
**ADOPTION OF THE DRAFT ALCOHOL MANAGEMENT
STRATEGY AND DRAFT LOCAL ALCOHOL MANAGEMENT
PLAN**

1. Purpose of report

This paper reports outlines feedback from submissions on the draft Alcohol Management Strategy (AMS) and draft Local Alcohol Policy (LAP) and seeks the Committee's approval of the final AMS and provisional LAP.

2. Executive summary

Council needs to act to avoid blanket 4am closing. This approach provides tools to enable the DLC to make decisions to support a safe and vibrant city.

The Sale and Supply of Alcohol Act 2012 allows councils to develop a local alcohol policy that looks at the sale and availability of alcohol – including the number of outlets, their location, and conditions under which they can operate.

Councils that do not prepare a LAP will be subject to national maximum trading hours. The trading hours would be 8am–4am for on-licences (bars, clubs, and restaurants) and 7am–11pm for off-licences (liquor stores and supermarkets). The inability to set trading hours specific to areas in the city creates a risk for achieving our strategic goals.

Getting the balance right has been a challenge.

In November 2012, the Council decided to begin the process by preparing an Alcohol Management Strategy. The AMS provides a broader context for the draft LAP. In June 2013, the Council decided to release the draft AMS and draft LAP for public comment. The Council received almost 1,900 submissions, the majority generated by Hospitality New Zealand. The submissions have assisted the Council in finding the right balance in progressing the City's strategic goals for a dynamic central city with vibrant suburban centres while identifying how we can all play a part in reducing alcohol related harm.

On balance, we have made some changes to support a vibrant and safe late-night economy.

The report outlines a set of recommended amendments in response to submission feedback. Key changes include removing the Entertainment Precinct, setting maximum on-licence trading hours for the central city at 7am-5am, and maximum off-licence trading hours at 7am-11pm.

Setting standard maximum on-licence trading hours across the entire central city will address submitters' concerns about the potential for an Entertainment Precinct to stifle innovation and growth in the sector. The innovative risk-management framework provides a robust position to contemplate on-licence trading beyond the default hours and stagger closing times to minimise harm.

It also provides the District Licensing Committee the ability to reward good practice. For 80% of on licences there is little or no additional change outside what will happen when the new legislation comes into effect as they are good operators who contribute to our City economy and provide a safe environment.

Maximum off-licence trading hours remain at 11pm

The trading hours provisions in the LAP are not retrospective, they take effect on renewal. It means there is a window to work with the industry to generate robust information to allow the DLC, armed with the risk-management framework, to be best placed to set the specific trading hours for licensed premises. Setting maximum off-licence trading hours between 7am-11pm with the view to broker a voluntary accord for a six month trial for 9pm closing for the central city and Southern Zone on Friday and Saturday enables Wellington-specific information on the impact of reduced off-licence trading hours.

The LAP is part of a package of initiatives to deliver a safe vibrant City

The proposed amendments to the LAP are proposed to be complemented by initiatives in the AMS to deliver on our strategic drivers for a dynamic central city with vibrant suburban centre while reducing alcohol related harm. These include working with the government on minimum pricing and price advertising, a social marketing campaign promoting personal responsibility, and investigating a region-wide initiative to make public intoxication an offence.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

- 1. Receive the information.*
- 2. Note the feedback from consultation on the draft Alcohol Management Strategy and draft Local Alcohol Policy (attached as Appendix 1).*
- 3. Adopt the final Alcohol Management Strategy (attached as Appendix 3).*
- 4. Determine that regard has been given to the matters in section 78(2) of the Sale and Supply of Alcohol Act 2012 in preparing the Provisional Local Alcohol Policy (attached as Appendix 4).*
- 5. Recommend that Council adopt the Provisional Local Alcohol Policy.*
- 6. Agree to delegate to the Chief Executive and the Social Portfolio Leader, the authority to amend the Alcohol Management Strategy and Provisional Local Alcohol Policy to include any amendments agreed by the Committee and any associated minor consequential edits.*

7. *Recommend that Council agree to give public notice of the Provisional Local Alcohol Policy and the rights of appeal pursuant to section 80 of the Sale and Supply of Alcohol Act 2012 on January 21, 2014.*
8. *Recommend that Council agree to delegate to the Chief Executive and the Mayor, the authority to amend the Provisional Local Alcohol Policy to include any amendments arising from Sale and Supply Alcohol Act 2012 regulations.*
9. *Agree that the Alcohol Management Strategy implementation priorities for the current financial year and leading into 2014/15:*
 - (a) *Exploring a voluntary accord for a six month trial of 7am-9pm trading hours for the central city and Southern Zone.*
 - (b) *Running a social marketing campaign on pre-loading and side-loading*
 - (c) *Establishing a 'Capital Host' initiative for off-licences*
 - (d) *Exploring a regional approach to making being intoxicated in a public place an offence.*
10. *Note the information that will be added to an update of the Alcohol Management Snapshot publication (attached as Appendix 5).*

4. Background

The Committee received a report on June 20 outlining the process to prepare and decision-making parameters for a draft Alcohol Management Strategy and draft Local Alcohol Policy. The Council agreed to consult on a draft AMS and draft LAP using the Special Consultative Procedure on June 26. The consultation period went from July 2 to August 2 with oral submissions heard by the whole Committee on 6, 7, 8, and 15 August 2013. The Council received 1,861 submissions comprised of:

- 176 from Council channels such as the submission form, letters and emails
- 393 from a separate submission form promoted by Hospitality New Zealand (HNZ)
- 1,292 from a short-form version of HNZ submission form.

282 submitters indicated they wished to speak to the Committee but only 60 took up the opportunity. A report on the feedback from the consultation process can be found at Appendix 1.

4.1 Submission characteristics

Appendix 1 highlights there is a clear difference in the nature of the feedback through the Council promoted and Hospitality New Zealand channels. The feedback through Council channels reflected the polarised views that has characterised our community engagement throughout the process of preparing the draft strategy and policy. In contrast, the Hospitality New Zealand feedback, promoted through social media, on-premises stalls, and advertisements in the Entertainment section of newspapers, indicates a strong preference for a more permissive draft Local Alcohol Policy.

Many submissions presented reasoned and evidence-based arguments to support their position. The challenge for the Council is that the evidence presented is often contradictory making it difficult to reconcile different viewpoints. While there was common ground on the need for partnership, collaboration, and addressing issues in a comprehensive manner, there were polarised views on the role regulation can play in finding the right balance in progressing the City's strategic goals for a dynamic central city with vibrant suburban centres while identifying how we can all play a part in reducing alcohol related harm.

4.2 Default maximum trading hours transition

On December 18, the national maximum trading hours take effect until the Local Alcohol Policy becomes operative. Currently, there are 31 premises (excluding hotels) trading beyond 4am that will be affected by standardised closing for on-licences. These transitional provisions will have an immediate social and economic impact on Wellington.

Electronic card transactions in the Wellington region between 4–7am total \$33m per year – 22 percent of all late-night transactions nationally. Almost 6,000 people are employed in the local hospitality sector. Hospitality New Zealand estimates that \$11m of wages are paid between 4-7am which will be lost when the national maximum trading hours take effect.

Access to transport, toilets, and takeaways are already flashpoints for those out late at night. The 4am blanket closing time is expected to put even greater pressure on these resources. Officers have established a project team to establish measures to mitigate the impact of standardised closing hours and implementation is planned to happen with the support of key stakeholders through the Capital Host initiative.

5. Discussion

5.1 Key issues emerging from the consultation process

While the Council received a large number of submissions, the matters the Council can consider in a LAP are relatively limited – specifically when, where, and how alcohol is sold. A full summary of the key issues raised in submissions and officers' recommended amendments can be found in Appendix 2

It should be noted that the only ground to appeal the content of an LAP are that the element is unreasonable in the light of the object of the Act. The object of the Act is that the sale and consumption of alcohol is undertaken safely and responsibly and that alcohol-related harm is minimised. The definition of alcohol-related harm is generous.

5.1.1 Entertainment Precinct

56% support through WCC channels/27% support through HNZ submission form

There was a relatively even split between those supporting and opposing the Entertainment Precinct through Council channels. Reasons for opposing the Precinct was also split with some seeing it being a vehicle for trading hours that

were too permissive and others seeing the Precinct boundaries being too restrictive on late-night trading elsewhere in the central city.

There were a large number of submissions through HNZ channels opposing the Entertainment Precinct. The majority of late-night traders sit within the proposed Precinct and submitters outside the Precinct repeatedly acknowledged that they would not be directly affected by 3am maximum trading hours. However, the principle that a precinct would stifle innovation and evolution in the late-night economy as well as distort rents needs to be considered against the benefits a precinct can deliver in reducing alcohol-related harm.

There is evidence to support that there is an exponential increase in alcohol-related crime as the night goes on. There is also crime science to support establishing precincts as an effective mechanism in targeting police resources, surveillance activities, and CPTED programmes to manage the inherently higher risk of late-night trading. The Police have indicated that this is a nice to have, instead preferring to advocate for their national position of 3am closing with a 1am one-way door policy.

On balance, the risk management framework is an effective mechanism to ensure licensed premises are suitably operating to trade at this high-risk time without being limited to a defined precinct.

Recommended amendments:

- Remove the Entertainment Precinct approach from the LAP
- Recast initiatives to support the Precinct in the AMS as initiatives for managing public space for a safe and vibrant late-night economy – these include:
 - Better transport options
 - Urban design and lighting improvements
 - Better targeted CCTV, Police, and Local Hosts surveillance, chill-out zones

5.1.2 On-licence trading hours

Entertainment Precinct:

53% support through WCC channels/33% support through HNZ submission form

Central Area:

58% support through WCC channels/25% support through HNZ submission form

Suburban:

64% support through WCC channels/12% support through HNZ submission form

Removing the Entertainment Precinct has a flow-on impact on how the maximum trading hours for on-licences are set as there is no longer the need for differentiated 'best practice' trading hours in the central city.

Views on whether to allow late-night trading beyond the 4am were mixed - the majority of submitters through Council channels thought the balance of hours were right, other submitters, particularly the Police and health organisation, thought the proposed hours were too permissive. Submitters through HNZ channels were concerned that any restriction of trading hours compromised the City's vitality and put jobs at risk.

There is a comprehensive evidence base to support reduced trading hours as a means to reduce alcohol-related harm. The evidence also shows that late-night trading is inherently higher risk. However, officers consider the risk management framework is a suitable mechanism to establish the specific trading hours for premises and, coupled with the late-night economy safety initiatives in the AMS, provides an effective approach to minimise alcohol-related harm.

It should be noted that the risk management approach to assessing licence hours is complemented with a set of compulsory conditions that contribute to mitigating the risk with late-night trading. These include adequate queue management, managing noise, and ensuring patrons transition safely out of the premises at close - a wind down - in preference to using a one-way door regime to minimise alcohol-related harm on the street.

The Council received a number of submissions requesting the maximum trading hours in suburban areas be 7am to 1am. This can be adequately accommodated using the risk-management framework to identify premises suitable to trade to the maximum hours available.

Recommended amendments:

- Set maximum trading hours for the central city of 7am-5am the following day
- Retain a higher threshold for gaining a licence for trading beyond 3am
- Retain specific compulsory conditions for late-night trading. An amended list of compulsory conditions are outlined on page 29 of Appendix 4.
- Set maximum trading hours for suburban areas of 7am-1am the following day

5.1.3 Risk-based assessment of licence applications

71% support through WCC channels

Submitters were generally supportive of the concept of risk-based assessments of applications with many identifying the mechanism as an innovative approach to minimise alcohol-related harm. However, as a new initiative, there was concern about the level of compliance and associated costs for applicants.

The criteria in the assessment are largely drawn from section 105 of the Act – which outlines the criteria for issuing licences. So regardless of whether a LAP was operative, licence applications will be assessed against these criteria. The risk-based assessment gives applicants greater certainty about the assessment criteria.

Officers have been working with a wide range of stakeholders (licensees, Police, licensing inspectors, and health sector) on the specific criteria and how best to generate information through the application process.

The draft LAP outlined the potential to set licence fees using the risk-based assessment as a means to further incentivise best-practice. The Ministry of Justice is still consulting on the approach to fee setting (whether it happens centrally, locally, or a combination). Fees are also not strictly a matter for a LAP, so references to incentivised fee-setting are recommended to be removed.

Recommended amendments:

- Retain the risk-based assessment mechanism for establishing specific trading hours and licence conditions.
- Amend the criteria for the assessment based on the feedback from stakeholder workshops on the risk-assessment framework.
- Remove references to risk-based fees setting.

5.1.4 Off-licence trading hours

62% support through WCC channels/16% support through HNZ submission form

There was strong support for setting off-licence trading hours at 7am-9pm from submitters using Council channels, particularly from health organisations. There were also a number of submitters opposing the proposal, with the supermarkets providing comprehensive arguments for the default hours.

The Council's intercept survey shows that consumption patterns in supermarkets take on similar characteristics to bottle stores after 9pm – 60% alcohol only, 75% consume that evening, 35% at a friends place or party, and 40% plan to go into town afterwards. This is estimated to equate to around 200 people per night exhibiting the preconditions for pre-loading from a survey of five premises taken on three cold weekends in May.

There was no evidence presented to refute these findings on consumption intention patterns even though at least one party had commissioned their own survey of post-9pm alcohol shoppers.

In relation to volume of alcohol sold during 9pm to 11pm, there is a gap between the store data provided by the supermarkets and the results of the intercept survey. The difference can be partially explained by the supermarkets' figures including transactions from every day of the week and stores that close before 11pm.

Another consideration is that while the literature proves reducing alcohol availability reduces alcohol-related harm, there is no New Zealand specific evidence to demonstrate reducing off-licence trading hours reduces alcohol-related harm. Submitters pointed to the likelihood that people intending to pre-load will purchase their alcohol earlier in the day and that restricting availability will have little impact on spontaneous 'topping up' purchasing.

The trading hour provisions in the LAP take effect on renewal. This creates a window to generate more information to assist the District Licensing Committee (DLC) in reaching better decisions on the specific trading hours granted to

applicants. As such, it is recommended to set maximum off-licence trading hours at 7am to 11pm and include a new initiative in the AMS to establish a voluntary accord for a six month trial of 7am-9pm trading hours for all off-licenses in the central city and Southern Zone on Friday and Saturday nights. The trial would be independently evaluated and we would seek support from Central Government for the evaluation. The results of the trial would then inform the future decisions of the DLC about the specific trading hours given to licensees.

Recommended amendments:

- Set maximum off-licence trading hours of 7am-11pm
- Voluntary accord for a six month trial of 7am-9pm trading hours for the central city and Southern Zone.
- Seek Government support for a comprehensive and independent evaluation of the trial.
- Note the DLC will use the results from the trial to establish specific trading hours for applicants on renewal.

5.1.5 Discretionary conditions

61% support through WCC channels/Between 12-68% support for specific conditions through HNZ submission form

A list of potential discretionary conditions were included in the draft LAP as a means of eliciting feedback on their appropriateness with the view of providing a refined list in the guide for the DLC. Submitters chose to see these discretionary conditions as a long-list of conditions that would inevitably become standard conditions applied to all licences and asked the discretionary conditions be removed.

Removing the discretionary conditions section has no practical effect on the Provisional LAP as the DLC still has the discretion to include any condition on a licence that complies with the object of the Act.

It was always officers' intention to remove the guide for the DLC from the LAP and this will assist in reinforcing that the discretionary conditions list are not a list of compulsory conditions.

Recommended amendments:

- Remove the list of discretionary conditions (except for the late-night trading conditions) from LAP.
- Decouple the guide for the DLC from the LAP as planned.

5.1.6 Public intoxication

Instant fines: 50% support through HNZ submission form

Trespassed from CBD: 45% support through HNZ submission form

The Council received submissions asking the Council to make a bylaw or promote a local bill that makes being intoxicated in public an offense. This is a recurring proposal and has come up in previous consultations around the establishment and extension of the current Liquor Control Bylaw.

Making public intoxication an offence is challenging. It fetters people's right to freedom of movement and creates the risk that people removed from licensed premises for being intoxicated will be fined in the process of finding transport to get home. The Police have adequate powers to deal with antisocial behaviour emerging from excessive alcohol consumption and adequate powers to protect people at risk of harm from being intoxicated.

A bylaw or local legislation limited to Wellington City may not achieve the desired behavioural change as people may choose to drink elsewhere (at home or in other regional centres) rather than risk being fined for being intoxicated on Wellington streets. So success would rest on a consistent approach across the region.

Recommended amendments:

- Include an initiative in the AMS to investigate a regional approach to making public intoxication an offence.

5.1.7 Pre-loading and side-loading

The most common concern from the early engagement was about excessive pre-loading and side-loading. These concerns flowed through into feedback the draft AMS and draft LAP. The health sector was concerned about the social costs and opportunity cost for medical services, the hospitality sector was concerned about the cost of managing intoxicated people trying to enter their premises, Police were concerned about the disorder from intoxicated people on the streets, and residents were concerned about the impact on their amenity.

Many submitters acknowledged this was a complex issue requiring a suite of initiatives, many of which are not able to be implemented by local authorities. It is recommended that in addition to championing a partnership approach on a trial of reduced off-licence trading hours, the Council invest in a social marketing campaign around pre-loading and side-loading with an emphasis on behaviour in the central city. Based on the successful Safe in the City campaigns, a pre-loading/personal responsibility campaign is estimated to cost around \$100k.

Recommended amendments:

- Prioritise the AMS initiative to invest in a social marketing campaign around pre-loading and side-loading with an emphasis on behaviour in the central city.

5.1.8 Density and Proximity

63% support through WCC channels

This was another issue where the draft LAP was either seen to be too restrictive or too permissive.

Some submitters saw the requirement for a compulsory hearing in specific circumstances as creating an unnecessary compliance cost, and others were concerned about the ambiguity about not knowing whether they were a low-risk application prior to making investment decisions.

Conversely, some submitters saw the establishment of place-based caps on the number of licensed premises or prohibiting the establishment of licensed

premises near sensitive facilities as a more appropriate response to the evidence of alcohol-related harm, especially in the Southern Zone. Others thought the 100m reach of the proximity provisions was too limited.

Placed-based caps and blanket prohibition are difficult to justify. It is also a blunt approach compared to using the automatic hearing triggers coupled with the risk-based assessment to establish whether a new licensed premise located in higher-density locations or next to sensitive facilities is appropriate. Wellington is a compact city and 100m reach is considered sufficient to address place-specific amenity concerns of local communities. It should be noted that this reach is more conservative than existing case law which provides for a 500m reach.

The value of having proximity and density provisions in a LAP is that it places some parameters on the DLC's deliberations which increases certainty for applicants.

Recommended amendments:

- No substantial changes. There are proposed amendments to clarify when a public hearing is triggered outlined on page 25 of Appendix 4.

5.1.9 Cost-benefit analysis

A number of submitters referred to a cost-benefit analysis (CBA) on Christchurch City's draft LAP undertaken by Covec that concluded that there was little benefit from their proposed initiatives to reduce alcohol-related harm.

The proposals on Christchurch's draft LAP are much more restrictive than Wellington's draft LAP. Covec's approach was more qualitative than most CBA, with a narrow range of factors analysed, and the results were influenced by the uncertainty around the reopening of licensed premises following the Canterbury earthquakes. Covec's report was not intended to be applied to any other jurisdiction and the authors have stated that they do not stand by the findings of the report outside of the Christchurch context.

Submitters also asked the Council undertake a cost-benefit analysis on Wellington's draft LAP. A formal cost-benefit analysis on the draft LAP was not undertaken for a variety of reasons; including there is no requirement for this under the Act, the study would in many ways focus on benefits for on-licences, the Council does not have access to sufficiently robust sales data to model the cost of the proposed trading hours for off-licences, and there are challenges in isolating the benefits of any one initiative in a suite of initiatives designed to reduce alcohol-related harm.

5.2 Next steps for the LAP

When the Council adopts the final Local Alcohol Policy, it becomes the Provisional Local Alcohol Policy. The next step is to give public notice of the Council's intention to adopt the final LAP. People who have submitted on the draft LAP then have a month to lodge an appeal with the Alcohol Regulatory and Licensing Authority. The earliest the Council can notify the Provisional LAP is 18 December 2013. It is recommended that the Council gives public notice on January 21.

5.3 Implementation programme

There are a number of things that happen following the adoption of the AMS and Provisional LAP.

On December 18, the default trading hours take effect. Officers have established a project team on contingency plans to mitigate the impact of standardised closing hours and implementation is planned to happen with the support of key stakeholders through the Capital Host initiative.

