

Draft Local Alcohol Policy:  
The Right Mix

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June 2013

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## 1. Introduction

The adoption of the Sale and Supply of Alcohol Act 2012 in December gave councils the power to develop local alcohol policies. This is part of a greater 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.

### 1.1 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.<sup>1</sup>

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<sup>1</sup> Unless it is an application for an on-licence for a conveyance, in which case it is the location in which the applicant's principal place of business in New Zealand is situated.

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.

## 2.0 Definitions

### Licence Kind

There are 4 kinds of licence:

#### 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-licenses, 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

- *Off-site special licence*  
Licensed for the sale or supply of alcohol for consumption there, to people attending an event described on the licence.
  
- *On-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.

#### General

## **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) are 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.

## **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 are subject to particular policy conditions within this document.

### **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
- function centre
- live entertainment venue
- night club
- strip club

### **Late trading**

Trading past 2am.

### **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/Cafe**

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.

### **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 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 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 a licensing policy since 1993, most recently reviewed in 2003.

In 2009, the Law Commission published paper on the reform of New Zealand's liquor laws following a broad and comprehensive review of the role played by alcohol in New Zealand. The Commission's 2010 report to Parliament, 'Alcohol in our Lives: Curbing the Harm',<sup>2</sup> signalled significant changes to the framework for the sale and supply of liquor. The Government responded with a Bill that was eventually passed into law on 18 December 2012 – 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 DLC will act to protect the health of the community as required under the Act.

This Policy replaces the 2003 policy. It is an updated approach to alcohol management in Wellington City and provides guidance to decision-makers in their application of the Act and any amendments that may come into force in future.

## 4. The impact of alcohol on Wellington City

Wellington City has a comparatively unique pattern of alcohol consumption compared 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.

***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 the Council’s responsibility for public places, as well as promoting the city’s development through the *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 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 objective of 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 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 pleasant and agreeable places to live alongside vibrant suburban centres that are created through greater regulation on the sale of alcohol compared to the central city.

The draft Alcohol Management Strategy is a non-statutory strategy that 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.

The outcomes sought by this 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.

## 6.0 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 about the sale of alcohol within Wellington City focused on achieving and maintaining the right mix of alcohol-related activity to support the objectives set out in the Alcohol Management Strategy (AMS).

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 its individual 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.

## 7.0 Policy principles

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

### (i) 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.

**(ii) 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 poses when determining the trading conditions under which a licence may be granted.*

**(iii) 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 that manage risk well will be eligible for extended trading hours and proportionally reduced fees related to their risk classification.*

**(iv) 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 who are afforded extended late-night trading hours (trading after 2am) are capable of minimising risk.

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

**(v) 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 give effect to a change in the mix of activity in at risk locations and trading times through the grant of licenses to operators who can clearly demonstrate the consumption of alcohol is ancillary to the provision of another activity or service.

***Principle:** Operators 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.*

**(vi) 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 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.*

**(vii) 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.*

### **(viii) 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, this Policy and any related procedures.*

### **(ix) 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 legislation and the Policy.*

### **(x) 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.*

### **(xi) 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 both rights and obligations.

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

## 8.0 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, the overall suitability of all elements of the activity in relation to its impacts 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 is classified into a low, medium or high-risk category.

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

An operator's risk classification will impact on 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 charged by the Council and the fewer restrictions the licence becomes subject to.

Refer to Appendix Two for a summary of the Assessment Template used to guide Licence Inspectors review of 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 necessary management of those risks are properly funded.

## 9.0 Limits on hours of operation

### 9.1 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 assist with constraining 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 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 a specific start and end point.

## **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.

## **9.2 Limits on hours of operation (general and otherwise)**

The Act allows for local alcohol policies to set maximum trading hours; apply differently to different areas across the city; and to apply differently to premises for which licences of different kinds are held, or have been applied for.

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 of hotels serving to lodger to 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 further (as required) by type of premises in the application of trading conditions<sup>3</sup> to further the object of the Act and the Council's strategic goals, particularly around effecting a change in the mix of trading activity in particular areas of the city.

The four areas subject to specific trading conditions are identified as:

- **Z1 - Entertainment precinct:** Courtenay Precinct to Central Cuba Precinct – where the overriding priority is to balance vitality and vibrancy with safety and minimise harm
- **Z2 - Central area** – where the overriding priority is to ensure the city has broad appeal through a diverse range of activities, accessibility and the actual and perceived image of a welcoming, safe central area
- **Z3 – Southern zone** – identified as an area being over-represented in alcohol-related harm data, the overriding priority in this zone is to reduce harm
- **Z4 - Suburban areas** – where the overriding priority is to ensure the locality is a pleasant and agreeable place to live alongside vibrant suburban centres.

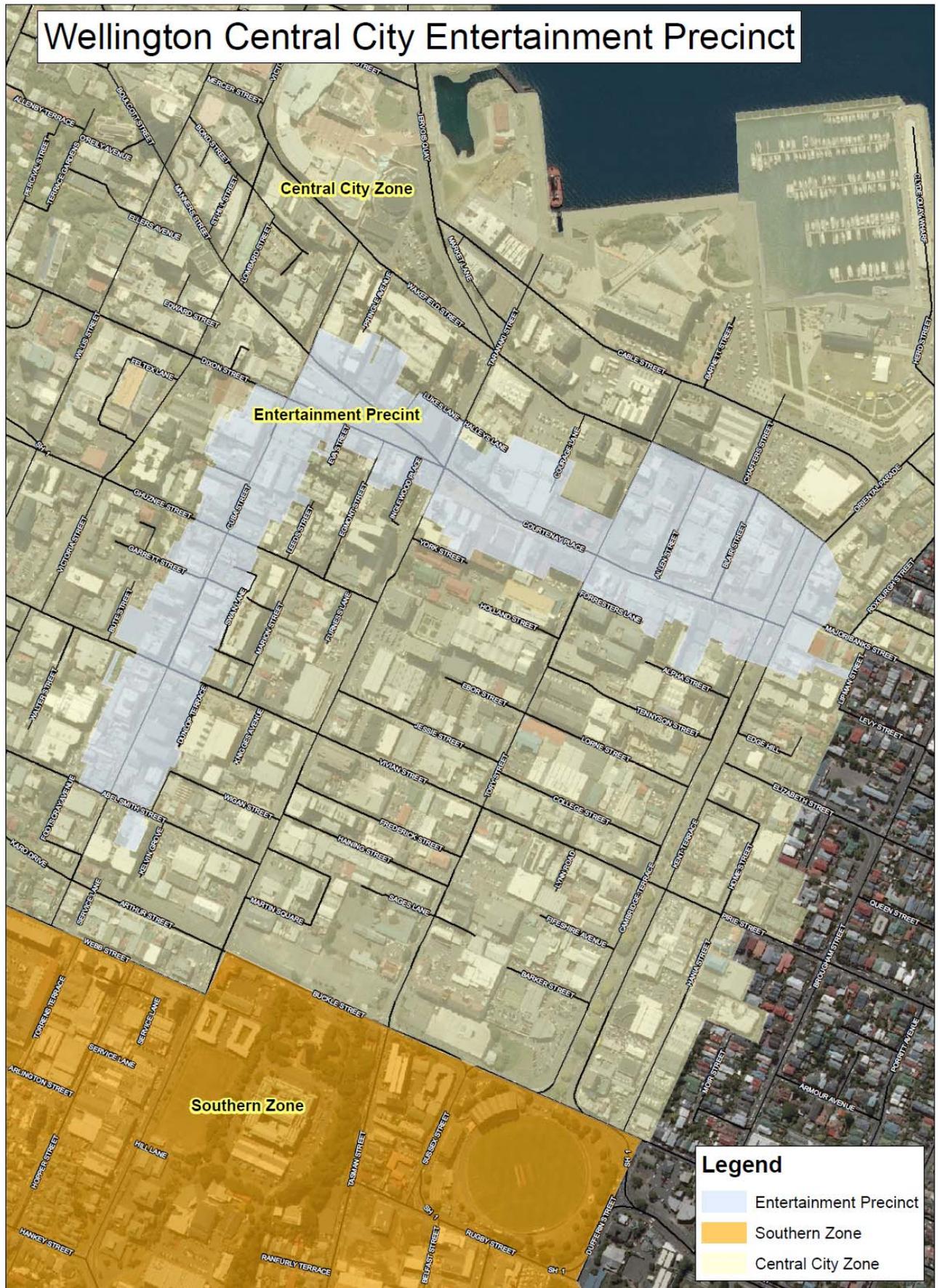
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<sup>3</sup> Refer section 11 for conditions

# APPENDIX 1

The policy levers applied to 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 strategic goals around effecting a change in the mix of trading activity.

