-packaged, pre-measured, and pre-mixed alcoholic beverage combining a spirit, wine, malt or fruit base with a carbonated soft drink or juice.
30. Restaurant: has the same meaning as in the Act.
31. Secondary School: schools offering education for students from years 9 to 15, and sometimes years 7 and 8 as well.
32. Small event: means an event that the territorial authority believes on reasonable grounds will have a patronage fewer than 100 people.
33. Supermarket: means premises with a floor area of at least 1000m<sup>2</sup> including any separate departments set aside for foodstuffs such as fresh meat, fresh fruit and vegetables, and delicatessen items.
34. Tavern: Has the same meaning as in the Act.

## **Policy Statements**

### *Licence Conditions*

35. The following conditions will be applicable to licensed premises in all three districts unless otherwise stated.

### *On-Licence*

36. On the premises where an On-Licence (other than an on-license endorsed under section 37 of the Act) is held, the licensee:
  - (i) can sell and supply alcohol for consumption there; and
  - (ii) can let people consume alcohol.
37. Policies related to On-licenses also apply to:
  - (i) Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act), and;
  - (ii) Caterers (endorsed under section 38 of the Act).
38. An application for an On-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.
39. Hours of operation are regulated as follows:
  - (i) The operation of On-Licence (Function centres, Restaurants and Cafes) premises are a Monday to Sunday: 7.00am to 1.00am (the following day);
  - (ii) The operation of On-Licence, (Taverns, Hotels, Bars and Nightclubs) premises are Monday to Sunday: 7.00am to 3.00am (the following day), and;
  - (iii) In the case of Hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.
40. Discretionary conditions of On-licenses (Function centres, Restaurants and Cafes) may include:

- (i) restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours).

41. Discretionary conditions for On-Licenses (Taverns, Hotels, Bars and Nightclubs) may include:

- (i) Dedicated door security staff must be provided on Thursday, Friday, Saturday nights and for any event occurring at any Tavern, Hotel, Bar and Nightclub with 100 or more people attending;
- (ii) Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours);
- (iii) No new licensed premise to be within 100 meters of any Early Childhood Centre, Primary school or Secondary school, and;
- (iv) No shots or double spirit mixes should be sold from 30 minutes prior to closing.

42. Locations of premises are regulated as follows:

- (i) From the date this LAP comes into force, no further On-licenses are to be issued for any premises unless that premises is located on the applicable zoned land described in the District Plan or a Resource Consent has been granted by Council for its operation.

#### *Off-Licence*

43. The premises where an Off-License is held, the licensee can sell alcohol for consumption off the premises.

44. While these premises are open the licensee can supply alcohol free for consumption on the premises as a sample up to 40ml. This excludes samples of undiluted spirits which are to be supplied as a sample of up to 25ml.

45. The holder of an Off-License may sell alcohol on or from the premises for it to be delivered elsewhere endorsed under section 40 of the Act.

46. An application for an Off-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

47. Hours of operation are regulated as follows:

- (i) The hours of operation for Off-Licenses apply to premises in the Mackenzie, Timaru and Waimate Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.
- (ii) The operation of Off-License premises (Grocery Stores, Hotel style, Supermarkets and Bottle stores) are Monday to Sunday: 7.00am to 9.00pm.
- (iii) The following hours apply to hotel in-bedroom (mini-bar) sales Monday to Sunday: 24 hours per day.

48. Discretionary conditions of Off-Licenses (Hotel style, supermarkets and bottle stores) may include:

- (i) The main façade of the premises, being the principal front of a building that faces onto a street or open space of any new licensed premise must not be within 100 meters of any Early Childhood Centre, Primary school or Secondary school, except that this policy shall not apply to premises that are located in a business zone of the Waimate District Plan or Mackenzie District Plan, or the commercial zone of the Timaru District Plan, and;
- (ii) Supervised designation for bottle stores (excluding supermarkets and grocery stores) to ensure unaccompanied minors do not enter bottle store premises.

49. Locations of premises are regulated as follows:

- (i) From the date this LAP comes into force, applications for new Off-licenses for any premises will only be granted if that premise is located on the applicable zoned land described in the District Plan or once a Resource Consent has been granted by Council for its operation.

#### *Club Licences*

50. On premises for which a club licence is held, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.

51. A significant number of clubs are in or adjacent to residential areas. The sale of liquor must be ancillary to the Club's activities, and the licensed hours must reflect the hours of the operation of the principle club activity.

52. Hours of operation are regulated as follows:

- (i) The operation of Club Licence premises are Monday to Sunday: 9.00am to 1.00am (the following day).

#### *Special Licences*

53. Hours of operation are regulated as follows:

- (i) Restrictions on hours will be imposed if the District Licensing Committee considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. Such issues may be raised by the Licensing Inspector, Police, Medical Officer of Health or other relevant affected parties, and;
- (ii) No Special Licence will be granted to extend later than 2am.

54. Special licences can cover an event or series of related events to a maximum of 20 events per premise per year (1 July to 30 June). A maximum of 15 events will be issued per 6 month period.