Officers will begin discussions with councils in the region about a joint approach to making public intoxication an offence and a scoping paper will be prepared seeking Council's approval to initiate a process in the early 2014.

On January 21, the Provisional LAP is notified and the appeals process begins. After appeals have been resolved, the Council can notify the final LAP. When the LAP is operative, the DLC will be able to use the risk-based framework to assess applications. For 80% of on licences there is little or no additional change outside what will happen when the new legislation comes into effect.

Officers will initiate discussions with off-licensed premises in the central city and Southern Zone about establishing a voluntary accord for a six month trial for 9pm closing for the central city and Southern Zone on Friday and Saturday.

Work will also begin on establishing a Capital Host initiative for off-licenses.

The Council will be asked to consider investing in a social marketing campaign around pre-loading and side loading as part of its deliberations on the draft Annual Plan 2014/15. Work will then begin through the Capital Host initiative to develop a shared campaign.

5.4 Snapshot of alcohol-related statistics

Evidence-based decision-making is an essential element of the local alcohol policy-making process. The Act goes so far as to specify the factors a council must have regard to when producing a draft policy. This requirement was satisfied by producing a specific document that outlines relevant alcohol-related statistics. The snapshot is a repository for studies, statistics, and surveys relevant to a local alcohol policy and we have endeavoured, with varying degrees of success, to include contributions from key stakeholders.

The snapshot is intended to be a living document that will be regularly updated as the strategy and policy is monitored. Appendix 5 outlines the additional or amended statistics that will be included in the version of the snapshot to support the public notification of the Provisional LAP.

5.5 Consultation and Engagement

The process to prepare the AMS and Provisional LAP involved an extensive engagement and consultation programme. The emphasis on receiving formal submissions meant that there were a limited range of engagement opportunities during the consultation period.

An unfortunate by-product from the LAP process is that the momentum on the collaborative efforts to reduce alcohol-related harm through the Capital Host initiative has slowed. Momentum slowed due to a combination of factors including the submission process laying bare the inherent tensions between Capital Host partners and the Council being placed in the role of arbiter

between these competing interests. Contingency planning to reduce the potential harm arising from the default trading hours will provide the impetus for renewed commitment to the Capital Hosts initiative and provide the foundation for ongoing collaborative efforts to promote a vibrant and safe late-night economy.

5.6 Financial considerations

There are no immediate financial implications from confirming the Alcohol Management Strategy or Provisional Local Alcohol Policy.

5.7 Long-term plan considerations

The AMS and Provisional LAP contribute to the People-centred City and Dynamic Central City goals of the *Towards 2040: Smart Capital* strategy. The Council, through its Long Term Plan, makes a significant contribution to promoting Wellington City as an entertainment destination and fostering a vibrant night-time economy while contributing to the management of alcohol related behaviour.

6. Conclusion

The report outlines the strategic responses to the key themes emerging from submissions on the draft Alcohol Management Strategy and draft Local Alcohol Policy. The proposed amendments in response to submissions allow the Council to find the right balance in progressing the City's strategic goals for a dynamic central city with vibrant suburban centres while identifying how we can all play a part in reducing alcohol related harm.

Contact Officers: *Jaime Dyhrberg, Service Development and Improvement Manager, Giselle Bareta, Senior Advisor, Community Networks, and Andrew Stitt, Manager, Policy*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The Alcohol Management Strategy and Provisional Local Alcohol Policy supports Council's overall vision of Wellington Towards 2040: Smart Capital. The strategy furthers Council's objectives around being a people centred city and developing a dynamic central city.

2) LTP/Annual Plan reference and long term financial impact

There are no immediate financial implications from preparing a draft Alcohol Management Strategy and Local Alcohol Policy. The Council will need to consider the extent it supports the implementation of the strategy in future annual plans.

3) Treaty of Waitangi considerations

None.

4) Decision-making

This is a significant decision. The report seeks approval for the final Alcohol Management Strategy and the Provisional Local Alcohol Policy.

5) Consultation

a) General consultation

The paper outlines the feedback from consultation on the draft strategy and policy, which was developed from a comprehensive engagement programme to elicit community feedback on the role of alcohol in Wellington.

b) Consultation with Maori

Workshops to generate a Maori perspective on alcohol were held prior to developing the draft strategy and policy. [Port Nicholson Block Settlement Trust] submitted on the draft strategy and policy.

6) Legal implications

Legal advice was sought on making being intoxicated in a public place an offence.

7) Consistency with existing policy

The Council has both an interest and responsibility for alcohol management in the city. That interest and responsibility comes from statutory requirements for alcohol licensing and the Council's responsibility for public places and for promoting a dynamic central city with vibrant suburban centres, and in reducing alcohol related harm.

APPENDIX 1

APPENDIX 1: Feedback from consultation process

The Council received 1,861 submissions on the draft Alcohol Management Strategy (AMS) and draft Local Alcohol Policy (LAP). Submissions comprise:

- 176 from Council channels such as the submission form, letters and emails
- 393 from a separate submission form developed by Hospitality New Zealand (HNZ)
- 1,292 from a short-form version of HNZ submission form.

282 submitters indicated they wished to speak to the Committee but only 60 took up the opportunity.

The Council also hosted two information sessions at Te Papa. One for licensees on July 17 had 53 attendees and one for general public on July 25 had no attendees. A combination of the extensive early engagement programme and the inability to comment on the proposals at the information sessions may have influenced the level of interest.

This report outlines the quantitative results from the consultation process. Appendix 2 outlines the key points made by submitters and officer's recommended amendments to the strategy and policy.

Results from Council promoted channels

Draft Local Alcohol Policy:

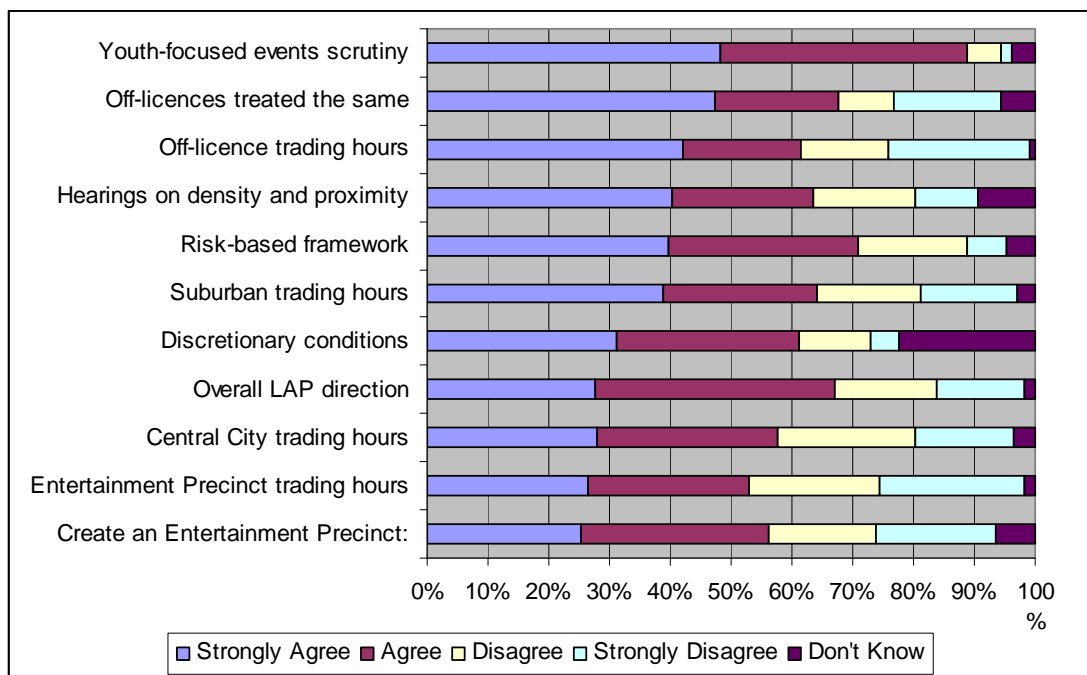


Figure 1: Feedback on the draft Local Alcohol Policy

Figure 1 shows that all proposals in the draft LAP were supported by a majority of submitters using Council promoted channels. Greater scrutiny around youth-focused events and the risk management framework received the most support.

The proposed Entertainment Precinct and associated trading hours received the least support, although some of the opposition was based on the proposal being too

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permissive rather than being too restrictive. These submitters were likely to see the proposed off-licence trading hours as more acceptable, which accounts for the higher levels of support for this proposal.

Draft Alcohol Management Strategy:

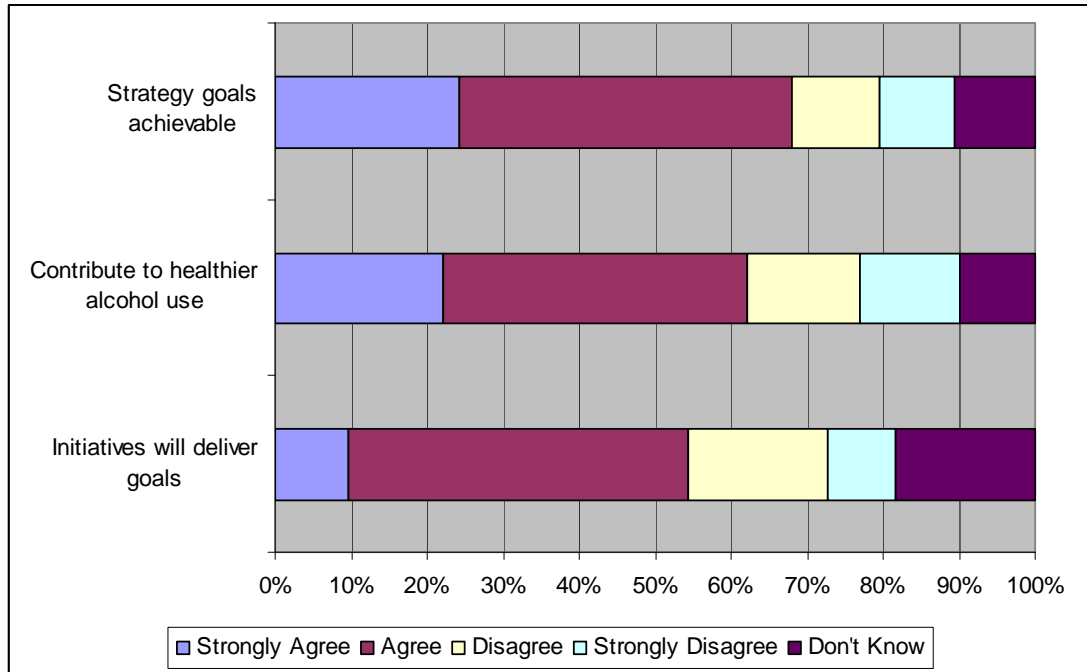


Figure 2: Feedback on the draft Alcohol Management Strategy

Figure 2 shows that the broad direction of the strategy is well supported. It also highlights that there is a greater level of scepticism about whether the specific initiatives in the strategy will actually deliver desired outcomes.

Results from the Hospitality New Zealand submission form

Entertain Precinct:

22% of submitters supported establishing an Entertainment Precinct. 77% agreed it would be anti-competitive, 85% agreed it would limit evolution of the central city, and 93% agreed it would result in higher rents.

Maximum On-licence Trading Hours:

	3am	4am	5am	6am	Other
Entertainment Precinct	6%	6%	21%	49%	18%
	2am	3am	4am	5am	Other
Central Area	5%	20%	19%	36%	20%
	Midnight	1am	2am	3am	Other
Suburban	12%	21%	23%	32%	12%

Table 1: Feedback on maximum on-licence trading hours

Table 1 shows that most submitters want longer on-licence trading hours than those proposed in the draft LAP (the shaded cells).

Discretionary Conditions:

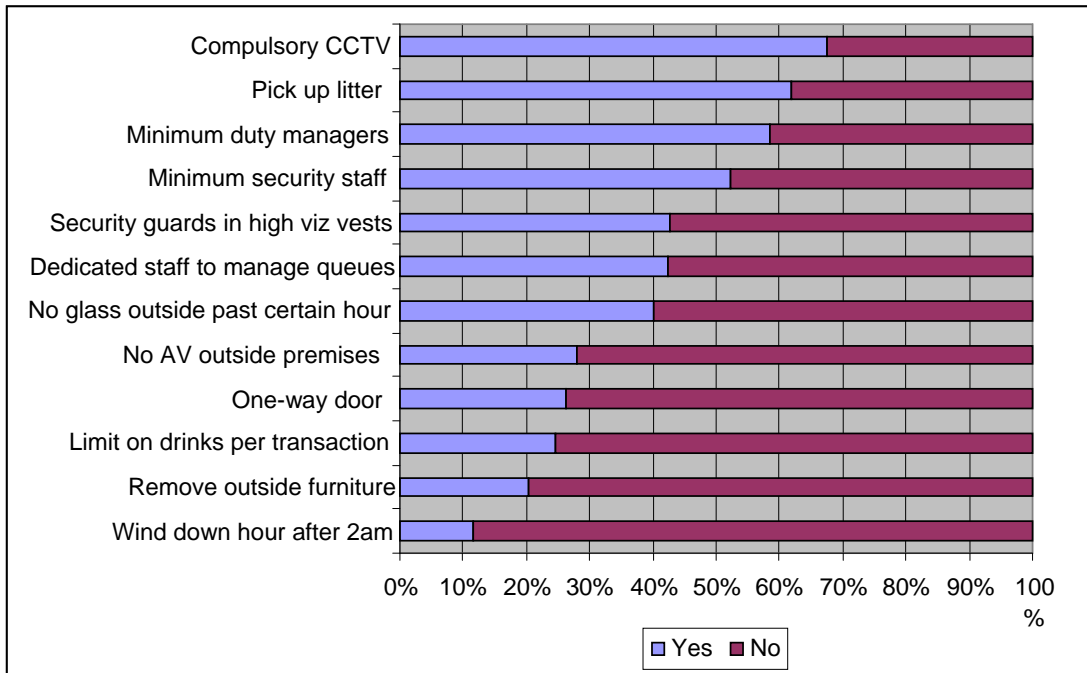


Figure 3: Support for discretionary condition examples

Figure 3 shows that there are a handful of discretionary conditions that are supported by the majority of submitters. There are also a number of discretionary conditions that are strongly opposed – particularly the ‘wind down hour’ which is similar to the wind-down hour protocol in the draft LAP as a compulsory condition for late-night traders.

Central City Initiatives:

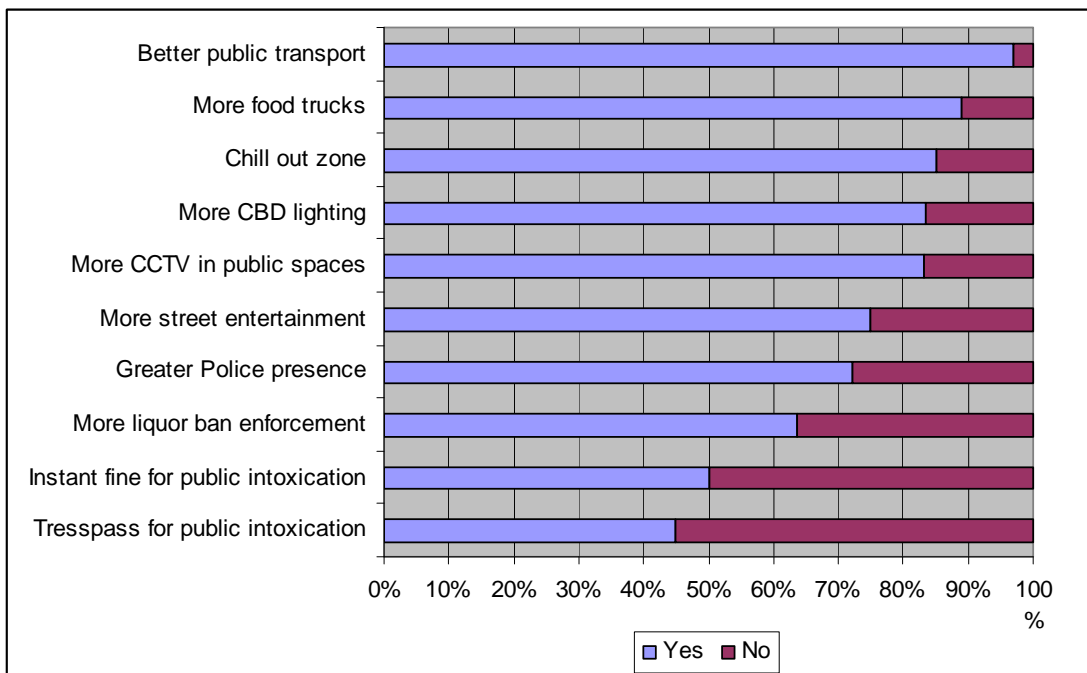


Figure 4: Support for central city initiatives

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Figure 4 shows strong support for the proposed initiatives in the draft AMS for a safer and more vibrant late-night economy. There is less support for Hospitality New Zealand's proposals for promoting greater personal responsibility by making public intoxication an offence.

Maximum Off –licence Trading Hours:

	9pm	10pm	11pm	Midnight	Other
Off-licence trading hours	16%	22%	20%	39%	2%

Table 2: Feedback on maximum off-licence trading hours

Table 2 shows that most submitters want longer off-licence trading hours than those proposed in the draft LAP (the shaded cells). 65% of respondents also agreed that all off-licences should be treated the same.

Overall LAP Direction:

	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
Overall LAP direction	2%	11%	33%	47%	7%

Table 3: Feedback on overall LAP directions

Table 3 shows that a small proportion of submitters through this channel supported the overall direction of the draft LAP.

Results from the Hospitality New Zealand one-page submission form

Potential draft Local Alcohol Policy proposals:

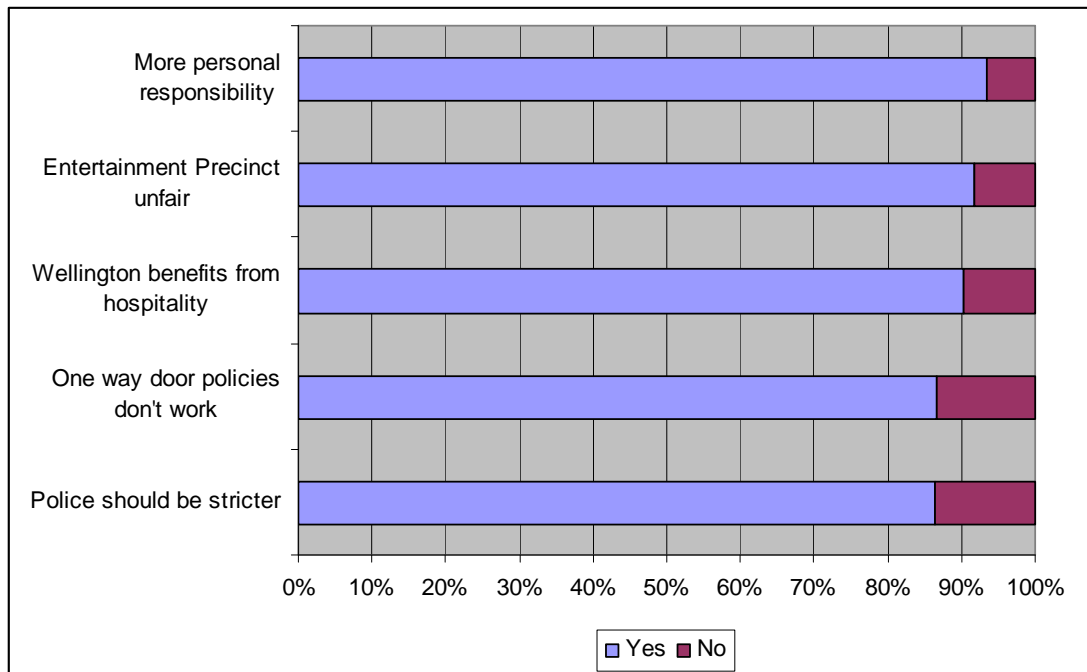


Figure 5: Support for potential draft LAP proposals

Figure 5 shows that the five statements on the HNZ short form were strongly supported by those completing the form.

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Maximum trading hours:

	1am	2am	3am	4am	5am	6am	24 hours
Bars and nightclubs:	0%	1%	5%	7%	17%	48%	22%
	Midnight	1am	2am	3am	4am	24 hours	
Bars in suburbs:	3%	9%	24%	26%	24%	15%	

Table 4: Feedback on maximum trading hours

Table 4 shows that most submitters want longer on-licence trading hours than those proposed in the draft LAP (the shaded cells).