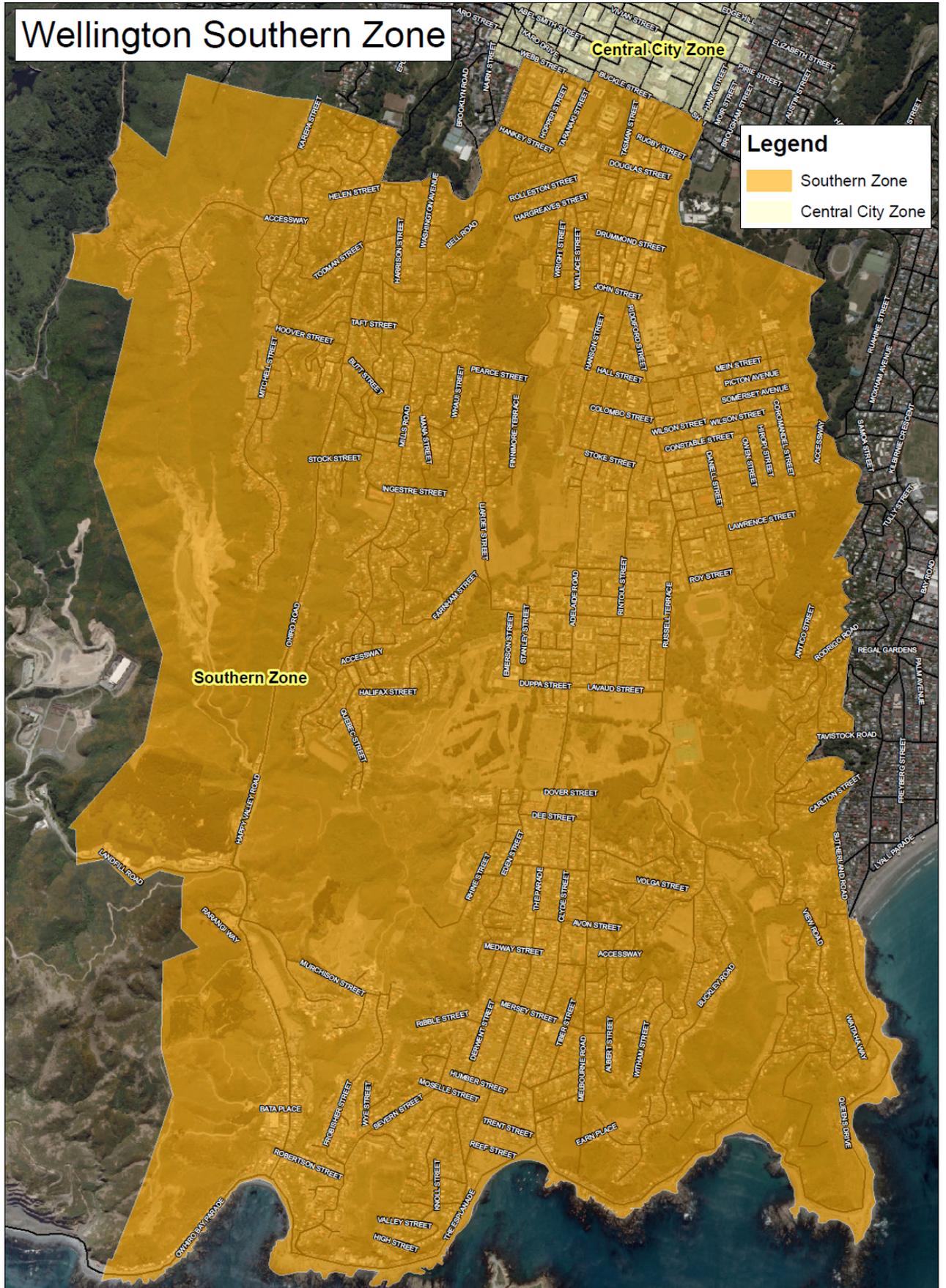
Map 1: Entertainment Precinct boundaries



Map 2: Central City Zone boundaries



Map 3: Southern Zone Boundaries



# APPENDIX 1

## Maximum trading hours

Licence kind	Entertainment precinct	Central area	Suburban centre	Southern zone
<b>ON*</b>	7-3am the following day	7- 2am the following day	7am - midnight	7am–midnight
	For best-practice applicants: 7–5am the following day	For best-practice applicants: 7-3am the following day		
<b>ON Conveyance</b>	7– 3am the following day			
<b>ON Caterers</b>	At any time on any day			
<b>OFF*</b>	7am-9pm	7am-9pm	7am-9pm	7am-9pm
<b>OFF Remote</b>	At any time on any day			
<b>CLUB</b>	8-1am the following day	8-1am the following day	8am-midnight	8am-midnight
<b>SPECIAL</b>	No limits – applications assessed on merit			
<b>HOTELS*</b>	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
<b>AIRPORT BAR</b>	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\*

- Across the bar sales are subject to off-licence limits
- Trading 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 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 on the premises or produced on the premises or, classed as a remote sale.<sup>4</sup>

### Hotels\*

- For any bar facilities that cater to the general public, hotels are subject to on-licence maximum trading hour restrictions.

<sup>4</sup> Section 49 of the Sale and Supply of Alcohol Act 2012 defines remote sales

- *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.*

## 10.0 Density and proximity

### 10.1 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 or southern trading 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

### 10.2 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; playgrounds, educational facilities such as schools, crèches and play centres; community and/or health facilities.

Any licence application (new or for renewal) for premises neighbouring or adjacent to a sensitive facility, in the southern trading zone or entertainment precinct, 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 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 *trading zone*<sup>5</sup> and found to be within *close proximity*<sup>6</sup> of another licensed premise and/or a sensitive facility<sup>7</sup> 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*  
All new and renewal applications for premises assessed as high risk located in the entertainment precinct, 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*<sup>8</sup> within close proximity to a sensitive facility and/or other high- to medium-risk premises will include a recommendation from a licensing 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 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 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

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<sup>5</sup> Refer Map 3

<sup>6</sup> Refer Section 2 Definition of 'Close Proximity'

<sup>7</sup> Refer Section 2 Definition of 'Sensitive Facility'

<sup>8</sup> Refer Section 2 Definition of 'Risk'

## 11.0 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 address 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 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 (sec 116(3))
- the licensee will ensure the operation of closed circuit television of a quality and at a location that will assist in the identification of alcohol-related offending
- no glass drinking vessels permitted in any outside area past (specify hour)
- limits on number or drinks sold in any one transaction after (specify hour)
- the licensee must ensure at all times a minimum of XX security staff are employed on the premises after (specify hour)
- the licensee must ensure at (all times/or specify times) security are positioned at the principal 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 available for inspection by enforcement authorities at anytime during trading hours
- prior to closing the premises, the licensee will ensure all litter is removed from outside premises in the area defined as: XXX
- at (specify hour) the licensee will remove all temporary outside furniture
- a minimum of (XX) qualified duty managers 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 principal entrance and/or outside the premises
- management of the premises to operate a wind down hour from: (insert trading hours) at which point lighting is increased, music turned down and last drinks called
- licensee is required to provide effective exterior lighting
- a one way door applies from (insert trading hours)

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

## 11.1 Host responsibility

The Act requires holders of on-licence 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:

- (i) serving alcohol responsibly
- (ii) providing and actively promoting low and non-alcoholic alternatives
- (iii) providing and actively promoting appropriate food
- (iv) providing information on and actively promoting alternative forms of transport
- (v) advertising the availability of free drinking water
- (vi) identifying and responsibly dealing with underage and intoxicated people
- (vii) ensuring that management and staff are trained in host responsibility practices and continue to update their skills
- (viii) having a house policy on host responsibility and adhering to it.

## 11.2 Entertainment precinct – Late-night trading and off-licence conditions

An Entertainment precinct has been established to more effectively manage core 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.

Non-core night-time economy activity is defined as the supply chain activities but not the central services, so are characterised by retail, hotels and city services such as cleaners, hosts and other operational staff.

The Policy distinguishes three key locations within the central area suitable for late trading activity 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 to trade beyond 2am in the entertainment precinct and off licence premises operating in the precinct or the southern zone will be required to meet the highest 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.

Premises in the entertainment precinct and high-risk zone trading past 2am in the case of on-licence premises and past 8pm in the case of off-licence premises will be subject to the following conditions (as applicable) aimed at reducing alcohol-related violence, anti-social behaviour and improving the amenities and good order in the precinct:

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

***In respect of the premises generally on-licence:***

- the licensee is required to maintain a register of incidents available for inspection by enforcement authorities at anytime 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
- management of the premises to operate a wind down hour from: (specify hour). At which point lighting is increased, music turned down and last drinks called.

***In respect of licensed areas outside the premises:***

- no loudspeaker, amplifier, relay or other audio equipment may be used outside the premises past (specify time)
- no glass drinking vessels permitted in any outside area past (specify hour)
- prior to closing the premises, the licensee will ensure all litter is removed from outside premises in the area defined as: XXX
- at (specify hour) the licensee will remove all temporary outside furniture
- high visibility vests to be worn by staff operating at the principal entrance and/or 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.

***In respect of off-licences:***

- the licensee must ensure at all times (or specify times) security staff are positioned at the principal entrance and exit to the premises
- the licensee will ensure the operation of closed circuit television of a quality that will assist in the identification of alcohol-related offending and erect signage to inform the public this is operational
- the licensee is required to maintain a register of incidents available for inspection by enforcement authorities at anytime 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 principal entrance and/or outside the premises

- upon closing, staff will remove litter from outside premises in the area defined as (XXX).
- supervised designation of all bottle stores to ensure unaccompanied minors do not enter the premises.

