

**SOUTHLAND**  
DISTRICT COUNCIL



# **Combined Local Alcohol Policy 2019**

**Adopted 6 December 2019**

**Operative 31 March 2020**

## 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 a 'one way door' condition that would allow patrons to leave premises but not to enter or re-enter after a certain time
- recommend **discretionary conditions** for licences
- provide for the maximum trading hours of on, off and club licences.

## Definitions

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| <b>Alcohol</b>          | 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 |
| <b>Cellar door</b>      | Includes tasting rooms at a brewery or distillery. It excludes the sale of alcohol not brewed, distilled or made by that licence holder.  |
| <b>Club</b>             | Means a body that is a body corporate having 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   |
| <b>CPTED principles</b> | Means <i>Crime Prevention Through Environmental Design</i> and are set out in the Health Promotion Agency publications <i>Safer Bars and Restaurants – A guide to Crime Prevention Through Environmental Design (CPTED)</i> and <i>Safer Bottle Stores - A</i>  |

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|   | <i>Guide to Crime Prevention Through Environmental Design (CPTED)</i>   |
| <b>Entertainment venue (includes centre)</b>  | <p>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:</p> <ul style="list-style-type: none"> <li>• a reasonable cover charge would apply – to be included in all advertising of any entertainment event</li> <li>• 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)</li> <li>• a stage, dance floor or similar area would be available for entertainers and/or patrons to use</li> <li>• 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.</li> </ul> |
| <b>Function centre</b>                        | 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   |
| <b>Higher risk periods</b>                    | 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   |
| <b>Host responsibility</b>                    | Means a policy and/or a plan designed to reduce the abuse of alcohol by creating and promoting a safe drinking environment  |
| <b>Intoxicated</b>                            | <p>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:</p> <ul style="list-style-type: none"> <li>• appearance is affected</li> <li>• behaviour is impaired</li> <li>• coordination is impaired</li> <li>• speech is impaired.</li> </ul>   |
| <b>Invercargill central business district</b> | 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  |
| <b>LAP district</b>                           | Means the territorial districts of Invercargill City Council and Southland District Council   |
| <b>Licence</b>                                | 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  |
| <b>Sensitive premises</b>                     | 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  |

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|                                    | including a dwelling or apartment and any community facility within 50 metres of the address with or applying for the licence.  |
| <b>Significant change in style</b> | 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 |
| <b>Trading hours</b>               | 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 caused 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:
    - earliest opening time 8am on any day
    - latest closing time 3am the following day.
  - Invercargill (other than Invercargill central business district areas):
    - earliest opening time 8am on any day
    - latest closing time 1am the following day.
  - Southland District:
    - earliest opening time 8am on any day
    - latest closing time 3am the following day.
- on-licences – class 2 and class 3 restaurants, including BYO restaurants:
  - earliest opening time 8am on any day
  - latest closing time 1am 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 – this includes dedicated ‘bottle store’ outlets and ‘across the bar’ sales:
  - earliest opening time      7am on any day
  - latest closing time      11pm the same day.
- club licences
  - earliest opening time      8am on any day
  - latest closing time      3am the following day.
  - 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 (eg number of staff, duty managers)
  - prescribed ratio of security staff to patrons
  - uniform requirements (eg 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.

## **Other Matters**

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.