Current behaviour and potential changes:

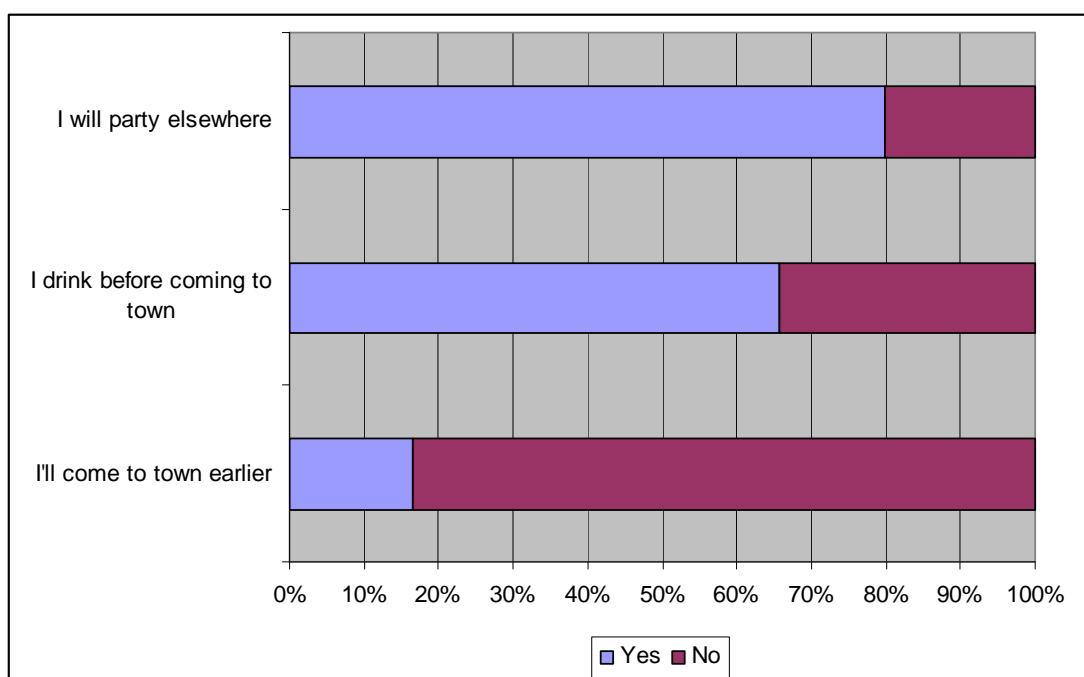


Figure 6: Current behaviour and potential changes in response to reduced trading hours.

Summary

The results highlight there is a clear difference in the nature of the feedback through the Council promoted and Hospitality New Zealand channels. The feedback through Council channels reflected the polarised views that has characterised our community engagement throughout the process of preparing the draft strategy and policy. In contrast, the Hospitality New Zealand feedback, promoted through social media, on-premises stalls, and advertisements in the Entertainment section of newspapers, indicates a strong preference for a more permissive draft Local Alcohol Policy.

APPENDIX 2: Submission analysis by theme and proposed amendments

Theme/Issue	Agree	Agree in part	Disagree	Rationale
<p>More compliance monitoring and enforcement.</p> <p>A compliance monitoring and enforcement framework should be included in the policy.</p>	*			<p>A robust enforcement and monitoring plan that supports inter-agency collaboration and action is an operational initiative already underway. Initiatives include the co-location of reporting agencies in a central location, a targeted inspection and monitoring regime, joint agency enforcement operations, a team of 13 inspectors and 2 team leaders working to ensure industry compliance.</p> <p>The draft document identifies Council's enforcement responsibilities and provides a general statement of intent.</p> <p>It is not appropriate to record the detail of operational logistics, which may change over time, in a policy document.</p>
<p>Introduce local legislation that will empower the Council to impose instant fines for being intoxicated and/or being a nuisance in a public place.</p>		*		<p>Making public intoxication an offence is challenging. It fetters people's right to freedom of movement and creates the risk that people removed from licensed premises for being intoxicated will be fined in the process of finding transport to get home. The Police have adequate powers to deal with antisocial behaviour emerging from excessive alcohol consumption and adequate powers to protect people at risk of harm from being intoxicated.</p> <p>A bylaw or local legislation limited to Wellington City may not achieve the desired behavioural change as people may chose to drink elsewhere (at home or in other regional centres) rather than risk being fined for being intoxicated on Wellington streets. So success would rest on a consistent approach across the region.</p> <p>This initiative that could be explored at a regional level and will be included as an initiative in the alcohol management strategy. A reasonable level of support for this initiative came through in written submissions. However, this approach needs to be cautionary and balanced with the provisions in any LAP to control suppliers of the product with respect to when and where alcohol is made available.</p> <p>Proposed Amendment: Include a new initiative in the AMS to explore a regional approach to making being intoxicated in a public place an offence.</p>
<p>Expand the definition of 'sensitive</p>			*	<p>There is no need to specify residential building as 'sensitive facilities' under the proximity</p>

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facility' to include residential buildings.				rules in the LAP because any resident deemed to have 'a greater interest than the public generally is able to lodge an objection to an existing or proposed operation and trigger a hearing.
One way door provisions should be mandatory			*	There is mixed evidence regarding the effectiveness of this policy intervention. The NZ based evidence available on this policy intervention is not compelling/ The proposed approach to managing the transition from open to closed venues in the city is through a mandatory wind down protocol for late trading premises. This approach is more aligned with the City's strategic drivers for a dynamic central city which is vibrant and safe.
<p>The default hours in the legislation should be the maximum; to go beyond them is inconsistent with the object of the Act.</p> <p>Extended trading hours should not be used as a bartering tool.</p> <p>All premises should be operating well and so no need to incentivise best practice</p> <p>The government has considered all the issues through the comprehensive Law Commission review – Alcohol in our Lives, and provided its response in</p>			*	<p>The Act specifically provides for territorial authorities to:</p> <ul style="list-style-type: none"> A) develop a local alcohol policy – section (75) B) include in an LAP a policy on the matter or maximum trading hours – 77(e) C) Consider trading hours for licensed premises that are more or less restrictive than the default maximum trading hours – section (45) <p>A policy of 5am maximum closing for best practice premises in the central city represents a reduction in trading hours from a 24/7 based policy. This is a considerable reduction in the availability of alcohol across the central city.</p> <p>A one hour advance on the default trading hours (effective from 18 December 2013) has been compensated for with the introduction of a comprehensive risk based management framework that will see only those operators capable of reducing their risk status to low or medium considered for late trading.</p> <p>Incentivising best practice does not imply that Council tolerates a lesser standard of operation from those premises with earlier closing times, it reinforces the compliance and monitoring programme for late trading premises with confidence that those given the opportunity to trade at a higher risk time have the systems, processes, resources and overall capability to manage risks particular to that time.</p> <p>However, we know that operating a business can be challenging, resource intensive and involve juggling many priorities and demands. Council has a statutory obligation to monitor the activities it licenses to protect community health and wellbeing. For these reasons Council's are also charged with the monitoring and enforcement of licensed premises.</p> <p>The licensing process ensures that only those operators with suitable experience and capability are afforded the privilege of operating under an alcohol licence. On this basis all those licensed have satisfied the decision-makers that they are capable of being good</p>

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<p>the form of the SSAA. In particular in setting the default hours, it has determined the appropriate balance of commercial activity and any community harm that may be associated to that activity.</p>				<p>operators and responsible hosts or sellers of alcohol. It is inconsistent with the provisions of the legislation for Council's to licence those unable or unlikely to comply with their obligations and responsibilities</p> <p>The reduced trading hours in the policy and risk based management framework that incentivises best practice meets the Object of the Act in respect of ensuring alcohol is consumed safely and responsibly and that the harm caused by the excessive and inappropriate consumption of alcohol is minimised.</p> <p>In providing for Territorial Authorities to develop a local alcohol policy that allows for the local policy intervention on location, number of premises, trading hours, discretionary conditions and one way door restrictions, the Act signals that a territorial authority is to take account of local data, Police, Medical Officer of Health, Inspector and public views to determine its own appropriate level of policy intervention</p>
<p>Density caps and/or sinking lids should be applied, particularly to socially deprived areas</p>			<p>*</p>	<p>Communities in opposition to new applications for alcohol licences frequently sight density or proximity as an issue of concern. Whilst a cap or sinking lid is not considered necessary or desirable at this stage, closer consideration of these issues in areas particularly sensitive to the impacts of this type of activity such as the Southern Zone or those facilities, identified as sensitive in the policy document itself, is.</p>
<p>Caps should not be included in the policy</p>	<p>*</p>			<p>Caps limiting the number or kind of operations in a particular location are not included in the policy.</p>
<p>Location controls over density and proximity should not be included in the policy</p> <p>The policy should integrate with the District Plan and RMA process to ensure an efficient regulatory framework.</p> <p>The policy should not duplicate regulatory controls in the DP</p>			<p>*</p>	<p>The policy provides for automatic hearing triggers where issues of density and proximity are considered significant in considering new or renewal applications for licensed premises.</p> <p>Significance in respect of density equates to High to Medium risk premises in the central city or southern zone, in all other cases where public opposition is lodged.</p> <p>Significance for proximity equates to High to medium risk premises in central city and southern zone within 100 metres of a sensitive facility; any level of risk, where the premises neighbours or is adjacent to a sensitive facility; in all other cases where public opposition is lodged</p> <p>The policy provides for DLC to cancel a hearing in cases where no opposition from reporting agencies or members of the public has been received.</p>

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<p>The policy should facilitate early processing of applications in conjunction with resource consent and building consent applications where possible.</p>				<p>Alcohol policies address social rather than environmental issues therefore; arguments that the appropriate place to consider the effects of an operation at a particular location is the RMA process are inconsistent with the intent of the SSAA where the social impact of an operation may lead to more restrictive constraints around where and when licensed premises can operate.</p> <p>It is not within the powers of a Territorial Authority to either change the licensing process:</p> <p>The Law Commission was very clear in its recommendations to Government that the RMA permissions are a separate and prerequisite permission to the consideration of a licence application. The RMA process would consider environmental effects and the alcohol licensing process would consider social impacts. The government confirmed this in legislation, specifically section 100 that identifies the content of a complete application as including “...a certificate by the territorial authority that the proposed use for the premises meets requirements of the Resource Management Act 1991 and of the building code.”.</p>
<p>Council should look at other enforcement tools to manage the problems associate with pre or side-loading.</p>	<p>*</p>			<p>More efficient enforcement tools such as the ability for Police to issue Liquor Infringement Notices for the breach of Liquor Control bylaw, coupled with the broadening of the definition of public place to include private car parks will allow for more effective enforcement of alcohol consumption in liquor control areas.</p> <p>A social marketing campaign aimed at discouraging excessive consumption of alcohol is an initiative contained in the Alcohol Management Strategy.</p> <p>Trespass or move-on notices – Police advise these are not a practical solution in such a large and busy area as the Central City, proving impossible to track or enforce.</p> <p>The Council last considered extending the liquor control bylaw area in 2010. At a further review of the bylaw it may look again at options for extending the controlled area however it is noted that amendments to the LGA (Alcohol Reform) Amendment Act 2012 have increased the threshold of evidence for making resolutions relating to bylaws.</p> <p>Capital Host initiative to extend to off-licence operators to look at compliance initiatives such as ‘good corporate citizen’ plans etc.</p> <p>No amendment to draft policy required.</p>
<p>The policy should not contain a list of discretionary conditions.</p>		<p>*</p>		<p>A list of potential discretionary conditions were included in the draft LAP as a means of eliciting feedback on their appropriateness with the view of providing a refined list in the guide for the DLC. Submitters chose to see these discretionary conditions as a long-list of</p>

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<p>Discretionary conditions should be clearer in terms of their application to specific kinds of licences.</p>				<p>conditions that would inevitably become standard conditions applied to all licences. The feedback from submitters was a preference not to fetter the discretion of DLC members with a preconceived list of options.</p> <p>Removing the discretionary conditions section has no practical effect on the Provisional LAP as the DLC still has the discretion to include any condition on a licence that complies with the object of the Act.</p> <p>Proposed Amendment: Remove the indicative list of discretionary conditions from the policy document.</p> <p>Mandatory conditions for the issue or renewal of late-trading premises (trading beyond 3am) remain because they contribute to ensuring risk is effectively managed. The following amended list of conditions will be applied to late-trading premises:</p> <p>For premises that are generally on-licence:</p> <ul style="list-style-type: none"> • the licensee <u>must</u> maintain a register of incidents that is available for inspection by enforcement authorities at any time during trading hours • the licensee must notify the Police of any violent incidents that occur on the premises • the licensee must at all times comply with the conditions set out in the noise management plan for the premises • the following area: (insert description) has been designated as an observation zone for patrons for whom service has been stopped • the premises <u>must</u> operate a 'wind-down' protocol. <p>For licensed areas outside the <u>on-licence</u> premises:</p> <ul style="list-style-type: none"> • no loudspeaker, amplifier, relay or other audio equipment may be used outside the premises past <u>3am</u>. • the licensee <u>must ensure litter (this includes , but not limited to, vomit and alcohol-related rubbish) is removed from outside the premises.</u> • high visibility vests to be worn by staff operating at the main entrance and/or outside the premises • the licensee <u>must ensure</u> that at all times <u>when</u> a queue is formed; a dedicated staff member is required to manage the queue and ensure it does not impede the general public or use of the pavement • outside areas are to be monitored at all times. <p>For off-licences:</p> <ul style="list-style-type: none"> • the licensee <u>must ensure</u> the operation of closed-circuit television of a quality that will help to identify alcohol-related offending, and put up signs to inform the public
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				<ul style="list-style-type: none"> the licensee <u>must</u> maintain a register of incidents that is available for inspection by enforcement authorities at any time during trading hours the licensee must notify the Police of any violent incidents that occur on the premises <u>the licensee must ensure litter (this includes , but not limited to, vomit and alcohol-related rubbish) is removed from outside the premises.</u> all bottle stores <u>must</u> have a <u>supervised designation</u>. <p>Exemptions: Exemptions to any of the above conditions may <u>considered</u>. Detailed information to support an application for exemption must be provided to the DLC on application</p>
<p>Before applying policy interventions, the Council must be certain the intervention will reduce alcohol related harm.</p> <p>That the Council must be able to prove that the harm experienced can be related back to a particular premises.</p>			*	<p>Case law under the Sale of Liquor Act 1989 has identified that decision-making authorities are not required to be sure that particular conditions will reduce harm and are entitled to apply the equivalent of the precautionary principle in environmental law. If there is a possibility of meeting the statutory objective (to reduce harm) then it is entitled to test whether that policy is a reality.</p> <p>Officers have relied on a strong evidential base in identifying the harm experienced and developing a policy which uses internationally recognised and appropriate levers to reduce the alcohol-related harm being targeted, in so far as this can be achieved through licensing matters.</p>
<p>Council should focus on educating people on how to drink alcohol responsibly</p>			*	<p>A solid body of research identifies that on its own, education is an ineffective intervention. This changes somewhat when education is used alongside other policy interventions such as enforcement and regulation. Officers support a comprehensive social marketing campaign to support regulatory and enforcement initiatives.</p> <p>Social marketing around pre-loading and side-loading is already included in the suite of initiatives to implement the Alcohol Management Strategy.</p>
<p>Wellington should do a cost benefit analysis before approving policy interventions.</p> <p>Christchurch COVEC report shows limited impact</p>			*	<p>A formal cost-benefit analysis on the draft LAP was not undertaken for a variety of reasons; including there is no requirement for this under the Act, the study would largely be a benefit study for on-licences, the Council does not have access to sufficiently robust sales data to model the cost of the proposed trading hours for off-licences, and there are challenges in isolating the benefits of any one initiative in a suite of initiatives designed to reduce alcohol-related harm.</p> <p>The proposals on Christchurch's draft LAP are much more restrictive than Wellington's draft LAP. Covec's report was not intended to be applied to any other jurisdiction and the authors have stated that they do not stand by the findings of the report outside of the</p>

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				Christchurch context. Submitters also asked the Council undertake a cost-benefit analysis on Wellington's draft LAP.
The Entertainment Precinct should not go ahead	*			<p>The majority of late-night traders sit within the proposed Precinct and submitters outside the Precinct repeatedly acknowledged that they would not be directly affected by 3am maximum trading hours. However, the principle that a precinct would stifle innovation and evolution in the late-night economy as well as distort rents needs to be considered against the benefits a precinct can deliver in reducing alcohol-related harm.</p> <p>There is evidence to support that there is an exponential increase in alcohol-related crime as the night goes on. There is also crime science to support establishing precincts as an effective mechanism in targeting police resources, surveillance activities, and CPTED programmes to manage the inherently higher risk of late-night trading. The Police have indicated that this is a nice to have, instead preferring to advocate for their national position of 3am closing with a 1am one-way door policy. This policy position is difficult to maintain without the support of enforcement agencies.</p> <p>On balance, the risk management framework is a suitable mechanism to ensure licensed premises are capable of mitigating the risks associated with trading at this high-risk time without being limited to a defined precinct.</p> <p>Recommended Amendments:</p> <ol style="list-style-type: none"> 1. References to an entertainment precinct have been removed from the draft policy and maximum trading hours for the central city set at 7am-5am the following day. 2. Late-trading re-defined as trading beyond 3am in definitions section of policy 3. References in the AMS to the precinct concept have been recast as initiatives for managing public space for a late night economy.
Density and proximity triggers in the policy should be restricted to new applications as a mandatory trigger for renewal of licence creates significant uncertainty and is not conducive to business planning.	*			<p>In respect of density issues, there is merit in the argument that an automatic hearing trigger for renewal applications in respect of density considerations would inhibit business planning. History shows that density is raised as an issue at the time an application for new licence is received, not on renewal of existing premises where the management or compliance issues prevail as common issues for public opposition.</p> <p>Officers advise that density can still be raised for consideration at the time of renewal through the lodging of a public objection.</p>

				<p>The case for limiting the proximity hearing trigger to new applications only is less compelling, particularly in suburban locations. There is merit in cases where new operators of community facilities in close proximity to established businesses or existing operators of community facilities who have concerns and licensees could benefit from a hearing process that mediates issues or concerns.</p> <p>However, restricting the proximity hearing trigger to new high risk applications in the Central Area is considered appropriate given the removal of the Entertainment Precinct, which broadens the reach of the proximity provisions.</p> <p>The DLC has the discretion to waive the requirement for a public hearing if no opposition is received.</p> <p>Recommended Amendments: Delete the words ‘...or renewal...’ from the section headed ‘Density’ in the draft policy. Delete the words ‘...to medium...’ ‘...or...’ and ‘...and renewal...’ from the section headed ‘Proximity’ : Amend: <ul style="list-style-type: none"> • High to medium risk or late trading in the Entertainment Precinct High to medium risk or late trading in the Entertainment Precinct Central Area <p>All new and renewal applications for premises assessed as high risk and located in the Entertainment Precinct Central Area, and any that seek late trading hours, will be required to be dealt with by way of public hearing.</p> </p>
Reducing the trading hours of licensed premises will have the unintended consequence of reducing gaming revenue and therefore reduce the amount of funds available for charitable projects in the community	*			This is a potential consequence of reduced trading hours at licensed premises. The two activities - alcohol consumption and gaming - are closely associated. The risk of social harm attached to gaming activities, particularly of the kind found in licensed premises (pokies) and harm experienced from excessive alcohol consumption (after midnight) are high. There is a strong research base to support reduced trading hours for licensed premises as an appropriate policy lever with which to reduce excessive and inappropriate consumption of alcohol and related social harm. Therefore any reduction in gaming activity on licensed premises as a consequence of reduced trading hours is consistent with the object of the Act.
The policy does not allow for specialty off licence stores to sell alcohol to take away as a compliment to food or other products sold i.e. Mediterranean Food Warehouse			*	Section 35(b) permits the DLC to issue an off-licence to a specialty store. There is no provision in the Act for a local alcohol policy to limit it in anyway, provided the DLC considering an application is satisfied in respect of all relevant criteria. The hours in the policy related to off-licences generally would apply.