### **Exemptions:**

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

## **12.0 Public notification and participation**

### **12.1 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.

### **12.2 WCC 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 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 Council also undertakes to provide a current list of all applications received on [Wellington.govt.nz/liquorobjections](https://Wellington.govt.nz/liquorobjections)

The public may also register for web alerts that advise when new applications have been listed. To register for a web alert, visit [Wellington.govt.nz/webalerts](https://Wellington.govt.nz/webalerts)

### **12.3 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 site and/or print as is deemed necessary.

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

The criteria for assessing applications (new, renewals and variations) includes consideration of any public objections received and guides licensing inspectors in forming their recommendations to the DLC either in support or opposing an application. 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 to object to a licence application is outlined in Appendix Two.

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

## 13.0 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 practice directions such as directions, notes, guidelines or suggestions for the guidance of licensing committees; or statements, to be observed by 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.

### 13.1 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; and

- any other functions conferred on licensing committees by or under the Act or any other enactment.

The composition of a DLC is: three (3) members appointed by the Council. One (1) member must be the chairperson and that person must be an elected member of the Council (the Mayor or a councillor); the other members are appointed from a list approved by the Council. Committee 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 the committee but not have direct or indirect involvement in the alcohol industry. A Police officer, a Medical Officer of Health, an inspector, or a Council employee are also prohibited from being committee members.

The quorum for a DLC meeting is three (3) members – except where no objection has been filed and no matters of opposition have been raised where the quorum is one (1) member, who must be the chairperson.

The Council must hold a list of licensing committee members. A list of approved DLC members will be available in December 2013 on [Wellington.govt.nz](http://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 necessary knowledge, skill and experience relating to matters that are likely to come before the committee and are subject to the same restrictions as a committee member.

The criteria by which an applicant for membership of the DLC is assessed will be available in December 2013 on [Wellington.govt.nz](http://Wellington.govt.nz)

## 13.2 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 the following:

- 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 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.

### 13.3 Licensing 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 licensing inspector, the Police and the Medical Officer of Health. Each of these 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 anti-social behaviour.

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

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

### 13.4 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 new or renewal applications in areas of the city over-represented in alcohol-related harm data
- 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 as the DLC relies on the community to provide information and local community views on applications to contribute to their deliberations regarding licence applications.

*APPENDIX ONE:*

DLC Guide to Implementation of the  
Wellington City Council Local  
Alcohol Policy:

The Right Mix

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### Appendix A: Assessment Template Summary

## 1. Application of the Policy

### 3.1 Transitional matters

The Policy will be applied on the issue of new licences and on the renewal of existing licences.

Until such time as a licence is renewed, the holder of a current licence remains subject to the terms and conditions as applicable under the provisions of the Sale and Supply of Alcohol Act 2012 (the Act).

In the case of a licence issued under the former licensing Act, the licence continues in force as if it is a licence of that kind issued under the current Act, except for the trading hours permitted for premises, in which case, these are the default maximum trading hours stated in section 43 of the Sale and Supply of Alcohol Act 2012. In every other case, they are the shorter trading hours permitted under that licence.

### 3.2 Assessing applications for licences

The DLC undertakes an assessment of an application and reviews comments from; the community that have come in as objections following the process of public notification; a licensing inspector; the Police and MoH.

The assessment is presented in the form of an inspector's report. It looks at the overall suitability of all elements of the proposed activity in relation to its impacts on the community through the sale and supply of alcohol, and includes a risk classification for the premises. The assessment considers any public comment received as a result of the public notification. If, as a result of the assessment, issues are identified that need to be addressed, the licensing inspector will attempt to resolve them through discussions with the applicant and, in some cases, mediation between the applicant and objectors.

If the application is unopposed, the DLC may decide to approve it and issue the application 'on the papers' with such conditions as are appropriate. Where an application is opposed, the Council's assessment in the form of an inspector's report (and any attendant files) is forwarded to the DLC for a public hearing of the application.

#### **Criteria for assessing applications (on-, off- and club licences):**

In considering any application for the grant of an on-, off- or club licence, the DLC shall have regard to the following matters:

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

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- 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.
  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 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. Any areas of the premises that the applicant proposed should be designated as restricted areas or supervised areas.
  10. Whether the applicant has appropriate systems, staff and training to comply with the law.
  11. Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103 of the Act.
  12. Compliance of the premises and activity with all other relevant legislation such as the Building Act 2004 and Resource Management Act 1991, Wellington City District Plan, and bylaws such the Liquor Control, Public Health and Public Places Bylaw.
  13. Matters raised in opposition to the application by the community.
  14. The applicant's host responsibility policy.
  15. The proposed management regime to deal with on- and off-site problems.
  16. An assessment against the LAP position on outlet density and proximity.
  17. An overall assessment of risk – assessed as the actual or likely impact the operation has on alcohol-related harm in its proposed location.
  18. Any other matters in respect of the application promoting the object of the Act.

*Refer to Appendix 2 for a summary of the assessment template used to guide licence inspectors' review of an application.*

**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.*

**For a club licence, criteria 4 is replaced with the following:**

- hours of operation of the proposed activity in terms of its relationship to other activities and their relevance to the club's primary activity,

**And the following additional criteria for assessing applications for club licence will be applied:**

- nature and location of the proposed activity in terms of its relationship to other activities
- size and membership and degree of social activities of the club
- any other conditions (such as lease conditions) relating to land tenure (if located on Council-owned or administered land).

**Complete applications**

All applications must be "complete" before they will be accepted. That is, it must be accompanied by all relevant information, including showing that the activity meets the requirements of the Resource Management Act 1991 and Wellington City District Plan, (including having all necessary resource consents) and of the building code.

**1.2.1 Renewal and variations**

New licences must be renewed after one year and every three years thereafter. The licence holder may seek variations to licence conditions at any time. When processing renewals and variations the DLC will assess consistency with the current Local Alcohol Policy, the compliance history of a premises and how renewal of the licence or variation to current licence conditions are consistent with the object of the Act. Applications for renewal and variations are publicly notified and the DLC can take any public comment (against the criteria set out in the Act) into account. While reminder notices may be issued it is the responsibility of the licensee to ensure that renewal applications are lodged within the required timeframe.

**Additional assessment criteria for renewal applications and any variations sought (for on-, off- or club licences):**

In considering any application for renewal of on-, off- or club licences, in addition to the criteria in section 8.1, the DLC shall have regard to the following matters:

1. Whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence.
2. The manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.
3. An assessment against the LAP position on outlet density and proximity.
4. An overall assessment of risk – assessed as the actual or likely impact the operation has or may have on alcohol-related harm in its proposed location.
5. Matters raised in opposition to the application by the community.

**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.*

**Variations to licence conditions**

Variations to licence conditions, particularly in relation to hours of operation, will be examined closely by the DLC. Much will depend on the past performance of the management of a premises. Variations are not “as of right”.

Where a new owner takes over an established operation they must satisfy the DLC that it is appropriate for any variations to standard conditions (including hours of operation) to remain in place. New owners will have to apply for a temporary authority and subsequently make a substantive application.

### **3.2.2 Risk assessment**

The applicant is in the best position to manage risk and the assessment criteria is such that an applicant with an inherently high-risk operation will be capable of lowering their risk profile by investing in their business and supporting best practice.

*Refer to Appendix 2 for a summary of the assessment template used to guide licence inspectors' review of an application.*

### **3.2.3 Risk classification**

On application or renewal, the overall suitability of all elements of the activity in relation to its impacts on the community through the sale and supply of alcohol is assessed and the operation will be classified by the factors outlined in section 8.1.

This classification will impact on 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 charged by the Council and fewer restrictions the licence becomes subject to.

The Act permits the total costs of the licensing process undertaken by councils to be recovered. The Council believes the fees charged should be targeted and proportionate to the risk posed in order that the necessary management of those risks are properly funded.

### **1.2.4 Use of information**

The DLC will use any information that it has available where this has the potential to assist it to make robust decisions. In assessing applications the DLC will use all appropriate information sources including:

- substantiated public complaints relating to the premises (either directly or indirectly)
- information obtained from the Police, Medical Officer of Health or other organisations deemed appropriate
- independent studies or monitoring commissioned by the Council
- any other information that is deemed relevant to the application.

## **1.3 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 an 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 that is purchased once it is taken off the premises. Limits on the hours of operation for off-licence premises assist with constraining 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 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.

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 a specific start and end point.

## 2. Limits on hours of operation (general and otherwise)

The Act allows for local alcohol policies to, set maximum trading hours; apply differently to different areas across the city; and to apply differently to premises for which licences of different kinds are held, or have been applied for.

The 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 to lodger to 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 further (as required) by type of premises in the application of trading conditions<sup>9</sup> to further the object of the Act and the Council's own strategic goals, particularly around effecting a change in the mix of trading activity in particular areas of the city.