55. Discretionary conditions of special licences may include:

- (i) Sale of Ready to Drink (RTD) alcoholic beverages to be 5% or under in alcohol content.
- (ii) Provide an Alcohol Management Plan.
- (iii) No alcohol is to be sold in glass containers for events exceeding 100 people
- (iv) License area to be clearly defined where liquor is to be consumed e.g. Beer tent.
- (v) Wine not to be sold by the bottle.
- (vi) Maximum number of alcoholic drinks per purchase may be specified.

56. When setting discretionary conditions for special licences, the District Licensing Committee must have regard to the previous proven responsible history (if any) of the applicant.

#### *One Way Door*

57. All premises licensed to open to 3.00am shall apply a one way door restriction at 2.00am on Friday, Saturday and Sunday morning and for any event exceeding 100 people occurring at the premises.

#### *Transitional provisions*

58. The provisions of this policy come into effect after the Provisional policy is adopted as the final policy.

#### *Exemptions*

59. Any application for a new license or license renewal for any premises which had a current license at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises. The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current license or any subsequent license for the premises is surrendered or not renewed.

#### *Relationship to the Act*

60. This policy does not include all the provisions that may apply to license applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions.

#### **Monitoring**

61. The three territorial authorities, in conjunction with the Police and Medical Officer of Health, will monitor the policy to ensure it is operating to full effect. This includes active inspections of all types of licences.

62. An evaluation will be conducted 18 months after the policy comes into effect. If this evaluation results in an assessment that changes may be needed, the policy will be reviewed.

## Reporting

63. Officers will report monthly to the Alcohol Regulatory and Licensing Authority (ARLA) about all licences which have been granted.
64. Officers will provide an annual report to ARLA and Council.
65. Officers will participate in the annual survey undertaken by the Ministry of Justice.

## Adoption

66. The final policy was adopted by the Timaru District Council on 13 February 2024, and the Mackenzie District Council and Waimate District Council on 27 February 2024. The policy was implemented from 28 February 2024.

## Delegations, References and Revision History

### Delegations

Identify here any delegations related to the policy for it to be operative or required as a result of the policy

Section of the Act	Description	Delegation
	All the relevant powers, duties and responsibilities conferred by the Sale and Supply of Alcohol Act and the authority to take appropriate action in exercise of those powers, duties and responsibilities.	District Licensing Committee (DLC) Chair or Commissioner of the DLC Licencing Inspector Environmental Health Support Officer Environmental Health Officer
10	Reduction in fee for Special Licence by one class.	Secretary of the DLC
64(1)	Issue of licences, certificates and authorities.	Secretary of the DLC
66	Keep a record of applications and register of licensees to whom special licences have been issued.	Secretary of the DLC
72	Issue duplicate licences or certificates.	Secretary of the DLC
73(2)	Record the surrender of licence of manager's certificate.	Secretary of the DLC
100 (f)	Provide building code information for the issue of a licence.	Building Control Officer Building Compliance Officer Building Compliance and Enforcement Advisor
100 (f)	Provide Resource Management Act information for the issue of a licence.	Policy Planner Resource Consents Planner
102(5), 140(4)	Give to the applicant a copy of every objection to a licence application.	Secretary of the DLC
103(5), 141(6)	Send to the applicant a copy of any report filed on a licence application.	Secretary of the DLC
128(4)	Give to the applicant a copy of every objection to a renewal of a licence.	Secretary of the DLC
129	Authority to inquire into application	Secretary of the DLC Environmental Health Officer Environmental Health Support Officer Licencing Inspector

137	Acceptance or refusal to accept late applications for special licences.	Chair or Commissioner of the DLC
155(6)	Provide information to the licensing authority.	Secretary of the DLC
196	Authority to function as the Secretary of the District Licensing Committee.	Environmental Compliance Manager
197	Power to appoint Chief Licencing Inspector and licencing inspector.	Group Manager Environmental Services
189	Power to select DLC members from the combined list for hearings.	Secretary of the DLC
203(8)	Signing of decisions, orders, directions, certificate or other documents.	Secretary of the DLC
220(1), 220(5), 225(1), 225(5)	Administer documentation and reports for manager's certificates and renewals.	Secretary of the DLC
267, 268	Powers of entry on licensed premises and seize samples of alcohol.	Licencing Inspector Environmental Health Officer Environmental Health Support Officer
283(4), 284(3)	Administrative functions relating to the variation, suspension, or cancellation of special licences.	Secretary of the DLC
287	Automatic suspension of licence for non-payment of annual fee	Environmental Health Officer Environmental Health Support Officer Licencing Inspector

#### References

Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)

Title	Relevant Reference within Document
N/A	

#### Revision History

Summary of the development and review of the policy

Revision	Owner	Date Approved	Approval By	Next Review	Doc Ref
V1	Environmental Compliance Manager	21 December 2015 (by ARLA)	Mackenzie, Timaru and Waimate District Councils	March 2022	-
V2	Environmental Compliance Manager	27 February 2024	Mackenzie, Timaru and Waimate District Councils	Commence first half of 2029	#1591426