				No distinction has been made for this particular type of off-licence in the policy because the hours in the policy for off-licences generally are deemed reasonable. On the other hand, off licence hours for remote sellers have been specified on the basis that it is not reasonable to confine on-line sales to a specific time period, particularly as online trading transcends borders and time-zones.
Midnight closing for suburban bars is too early	*			<p>A 1am closing is proposed in recognition of the argument that midnight closing was just short of hours communities felt they needed to support local performance events and emerging artists. There is also merit in the argument that local suburban venues (including clubs) are often much more community focused hubs and therefore a safer environment in which young adults can develop healthier drinking habits.</p> <p>Recommended Amendment: Maximum hours table – replace suburban centre maximum limit of 12midnight with 1.00am.</p>
<p>Direct notification should be given to communities and sensitive sites that are within a certain distance of proposed licensed premises.</p> <p>A3 site notice should be required to be printed on coloured paper.</p>	*			<p>Communities need to feel they have a valid voice in the licensing process. A local alcohol policy giving effect to the Government's push for giving communities a greater say in licensing matters should ensure that communities are adequately notified of proposed licensing activity in their area, in particular where that activity is within close proximity to a sensitive facility.</p> <p>Proposed Amendments: 1.Public notification: DLC secretariat to forward a copy of the application to the appropriate residents association and any identified sensitive facilities (as defined in the policy). 2. A3 public notices to be printed on brightly coloured paper</p>
<p>Special Licences:</p> <p>Should include under section "additional requirements for large-scale events':</p> <p>Consistency of terminology that applicable to licensees - The DLC <u>must:</u>' instead of '...The DLC <u>may:</u>'</p> <p>That 'public health agencies' should be included in the third requirement of this list as an additional group for the</p>	*			<p>Large-scale events can generate significant alcohol-related harm. Large-scale event organisers routinely develop alcohol management plans in collaboration with the Police, the Council, and public health agencies. Making this a mandatory condition on special licences ensures this practice continues.</p> <p>Proposed Amendments: 1. Add definition of 'large scale event' as "An event with more than 3,000 attendees per day or more than 1,000 attendees per day where alcohol is the primary focus". 2. LAP to feature consistent terminology where the LAP requires the licensee to do something. 3. Include 'public health agencies' in third bullet under heading 'Additional requirements for large-scale events' 4. Definition of 'large scale public event' added to the policy.</p>

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holder of the special licence to work with on planning for the event.				
<p>The unintended consequence of the proposed policy that restricts trading hours would see working conditions and options for sex workers considerably undermined. Prostitution returning to the street.</p> <p>Clients are unlikely to visit inner city brothels and strip clubs after 1am if access to alcohol is restricted.</p> <p>Trading hours for brothels and strip clubs should be 1.00am to 7.00am or 24/7.</p> <p>Brothels and strip clubs should have their own definition and set of trading hours which acknowledges their status as 'adult entertainment venues'</p>	*			<p>It is clear that the Prostitution Reform Act created safer working opportunities for prostitutes. Alcohol is considered ancillary to the principal business of brothels and as such the risk of alcohol-related harm is low but the risk to business viability is high if clients access to alcohol is restricted. Brothels do not feature significantly in police data. It would be an unintended consequence of this policy to threaten the viability of premises that support safer working conditions for prostitutes working in brothels.</p> <p>A similar position cannot be argued for strip clubs that operate more akin to a licensed bar that provides live entertainment and may or may not choose to apply a cover charge.</p> <p>Proposed Amendments:</p> <ol style="list-style-type: none"> 1. Include a 24/7 exemption for Brothels in the hours table of the policy 2. Add the following definition of 'brothel' to the terms defined in the policy: <i>"brothel means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere"</i>
<p>Risk Management Framework should be silent on fees until regulations are confirmed.</p> <p>Distinction between operator and operation needs clarification.</p>	*			<p>The Ministry of Justice is still consulting on the approach to fee setting (whether it happens centrally, locally, or a combination). Fees are also not strictly a matter for a LAP, so references to incentivised fee-setting should be removed.</p> <p>This section should apply to trading hours and conditions only. It should still signal the principle of fee cost recovery that Council intends to adopt if following the publishing of the regulation, Councils' are in a position to cost recover fees and the Council decides to pursue this.</p> <p>Proposed Amendments:</p> <ol style="list-style-type: none"> 1. Section headed 'Risk Management Framework' amended to strike out reference to how the framework would be applied to licence fees. 2. Several amendments to terms used: The term 'operator' replaced with 'licensee' The term 'operation' replaced with 'licensees risk profile'

<p>Caterers should not have longer trading hours than on-licence generally</p> <p>Caterers could use unlimited trading hours to facilitate excessive alcohol consumption and contribute to alcohol-related harm.</p>			<p>*</p>	<p>The nature of the catering business requires 24/7 flexibility to cater broad variety of events and function requirements that may legitimately extend or occur outside of a 7am-5am timeframe.</p> <p>Submitters make no substantive case for restricting hours. There is no evidence to date of caterers using their licence flexibility to cater events that contribute to excessive alcohol consumption or harm.</p> <p>Proposed Amendment: Reference to maximum hours for caterers replace 'at any time on any day' with 'at any time on any day during the provision of catering services'</p>
<p>Draft LAP and DLC guide coupled are confusing and should be de-coupled</p>	<p>*</p>			<p>It was intended that following consultation, the two documents would be de-coupled.</p> <p>Proposed Amendment: The DLC guide to implementing the LAP is decoupled from the draft LAP and becomes a stand alone operational document.</p>
<p>Section in DLC guide headed irresponsible promotion of alcohol does not acknowledge that section 237(b) of SSAA allows for 25% discounts of RRP are permitted in store or in a catalogue</p>	<p>*</p>			<p>Amendment to DLC guide: Section 7 – Irresponsible Promotion of Alcohol - to include the two exceptions to this limitation: A) on licensed premises; or B) in the catalogue or similar price list of a remote seller endorsed under section 40</p>
<p>Include a new definition:</p> <p><i>New Licence: A new licence for premises that have previously been unlicensed</i></p> <p>The motive here is to distinguish existing licences changing hands from new premises establishing i.e. never before licensed.</p> <p>The suggestion is that come aspects of the policy such as density and proximity should not be re-applied when a going concern changes hands</p>			<p>*</p>	<p>The Act requires the DLC to consider the experience of new operators taking over existing premises/licensees (under a temporary authority) and the conditions under which they intend to trade, be those the same or, following receipt of a new application, different to any conditions granted under a temporary licence. It is not appropriate for the draft policy to circumvent the intent of the Act.</p> <p>The submitter has misinterpreted section 102(4) in referencing it in support of the suggested amendment to the draft LAP. However, officers have raised the interpretation of Section 102(4) with the Ministry of Justice. The Ministry has acknowledged that this is a drafting error and there was no intent to limit the rights of objection to suitability of the applicant in respect of existing licensees.</p>

<p>as this creates uncertainty for prospective buyers.</p> <p>The submitter cites section 102(4) in support of this proposal</p>				
<p>Retain status quo and use risk based management framework to impose limitations.</p>			<p>✱</p>	<p>As at the 18th of December the status quo are the default hours for on and off licences contained in the SSAA.</p> <p>The Act allows for Councils to consider the impact of licensed premises locally and put in place a licensing policy that allows for more or less restrictive licensing conditions. A comprehensive assessment of the impact of the sale, supply and consumption of alcohol in Wellington was undertaken and the policy response to that is represented in the final draft of the LAP.</p> <p>The Object of the Act requires Council to ensure the safe and responsible consumption of alcohol and minimise the harm caused by excessive or inappropriate consumption of alcohol. Persisting with the current 24/7 licensing regime is inconsistent with these statutory responsibilities.</p>
<p>Airport Bar trading hours wording should be changed to <i>'at any time that the airport is operating its normal activities'</i>.</p> <p>This would restrict the availability of alcohol to only those times the airport is open and providing airport services to the public.</p>			<p>✱</p>	<p>The licensee remains bound by their obligations under the SSAA and also the terms and conditions of the landlord, which in this case has a vested interest in the responsible management of services to the public. Given the limited scope of the scenario suggested and the likelihood that those passengers potentially stranded would want to access food and beverages, it is preferable licensed facilities have the option of remaining open to the public. Notwithstanding this, the airport itself may have an alternate policy requiring premises to close.</p> <p>No substantial case is made by the submitter in reference to why closure is preferable when airport services may be suspended or have ceased to operate.</p>
<p>Hours specified for On-Conveyance be defined as – the hours of hire of the conveyance.</p> <p>This would allow for passengers to be onboard the conveyance outside the hours stated in the draft - 7am to 3am the following day. May conveyances</p>	<p>✱</p>			<p>An amendment is required to ensure that passengers may legitimately be on a conveyance that is licensed at anytime on any day the conveyance is in service.</p> <p>Recommended Amendment: Maximum hours table re: Conveyance, replace 'at any time on any day' with 'at anytime on any day when the conveyance is in service'</p>

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<p>have the entire area licensed and this would prohibit passengers being on the conveyance prior to 7am and after 3am.</p>				
<p>There should be an appeals process for licensees who are not happy with the risk profile they are given.</p>			<p>*</p>	<p>If a risk profile negatively impacts on the trading conditions sought by the applicant, reporting agencies are likely to recommend trading conditions more suitable to the applicant's risk profile. If the applicant objects to those recommended trading conditions and these objections are unable to be mediated, the file would proceed to a public hearing. It is at this point that an applicant can ask the DLC to review the merits of the risk assessment that determined their profile.</p>

APPENDIX 3:

The Right Mix: ~~Draft~~ Alcohol Management Strategy

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Pre-loading and side-loading

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Alcohol consumption at events

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Success Measures

~~We're seeking your views~~

Introduction

The Government's recent alcohol reforms give local communities a greater say in how alcohol is managed. The Sale and Supply of Alcohol Act 2012 allows councils to develop a local alcohol policy that looks at the sale and availability of alcohol – including the number of outlets, their location and conditions under which they can operate.

This ~~draft~~ Alcohol Management Strategy provides a broader context for the Council's ~~draft~~ Local Alcohol Policy. It takes a wider view of alcohol and alcohol-related behaviour, how alcohol can positively contribute to our aspirations for a dynamic central city with vibrant suburban centres, and how we can all play a part in reducing alcohol-related harm.

At the beginning of the year, we ~~We recently undertook a community engagement programme~~ asked ~~ing~~ the public for their views on the role of alcohol in Wellington City. We received wide-ranging feedback. This feedback has shaped our thinking about the priorities for this strategy, which are to:

- address pre-loading and side-loading
- get the right balance in the central city
- allow communities to have a greater say on the availability of alcohol
- support the responsible consumption of alcohol at events

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- work together to minimise harm.

We consulted on a draft strategy in July. This draft strategy, together with the draft Local Alcohol Policy, provides a framework for action – to achieve the right balance in promoting efforts to reduce alcohol-related harm while ensuring Wellington continues to develop as a vibrant, safe city, and an events destination.

The strategy focuses on the role the Council can play in creating the kind of city that encourages safe alcohol consumption. Many of the proposed initiatives are concerned with what happens in public – in licensed premises, on our streets and in open spaces – because this is within our sphere of influence.

Some aspects are outside our control, such as minimum pricing on alcohol. In these circumstances, the draft strategy outlines how the Council will work with licensees, government agencies and community organisations to achieve the outcomes sought by our communities. The strategy includes an issues and proposed initiatives section, which outlines our proposed response to the feedback received during the earlier community engagement programme. ~~These proposed initiatives will eventually become an implementation plan for this strategy.~~

~~So we're seeking your views on the proposed initiatives. Do they deliver on the draft strategy's outcomes? Will they contribute to our communities having healthier relationships with alcohol?~~

Context

Wellington City has a different pattern of alcohol consumption to the rest of New Zealand.

Wellington City is a nationally significant entertainment destination...

Figures from Positively Wellington Tourism show that domestic visitors contribute \$557 million to the Wellington economy. The city's entertainment offering, accompanied by the availability of alcohol, supports Wellington's position as one of New Zealand's most popular domestic tourism destinations.

So a greater proportion of our drinking takes place in public...

Figures from ACC show that Wellington has 26 on-licences (bars and restaurants) per 10,000 people compared to 18 per 10,000 people for the rest of New Zealand.

Much of this is happening in the central city...

Figures from the District Licensing Agency show that 71 percent of all alcohol licences are issued in the Lambton Ward with 79 percent of these being bars, night clubs and restaurants.

It means we have an active late-night economy...

Figures from Hospitality New Zealand show that electronic card transactions in the Wellington region between 4–7am total \$33m per year – 22 percent of all late-night transactions nationally.

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But there is a skewed activity mix...

Figures from the District Licensing Agency show that of the 31 licences operating later than 3am (excluding hotels and the airport), 21 are classified as taverns.

And there is more harm generated as the night goes on...

Figures from the Police show that nationally the predicted rate of alcohol-related offending doubles between 1–2am, doubles again between 2–3am, and doubles again between 3–5am.

Alcohol-related harm is also greater for young men...

Figures from Regional Public Health show that males aged 15–29 comprise 37 percent of all alcohol-related presentations at Wellington Hospital's emergency department.

Especially for young men who live in the south of the city...

Figures from Regional Public Health show males aged 15–29 living in the south of the city, from Mt Cook to Island Bay, have alcohol-related presentation rates that are more than double the average for this age group.

But alcohol consumption is not limited to young people...

Figures from a recent survey of 1000 residents in Wellington show that 94 percent of respondents consume alcohol and 63 percent said they do so at least once a week.

Yet we are concerned that alcohol consumption does more harm than good...

Figures from the same survey show that 50 percent of respondents thought the harm caused by alcohol outweighs the benefits. Only 19 percent thought the benefits outweigh the harm.

Strategic Setting

This draft strategy promotes safe and responsible alcohol consumption, and minimising alcohol-related harm while promoting a dynamic central city with vibrant suburban centres. It plays an important role in achieving our Wellington Towards 2040: Smart Capital vision.

Smart Capital has two goals that are particularly relevant to this draft strategy:

Dynamic Central City – The central city will be a vibrant and creative place, helping Wellington to offer the lifestyle, entertainment and amenity of a much bigger city. The CBD will continue to drive the regional economy.

People-centred City – Wellington's people centred city will be healthy, vibrant, affordable and resilient, with a strong sense of identity and 'place' expressed through urban form, openness and accessibility for its current and future populations.

There is an overlap between these strategic goals and the objectives of the Sale and Supply of Alcohol Act 2012. For the central city, this means:

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- supporting a city rhythm – transitioning the city through:
 - daytime – commerce
 - evening – entertainment
 - late night – bars and clubs, more evening Entertainment
 - morning – sleep, city regeneration: cleaning and rest.
- promoting a dynamic night-time economy – with well-managed and designed pockets of vibrancy that offer a balanced mix of alcohol and non-alcohol trading activity
- creating a safe and welcoming city – where risks are effectively managed and inner-city residents are involved in decisions about alcohol availability
- building an accessible city – where people can safely and easily move into and out of the central city and between different zones within the central city.

For the suburbs, this means:

- supporting vibrant town centres and suburban hubs that provide appropriate spaces for economic activity, socialisation and community activity
- supporting local amenities – ensuring there are vibrant suburban centres that are pleasant and agreeable places to live alongside, created through greater regulation on the sale of alcohol compared to the central city.

The central city will be a vibrant and creative place, helping Wellington to offer the lifestyle, entertainment and amenity of a much bigger city

Outcomes

The outcomes sought by this ~~draft~~ strategy are:

- reduced harm: a reduction in the amount of harm and vandalism created by the excessive consumption of alcohol and drinking in public places
- increased vibrancy: an increase in late-night activity in the central city with less emphasis on alcohol consumption
- improved amenity: an improvement in suburban, inner-city and open space amenity
- greater personal responsibility: an increase in the safe and responsible consumption of alcohol
- greater collaboration: more shared responses to alcohol-related issues from licensees, local and central government, and community organisations.

Issues and Proposed Initiatives

We heard a wide range of views through our community engagement programme. This section outlines our ~~proposed~~ responses to the main issues

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~~raised. We're interested in your views on these proposed initiatives — whether you think they are realistic or whether there are better ways of achieving the outcomes set out in this draft strategy.~~

Pre-loading and side-loading

The most common issue raised was concern about excessive pre-loading and side-loading.

Pre-loading is where people consume alcohol purchased from bottle stores and supermarkets at home, before going out to bars, night clubs and restaurants.

Side-loading is where alcohol purchased from a bottle store or supermarket is consumed while travelling to, queuing to enter, or within bars, night clubs and restaurants.

While having a drink or two beforehand is part of a great night out for many of us, excessive drinking before entering licensed premises plays a major role in generating alcohol-related harm. It also detracts from our enjoyment of events, and puts pressure on bars, night clubs and restaurants to manage problems that are not of their making.

Addressing pre-loading and side-loading is a complex issue. It involves societal attitudes to drinking, purchasing patterns for price-sensitive groups, such as young people and those on low incomes, and the comparative availability of alcohol in different types of licensed premises. So the ~~proposed~~ initiatives should be seen as a package to effect change over the medium term.

Proposed Initiatives

Establish a 'Capital Hosts' group for off-licensees

Capital Hosts is an on-licence industry group with the goal of improving the quality and compliance of bars, night clubs and restaurants. Establishing a similar group for supermarkets and bottle stores would increase corporate responsibility for the sale of alcohol, drive better compliance practices and improve communication with organisations such as the Police.

Explore establishing a trial for reduced off-licence hours

We initially considered reducing all off-licence trading hours to 9pm as an initiative to curb spontaneous 'topping up' purchasing. However, there is no New Zealand specific evidence to demonstrate reducing off-licence trading hours reduces alcohol-related harm. So we don't know whether reducing trading hours will have the desired effect or will people just work around it by purchasing their alcohol earlier in the day. So we will work with licensees to establish a voluntary accord for a six-month trial of 9pm closing of off-licences in the central city and the south of the city on Friday and Saturday. The trial would be independently evaluated and we are seeking support from central

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government for the evaluation. The results of the trial would then inform the future decisions on off-licence hours by the District Licensing Committee

~~Limit off-licence trading hours in the draft Local Alcohol Policy~~

~~Placing a limit on the hours that off-licence premises can be open in the evening reduces the opportunities for people to make spontaneous purchases of alcohol for immediate consumption. The draft Local Alcohol Policy proposes that the maximum trading hours for off-licences are 7am–9pm.~~

Advocate for the Government to further investigate minimum pricing and prohibiting price advertising

Increasing the minimum price for alcohol, particularly for products that are attractive to young people, was a solution suggested by a number of people during the community engagement programme. The Council does not have the ability to place a minimum price on alcohol but we can advocate for the Government to further consider this issue together with price advertising.

Explore a regional approach to making being intoxicated in public an offence

We received a lot of submission feedback that there needs to be more emphasis placed on personal responsibility. There was a lot of interest in making being intoxicated in a public place an offence to drive behaviour change in the same way attitudes to drink driving changed over a generation due to a combination of enforcement and social marketing.

There are some legal hurdles, such as how this affects people's right to freedom of movement, and practical hurdles, like determining when people are intoxicated and how best to enforce the restriction without escalating matters, to overcome. We see a regional approach as having the greatest chance of success because it offsets the risk that if the rules only applied to Wellington City because it sets consistent behaviour expectations across the region.

Work with the Health Promotion Agency and industry organisations on social marketing campaigns

Social marketing campaigns are effective in creating medium-term behavioural change. To change attitudes to pre-loading and side-loading, ~~it is proposed that the Council~~ will works with industry organisations to increase the reach and tailor the message of nationwide social marketing campaigns run by the Health Promotion Agency. We see social media playing a key role in getting the message out about excessive pre-loading and side-loading being unacceptable.

Widen and strengthen the central city liquor ban

Feedback received shows that the central city liquor ban has been successful in improving a sense of safety and setting expectations for behaviour in the

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central city. The Police have also used the bylaw to curb drinking in public places. Changes in legislation mean that from 18 December this year, publicly-accessible private property, such as car parking buildings, will also be subject to the liquor ban. The liquor ban could be extended to cover:

- those areas in the south of the city that are over-represented in alcohol-related presentations at Wellington Hospital's emergency department
- along the main walking routes from the west into the central city where there have been problems with litter and vandalism.

The way the liquor ban is enforced will also be strengthened through better coordination between the Police and the Council's Local Hosts, to set the tone for what is acceptable behaviour for people in the central city, particularly late at night.

Encourage better practices to identify intoxicated people entering major events

The screening of intoxicated people entering licensed premises and events can play a pivotal role in curbing pre-loading. The industry already has an effective means of screening to assist licensees with identifying intoxicated people. This can be supported by working with Police and event operators to send a clear message that people who excessively pre-load will be denied entry to events.