The four areas subject to specific trading conditions are identified as:

- **Z1 - Entertainment precinct** Courtenay Place to Cuba Street Precinct – where the overriding priority is to balance vitality and vibrancy with safety and minimise harm
- **Z2 - Central area** – where the overriding priority is to ensure the city has broad appeal through a diverse range of activities, accessibility, the actual and perceived image of a welcoming, safe central area

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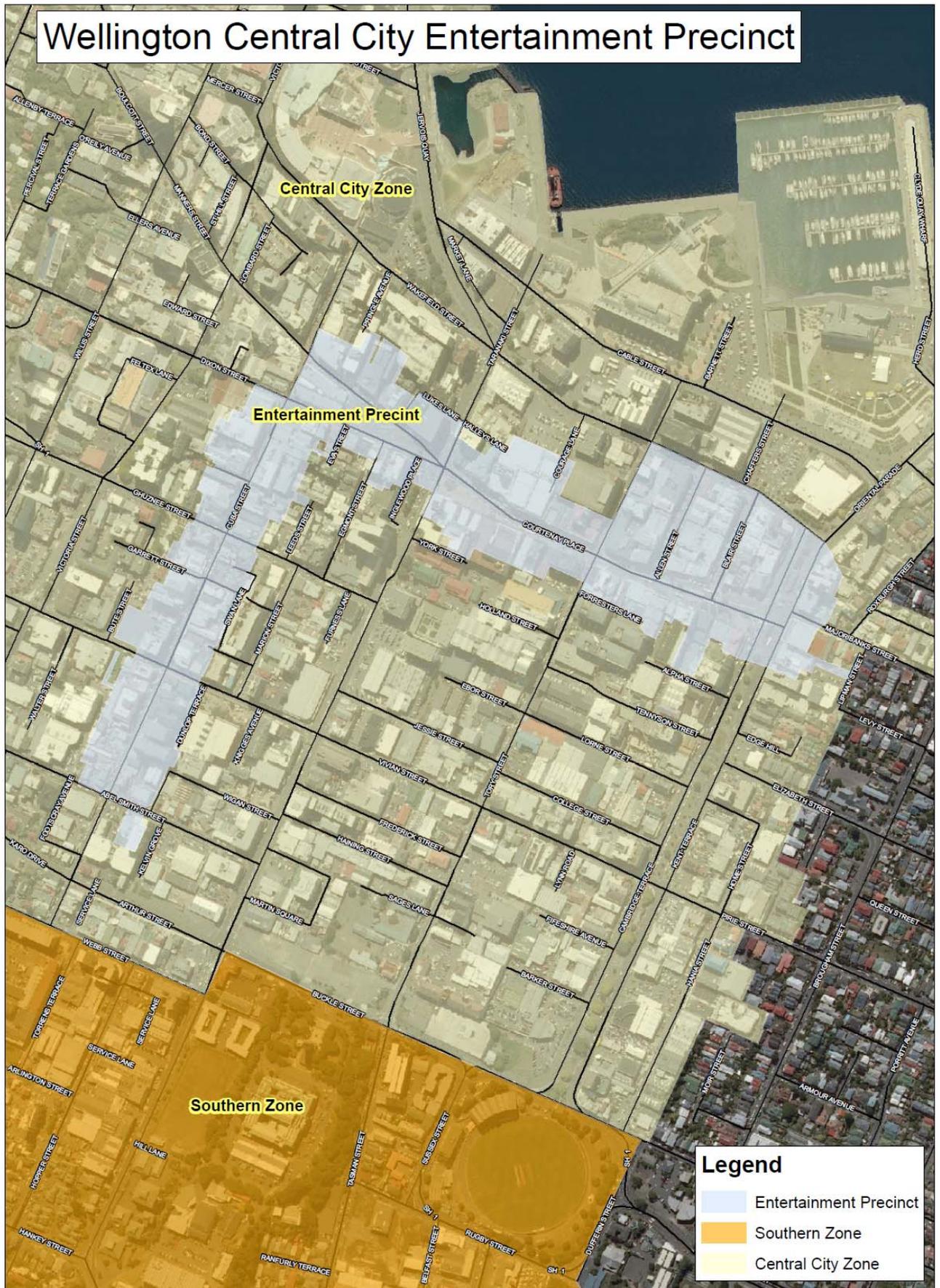
<sup>9</sup> Refer section 5.0 for conditions

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- **Z3 –Southern zone** – identified as an area that is over-represented in alcohol-related harm data, the overriding priority in this zone is to reduce harm
  
- **Z4 - Suburban areas** – where the overriding priority is to ensure the locality is a pleasant and agreeable place to live alongside vibrant suburban centres.

The policy levers applied to 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 strategic goals around effecting a change in the mix of trading activity.

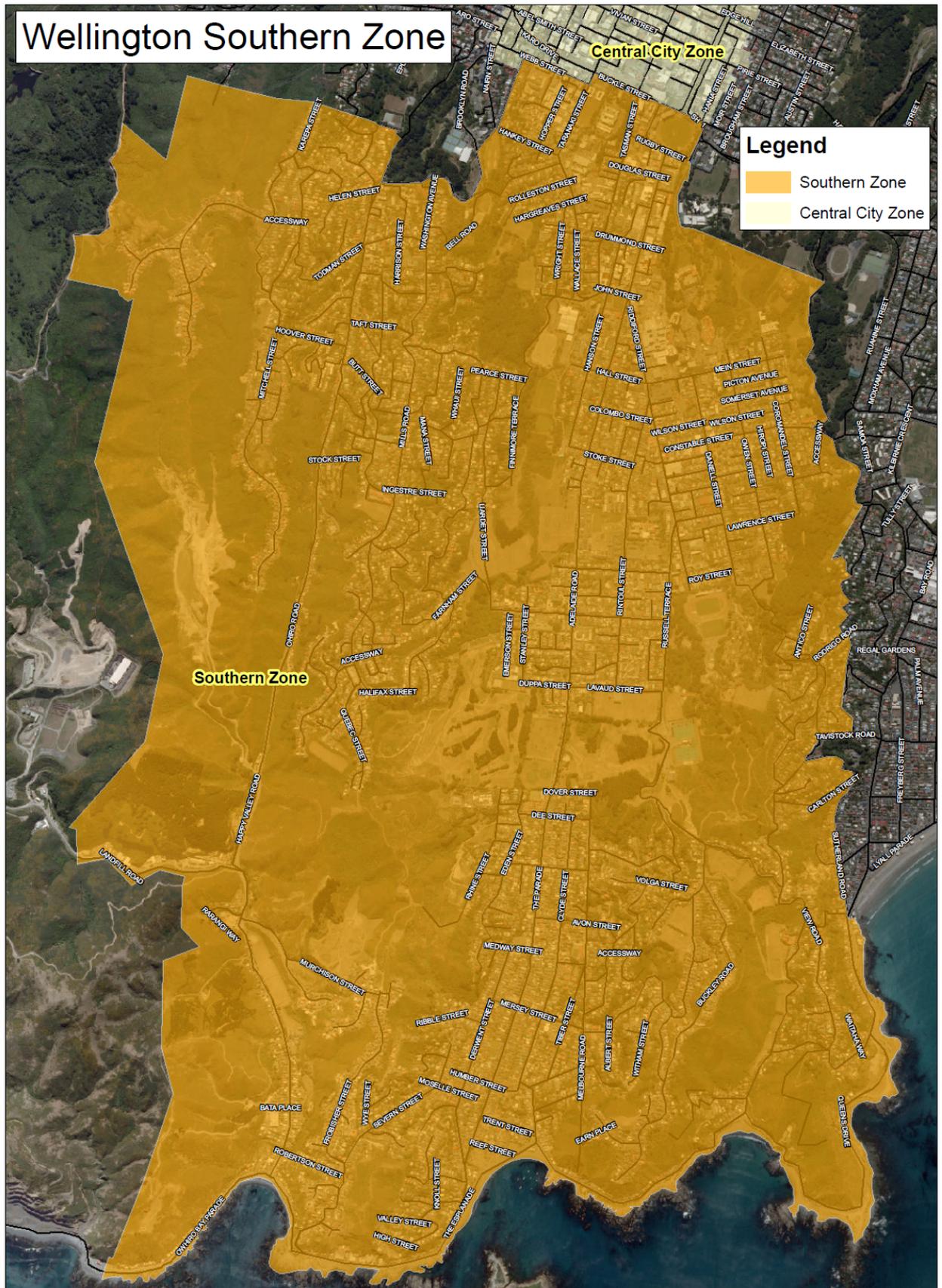
Map 1: Entertainment Precinct boundaries



Map 2: Central City Zone boundaries



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## 2.1 Maximum Trading Hour Limits by Licence kind

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Licence kind	Entertainment precinct	Central area	Suburban centre	Southern zone
<b>ON*</b>	7-3am the following day	7- 2am the following day	7am - midnight	7am–midnight
	For best-practice applicants: 7–5am the following day	For best-practice applicants: 7-3am the following day		
<b>ON Conveyance</b>	7– 3am the following day			
<b>ON Caterers</b>	At any time on any day			
<b>OFF*</b>	7am-9pm	7am-9pm	7am-9pm	7am-9pm
<b>OFF Remote</b>	At any time on any day			
<b>CLUB</b>	8-1am the following day	8-1am the following day	8am-midnight	8am-midnight
<b>SPECIAL</b>	No limits – applications assessed on merit			
<b>HOTELS*</b>	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
<b>AIRPORT BAR</b>	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\*

- Across the bar sales are subject to off-licence limits
- Trading 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 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 on the premises or produced on the premises or, classed as a remote sale.<sup>10</sup>

### Hotels\*

- For any bar facilities that cater to the general public, hotels are subject to on-licence maximum trading hour restrictions.

<sup>10</sup> Section 49 of the Sale and Supply of Alcohol Act 2012 defines remote sales

- *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.*

### 3. 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 any entertainment precinct or southern trading 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.

### 4. 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; playgrounds, educational facilities such as schools, crèches and play centres; community and/or health facilities.

Any licence application (new or for renewal) for premises neighbouring or adjacent to a sensitive facility, is in a southern trading zone or entertainment precinct, 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 an entertainment precinct and any premises seeking late-trading hours in an 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 *trading zone*<sup>11</sup> and found to be within *close proximity*<sup>12</sup> of another licensed premise and/or a sensitive facility<sup>13</sup> 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 an entertainment precinct*  
All new and renewal applications for premises assessed as high risk located in any entertainment precinct, 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*<sup>14</sup> within close proximity to a sensitive facility and/or other high- to medium-risk premises will include a recommendation from a licensing 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 an entertainment precinct 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 cancellation of the licence.

## **5.0 Licence conditions**

### **5.1 Compulsory licence conditions**

The Act prescribes the conditions which must appear on licences.

#### ***On-licence and club licence***

- (a) The days on which and the hours during which alcohol may be sold and supplied; and
- (b) The fees payable for the licensing of the premises concerned; and

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<sup>11</sup> Refer Map 3

<sup>12</sup> Refer Section 2 Definition of 'Close Proximity'

<sup>13</sup> Refer Section 2 Definition of 'Sensitive Facility'

<sup>14</sup> Refer Section 2 Definition of 'Risk'

- (c) Stating (directly or by description) a place or places on the premises at which drinking water is to be freely available to customers while the premises are open for business.

## **Off-licence**

- (a) The days on which and the hours during which alcohol may be sold or delivered; and
- (b) The fees payable for the licensing of the premises concerned; and
- (c) Stating (directly or by description) a place or places on the premises at which drinking water is to be freely available to customers while alcohol is being supplied free as a sample on the premises.
- (d) Stating the one area within the premises permitted as an area for the display and promotion of alcohol.

## **5.2 Discretionary conditions**

In addition to the conditions which the Act prescribes must appear on a licence, the DLC has the ability to apply particular conditions related to:

- steps the licensee is required to take to ensure the sale or supply of alcohol to prohibited (minors and intoxicated) persons does not occur
- steps to be taken by the licensee to ensure the provisions of the Act in relation to management of the premises are observed such as:
  - at all times when the premises are open for the sale and supply of alcohol;
    - there is a reasonable range of food available for consumption on the premises, in portions suitable for a single customer, at reasonable prices and within a reasonable time
    - there is available for sale and consumption on the premises, at reasonable prices, a reasonable range of non-alcoholic drinks.
    - there is available for sale and consumption on the premises, at reasonable prices, a reasonable range of low-alcohol drinks not containing more than 2.5 percent ethanol by volume
    - and/or customers are lawfully on the premises, the licensee must provide free, comprehensive and accurate information and assistance about forms of transport from the premises at that time.
- conditions related to the people or kinds of people to whom alcohol may be sold ie club members
- conditions imposing one-way door restrictions
- designate all or a part (or any of two or more parts) of the premises as either a restricted or supervised area in accordance with section 119(3) of the Act
- if a club or on-licence endorsed under section 37, then conditions requiring a manager to be on duty

- in the case of an off licence where the principal business carried on is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered on or from the premises.

### 5.3 Other 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 address 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 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 (sec 116(3))
- the licensee will ensure the operation of closed circuit television of a quality and at a location that will assist in the identification of alcohol-related offending
- no glass drinking vessels permitted in any outside area past (specify hour)
- limits on number or drinks sold in any one transaction after (specify hour)
- the licensee must ensure at all times a minimum of XX security staff are employed on the premises after (specify hour)
- the licensee must ensure at (all times/or specify times) security are positioned at the principal 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 available for inspection by enforcement authorities at anytime during trading hours
- prior to closing the premises, the licensee will ensure all litter is removed from outside premises in the area defined as: XXX
- at (specify hour) the licensee will remove all temporary outside furniture
- a minimum of (XX) qualified duty managers 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
- 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 principal entrance and/or outside the premises

- management of the premises to operate a wind down hour from: (insert trading hours) at which point lighting is increased, music turned down and last drinks called
- licensee is required to provide effective exterior lighting
- a one way door applies from (insert trading hours)
- a qualified duty manager must be on the premises at all times (clubs and BYO restaurants)
- supervised designation of all bottle stores to ensure unaccompanied minors do not enter the premises.

## 5.4 Entertainment precinct – Late-night trading and off-licence conditions

The entertainment precinct has been established to more effectively manage core 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.

Non-core night-time economy activity is defined as the supply chain activities but not the central services, so are characterised by retail, hotels and city services such as cleaners, hosts and other operational staff.

The Policy distinguishes three key locations within the central area suitable for late trading activity 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 to trade beyond 2am in the entertainment precinct and off licence premises operating in the precinct or the southern zone will be required to meet the highest 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.

Premises in the entertainment precinct and high-risk zone trading past 2am in the case of on-licence premises and past 8pm in the case of off-licence premises will be subject to the following conditions (as applicable) aimed at reducing alcohol-related violence, anti-social behaviour and improving the amenities and good order in the precinct.

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

### ***In respect of the premises generally on-licence:***

- the licensee is required to maintain a register of incidents available for inspection by enforcement authorities at anytime 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
- the following area: (insert description) has been designated as an observation zone for patrons for whom service has been stopped

- management of the premises to operate a wind down hour from: (specify hour). At which point lighting is increased, music turned down and last drinks called.

***In respect of licensed areas outside the premises:***

- no loudspeaker, amplifier, relay or other audio equipment may be installed or used outside the premises
- no glass drinking vessels permitted in any outside area past (specify hour)
- prior to closing the premises, the licensee will ensure all litter is removed from outside premises in the area defined as: XXX
- at (specify hour) the licensee will remove all temporary outside furniture
- high visibility vests to be worn by staff operating at the principal entrance and/or 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.

***In respect of off-licences (entertainment precinct and Southern zone):***

- the licensee must ensure at all times (or specify times) security staff are positioned at the principal entrance and exit to the premises
- the licensee will ensure the operation of closed circuit television of a quality that will assist in the identification of alcohol-related offending and erect signage to inform the public this is operational
- the licensee is required to maintain a register of incidents available for inspection by enforcement authorities at anytime 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 principal entrance and/or outside the premises
- upon closing, staff will remove litter from outside premises in the area defined on a case by case basis.
- supervised designation of all bottle stores to ensure unaccompanied minors do not enter the premises.

**Exemptions:**

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

## **6.0 Enforcement**

Enforcement responsibility to ensure compliance with the Act will be undertaken by Wellington City Council licensing inspectors, the Police and public health officials. This will mean that these organisations will work together in a collaborative model to ensure information and resources are shared.

Where licence conditions are breached or on-going non-compliance with the Act or the Policy is identified and not addressed, licensing 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 licensing inspectors to reduce the hours of operation.

All instances of non-compliance will be recorded for reference purposes and will be used in the assessment of renewal applications for certificate and licences, and any variations. Instances of non-compliance 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:

- i. inspecting all licensed premises routinely while the premises are open for trading
- ii. inspecting taverns and nightclubs during the busiest hours of operation, as well as near the end of the trading hours of operation
- iii. targeted inspections of premises where non-compliance with licence conditions or with the Act is observed
- iv. targeted inspections of premises which generate public complaints or police intervention
- v. randomly inspecting special licences
- vi. routinely monitoring temporary authorities
- vii. undertaking joint monitoring operations commonly referred to as controlled purchase operations, with the Police and the Medical Officer of Health
- viii. issuing infringement notices in accordance with operational guidelines for DLC inspectors.

## 7.0 Irresponsible promotion of alcohol

Licensing inspectors will actively monitor premises compliance with the Act in respect of the offence provisions related to the 'irresponsible promotion of alcohol'. This involves targeting operators that:

- do anything that encourages, or is likely to encourage people to consume alcohol excessively
- promote or advertise alcohol in a way that leads people to believe the price is 25 percent or more below the price that alcohol is ordinarily sold
- holds or has promotions that leads people to believe the price is 25 percent or more below the price that alcohol is ordinarily sold, and can be seen or heard from outside the premises
- promote or advertise alcohol that is free of charge<sup>15</sup>
- offer any goods or services, or the opportunity to obtain any goods or services, or the opportunity to win a prize, on the condition that alcohol is brought
- promote or advertise alcohol in a manner aimed at, or that has, or is likely to have, a special appeal to, minors.

## 8.0 Management performance

The DLC believes that the people with the greatest influence on preventing alcohol-related harm are those directly involved with the sale and supply of alcohol.

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<sup>15</sup> Refer to Sale and Supply of Alcohol Act 2012 section 237(1)(d) (i) (ii) for exclusions

Management training and host responsibility are therefore crucial elements for the control of alcohol-related harm. In particular, managers with good understanding of the Act, any related amendments and other regulatory requirements are more likely to be responsible and operate in accordance with the Act.

The quality and extent of an operator's staff training programme, their experience and relationship with regulatory agencies and/or industry groups such as Hospitality New Zealand (HNZ) or Capital Host, will be a factor in the assessment of any new or renewal application.

## 8.1 Managers' certificates

New and renewal applications for managers' certificates are processed and approved by the DLC. Either the licensing inspector or the Police may oppose applications. An opposed application will be heard by the DLC at a public hearing.