Late-Night Activity in the Central City

Another common issue raised was concern about the harm generated from an over-emphasis on alcohol consumption late at night in the central city. The concern is about people's safety in the central city, the lack of non-alcohol activities and the ability for people to get home safely. We also heard that late-night trading contributed to Wellington's reputation as a stellar events destination and we should be doing more to encourage a diverse range of late-night activities.

Alcohol-related harm is significantly increased during the early hours of the morning. Factors making late-night trading riskier include preloading and side-loading, the numbers of people coming into the central city from throughout the region and beyond, and how the central city is designed and managed. While we can manage when, where and how alcohol is sold late at night through the Local Alcohol Policy, it will also require public and private sector investment to create a safe and vibrant environment.

Proposed Initiatives

Establish an Entertainment Precinct for late-night activity in the central city

The draft Local Alcohol Policy contains a number of measures designed to reduce alcohol-related harm in the central city late at night. These include:

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- ~~creating a two-tiered maximum trading hours system with staggered closing times based on the ability of licensees to minimise risk~~
- ~~compulsory licence conditions to address particular risks with late-night trading, such as queue management and a wind-down protocol~~

~~The two-tiered system would involve trading hours up to 2am for bars, night clubs and restaurants in the central city (with provision for 3am closing for best practice premises). An exception will be for an Entertainment Precinct where trading can continue up to 5am for venues with a proven record of safely operating at this higher risk time.~~

~~The Entertainment Precinct is proposed as a corridor running from Courtenay Place to Cuba Street.~~

~~Entertainment precincts minimise alcohol-related harm by concentrating late-night activity into defined zones. The proposed Entertainment Precinct will improve the effectiveness of Local Hosts, Police and CCTV, and reduce the flow of alcohol by encouraging food, performance and entertainment within and outside licensed premises.~~

~~The success of the precinct rests not only on the controls placed on late-night trading enforced through the Local Alcohol Policy. Other factors include: having a mix of alcohol and non-alcohol activity; the design of streets, footpaths and open spaces; the transport options available; and the extent of rubbish collection and street cleaning.~~

Support initiatives to increase non-alcohol activities in the evening and late-night entertainment

The availability of venues and street activities that cater for a diverse range of customers is essential to achieving a safe and vibrant central city. We will work with public and private sector partners to support initiatives such as a technology hub, street vendors and entertainment, developing a calendar of activities, and leveraging the Courtenay Place triage to create a chill-out zone. Initiatives operating late at night and in the Entertainment Precinct will be prioritised.

Develop an urban design plans for the Entertainment Precinct where entertainment venues cluster

Good urban design in the Entertainment Precinct places where entertainment venues cluster will ensure that people can safely use streets, footpaths and open spaces. Urban design considerations include:

- locating seats and other amenities to eliminate 'pinch points' that can lead to a crush of people
- creating spaces in which late-night non-alcohol activities can safely take place
- locating bus stops and taxi stands so that people can safely and easily enter and leave the precinct

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- using lights to give the precinct a discernible look as safe, late-night entertainment zones and to signal when it's time to go home.

Improve late-night transport options

The lack of affordable late-night transport options is why many people stay on later than they intended or choose to sleep rough until public transport services start in the early morning. We will work with public and private sector partners to make it easier for people to get home late at night. Possible initiatives include increasing public or corporate-sponsored late-night bus services, and fixed-price taxis being available from participating venues.

Improved street cleaning and rubbish collection in the Entertainment Precinct central City

Better amenities such as more rubbish bins and improved street cleaning will help to set the tone for the Entertainment Precinct in places where entertainment venues cluster. Overflowing rubbish bins create hotspots for crime, and street cleaning is essential in refreshing the central city for the following day's business. We propose more frequent emptying of rubbish bins and more street and doorway cleaning to enhance the Entertainment Precinct places where entertainment venues cluster.

Investigate ways of improving residential amenity in the central city Entertainment Precinct

The Council's Central City Framework encourages a mix of residential, business and entertainment activities to create a healthy city rhythm. ~~The Entertainment Precinct will~~ Places where entertainment venues cluster need such a mix to ensure it is lively, with different types of activities at different times of day and night. An important factor will be to ensure residential amenity is not eroded through noise and nuisance from late-night activities.

We will work with residents in the Entertainment Precinct places where entertainment venues cluster to improve amenity, such as noise insulation options, conditions on the cleaning of, and noise from, licensed premises, and more robust building design standards for new residential development. The Council will develop processes for communicating and engaging with residents on the design of the precinct, through automatic hearings of new licence applications and renewals. It will also encourage an inner-city resident representative on the Wellington Licensee Forum.

Communities having a greater say on alcohol availability

Communities have told us there are widely-shared concerns about the availability of alcohol. These relate to the number of bottle stores in local communities, their proximity to sensitive facilities such as schools, and the hours of operation. We also heard that people want to see more restaurants and well-managed off-licences.

Proposed Initiatives

Introducing automatic hearings for proximity and density matters

The draft Local Alcohol Policy addresses these concerns by proposing that proximity and density are matters for the District Licensing Committee, the new body that will issue licences, to consider as part of approving applications.

The draft policy does not place any caps on the number of licensed premises in a locality nor automatically prohibit the establishment of licensed premises next to facilities such as schools. Instead, it allows for the District Licensing Committee to consider each application on its merits with input from local communities.

This will be achieved by ensuring there is an automatic hearing when:

- new applications are proposed to be adjacent to sensitive facilities or within 100 metres of such facilities in the south of the city
- an application that has been assessed as medium or high risk is within 100 metres of sensitive facilities.

We will invest in better notification systems, such as web alerts, to make local communities aware of licence applications and when there is an opportunity to present to a District Licensing Committee.

Alcohol consumption at events

Feedback from the community engagement shows there is concern about the amount of alcohol-related harm and nuisance in and around major events. While some leeway was considered appropriate to support our reputation as a premier entertainment destination, the balance was seen as skewed.

We know that event management practices are improving, particularly since the Rugby World Cup. This assists in setting the tone for acceptable behaviour at events and supporting activities in the central city. We also heard that a well-rounded calendar of activities was needed to support the goal of dynamic central city, particularly in the Entertainment Precinct.

Proposed Initiatives

Work with venue managers and event organisers to continuously improve alcohol management plans for large-scale events

Major event organisers have been developing Special Event Alcohol Management Plans for some time. This has led to innovations like the wrist-banding of people at the Wellington International Sevens. The Council will work with events organisers and venue managers to ensure responsible consumption at events, including steps to reinforce the message that excessive pre-loading is unacceptable, such as investigating the confiscation of tickets of intoxicated people entering events.

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Work with the business and community sectors to build a full calendar of central city activities

Creating a better balance between alcohol and non-alcohol activities late at night in the central city was seen a good way of creating a more vibrant and safe late-night experience. The Council will work with the hospitality sector, companies with a youth focus, and community and arts groups to build a full calendar of central city activities. This calendar would be particularly active from September to May on Fridays and Saturdays, with late-night activities focused in the Entertainment Precinct places where entertainment venues cluster. These activities would also include family-friendly and youth-focused events without alcohol to complement events where alcohol is available.

Develop a sponsorship policy for events and facilities, which includes a position on alcohol sponsorship

Communities expressed concern about alcohol sponsorship of events, particularly youth-focused events, and in our recreation and community facilities and open spaces. The Council will develop a sponsorship policy that outlines when alcohol sponsorship is appropriate and the conditions for our own events and venues and events, and venues managed by organisations such as Positively Wellington Venues.

Working together to minimise harm

Minimising alcohol-related harm is a complex issue. Individuals hold the key. Licensees, the Council and central government, and community organisations can also play a role in promoting safe and responsible alcohol consumption in our city.

Proposed Initiatives

Increasing cross-sector collaboration

The following initiatives will increase cross-sector collaboration:

- co-locate licensing and enforcement staff from the Council, Regional Public Health and the Police to ensure robust and coordinated advice to District Licensing Committees
- support the Trauma Intelligence Group – a collaborative data-sharing initiative between agencies that supports accurate reporting on alcohol-related harm in Wellington City
- address the issue of alcohol and homelessness through Te Mahana (the strategy to end homelessness in Wellington)
- hold regular meetings between the Mayor and Police District Commander to keep the strategy top of mind
- report back regularly to stakeholders on the progress made in achieving the outcomes of the strategy

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- work with Capital Hosts to promote initiatives for reducing alcohol-related harm, increasing personal responsibility and creating a vibrant central city
- support the hospitality industry in developing best-practice training options, which are endorsed by the Council, and establishing a forum, possibly through Capital Hosts, to discuss industry issues such as door staffing
- explore new ways of working with councils in the region on shared alcohol-related harm issues.

Draft Implementation Plan

The proposed initiatives form an draft implementation plan, summarised below:

Proposed initiative	Strategy outcomes					Implementation
	Reduced harm	Increased vibrancy	Improved amenity	Greater personal responsibility	Greater collaboration	
Addressing pre-loading and side-loading						
Establish a 'Capital Hosts' group for off-licensees.	•		•	•	•	Prioritisation within the Council's city safety programme.
Limit off-licence trading hours in the Local Alcohol Policy.	•					Draft Local Alcohol Policy.
Explore establishing a trial for reduced off-licence hours	•				•	Prioritisation within the Council's city safety programme.
Advocate to the Government to further investigate minimum pricing and prohibiting price advertising.	•				•	Prioritisation within the Council's stakeholder relations programme.
Explore a regional approach to making being intoxicated in public an offence	•			•	•	Prioritisation within the Council's city safety programme and work with councils in the region.
Work with the Health Promotion Agency and industry organisations on social marketing campaigns.	•			•	•	Prioritisation within the city safety programme.
Widen and strengthen the Central City Liquor Ban.	•	•	•			Prioritisation within the Council's bylaws and city safety programmes.
Encourage better practices to identify intoxicated people entering major events.	•			•	•	Prioritisation within the Council's events programme and city safety programme.

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Late-night activity in the central city						
Establish an Entertainment Precinct for late-night activity in the central city.	•	•	•		•	Draft Local Alcohol Policy.
Support initiatives to increase non-alcohol activities in evening and late-night entertainment.	•	•			•	Prioritisation within the Council's economic growth and city safety programmes. Annual Plan.
Develop urban design plan for the Entertainment Precinct places where entertainment venues cluster..	•	•				Prioritisation within the Council's urban design programme. Annual Plan.
Improve late-night transport options.	•			•	•	Prioritisation within Council's transportation and city safety programmes.
Improved street cleaning and rubbish collection in the Entertainment Precinct-Central City.	•	•	•			Prioritisation within the Council's street activities programme. Annual Plan
Investigate ways of improving residential amenities in the Entertainment Precinct places where entertainment venues cluster.		•	•			Local Alcohol Policy. District Plan. Annual Plan.
Initiatives for alcohol availability, events and sector collaboration						
Communities having a greater say on the availability of alcohol.	•				•	Local Alcohol Policy. Prioritisation within the city safety programme.
Continuously improve alcohol management plans for large-scale events	•	•		•	•	Prioritised within the Council's events, regulatory and city safety teams.
Work with business and community sector to build a full calendar of central city activities	•	•			•	Prioritised the Council's events, regulatory and city safety teams.
Develop a sponsorship policy for events and facilities	•		•			Prioritised within the Council's policy programme..
Quarterly city stakeholder meetings.	•				•	Mayor's Office initiative.
Ongoing support for the Trauma Intelligence Group.	•				•	Prioritised in the city safety programme.
Co-locate Council, Regional Public Health and the Police licensing and enforcement staff.	•		•		•	Local Alcohol Policy. Prioritised in the Council's public health programme.
Work with Capital Hosts to promote initiatives.	•	•	•		•	Prioritised in the city safety programme.

Success Measures

We will know the strategy is successful when there is:

- an increase in late-night trading transactions with fewer alcohol sales
- an increase in the number of late-night traders

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- a decrease in the overall number of alcohol-related offences
- a decrease in late-night alcohol-related offences
- a decrease in the overall number of alcohol-related presentations to Wellington Hospital's emergency department
- a decrease in late-night alcohol-related presentations to the hospital's emergency department
- a decrease in alcohol-related presentations to the hospital's emergency department from people living in over-represented census areas
- a decrease in presentations to the Courtenay Place triage centre
- a decrease in the number of noise and nuisance complaints from inner city residents in the Entertainment Precinct
- a decrease in breaches of the central city liquor ban
- a decrease in vandalism and nuisance complaints along pedestrian routes into the central city
- an increase in the number of events and activities happening in the central city.

~~Specific targets for the strategy will be established once the draft implementation plan has been finalised.~~

~~We're seeking your views~~

~~We're seeking your views on the proposed initiatives in this draft strategy.~~

~~Do they deliver on the strategy's outcomes?~~

~~Will they contribute to our communities having a healthier relationship with alcohol?~~

~~Are the outcomes achievable or are there better ways to do this?~~

We will be monitoring the impact of national maximum trading hours when they come into effect on December 18. We will also regularly monitor the impact of the strategy and local alcohol policy to establish targets and deepen the information base for future reviews.

The Right Mix: ~~Draft~~ Provisional Local Alcohol Policy

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15 Roles

District Licensing Committee

Alcohol Regulatory and Licensing Authority

Licence inspectors, Police and public health authorities

Community

~~Appendix 1: Application of the Policy~~

Appendix-2 1: How to object to a licence application

1 Introduction

The adoption of the Sale and Supply of Alcohol Act 2012 gave councils the power to develop local alcohol policies. This is part of wider reform of the way alcohol is sold, supplied and consumed in New Zealand.

The purpose of this Policy is to give communities greater control over when, where and how alcohol is sold in Wellington City.

Sale and Supply of Alcohol Act 2012

Purpose:

- a) To the benefit of the community as a whole by putting in place a new system of control over the sale and supply of alcohol, that is reasonable and the administration of which helps to achieve the object of the Act.
- b) To reform more generally the law relating to the sale, supply and consumption of alcohol so that its effect and administration help to achieve the object of the Act.

Object

(1)The object of this Act is that—

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- (2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—
- (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
 - (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

An alcohol licence is required to sell alcohol to the public. Applications for alcohol licences must be filed with the relevant District Licensing Committee in the area where the premises concerned is located.

Each territorial authority must appoint one or more licensing committees, as required, to deal with licensing matters for its district, to be known as the District Licensing Committee.

2 Definitions

Liquor Licences

There are four kinds of liquor licences:

On-licence

Licensed for the sale and supply of alcohol on the premises and can permit alcohol to be consumed on the premises.

BYO-endorsed

Licensed for the consumption of alcohol to anyone who is on the premises for dining.

Caterers-endorsed

In addition to the definition above for on licences, a caterer can also deliver alcohol from their premises and sell it on any other premises for consumption there by people attending a reception, function or other social gathering.

Off-licence

Licensed for the sale of alcohol from the premises for consumption elsewhere.

Licensed for the sale of alcohol on or from the premises for delivery elsewhere.

Also permitted to supply alcohol free, as a sample, for consumption on the premises.

Remote sales-endorsed

Licensed for the sale of alcohol on or from the premises for delivery elsewhere.

Auctioneers-endorsed

Licensed to sell alcohol by auction.

Club licence

Licensed for the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned.

Special licence:

On-site special licence

Licensed for the sale or supply of alcohol for consumption there, to people attending an event described on the licence.

Off-site special licence

Licensed for the sale of alcohol, for consumption elsewhere. The licensee is also able to supply alcohol free, as a sample, for consumption on the premises.

Other definitions

Alcohol-related harm

Defined as, the harm caused by the excessive or inappropriate consumption of alcohol, including:

- (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
- (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in (a).

Airport bar

Means premises that:

- (a) are within or attached to an airport; and
- (b) used or intended to be used in the course of business principally for selling or supplying alcohol to air travellers arriving at or departing from the airport.

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

A shop where at least 85 percent of the annual sales revenue is expected to be earned from the sale of alcohol for consumption elsewhere.

Brothel

Any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a

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commercial basis if the prostitution occurs under an arrangement initiated elsewhere.

Central area

The area defined by the District Plan for Wellington. By default the term “Suburbs and Rural area” includes all other areas defined by the District Plan (including inner residential, outer residential and suburban centres).

Club

Means a body that is a body corporate that participates in or promotes 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 a permanent club charter.

Community trust

Means a trust established under section 357 of the Sale and Supply of Alcohol Act 2012 or section 219G of the Sale of Liquor Act 1989; or resulting from the amalgamation of two or more community trusts under section 385 of the Sale and Supply of Alcohol Act 2012 or section 219Z of the Sale of Liquor Act 1989.

Conveyance

a) means an aircraft, coach, ferry, hovercraft, ship, train, or other vehicle, used to transport people; and

(b) includes part of a conveyance.

Entertainment Precinct

~~Designated zone within the central area that is subject to particular conditions, see page 23.~~

Entertainment venue

Means premises used or intended to be used in the course of business principally for providing any performance or activity (not alcohol-related) designed to engage an audience, such as but not limited to:

- theatre
- cinema
- bowling
- pool/snooker/billiards hall
- brothel

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- function centre
- live entertainment venue
- night club
- strip club.

Inspector/Licence inspector

Means an inspector appointed under section 197(1) of the Sale and Supply of Alcohol Act 2012.

Large scale event

An event with more than 3,000 attendees per day or more than 1,000 attendees per day where alcohol is the primary focus.

Late trading

Trading past 2am 3am.

Management

Means the day-to-day running of a venue, location or conveyance, which may involve the licensee, general manager, managers or staff members, and may also mean in a collective sense those people who are responsible for the day-to-day running of a venue, location or conveyance.

Prohibited people

People who are under the age of 18 or who are intoxicated.

Restaurant/Café

Means premises that are not a conveyance; and are used or intended to be used principally for supplying meals to the public for eating on the premises.

Restricted area

Designated part of licensed premises to which people under 18 may not be admitted.

Risk

In this document, risk relates to factors that influence the extent of harm created from the sale, supply and/or consumption of alcohol.

Secretary of the District Licensing Committee

The title applied to the principal administrative officer of the local authority by the Sale and Supply of Alcohol Act 2012.

Secretariat

Wellington City Council staff performing administrative functions for the Secretary of the District Licensing Committee.

Sensitive facility

Educational, or recreational facility or open space used by, or likely to attract young people under the legal purchase age; community and/or health facility.

Southern Zone

Designated zone in the South of the city that is subject to particular conditions within this Policy – refer to Map 3 2 page ~~25~~ 22.

Supermarket/Grocery store

Means a shop that has the characteristics normally associated with shops of the kind commonly thought of as grocery shops such as but not limited to size, annual sales revenue, product range; and comprises premises where a range of food products and other household items are sold; but the principal business carried on is or will be the sale of food products.

Supervised area

Designated part of licensed premises to which people under 18 may not be admitted unless accompanied by a parent or guardian.

Tavern/Pub/Bar

Means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but does not include an airport bar.

Temporary activity

For the purposes of obtaining a special liquor licence, is defined as constituting up to six activities per calendar year requiring licence approval, on each site, under club and, in some cases, special licences. More than six activities are considered repetitive in nature and ~~will~~ may require resource consent approval.

Temporary authority

Means temporary authority (or permission) to operate under an existing licence. A temporary authority is applied for when a business is sold and a new ~~operator~~

licensee would like to commence trading before their own licence application is considered or granted. The holder of a temporary authority is subject to all of the conditions found on the base licence and any the District Licensing Committee has specified in the temporary authority itself.

The Act

The Sale and Supply of Alcohol Act 2012.

The Policy

The Right Mix: Wellington City Council's Local Alcohol Policy.

Acronyms

ARLA

Alcohol Regulatory Licensing Authority

DLC

District Licensing Committee

HPA

Health Promotion Agency

MoH

Medical Officer of Health

LAP

Local Alcohol Policy

3 Background

Wellington City Council has been guided by an alcohol licensing policy since 1993, most recently reviewed in 2003.

In 2009, the Law Commission undertook a broad and comprehensive review of the role of alcohol in New Zealand. The Commission's 2010 report to Parliament, 'Alcohol in our Lives: Curbing the Harm', signalled significant changes to the sale and supply of liquor. The Government responded with the Sale and Supply of Alcohol Act 2012.

Finding a balance between the needs of the community and the entertainment/recreation market is not always easy. Wellington City is the main entertainment destination for the region, and the restaurants, bars and clubs provide life and vitality to many parts of the city. However, excessive alcohol

consumption and alcohol related harm threaten residential amenities and the economic vitality of the city. Where this occurs, or there is the potential for it to occur, the Council in its role as the District Licensing Committee (DLC) will act to protect the health of the community as required under the Act.

This Policy is an updated approach to alcohol management in Wellington City. It provides guidance to decision-makers in applying the Act and any amendments that may come in the future.