The criteria for assessing new applications for managers' certificates are:

- the applicant's suitability to be a manager, his or her character and reputation
- any criminal convictions
- relevant experience, in particular recent experience in controlling any premises when a licence is in force
- training, in particular recent training and evidence that the prescribed qualification is held
- any matters dealt with in any report made by a licensing inspector or the Police.

For renewal applications, consideration will be given to the person's performance during the term of the certificate against the above criteria.

### Interviews and tests for managers' certificates

A licensing inspector may conduct interviews and tests with applicants for managers' certificates. This is to assist the inspector to establish the suitability of the applicant. If an application is opposed, the DLC will determine the matter at a public hearing (refer to Appendix 1 for an outline of the hearing process).

#### 6.4.2 Training

- Applicants for managers' certificates should have successfully completed an appropriate qualification within the last 24 months.
- Applicants for alcohol licences for premises should have successfully completed an appropriate qualification within the last 24 months if they intend to participate in the day-to-day operation of the business.
- Those managers intending to manage premises in either zone 1 or zone 3 should have a minimum 12 months of experience as a duty manager in a similar sized operation.

An appropriate qualification refers means a qualification prescribed by regulations made under the Act or any related amendment..

## 9.0 Community Involvement

### 9.1 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.

### 9.2 WCC 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 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 having 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 Council also undertakes to provide a current list of all applications received on [Wellington.govt.nz/liquorobjections](http://Wellington.govt.nz/liquorobjections)

The public may also register for web alerts that advise when new applications have been listed. To register for a web alert, visit [Wellington.govt.nz/webalerts](http://Wellington.govt.nz/webalerts)

### 9.3 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 site and/or print as is deemed necessary.

All submissions received will be included in this decision-making process. The criteria for assessing applications (new, renewals and variations) includes consideration of any public objections received and guides licensing inspectors in forming their recommendations to the DLC either in support or opposing an application. 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 process to object to a licence application is outlined in Appendix 1.

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

## 9.4 Pre-meeting to resolve objections

Applicants are encouraged to meet with objectors prior to matters being escalated to a hearing. This allows for the applicant for the licence to amend their application or put in place changes to their operation to address objectors concern.

## 10.0 Temporary authority

A temporary authority is granted to allow a person to use a licence that is current and attached to existing premises. These are needed when an establishment changes hands. They are issued for three months and can only be issued if there is a current licence for the premises.

Before purchasing a business or taking on a lease, it is *very important* that the licence has at least six months before it is due to expire. This is to allow sufficient time for you to apply, have your own application assessed and determined by the DLC.

To assist the DLC make an informed decision on any application for temporary authority, a licensing inspector will seek a report from the Police on the suitability of the applicant.

A temporary authority will be granted under the following conditions:

- that the applicant operates in accordance with the conditions of the licence the temporary authority has been granted on, and
- that an appropriate licence application be made within 15 working days of having the temporary authority granted, and
- that the applicant is a suitable person to hold a licence.

Before a second temporary authority can be applied for, a completed licence application must be at the stage of awaiting a decision from the DLC. The time limit of 15 days is designed to encourage operators to make the application for the substantive licence to provide sufficient time for the applicants own licence to be issued. Experience has shown that without such an incentive being in place, applications are not made in time. The options are then to continue to issue temporary authorities (which is unsatisfactory where substantive licences should be in place) or to refuse to issue a licence at which point the operator would not be able to trade from the venue.

Where an established operation has hours that extend beyond the limits set out in this Policy, then the extended hours of operation are likely to be removed (as provided for in section 133(1)(2) of the Act. Similarly, if the applicant for temporary authority does not meet the assessment criteria set out in this Policy to qualify for the hours that appear as a condition on the existing licence, then the hours of operation are likely to be removed (as provided for in section 133(1)(2) of the Act).

## 11.0 Special licences for events and social gatherings

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 appropriate. Where an event or

social gathering occurs in a licensed premise but outside the hours of operation, a special licence will be required.

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.

There are two types of special licence:

1. **On-site special** – granted for the sale and supply of alcohol for consumption on the premises to people attending an event described on the licence.
2. **Off-site special** – granted for the sale of the licensee's alcohol for consumption off the premises to people attending an event described on the licence (alcohol may be supplied free, as a sample, for consumption on the premises.)

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 a specific start and end point.

In approving a special licence, the DLC will avoid granting arbitrary commercial advantage to the holder of a special licence over the holder of an on-licence. The hours for any special licence will have to be justified in terms of the activities and the times at which they occur.

All applications have to comply with the rules of the District Plan. Discretionary conditions may be applied to deal with specific issues identified in any report on an application, or for any issue which is considered by the DLC to warrant intervention on the basis that the proposed condition will improve safety and reduce the risk of harm that may occur if the activity is licensed. For example, outdoor functions have the potential to produce a noise nuisance and conditions may be imposed to mitigate this. Conditions may also be imposed (for safety reasons) to control the sale or use of glass containers at outdoor functions, particularly sports events.

Applicants may also need to obtain resource consent, or a variation to an existing resource consent, which may have conditions that restrict the hours of operation, the nature of the activity or the frequency of events.

A special licence will not be issued where the extent or regularity of the activity is such that the Act intends an on-, off- or club licence to be applied for. In relation to extensions for hours of operation, special licences may be issued for trial purposes but not past the point where a variation to licence conditions or licence renewal application should be made.

The hours of operation for a special licence should reflect those described in section 2.1

### **Criteria for assessing special licence applications:**

In considering any application for special licence, the DLC shall have regard to the following matters:

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 event:
  - whether the applicant is engaged in, or proposes at the event 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 at the event 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
  - whether the event is youth-focused or likely to attract people under the legal purchase age.
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.
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 areas of the premises that the applicant proposed should be designated as restricted areas or supervised areas.
11. The applicant's Host Responsibility programme.
12. The proposed management regime to deal with on and off-site problems.
13. Any other matters in respect of the application promoting the responsible consumption of liquor.
14. Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103 of the Act.
15. Compliance of the premises and activity with all other relevant legislation (such as the Building Act and Resource Management Act 1991), and bylaws.
16. An assessment against the LAP position on outlet density and proximity.

17. An overall assessment of risk – assessed as the actual or likely impact the operation has or may have on alcohol-related harm in its proposed location.

18. Matters raised in opposition to the application by the community.

**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.*

### **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 application for a special licence relates to a large-scale event, the committee may:

- 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 and the territorial authority on planning for the event.

### **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 number can be justified to the DLC.

### **Special licence conditions**

In considering an application for special licence, the DLC will have regard to the types of conditions that should be applied.

#### **Compulsory conditions:**

- the days on which and the hours during which alcohol may be sold and supplied; and
- stating (directly or by description) a place or places on the premises at which drinking water is to be freely available while the event (or any of the events) described in it is taking place.

#### **Discretionary conditions:**

Steps to be taken by the licensee to ensure the provisions of the Act in relation to management of the premises are observed such as:

At all times when the premises are open for the sale and supply of alcohol;

- there is a reasonable range of food available for consumption on the premises, in portions suitable for a single customer, at reasonable prices and within a reasonable time
- there is available for sale and consumption on the premises, at reasonable prices, a reasonable range of non-alcoholic drinks.
- there is available for sale and consumption on the premises, at reasonable prices, a reasonable range of low-alcohol drinks not containing more than 2.5 percent ethanol by volume
- and/or customers are lawfully on the premises, the licensee must provide free, comprehensive and accurate information and assistance about forms of transport from the premises at that time.

conditions prescribing steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of alcohol to prohibited persons are observed:

conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied:

in the case of premises where (in the opinion of the committee) the principal business carried on is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered on or from the premises:

conditions requiring the exclusion of the public from the premises concerned:

conditions—

- requiring alcohol to be sold and supplied on the premises concerned only in containers of certain descriptions; or
- requiring alcohol not to be sold and supplied on the premises concerned in containers of certain descriptions:

conditions requiring the filing of returns relating to alcohol sold pursuant to the licence:

any conditions of a kind subject to which any on or off licence may be issued under:

designate all or a part (or any of 2 or more parts) of the premises as either a restricted or supervised area in accordance with section 119(3) of the Act:

any reasonable conditions that, in the committee's opinion, are not inconsistent with this Act – refer section 8.5.3.

## **Time needed for processing a special licence**

In accordance with section 137(1) of the Act, an application for a special licence must be filed at least 20 working days before the day on which the event concerned begins.

Under section 141(3) (4) of the Act: the Police and MoH have 15 working days to report on special licence applications.

The secretary of the DLC will refer all applications to the Police and licensing inspectors for reports as required by the Act. In normal circumstances at least 10 working days are needed for reporting and approval of the application.

Urgent processing of the applications that do not allow adequate processing time may be possible if the applicant can justify in writing to the Secretary of the DLC that there are mitigating circumstances why the application should be prioritised. The Police, MoH and the licensing inspector must also be able to properly investigate and report on the application.

If there is opposition from the Police, MoH or licensing inspector to an application, a pre-hearing meeting (with all interested parties) will be held to try to resolve differences. If no satisfactory agreement has been reached, a hearing of the DLC will take place and will require additional time. Should the application be declined by the DLC the applicant is entitled to appeal this decision with the Alcohol Regulatory Licensing Authority.