4 The impact of alcohol on Wellington City

Wellington City has a different pattern of alcohol consumption to the rest of New Zealand.

Wellington City is a nationally significant entertainment destination...

Figures from Positively Wellington Tourism show that domestic visitors contribute \$557 million to the Wellington economy. The city's entertainment offerings, accompanied by the availability of alcohol, support Wellington's position as one of New Zealand's most popular domestic tourism destinations.

So a greater proportion of our drinking takes place in public...

Figures from ACC show that Wellington has 26 on-licences (bars and restaurants) per 10,000 people compared to 18 per 10,000 people for the rest of New Zealand.

Much of this is happening in the central city...

Figures from the District Licensing Agency show that 71 percent of all alcohol licences are issued in the Lambton Ward with 79 percent of these being bars, night clubs and restaurants.

It means we have an active late-night economy...

Figures from Hospitality New Zealand show that electronic card transactions in the Wellington region between 4–7am total \$33m per year – 22 percent of all late-night transactions nationally.

But there is a skewed activity mix...

Figures from the District Licensing Agency show that of the 31 licences operating later than 3am (excluding hotels and the airport), 21 are classified as taverns.

And there is more harm generated as the night goes on...

Figures from the Police show that nationally the predicted rate of alcohol-related offending doubles between 1–2am, doubles again between 2–3am, and doubles again between 3–5am.

Alcohol-related harm is also greater for young men...

Figures from Regional Public Health show that males aged 15–29 comprise 37 percent of all alcohol-related presentations at Wellington Hospital's emergency department.

Especially for young men who live in the south of the city...

Figures from Regional Public Health show males aged 15–29 living in the south of the city, from Mt Cook to Island Bay, have alcohol-related presentation rates that are more than double the average for this age group.

But alcohol consumption is not limited to young people...

Figures from a recent survey of 1000 residents in Wellington show that 94 percent of respondents consume alcohol and 63 percent said they do so at least once a week.

Yet we are concerned that alcohol consumption does more harm than good...

Figures from the same survey show that 50 percent of respondents thought the harm caused by alcohol outweighs the benefits. Only 19 percent thought the benefits outweigh the harm.

5 Strategic setting

The Council has both an interest in and responsibility for alcohol management in Wellington City. This stems from the statutory requirements for liquor licensing and our responsibility for public places, as well as promoting the city's development through our Wellington Towards 2040: Smart Capital vision.

Smart Capital has two goals that are particularly relevant to this Policy:

Dynamic Central City – The central city will be a vibrant and creative place, helping Wellington to offer the lifestyle, entertainment and amenity of a much bigger city. The CBD will continue to drive the regional economy.

People-centred City – Wellington's people-centred city will be healthy, vibrant, affordable and resilient, with a strong sense of identity and 'place' expressed through urban form, openness and accessibility for its current and future populations.

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There is an overlap between these strategic goals and the Sale and Supply of Alcohol Act 2012.

For the central city, this means:

- supporting a city rhythm – transitioning the city through:
 - daytime – commerce
 - evening – entertainment
 - late night – bars and clubs, more evening entertainment
 - morning – sleep, city regeneration: cleaning and rest.
- promoting a dynamic night-time economy – with well-managed and designed pockets of vibrancy that offer a balanced mix of alcohol and non-alcohol trading activity
- creating a safe and welcoming city – where risks are effectively managed and inner-city residents are involved in decisions about alcohol availability
- building an accessible city – where people can safely and easily move into and out of the central city and between different ~~zones~~locations within the central city.

For the suburbs, this means:

- supporting vibrant town centres and suburban hubs that provide appropriate spaces for economic activity, socialising and community activity
- supporting local amenity – ensuring there are pleasant and agreeable places to live alongside vibrant suburban centres that are created through greater regulation of the sale of alcohol compared to the central city.

The Council's ~~draft~~ Alcohol Management Strategy provides a broader context for our Local Alcohol Policy. The strategy takes a wider view of alcohol and alcohol-related behaviour, how alcohol can contribute to our aspirations for a dynamic central city with vibrant suburban centres, and how we can all play a part in reducing alcohol-related harm.

The outcomes sought by the strategy are:

- **reduced harm:** a reduction in the amount of harm caused by the excessive consumption of alcohol and drinking in public places and in vandalism
- **increased vibrancy:** an increase in late-night activity in the central city with less emphasis on alcohol consumption

- **improved amenity:** an improvement in suburban, inner-city and open space amenity
- **greater personal responsibility:** an increase in the safe and responsible consumption of alcohol
- **greater collaboration:** more shared responses to alcohol-related issues from licensees, local and central government, and community organisations.

These outcomes contribute to the achievement of our Wellington Towards 2040: Smart Capital vision by striking the right balance between promoting a dynamic central city with vibrant suburban centres and achieving a discernible reduction in alcohol-related harm.

6 Aim of the Policy

This Policy aims to deliver a safe and responsible drinking environment where the harm caused by the excessive or inappropriate consumption of alcohol is minimised.

It provides a framework for decision-making on the sale of alcohol in Wellington City, and is focused on achieving and maintaining the right mix of alcohol-related activity to support the objectives set out in the ~~Draft~~ Alcohol Management Strategy.

The Policy reflects the purpose of the Act, which is for the benefit of the community as a whole. It combines community expectations about how alcohol is made available to the public and legislative requirements governing generally accepted norms of behaviour. This Policy allows the Council to fine-tune the application of the Act through its own activities and those of the Alcohol Regulatory and Licensing Authority (ARLA), to better meet the needs of our communities.

The object of the Act is to ensure the sale, supply and consumption of alcohol is undertaken safely and responsibly; and that the harm caused by the excessive or inappropriate consumption of alcohol is minimised. This Policy is designed to assist the Council in meeting its obligations under the Act.

The Act requires the Council to undertake the role of District Licensing Committee (DLC). In this Policy, DLC refers to a function of the Council and not a separate body. The term “Council” refers to the whole of the Council where other functions (such as noise control or District Plan compliance) may be relevant to the management of the sale and supply of alcohol.

The DLC’s role is to exercise its jurisdiction, powers and discretions under the Act in such a way that is most likely to promote the object of the Act. An important part of this is the DLC acting on behalf of the community and making

decisions that reflect the particular needs of Wellington City as expressed through this Policy.

The Policy takes a location-based approach to the application of trading hours and licence conditions. It also distinguishes by kind of licence and further by type of premises to assist in the application of trading conditions to further the object of the Act and the Council's own strategic goals.

The Policy will inform the decisions of the DLC on liquor licences for the sale of alcohol in Wellington.

7 Policy principles

The following principles guide the DLC's administration of ~~liquor~~ alcohol licensing:

1. Meeting the object of the Act

The object of the Sale and Supply of Alcohol Act 2012 is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Principle: *All Council actions will be consistent with the Act.*

2. Effective risk management

There are recognised risk factors that influence the extent of harm created from the sale of alcohol. The Policy identifies and addresses these factors to create an environment that actively manages those risks.

Principle: *All Council decisions will evaluate the level of risk an existing or ~~proposed operation~~ new licensee poses when determining the trading conditions under which a licence may be granted.*

3. Incentivising best practice in reducing alcohol harm

The Policy supports a ~~fees regime that rewards quality operators and opens up trading opportunities for businesses that manage alcohol-related harm well. The Policy will incentivise risk management with the possibility of lower fees and more extensive trading hours.~~

Principle: *~~Operators~~ Licensees that manage risk well will be eligible for ~~extended~~ late trading hours and ~~proportionally reduced fees related to their risk classification.~~*

4. Late-night trading – a privilege, not a right

Alcohol-related harm in Wellington City markedly increases after midnight, highlighting that late-trading activity presents a greater risk to the community. The Policy ensures ~~operators~~ licensees who are afforded extended late-night trading hours (trading after ~~2am~~ 3am) are capable of minimising risk.

Principle: ~~Operators~~ Licensees seeking to trade beyond ~~2am~~ 3am will need to demonstrate the highest standards across all evaluation criteria.

5. Activity mix

Safer drinking environments are characterised by a diverse range of activity where the focus is shifted away from the consumption of alcohol as the primary activity. To strike an acceptable balance between retaining pockets of vibrancy (particularly in the central city) and reducing harm, the Policy will allow a change in the mix of activity in at-risk locations and trading times by granting licences to operators who can clearly demonstrate that the consumption of alcohol is ancillary to providing another activity or service.

Principle: ~~Operators~~ Licensees intending to apply for late trading hours, who can demonstrate a greater emphasis on activity which is not principally the consumption of alcohol, will be prioritised.

6. Alcohol will be managed differently in different parts of the city

~~The best way to mitigate the risk of harm is to create well-designed and managed precincts or zones. Confining activity at high-risk times to specific locations in to the central area enables a targeting of resources, closer monitoring and enforcement and, alongside the application of specific conditions, will improve alcohol and patron management to help ensure the safety of both individuals and the community.~~

Principle: ~~Late-trading activity will be restricted to clearly identified and well-managed zones within the central area.~~

7. Alcohol is not always an appropriate accompaniment

There are some occasions and events in the city where alcohol is not considered an appropriate accompaniment.

Principle: *The sale and supply of alcohol for on-site consumption is not an appropriate activity at youth focused occasions or events, or those likely to attract people under the legal purchase age. The DLC will look closely at the appropriateness of licensing the on-site sale and supply of alcohol at such events.*

8. Transparency

It is considered important that the DLC's position on the sale and supply of alcohol in Wellington City is clearly stated. This will allow the public and applicants to clearly see how applications are evaluated and how (using the assessment criteria) decisions are made.

Principle: *All decisions will be made in line with the Act and any amendments, with this Policy and any related procedures.*

9. Community involvement

The Policy describes the opportunities that are available for public participation in the DLC's decision-making process. This is partly through consultation on the Policy itself but mainly through the public notification/objection process.

Principle: *The DLC will endeavour to address community concerns and issues where this is consistent with the purpose of the Act and the Policy.*

10. Fairness

The DLC will promote a balance between the expectations of the wider community and owners/management/users of licensed premises.

Principle: *The application of this Policy is not intended to restrict or reduce existing licence conditions, except where explicitly stated.*

Note: While the Policy will not be applied retrospectively, it should be noted that assessment of new and renewal applications against stated criteria and the monitoring and enforcement actions, may result in the application of certain conditions and, in the case of renewal applications, the variation of existing licence conditions.

Principle: *~~Licensing fees charged will be apportioned according to a risk-based classification.~~ Operations assessed as carrying a greater risk, and therefore requiring greater monitoring, enforcement or both, will attract ~~higher fees and additional operating conditions.~~*

Note: Councils currently have no ability to set fees. This may change with the publishing of regulations for the Sale and Supply of Alcohol Act 2012.

11. Conflict resolution

The sale of alcohol is clearly an issue for potential conflict. Parties to this potential conflict include commercial operators, local residents, customers/patrons and social services. All parties have rights and obligations.

Principle: *Licence inspectors will make all reasonable attempts to resolve issues or points of conflict before recourse to legal measures.*

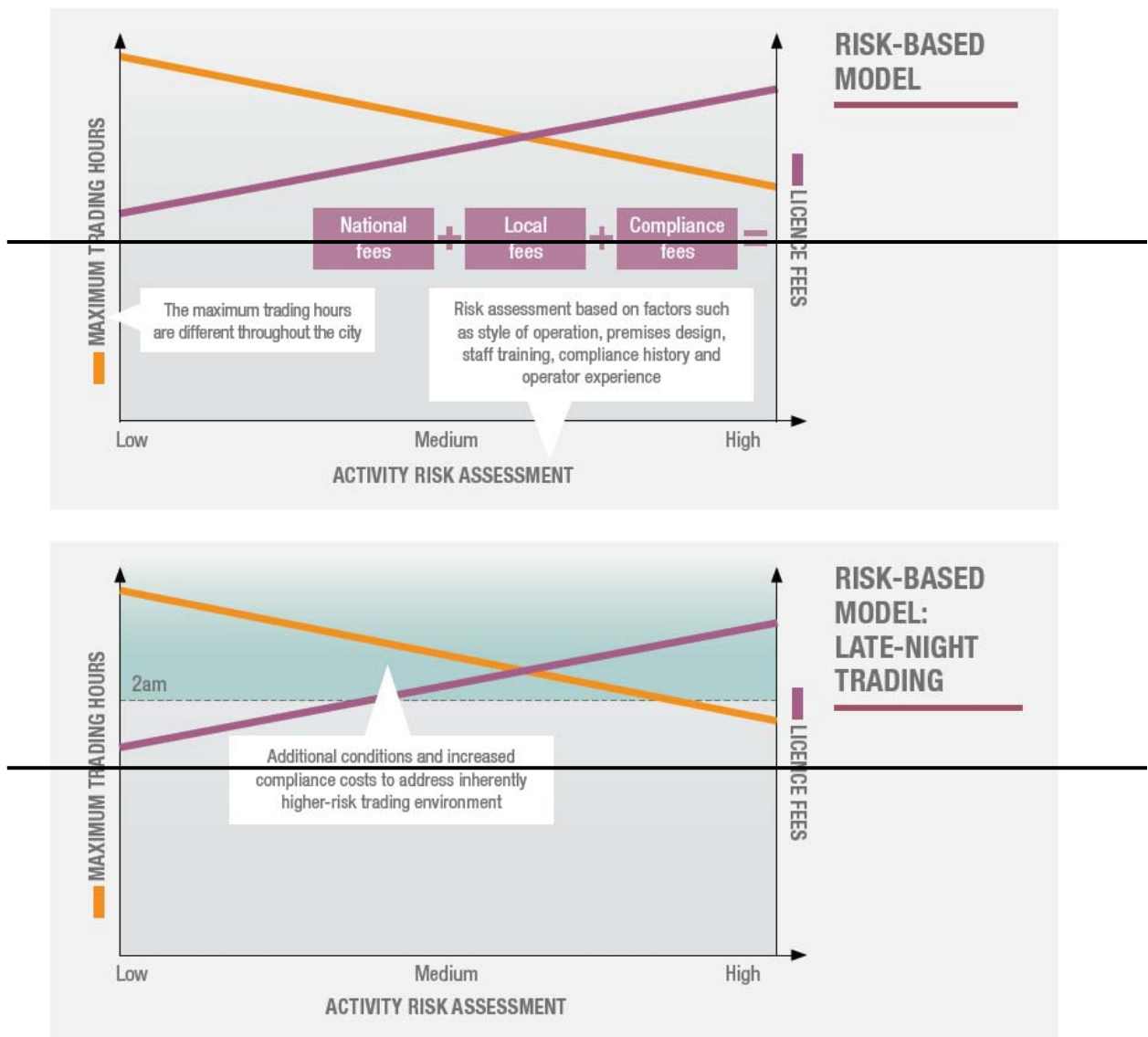
8 Risk management framework

An applicant is in the best position to manage any risk associated with the type of activity they are, or intending, to undertake. On application or renewal of a licence the overall suitability of all elements of the activity in relation to the effect on the community through the sale and supply of alcohol, is assessed against criteria set out in the Act and this Policy. Following this assessment, the ~~operation~~ licensee's risk profile is classified as low, medium or high risk.

The assessment criteria are such that an applicant with an inherently high-risk ~~operation~~ profile will be capable of lowering ~~their risk profile~~ this by investing in their business and supporting best practice.

An ~~operator's~~ licensee's risk classification profile will affect the ~~portion of licence fees charged by the Council and the types of conditions that may be applied to the licence. With the exception of late trading venues (where compliance/monitoring fees are higher and greater restrictions are placed around operations), the lower the risk, the lower the fees and the fewer restrictions on the licence.~~

~~See Appendix 1A for a summary of the Assessment Template used by licence inspectors when they review an application.~~



The Act permits the total costs of the licensing process undertaken by councils to be recovered. Wellington City Council believes the fees charged should be targeted and proportionate to the risk posed, so that the management of those risks is properly funded. At the timing of writing, the regulations for how councils set fees has not been published.

9 Limits on hours of operation

Limits by licence Kind (general and otherwise)

On-licence and club licence

From a regulatory perspective, on-licence and club-licence premises are characterised by their ability to provide a controlled environment for the consumption of alcohol. Limits on the hours of operation and the application of discretionary conditions for on-licence and club-licence premises will be applied

where this is considered a reasonable response to evidence of alcohol-related harm.

Off-licence

The fundamental difference between on- or club-licence activity and off-licence premises is that there is no ability to control the consumption of alcohol purchased once it is taken off the premises. Limits on the hours of operation for off-licence premises help to constrain access to alcohol where that access is more likely to contribute to alcohol abuse and unsafe public environments.

Special licence

Special licences are used to control the sale and supply of liquor for events or social gatherings where an on-, off- or club licence is not in force or appropriate.

The sale and supply of alcohol for on-site consumption is not an appropriate activity at youth-focused occasions or events, or at those likely to attract people under the legal purchase age. The DLC will look closely at the appropriateness of licensing for the on-site sale and supply of alcohol at such events.

The activity for which a special licence is being sought must be outside the regular activities of an on-, off- or club-licensed premises and not of a regular nature such that an on-, off- or club licence should be applied for. Where a series of events or social gatherings is being considered, there must be specific start and finish times.

Number of events that can be applied for on any one special licence application form

Up to 12 events or social gatherings per special licence application may be applied for.

Special licences will only be granted for up to 24 events or social gatherings per calendar year, that:

- occur at the same venue and/or
- are the same in character and/or
- are applied for by the same applicant

unless an increase in numbers can be justified to the DLC.

Additional requirements for large-scale events

Large-scale events are inherently higher-risk activities where the sale, supply and consumption of alcohol is concerned. If in the opinion of the DLC an

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application for a special licence relates to a large-scale event, the Committee must:

- require the applicant to provide a management plan describing how that applicant proposes to deal with matters such as security, monitoring, interaction with local residents, and public health concerns
- require the applicant to provide a certificate by the territorial authority that the proposed use for the premises meets the requirements of the Resource Management Act 1991 and of the building code
- require the applicant to work with the Police, the territorial authority, and public health agencies on planning for the event.

Limits on hours of operation (general and otherwise)

The Act allows for local alcohol policies to set maximum trading hours; apply different hours to different areas of the city; and to apply different hours to premises that hold or have applied for licences of different kinds.

Note: *This Policy will be applied on the issue of new licences and on the renewal of existing licences, with the exception of maximum trading hours for hotels serving lodgers, which take effect from the time the Policy is operative.*

In addition to a location-based approach to the application of trading hours, the Policy will also distinguish by kind of licence and (as required) by type of premises in applying trading conditions. This will help to create a change in the mix of trading activity in particular areas of the city.

The ~~four~~ three areas or zones subject to specific trading conditions are:

Zone 1 – Entertainment Precinct: Courtenay Place to Cuba Street – where the overriding priority is to balance vitality and vibrancy with safety and minimising harm

Zone 2 1 – Central Area – where the overriding priorities are to ensure the city has broad appeal through a diverse range of activities, accessibility and a welcoming, safe area

Zone 3 2 – Southern Zone – identified as an area over-represented in alcohol-related harm data, where the overriding priority is to reduce harm

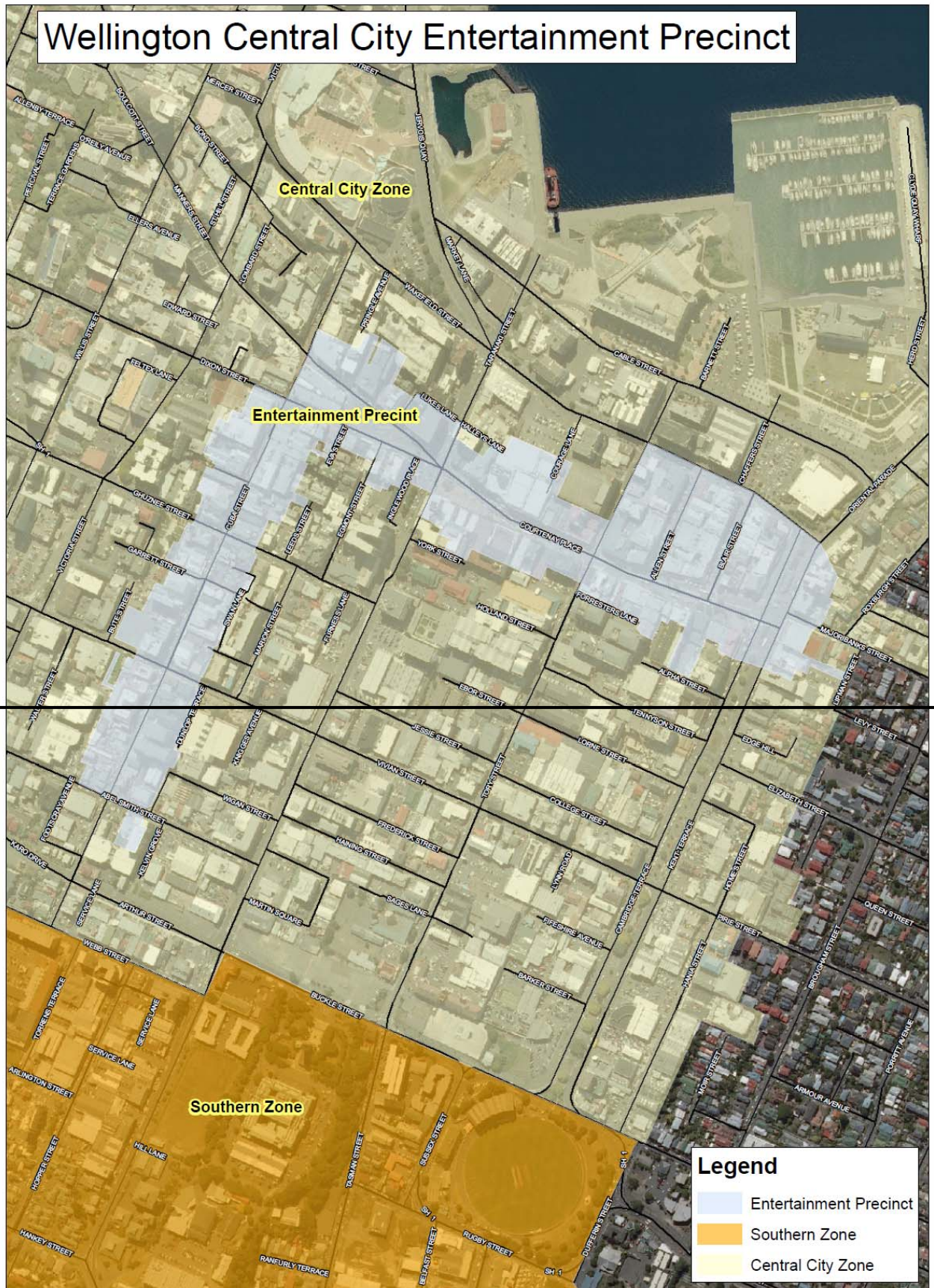
Zone 4 3 – Suburban Areas – where the overriding priority is to ensure the locality is a pleasant and agreeable place to live alongside vibrant suburban centres.

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The management of alcohol in each of the above zones is based on a mix of District Plan objectives, location-specific, alcohol-related harm data, international best practice and changing the mix of trading activity.

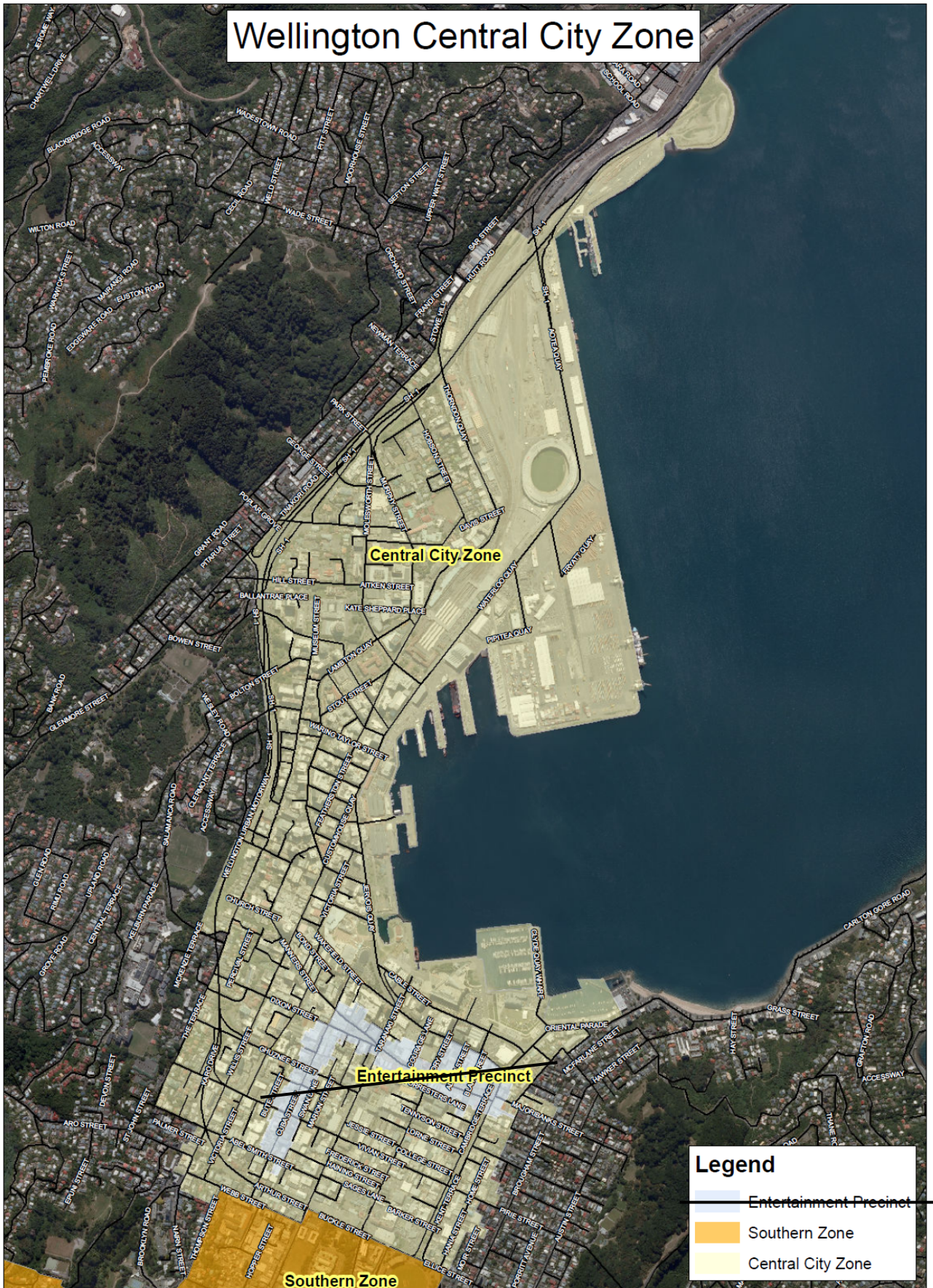
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Map 1: Entertainment Precinct boundaries



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Map 2 1: Central City Area Zone boundaries



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Maximum trading hours

The hours listed in the table below represent maximum limits. In determining appropriate trading hours conditions for a licence, all applications will be evaluated on merit as to how they satisfy relevant criteria in the Act and in this Policy.

Licence kind	Entertainment precinct	Central area	Suburban centre	Southern zone
ON*	7-3am the following day	7-2am the following day 7-5am the following day	7am - midnight 7am - 1am the following day	7am - midnight 7am - 1am the following day
	For best-practice applicants: 7-5am the following day	For best-practice applicants: 7-3am the following day		
ON Conveyance	7- 3am the following day <u>when the conveyance is in service</u>			
ON Caterers	<i>At any time on any day <u>during the provision of catering services</u></i>			
ON Hotels*	At any time on any day to lodgers			
ON Airport Bar	At any time on any day			
<u>ON Brothels</u>	<u>At any time on any day</u>			
OFF*	7am-9pm	7am-9pm <u>7am-11pm</u>	7am-9pm <u>7am-11pm</u>	7am-9pm <u>7am-11pm</u>
OFF Remote	<i>At any time on any day</i>			
CLUB	8-1am the following day	8-1am the following day	8am-midnight <u>8-1am</u> the following day	8am-midnight <u>8-1am</u> the following day
SPECIAL	<i>No limits – applications assessed on merit</i>			

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HOTELS*	At any time on any day to lodgers	At any time on any day to lodgers	At any time on any day to lodgers	At any time on any day to lodgers
AIRPORT BAR	At any time on any day	At any time on any day	At any time on any day	At any time on any day

On-licence

- Licensed beyond 3am are subject to compulsory conditions (refer to Section 11)
- Across-the-bar sales are subject to off-licence limits.
- Trading on Good Friday, Easter Sunday and Christmas Day, or before 1pm on Anzac Day, limited to lodgers and diners or the holder of a special licence.

Off-licence

- No trading is permitted on Good Friday, Easter Sunday and Christmas Day, or before 1pm on Anzac Day, unless it is grape wine or fruit or vegetable wine made or produced on the premises, or classed as a remote sale.

Hotels

- For any bar facilities that cater to the general public, hotels are subject to on-licence maximum trading-hour restrictions.
- Mini bars in hotel rooms and tourist houses will be exempt from the above limits where it can be established that accommodation is the principal activity. This recognises that where mini bars are situated in rooms, it is unrealistic to prevent consumption outside set hours.

10 Density and proximity

Density

Residents in Wellington have voiced concerns around the number and location of licensed premises in their communities. These concerns are not unfounded, there is a correlation between outlet density and alcohol-related harm and further, for each type of outlet, there is a clear association between outlet numbers and the level of harm due to drinking.

The Policy will deal with the issue of managing outlet density in the following manner:

- all new or ~~renewal~~ applications for premises assessed as high-risk and located in the ~~Entertainment Precinct~~ Central Area or Southern Zone will be required to be dealt with by way of public hearing
- in all other cases where public opposition is lodged to the issue or renewal of a licence, and density or proximity is raised, the matter will be dealt with by way of public hearing.

In all cases, density is an issue considered by licensing inspectors when reporting on applications to the DLC.

Note: If no reporting agency, member of the public or applicant registers an interest to be heard ~~in relation to an application notified for public hearing~~, the DLC has the discretion to cancel a hearing.

Proximity – ~~to sensitive facilities and other licensed premises~~

Community concerns, particularly in suburban locations, are focused on the proximity of licensed premises to each other and community sensitive facilities such as parks and playgrounds; educational facilities such as schools, crèches and play centres; community and/or health facilities.

Any licence application (new or renewal) for premises neighbouring or adjacent to a sensitive facility in the Southern Zone or ~~Entertainment Precinct~~ Central Area, should be considered by the broader community. In all other cases, new or renewal applications for high-risk licensed premises deemed to be in close proximity (within 100 metres) to sensitive facilities or another high-risk premise, will be closely reviewed.

Proximity – concentration of licensed premises in the Entertainment Precinct

The establishment of an Entertainment Precinct involves the concentration of licensed premises operating late-night within a defined boundary. Community concerns are focused on the concentration of high-risk premises and the mix of late-night activity, and the potential impact these may have on residential activities in the vicinity. Any high-risk licensed premises proposed in the Entertainment Precinct Central Area and any premises seeking late-trading hours in the Entertainment Precinct should be considered by the broader community.

The Policy will manage proximity in the following manner:

Dealt with by way of public hearing:

- **High to medium risk in the Southern Zone**

Any application (new and renewal) for premises assessed as high to medium risk and located in the Southern Zone, and found to be within close proximity of another licensed premise and/or a sensitive facility, will be required to be dealt with by way of public hearing.

- **Any level of risk that neighbours or is adjacent to a sensitive facility**

Any licence application (new or renewal) for premises neighbouring or adjacent to a sensitive facility will be determined by way of public hearing.

- **High to medium risk or late-trading in the Entertainment Precinct Central Area**

All new and renewal applications for premises assessed as high risk and located in the Entertainment Precinct Central Area, and any that seek late trading hours, will be required to be dealt with by way of public hearing.

- **Any application that receives public opposition**

In all other cases where public opposition is lodged to the issue or renewal of a licence and density or proximity is raised, the matter will be dealt with by way of public hearing.

Inspector review and recommendation:

- Any application to licence or renew a licence for premises deemed high to medium risk, and within close proximity to a sensitive facility and/or other high to medium-risk premises, will include a recommendation from a licence inspector on any issues associated with proximity, and how these could be

resolved by the DLC ie by way of public hearing and/or the application of certain conditions.

In cases of proposed premises, the DLC has the discretion to refuse the issue of a licence based on proximity (in the case of premises in the ~~Entertainment Precinct~~ Central Area this refusal may relate to the appropriate concentration and mix of licensed premises by type), or impose conditions to address issues raised in relation to the operation of the licence.

In cases where proximity is being considered in reference to the renewal of existing licenses, the DLC will focus on the application of conditions to address issues raised in relation to the continued operation of the licence, unless there are sufficient grounds to warrant variation or cancellation of the licence.

Note: If no reporting agency, member of the public or applicant registers an interest to be heard ~~in relation to an application notified for public hearing~~, the DLC has the discretion to cancel a hearing.

Note: In all cases where an automatic hearing is triggered, a copy of the application will be forwarded to relevant residents associations and any sensitive facilities identified by the reporting inspector.

11 Discretionary conditions

Section 117(1) of the Act also permits a DLC to issue any licence subject to any reasonable conditions not inconsistent with the Act. In using its discretion to apply conditions, the DLC will be guided by the following:

- connection – whether there is a connection between the problem to be addressed and the proposed activity
- impact – whether there is evidence to support that the proposed condition will make the drinking environment safer and minimise harm
- reasonableness – whether it is within the capabilities of the ~~operator~~ applicant or licensee to satisfy this condition.

~~The following list is indicative of the types of discretionary conditions the DLC may consider when issuing a licence:~~

- ~~• more or less restrictive trading hours (within defined maximum limits) relative to the proposed location and risk classification for the operation~~
- ~~• more restrictive trading hours taking into account neighbouring land use (see 116(3))~~
- ~~• the licensee will ensure the operation of closed circuit television of a quality and at a location that will help to identify alcohol related offending~~

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- ~~no glass drinking vessels permitted in any outside area past (specify time)~~
- ~~limits on number of drinks sold in any one transaction after (specify time)~~
- ~~the licensee must ensure at all times a minimum of XX security staff are employed on the premises after (specify time)~~
- ~~the licensee must ensure at (all times/or specify times), security staff are positioned at the main entrance and exit to the premises~~
- ~~the licensee is required to notify the Police of any violent incidents that occur on the premises~~
- ~~the licensee is required to maintain a register of incidents that is available for inspection by enforcement authorities at any time during trading hours~~
- ~~before closing the premises, the licensee will remove all litter from outside the premises in the area defined as: XXX~~
- ~~at (specify time) the licensee will remove all temporary outside furniture~~
- ~~a minimum of (XX) qualified duty managers will be on the premises between (insert trading hours)~~
- ~~the licensee must at all times comply with the conditions set out in the noise management plan for the premises~~
- ~~no loudspeaker, amplifier, relay or other audio equipment must be installed or used outside the premises~~
- ~~the licensee will ensure that at all times a queue is formed; a dedicated staff member is required to manage the queue and ensure it does not impede the general public or use of the pavement~~
- ~~outside areas are to be monitored at all times~~
- ~~the following area (insert description) has been designated as an observation zone for patrons for whom service has been stopped~~
- ~~high visibility vests to be worn by staff operating at the main entrance and/or outside the premises~~
- ~~management of the premises to operate a 'wind down hour' protocol - for example lighting is increased, music turned down and last drinks called~~
- ~~the licensee is required to provide effective exterior lighting~~
- ~~a one-way door applies from (insert trading hours)~~

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- ~~a qualified duty manager must be on the premises at all times (clubs and BYO restaurants)~~
- ~~all bottle stores to have a supervisor to ensure unaccompanied minors do not enter the premises.~~

Entertainment precinct – Late -night trading and off-licence conditions in the Central Area

~~An Entertainment Precinct has been established to more effectively manage late-night trading activity characterised by premises that provide evening and late-night services to the public. These premises fall into three main categories: drink, entertainment and food.~~

~~Night-time economy activity is defined as supply chain activities that relate to retail, hotels and city services, such as cleaners, hosts and other operational staff.~~

The Policy identifies ~~a main corridor in the Central Area~~ as being suitable for late-trading activity in order to create:

- well-managed pockets of vibrancy whose overall effect is to minimise harm
- recognise and support growth in the night time economy in a way that achieves a better mix of activity
- promote quality over quantity to ensure the safe and responsible consumption of alcohol.

~~On-licence premises selected~~ approved to trade beyond 2am 3am ~~in the Entertainment Precinct, and off licence premises operating in the precinct or the Southern Zone~~ Central Area, will be required to meet the higher ~~st~~ standards of compliance and operation, as assessed using the criteria set out in this Policy. ~~By virtue of their location in the Southern Zone for alcohol-related harm, they will also be subject to additional trading conditions.~~

~~The Entertainment Precinct and high-risk zones~~ Trading past 2am 3am for on-licence premises, and past 8pm for off-licence premises in the Central Area, will be subject to the following conditions (as applicable). These are aimed at reducing alcohol-related violence, anti-social behaviour and improving the amenity and good order ~~in the precinct.~~

The following conditions **will** appear on licences granted with a late-trading condition:

For premises that are generally on-licence:

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- the licensee is ~~required to~~ must maintain a register of incidents that is available for inspection by enforcement authorities at any time during trading hours
- the licensee must notify the Police of any violent incidents that occur on the premises
- the licensee must at all times comply with the conditions set out in the noise management plan for the premises
- the following area: (insert description) has been designated as an observation zone for patrons for whom service has been stopped
- the premises ~~will~~ must operate a 'wind-down hour' protocol ~~which requires the Duty Manager to specify conditions – for example, lighting increased, music turned down and last drinks called.~~

For licensed areas outside the on-licence premises:

- no loudspeaker, amplifier, relay or other audio equipment may be used outside the premises past ~~(specify time)~~ 3am.
- ~~no glass drinking vessels permitted in any outside area past (specify hour)~~
- ~~before closing the premises, the licensee will remove all litter from outside the premises in the area defined as: XXX~~ must ensure litter (this includes, but not limited to, vomit and alcohol-related rubbish) is removed from outside the premises.
- ~~at (specify time) the licensee will remove all temporary outside furniture~~
- high visibility vests to be worn by staff operating at the main entrance and/or outside the premises
- the licensee ~~will~~ must ensure that at all times when a queue is formed; a dedicated staff member is required to manage the queue and ensure it does not impede the general public or use of the pavement
- outside areas are to be monitored at all times.

For off-licences:

- ~~the licensee must ensure at all times (or specify times) that security staff are positioned at the main entrance and exit to the premises~~
- the licensee ~~will~~ must ensure the operation of closed-circuit television of a quality that will help to identify alcohol-related offending, and put up signs to inform the public

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- the licensee is ~~required to~~ must maintain a register of incidents that is available for inspection by enforcement authorities at any time during trading hours
- the licensee must notify the Police of any violent incidents that occur on the premises
- ~~high visibility vests to be worn by staff operating at the main entrance and/or outside the premises~~
- ~~upon closing, staff will remove litter from outside the premises in the area defined as (XXX)~~ the licensee must ensure litter (this includes , but not limited to, vomit and alcohol-related rubbish) is removed from outside the premises.
- all bottle stores ~~to~~ must have a supervisor supervised designation ~~to ensure unaccompanied minors do not enter the premises.~~

Exemptions:

Exemptions to any of the above conditions may ~~considered be available in specific circumstances.~~ Detailed information to support an application for exemption must be provided to the DLC on application.

12. Host responsibility

The Act requires holders of on-licences and club licences to be responsible hosts by ensuring the availability of:

- non-alcoholic drinks
- low-alcoholic drinks
- free water
- food
- help with information about transport.

The Act also allows DLCs to impose conditions aimed at promoting the responsible consumption of alcohol. Host responsibility therefore, forms an important part of the assessment of a licence application and of the inspection of licensed premises. The DLC requires licensees to demonstrate that a comprehensive host responsibility programme is in place and is being actively promoted.

The basic elements of a host responsibility programme are:

- serving alcohol responsibly

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- providing and actively promoting low- and non-alcoholic alternatives
- providing and actively promoting appropriate food
- providing information on and actively promoting alternative forms of transport
- advertising the availability of free drinking water
- identifying and responsibly dealing with under age and intoxicated people
- ensuring that management and staff are trained in host responsibility practices and continue to update their skills
- having a house policy on host responsibility and adhering to it.

13. Enforcement

Responsibility for enforcement to ensure compliance with the Act will be undertaken by Wellington City Council licence inspectors, the Police and public health officials. These organisations will work together to share information and resources.

Where licence conditions are breached, or on-going non-compliance with the Act or the Policy is identified and not addressed, licence inspectors and/or Police may seek a variation, suspension or cancellation of the licence.