The Act has set requirements for public notification. If applicants do not allow enough time for notification and possibly a hearing the application will not be able to be processed in time (Section 139, Sale and Supply of Alcohol Act 2012).

## Notification of special licences

The Secretary of the DLC has the ability to require site notification of a special licence application if there is a significant public issue that needs to be considered as provided for in section 139(b), of the Sale and Supply of Alcohol Act which states:

*“Within 10 working days after filing the application, the applicant must, if required to do so by the Secretary, 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.”*

In general, special licences are not publicly notified. This is because they usually relate to one-off events of short duration, or to community or social gatherings (such as weddings or fairs). The DLC is mindful of the impacts that such events can have and conditions will be imposed on a case by case basis to control them.

Public notification may be required in the following situations:

- the Secretary of the DLC has received a substantiated complaint against the applicant, or the applicant’s operations under previous liquor licences; or
- in the opinion of the Secretary of the DLC, it requires notification.

If there is not enough time to undertake the public notification and to hold a hearing, if necessary, then the application will not be able to be processed in time.

## 12.0 Promotion and education of host responsibility

The Council, in its role as the Secretariat of the DLC, will work in partnership with other organisations, such as ARLA, Hospitality New Zealand (HNZ), industry operator groups such as Capital Host, MoH, Police and Health Promotion Agency

(HPA), to educate the community about alcohol-related harm and its consequences. A major part of this will be to encourage venue owners and managers to promote responsible behaviour to patrons and consumers.

Licensing Inspectors, will promote the principles of “*Host Responsibility*” and will require host responsibility programmes to be in place in accordance with provisions in The Act and current Council policy.

The Act requires holders of on-licence 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:

- (ix) serving alcohol responsibly
- (x) providing and actively promoting low and non-alcoholic alternatives
- (xi) providing and actively promoting appropriate food
- (xii) providing information on and actively promoting alternative forms of transport
- (xiii) advertising the availability of free drinking water
- (xiv) identifying and responsibly dealing with underage and intoxicated people
- (xv) ensuring that management and staff are trained in host responsibility practices and continue to update their skills
- (xvi) having a house policy on host responsibility and adhering to it.

## Further information

To speak to someone directly about the Wellington City Council Local Alcohol Policy phone the Council on 499 4444.

**To find out about the licensing process, visit our website and check out the Wellington City Council’s Guide to Liquor Licensing.**

<http://wellington.govt.nz/services/consents-and-licences/liquor-licensing>

## Appendix A: Assessment Template Summary

### DRAFT RISK FACTOR ASSESSMENT:

ACTIVITY: PRINCIPAL PURPOSE OF BUSINESS (To reflect MOJ risk assessment )	Weighting
Principal purpose of business activity is the sale and supply of alcohol (Tavern).	
Principal purpose of business is the provision of live entertainment (Entertainment)	
Principal purpose of business is the provision of lodging facilities (Hotel)	
Principal purpose of business is the provision of catering services (Caterers)	
Principal purpose of business is the provision of food (Restaurant, Café, BYO)	

-----

SUITABILITY OF APPLICANT - EXPERIENCE	Score
<p><b>Summary:</b></p> <p>Applicants experience will be evaluated based on:</p> <ul style="list-style-type: none"> <li>• specific training</li> <li>• history of operating similar premises</li> <li>• level of hospitality experience.</li> </ul>	

ASSESSMENT OF PROPOSED TRADING HOURS	Score
<p><b>Summary:</b></p> <p>Score based on trading hours sought</p> <ul style="list-style-type: none"> <li>• Closing before midnight</li> <li>• Closing between midnight and 1.00am, 2.00am, 3.00am, 4.00am, 5.00am (<i>variations for off licence, club licence and special licence applications/renewals</i>)</li> </ul>	

ASSESSMENT OF IMPACT ON AMENITY AND GOOD ORDER	Score
<p><b>DENSITY</b></p> <p><b>Summary:</b></p> <p>Score based on proposed or current activities overall risk rating i.e. High, Medium, Low and if the premises is located in an identified high density area.</p>	
<p><b>NOISE</b></p> <p><b>Summary:</b></p> <p>Score based on:</p> <ul style="list-style-type: none"> <li>• Noise generating activity associated with the operation</li> <li>• Noise complaint history (if applicable)</li> <li>• Steps taken by applicant to mitigate the risk of/deal with noise control issues such as implementation of a noise management plan, specific design/layout remedies</li> </ul>	
<p><b>NUISANCE AND VANDALISM</b></p> <p><b>Summary:</b></p> <p>Score based on:</p>	

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<ul style="list-style-type: none"> <li>Location of premises in a high volume zone for nuisance and vandalism</li> </ul>	
<p><b>NEIGHBOURING LAND USE RELATED TO PRINCIPAL PURPOSE OF BUSINESS</b></p>	<p><b>Score</b></p>
<p><b>Summary:</b></p> <ul style="list-style-type: none"> <li>Score based on neighbouring land use</li> </ul>	
<p><b>OVERALL SCORE – IMPACT ON AMENITY AND GOOD ORDER</b></p>	
<p><b>ASSESSMENT OF CONDUCT AND PRACTICES: COMPLIANCE WITH ACT</b></p>	
<p><b>Summary:</b></p> <p>Score based on:</p> <ul style="list-style-type: none"> <li>Number of infringement notices recorded</li> <li>Record of unresolved compliance issues</li> </ul> <p>Fees include a compliance history risk component. By placing a greater burden on those venues that infringe compliance requirements, the fee structure becomes fairer for everyone. This move goes some way to recouping the costs of enforcement from those who create the most work. The risk history will be based on the previous 12 months of operation for renewal applications. In the case of new licence applications, previous compliance history (latest 12 month period) operating other premises in NZ will be looked into.</p>	<p><b>Score</b></p>
<p><b>ASSESSMENT OF LEVEL OF INDUSTRY AFFILIATION</b></p>	
<p><b>Summary:</b></p> <p>Scored based on applicants membership in Wellington focused industry groups such as Hospitality NZ, Restaurant Association of NZ, Capital Host which support local operators improve industry standards.</p>	<p><b>Score</b></p>
<p><b>ASSESSMENT OF PREMISES (CPTED):</b></p>	
<p><b>Summary:</b></p> <p>Scored based on a review of applicants own assessment of their operation against the Crime Prevention Through Environmental Design for Licensed Premises best practice guidelines checklist. For example, the checklist shows the premises has been assessed as meeting:</p> <ul style="list-style-type: none"> <li>100%</li> <li>75%</li> <li>50%</li> <li>35%</li> <li>&lt;10%</li> </ul> <p>Of the applicable guidelines</p>	<p><b>Score</b></p>
<p><b>ASSESSMENT OF STYLE OF OPERATION</b></p>	
<p><b>Summary:</b></p> <p>Score based on level and quality of information applicant provides around:</p> <ul style="list-style-type: none"> <li>Scale of operation</li> <li>premises fit out/design</li> <li>marketing strategy</li> </ul>	<p><b>Score</b></p>

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ASSESSMENT OF HOST RESPONSIBILITY:	Score
<p><b>Summary:</b></p> <p>Score based on premises meeting being assessed as having:</p> <ul style="list-style-type: none"><li>• Excellent</li><li>• Good</li><li>• Adequate</li><li>• Inadequate/Poor</li></ul> <p>Standards of host responsibility, staff awareness of host responsibility and promotion of host responsibility obligations</p>	

ASSESSMENT OF TRAINING:	Score
<p><b>Summary:</b></p> <p>Score based on percentage of staff trained:</p> <ul style="list-style-type: none"><li>≥ <b>85%</b> of staff trained in NZQA approved Sale and Supply of Alcohol Act 2013 related courses and/or Host Responsibility</li><li>≥ <b>50%</b> of staff trained in NZQA approved Sale and Supply of Alcohol Act 2013 related courses and/or Host Responsibility</li><li>≥ <b>30%</b> of staff trained in NZQA approved Sale and Supply of Alcohol Act 2013 related courses and/or Host Responsibility</li><li>≥ <b>20%</b> of staff trained in NZQA approved Sale and Supply of Alcohol Act 2013 related courses and/or Host Responsibility</li><li>&lt; <b>10%</b> of staff trained in NZQA approved Sale and Supply of Alcohol Act 2013 related courses and/or Host Responsibility</li></ul>	

## Appendix TWO:

### How to object to a licence application

#### Introduction

The following provides an overview of what objectors need to know before filing objections against licence applications. It contains information to assist potential objectors in filing objections 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; 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. The notice, A3 in size 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.

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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 grant 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.

<b>Reg X</b>	<b>Public Notice</b>
<b>Form 1</b>	
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: 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.	
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.
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 persons can be appointed.

Attached is a template for:

- B) an individual public objection
- C) group objection

## **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.

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

## **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.

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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 of the LAP document).

## 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 above).
- 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 is able to help you with information about the Sale and Supply of Alcohol Act 2012 and how it affects you.