Where problems related to a premises' hours of operation are identified and remain unresolved, action will be taken by the licence inspectors to reduce the hours of operation.

All instances of non-compliance will be recorded and used in the assessment of renewal applications for managers' certificates and licences, and any variations. Instances of noncompliance and substantiated irresponsible management may result in changes to conditions and/or a reduction in concessions (such as hours of operations). Likewise where the applicant or management are associated with operations that are now closed or certificates that have expired, the historical information may be taken into account for new applications.

The Council will address its enforcement responsibilities by:

- inspecting all licensed premises routinely while the premises are open for trading
- inspecting taverns and nightclubs during the busiest hours of operation, as well as near the end of the trading hours

- targeted inspections of premises where noncompliance with licence conditions or with the Act is observed
- targeted inspections of premises which generate public complaints or Police intervention
- randomly inspecting special licences
- routinely monitoring temporary authorities
- undertaking joint monitoring operations, commonly referred to as controlled purchase operations, with the Police and the Medical Officer of Health
- issuing infringement notices in accordance with operational guidelines for DLC inspectors.

12-14 Public notification and participation

Statutory obligations

Site notification required under the Act:

An applicant for a liquor licence must, within 10 working days after filing the application, ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates; and

Print notification:

An applicant must, within 20 working days after filing the application, give public notice of the application.

Wellington city council notification requirements

The Secretary of the Wellington DLC has nominated The Dominion Post and The Wellingtonian as newspapers suitable for notification. This decision was based on circulation figures for the two papers.

The Secretary of the Wellington DLC requires the site notification to be brightly coloured and A3 in size and displayed for a period not less than seven days. Each applicant is required to file a signed declaration form confirming their obligations under the Act in respect of public notification have been fulfilled. They are further required to detail the dates when the notice was on display. It is recommended that applicants take time- and date-stamped photos of the notice in place to demonstrate their compliance.

The Wellington City Council also undertakes to provide a current list of all applications received, on www.Wellington.govt.nz/liquorobjections

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The public may also register for web alerts that advise when new applications have been listed. To register for a web alert, visit www.Wellington.govt.nz/webalerts

Public participation

All new and renewal applications for on-, off- and club licences, and any application for variations to licence conditions, are publicly notified and the community has the ability to comment or object. The community also has the ability to comment or object in the case of any special licence applications where the DLC has required public notification in the form of on-site and/or print as is deemed necessary.

~~All submissions received will be included in this decision-making process.~~

The criteria for assessing licence applications (new, renewals and variations) include consideration of any public objections received, and guide licence inspectors in forming their recommendations to the DLC. In making decisions about granting or declining applications, the DLC will have regard to the complete file and all matters raised in any report on the application.

The DLC reviews all objections received from reporting agencies and the community and decides whether or not the matter will be determined at a public hearing or on the papers. Objections that do not meet the criteria set out in the Act and/or are deemed serial or vexatious in nature may be ruled invalid.

The process for objecting to a licence application is outlined in Appendix 2 1.

Where community complaints about a venue or activity involving alcohol have been received and recorded by Wellington City Council, these are also considered in the assessment of applications.

13 Roles

The Alcohol Regulatory Licensing Authority (ARLA) functions primarily as a national appeals body and overseer of due process. In some cases it may also consider and determine applications when these are referred by licensing committees. ARLA may issue directions such as, notes, guidelines for licensing committees.

The District Licensing Committee (DLC) is the primary decision-making body on applications for the sale and supply of alcohol in Wellington City.

Agency collaboration in Wellington City is well established. The three agencies required to report on applications, Police, MoH and licensing inspectors will continue to work together to develop and implement strategies for reducing alcohol-related harm, they will jointly monitor licences and enforce the Act.

District Licensing Committee

The Sale and Supply of Alcohol Act 2012 allocates the role of District Licensing Committee to the Council. The DLC has a prescribed role to consider licence applications to ensure the sale, supply and consumption of alcohol is undertaken safely and responsibly and that any harm caused by the excessive or inappropriate consumption of alcohol is minimised.

The functions of a DLC are:

- to consider and determine applications and renewal applications for licences and manager's certificates; and
- to consider and determine applications for temporary authority; and
- to consider and determine applications for the variation, suspension, or cancellation of special licences; and
- to consider and determine applications for the variation of licences and
- to refer applications to the licensing authority; (any decision may be referred) and
- to conduct inquiries and to make reports as may be required of it by the licensing authority.

The DLC will also undertake any other functions conferred on licensing committees by or under the Act or any other enactment.

A DLC has three members appointed by Wellington City Council. One must be the chairperson and an elected member of the Council (the Mayor or a councillor); the other members are appointed from a list approved by the Council. DLC members must be of good standing in the community, and have the necessary knowledge, skill and experience relating to matters that are likely to come before them, but not have direct or indirect involvement in the alcohol industry. A Police officer, a Medical Officer of Health, a licence inspector, or a Council employee are also prohibited from being members.

The quorum for a DLC meeting is three members – except where no objection has been filed, and no matters of opposition have been raised where the quorum is one member, who must be the chairperson.

The Council must hold a list of DLC members. A list of approved DLC members will be available in December 2013 on Wellington.govt.nz

The Council may appoint commissioners to perform the functions of a DLC. A commissioner must also be of good standing in the community, and have the

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necessary knowledge, skill and experience relating to matters that are likely to come before them, and are subject to the same restrictions as a DLC member.

The criteria by which an applicant for membership of the DLC is assessed, ~~will be available in December 2013~~ is available on request by calling 499 4444 on Wellington.govt.nz

Alcohol Regulatory and Licensing Authority

The Alcohol Regulatory and Licensing Authority (ARLA) is a decision-making and appeal body. It is a tribunal administered by the Ministry of Justice, consisting of up to three District Court Judges and any number of other members. The chairperson of ARLA must be a District Court Judge.

ARLA's functions include:

- to consider and determine the following matters when referred to it by licensing committees:
 - applications for licences
 - applications by licensees for the renewal or variation of licences
 - applications for manager's certificates
- applications for the renewal of manager's certificates; and
- to consider and determine appeals from decisions of licensing committees; and
- to consider and determine appeals against elements of ~~draft~~ provisional local alcohol policies; and
- to consider and determine applications by inspectors and constables for the variation, suspension, or cancellation of licences and manager's certificates; and
- any other functions conferred on it by or under the Act or any other enactment.

Decisions of ARLA often involve the setting of precedents. ARLA also provides direction on sale and supply of alcohol matters, including interpretation of the Sale and Supply of Alcohol Act 2012.

Licence inspectors, Police, and public health authorities

On receiving an application for a licence, the secretary of the DLC must send a copy of it, and each document filed with it, to a Wellington City Council licence inspector, the Police and the Medical Officer of Health. Each of these

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organisations has a particular focus for their input into the licensing process and all are required to inquire into applications.

Police – concerned about the suitability of applicants, particularly those with criminal records, and premises with a history of antisocial behaviour.

Medical Officer of Health – concerned with the wider impacts on public health associated with alcohol abuse.

Wellington City Council licence inspector – inquires into each application, taking account of all information and reports before filing a report with the DLC.

Community

A key objective of the Act is to facilitate greater community input into local decision-making. This Policy recognises that objective and gives effect to it in three ways:

- better availability of licence information to the public
- automatic hearing process for high-risk new and/or renewal applications in areas of the city overrepresented in alcohol-related harm data. A copy of the application will be forwarded to relevant residents associations and sensitive facilities identified by the reporting inspector.
- clearly explained and widely communicated public objection rights and processes.

The community has specific needs and expectations that may relate to location, amenity, community structure or at-risk groups. Public participation in licensing decisions is important. The DLC relies on the community to provide information and local views on licence applications.

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Appendix One:

District Licensing Committee guide to implementing the Wellington City Council
Local Alcohol Policy

DELETED IN ITS ENTIRETY

APPENDIX ~~TWO~~ ONE:

How to object to a licence application

The following provides an overview of what objectors need to know before filing objections against licence applications and having those objections heard by the DLC.

The role of the DLC

All liquor licence applications are filed with the local authority nearest to the site of the proposed licensed premises. In this case Wellington City Council administers all licensed premises within its boundaries. The Sale and Supply of Alcohol Act 2012 gives the Council the power to act as the DLC.

The Secretariat of the DLC accepts and processes all liquor licence applications. Where there are no objections the DLC may issue licence certificates permitting the sale and supply of alcohol. Where there are objections to applications for new, or renewals of, on-, off- and club licences, managers' certificates, special licences and temporary authorities, these are determined by way of a public hearing of the DLC. A decision of the DLC can be appealed to the Alcohol Regulatory and Licensing Authority (part of the Ministry of Justice).

The application process

Once a licence application to sell and supply alcohol is filed with the secretariat of the DLC, a copy is sent to the Police, Medical Officer of Health, licensing inspector and as appropriate, any or all of the following; residents associations, sensitive facilities, a building inspector, health inspector and/or resource consent planner. Officers investigate the application and report back to the DLC.

Within 20 working days after filing the application, the applicant is required to give public notice of the application in a form set out in the Sale and Supply of Alcohol Regulations.

The notice must be published twice in a newspaper or newspapers circulating in the district (of the proposed licensed premises) and nominated by the Secretary of the DLC.

There must not be less than five days and not more than 10 days between the two dates of publication.

The applicant must also, within 10 working days after filing the application, ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.

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The notice, A3 in size and on brightly coloured paper, is required to be displayed for a period not less than seven days. They are further required to detail the dates when the notice was on display. It is recommended that applicants take time- and date-stamped photos of the notice in place to demonstrate their compliance.

Objections must be in writing and filed with the DLC within 15 working days after the first publication of the public notice.

The DLC reviews all objections received from reporting agencies and the community, and decides whether or not the matter will be determined at a public hearing or on the papers.

Who may object?

Any person who has a **greater interest** in the application than the public generally may object to the granting of a liquor licence.

Status of objectors: who has a greater interest?

A person with a greater interest could be likened to a resident living in the same street as the proposed premises. A member of the public residing 10km away and who is concerned about the effects of alcohol on the community could be considered as not having a greater interest in the application.

The DLC may give less weight to objections from people who will not be directly affected by the proposed licensed premises.

Public notices – what to look for

The Sale and Supply of Alcohol Regulations prescribe a form to be used for public notices.

Here is an example.

~~Reg X Public Notice Form 1~~

~~Section X(X), Sale and Supply of Alcohol Act 2012~~

~~Bill Smith has made application to the District Licensing Committee at Wellington for the grant /renewal of an XX Licence in respect of the premises situated at 101 Main Street, Te Aro, Wellington and known as the Hill Crest Restaurant.~~

~~The general nature of the business conducted (or to be conducted) under the licence is a restaurant.~~

~~The days on which and the hours during which alcohol is (or is intended to be) sold under the licence are:~~

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~~Monday to Sunday inclusive 2.00pm to 1.00am the following day.~~

~~The application may be inspected during ordinary office hours at the offices of the Wellington District~~

~~Licensing Committee at Ground Level, Council Buildings, 101 Wakefield St. Wellington.~~

Example to be inserted following publishing of regulations

Any person who is entitled to object and who wishes to object to the grant of the application may, not later than 15 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee, PO Box 2199, Wellington.

This is the first / second publication of this notice.

Grounds for objection

The grounds for objection are set out in section 102 and 105 of the Act. They are:

For on-, off- and club licences:

1. Object of the Act.
2. The suitability of the applicant.
3. Any relevant local alcohol policy.
4. The days on which and the hours during which the applicant proposes to sell alcohol.
5. The design and layout of any proposed premises.
6. Nature of the operation:
 - whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food
 - whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food.
7. Whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence.

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8. Whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects for the issue of the licence; but it is nevertheless desirable not to issue any further licenses.

9. Whether the applicant has appropriate systems, staff and training to comply with the law.

10. Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103 of the Sale and Supply of Alcohol Act 2012.

Note: The DLC will not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

Making an objection

To make an objection, simply write a letter stating you wish to object and why. You must address the criteria set out above and the objection must be filed with the DLC within 15 working days of the first public notice appearing in the newspaper.

Upon receipt of an objection, the DLC will send an acknowledgement letter. Once all reports on the application have been completed, the application will be reviewed by the DLC, which will assess the validity of the objection. If the DLC determines a hearing is necessary, a hearing date will be scheduled and objectors will be asked whether they wish to speak at the hearing.

Objection formats

Some residents circulate petitions to inform other neighbours of an application and to gain support opposing a new licensed premise. These petitions are then filed with the DLC. Although this is an effective way to boost numbers of objectors, duplicate signatures are frequent. It is extremely difficult for the DLC to acknowledge petitioners because names and addresses are often unreadable. Therefore it is always helpful if a spokesperson/ key contact person can be appointed.

DLC hearing procedure

The DLC is a decision-making body administered by Wellington City Council. It has all the powers of a commission of enquiry; this includes the ability to issue summonses requiring the attendance of witnesses and/or the production of documents. Each DLC consists of three members. An elected member of the Council serves as chairperson of the DLC and two other members make up the DLC quorum.

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For further detail on what to expect at a DLC hearing, please refer to the Wellington City Council website:

Wellington.govt.nz/services/consents-and-licences/liquor-licensing/object-to-an-application/how-to-objection

The Resource Management Act and District Plan

A local alcohol policy may contain a policy more restrictive than the relevant district plan but is not to authorise anything prohibited by the relevant district plan.

The District Plan was introduced in 1994 and was prepared under the Resource Management Act 1991. A key philosophy of this Act is the requirement for councils to control the effects of activities or development rather than controlling the type of activity.

Most of the public objections the DLC receives relate to taverns (bars) being built in residential areas or suburban centres. Retail centres are zoned “Centre” under the District Plan. The Suburban Centre provisions permit uses such as bars and taverns provided that their effects do not exceed the limits stated in the Plan (for such things as noise and lighting).

Before a liquor licence application can be made, each applicant must satisfy the requirements of the District Plan to ensure the type of licensed premises proposed can be established on a site. Sometimes a resource consent application will be needed.

The Sale and Supply of Alcohol Act 2012 introduced much broader grounds for objection than were previously permitted under the Sale and Supply of Liquor Act 1989. Now, members of the public who believe they have a greater interest than the public generally can raise the likely negative impact on issues such as noise, parking, litter, anti-social behaviour and vandalism as they relate to the locality in their opposition to an application.

To address issues of concern to reporting agencies and/or the public, the DLC can also consider issuing licences subject to discretionary conditions that are, in its opinion, reasonable and not inconsistent with the object of the Act.

Your objection should clearly refer to those matters noted in the section ‘Grounds for Objection’ and should also consider if the DLC could manage the perceived adverse impact of granting a licence through the application of additional licence conditions (refer to section 11.0 Discretionary Licence Conditions).

Keeping you informed

Some licence applications attract hundreds of objections and the DLC can receive literally thousands of pages of objections. The DLC will acknowledge all objections providing the name and address of the objector is readable.

Objectors naturally want to be kept up-to-date with the progress of an application as they have a personal interest. Occasionally applications take many months to process. Sometimes applicants have to repeat the public notice process to correct application errors. It is rare that objectors who have already filed objections would need to re-file their objections. If you see another public notice published in a newspaper on an application to which you have already lodged an objection, please telephone the secretariat staff of the DLC for advice before sending in another objection.

Summary

- It is easy to make an objection to a liquor licence application.
- Write a letter to the Secretary of the Wellington DLC and include the grounds for the objection (refer to Appendix 1).
- Ensure the objection is filed within 15 working days of the first public notice appearing in the newspaper.
- The DLC will assess the application and all related information to determine if a formal hearing of the matter is warranted. You will be notified of the decision and, if the matter is to proceed to a public hearing, you will be notified of a hearing date and asked if you wish to appear to speak to your objection.

Further information

The Wellington District Licensing Committee can help you with information about the Sale and Supply of Alcohol Act 2012 and how it affects you.

For more information on the Act 2012 and objections, please phone the secretariat staff of the Wellington District Licensing Committee, on 499 4444.

APPENDIX 5

APPENDIX 5: Alcohol Management Snapshot updates

Replace Figure 16 with the following graph:

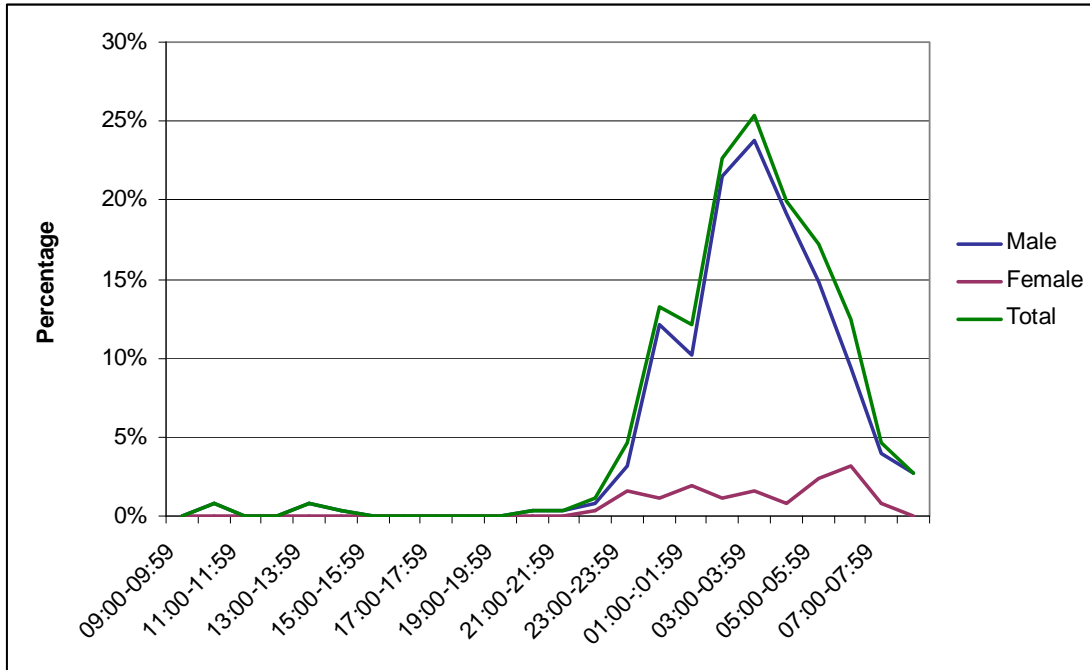


Figure 16: Alcohol-related crime committed by time of day at top 9 locations (excludes Westpac Stadium) for crime occurrence (2010/11)

Add the following graph:

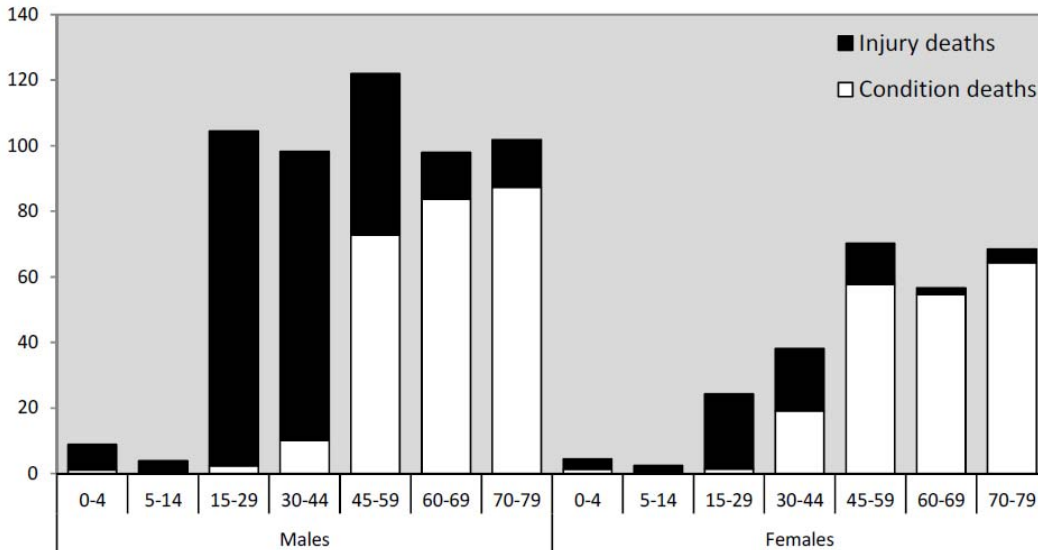


Figure x: Number of condition and injury deaths attributable to alcohol consumption, by age and sex (2007)