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

[Cover]

## **The Right Mix**

**Have your say on how we manage alcohol use in Wellington City**

[Cover photograph]

**The Council is proposing to adopt a Local Alcohol Policy to give communities greater control over when, where and how alcohol is sold.**

**We have also developed a draft Alcohol Management Strategy to deal with the wider issues relating to alcohol use.**

**Before making any final decisions, we want to know what you think.**

**We need your feedback by 5pm on 2 August 2013.**

# APPENDIX 1

## Background

Wellington City Council has both an interest and responsibility for alcohol management in Wellington City and we are seeking your views on a draft Alcohol Management Strategy and a draft Local Alcohol Policy for the city.

The Sale and Supply of Alcohol Act 2012 allows councils to develop local alcohol policies (LAPs) that cover the sale and availability of alcohol – including the number of outlets, their location and conditions under which they can operate.

Once a LAP is in place, the local District Licensing Committee and the national Alcohol Regulatory and Licensing Authority must take notice of it when making decisions on liquor licence applications.

Councils that do not prepare a LAP will be subject to national maximum trading hours. These 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.

In November 2012, the Council decided to prepare an Alcohol Management Strategy as a first step towards a draft LAP. The strategy takes a wider view of alcohol-related behaviour, how to achieve 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 Council has been working with public, the hospitality and retail industry, Police, Medical Officer of Health and residents associations to develop a draft strategy and draft LAP so we can respond specifically to what Wellington needs. Now we want to hear from a wider cross-section of people.

The draft strategy and draft LAP was prepared with community input from a comprehensive consultation programme called The Right Mix?

The issue most frequently raised was concern about excessive pre-loading and side-loading (drinking your own alcohol before and between visiting bars). People said we also needed to look at a greater mix of late-night activities, the central city liquor ban, the extent of host responsibility, and the proximity and density of licensed premises.

This is a summary of what's proposed. Full copies of the draft policy and strategy are available from:

- Wellington.govt.nz
- Council libraries
- Council Service Centre, 101 Wakefield Street
- Or phone 499 4444

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## Draft Alcohol Management Strategy

The goals of the draft Alcohol Management Strategy for the central city are:

- Supporting a city rhythm – transitioning the city through key phases
  - Daytime – commerce
  - Evening – entertainment
  - Late night – bars and clubs, more evening entertainment
  - Sleep, city regeneration – cleaning and rest.
- Promoting a dynamic night-time economy – with well-managed and well-designed pockets of activity that offer a well-balanced mix of social and alcohol-related trading
- Creating a safe and welcoming city – where risks are managed effectively and communities are connected
- Building an accessible city – where people can safely and easily move in and around the central city.

For the suburbs:

- Creating spaces around town centres and suburban hubs for business and social activities and community networking to support the overall health and wellbeing of communities
- Supporting local amenity – ensuring there are pleasant and agreeable places to live alongside vibrant suburban centres through greater restrictions on the sale of alcohol than in the central city.

The strategy has five focus areas: pre-loading/side-loading, central city safety and vibrancy, community participation, alcohol at events, and sector collaboration.

Its goals are:

- **Reduced harm:** a reduction in harm created by the excessive consumption of alcohol, drinking in public places, and from vandalism
- **Increased vibrancy:** an increase in a mix of late-night activity in the central city with less emphasis on alcohol consumption
- **Improved amenity:** better enjoyment of suburban, inner-city, and open spaces
- **Greater personal responsibility:** more people consuming alcohol safely and responsibly
- **Greater collaboration:** a cooperative approach to resolving alcohol-related issues involving licensees, local and central government, and community organisations.

These goals strike a balance between promoting a dynamic central city with vibrant suburban centres and achieving a noticeable reduction in alcohol-related harm. They also form the basis for developing the draft LAP, which will give communities greater control over when, where, and how alcohol is sold in Wellington City.

## Draft Local Alcohol Policy

***This summary provides a brief description of the draft LAP and the process the Council will follow if it decides to produce a provisional LAP.***

A Local Alcohol Policy creates licensing policies within Wellington City that meet the strategic objectives and the specific needs of local communities. A LAP is also an important tool to assist the District Licensing Committee in issuing liquor licences. A LAP is restricted to dealing with matters related to the administration and licensing of alcohol.

***Recommended approach:***

*Prepare a draft LAP based on managing identified risks in specific zones.*

### **Off-licence maximum trading hours**

Off-licence purchasing patterns on Friday and Saturday nights show a spike in alcohol-only supermarket purchases from 9pm – purchasing behaviour that is conducive for excessive pre-loading and side-loading.

Preloading and side-loading is more common in younger age groups, 18–29 years of age, who are looking for lower-priced alcohol and are more likely to be late-night customers (trading past 2am). International experience supports restricting trading hours for off-licences so that these premises are closed before at-risk groups move into the city.

In considering whether to restrict off-licence trading hours, the Council has considered whether it is reasonable to ask people to sacrifice a degree of personal convenience to support an initiative to curb excessive pre-loading and side-loading.

***Recommended approach:***

*Set maximum off-licence trading hours at 7am- 9pm.*

### **On-licence maximum trading hours**

Crime and harm statistics show that late-night trading in the central city is higher-risk. We support an approach to maximum trading hours that:

- provides incentives to late-night licensees to invest in best practice to secure later trading hours
- reduces harm and/or the potential for harm – staggering closing times reduces conflict at congestion points and the demand on transport and policing services
- focuses the resources of the city into specific zones that can be better designed and intensively managed
- clearly defines which areas of the city you can expect to experience late-trading activity
- protects the enjoyment of local areas where this is an overriding priority, i.e. suburban centres.

Confining activity at high-risk times to specific locations in the central city enables clear communication of expectations around behaviour, a targeting of resources,

# APPENDIX 1

closer monitoring and enforcement. When set alongside the application of specific conditions and encouraging licensees to reduce their risk, this approach will improve alcohol and patron management and contribute to the safety of individuals and the community.

## **Recommended approach:**

*Set maximum on-licence trading hours at:*

- *Entertainment Precinct: 7am–3am generally and 7am–5am for best-practice premises*
- *Central city: 7am–2am generally and 7am–3am for best-practice premises*
- *Suburban: 7am-midnight.*

## **Proximity to sensitive facilities such as schools, parks, health centres**

Creating automatic triggers for the public hearing of applications in specific circumstances puts a District Licensing Committee in the best position to determine whether the proximity of the proposed licensed premises increases the possibility of alcohol-related harm.

## **Recommended approach:**

*Create automatic triggers for public hearings for:*

- *high to medium-risk applications in the Southern Zone within close proximity (100m) of another licensed premises or a sensitive facility, such as a school*
- *any application next to a sensitive facility*
- *high to medium-risk, or late-trading applications in the Entertainment Precinct*
- *any application that attracts public opposition.*

## **Density of licensed premises**

Research shows that those who live in the Southern Zone area are disproportionately represented in alcohol-related harm data. Creating automatic triggers for the public hearing of applications in the Southern Zone responds to a history of applications being opposed. Restricting the trigger to applications assessed as high-risk and valid public objections means best-practice premises are less likely to be affected.

## **Recommended approach:**

*Create automatic triggers for public hearings for:*

- *all new or renewal applications for high-risk applications in the Southern Zone*
- *all applications where density or proximity is raised by submitters as an issue.*

## **Discretionary conditions**

Discretionary conditions relate to the management of licensed premises and deal with such matters as ensuring the safety of patrons, the enjoyment of an area and measures designed to support safer drinking environments.

## **Recommended approach:**

- *Provide a list of indicative discretionary conditions the District Licensing Committee may consider when issuing a licence.*

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- *Specify the conditions for late-trading on-licences (trading beyond 2am).*
- *Specify the conditions for off-licences in the defined Entertainment Precinct or the Southern Zone.*

## **Alternative Options**

The Council considered many other options in reaching this proposal. How they were assessed can be found in Report 3 of the June 20 Strategy and Policy Committee, which can be found under Meetings in the Your Council tab on our website - [Wellington.govt.nz](http://Wellington.govt.nz)

## **Impact of alcohol on the city**

From feedback during the development of an Alcohol Strategy, the Council recognises that alcohol has both a positive and negative impact on Wellington City.

It is important to balance the economic benefit with a harm-minimisation approach that acknowledges community concern about the effects of excessive and inappropriate drinking. The Council has decided to prepare a LAP in order to provide locally relevant policies for licensing in Wellington City to meet its strategic objectives and the needs of its particular communities. The Council views a LAP for Wellington City as an important tool to assist the District Licensing Committee make decisions consistent with the object of the Sale and Supply of Alcohol Act:

- (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.*

## **Police and Medical Officer of Health Views**

The Council cannot produce a draft LAP without consulting with the Police and Medical Officer of Health. Their views are attached as appendix 1.

## **How the policy will be applied**

We believe having a robust assessment framework that rewards best practice, assesses risk and limits high-risk activity at particular locations and during particular times will promote the safe and responsible supply and consumption of alcohol.

The policy responds to concerns about alcohol-related harm and to local evidence showing that at particular locations and during particular times, the harm experienced is disproportionate to the social and economic benefit.

While some people may consider the risk-management framework set out in the policy too restrictive, the Council believes that any limitations are justified and reasonable.

The Council's goal is to support safer, more responsible consumption of alcohol in a way that supports a dynamic night-time economy.

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We recognise that alcohol is no ordinary commodity, and that communities want to have a say in the licensing process. The policy responds to this in four ways:

- 1) Development of a Local Alcohol Policy
- 2) Public notification requirements
- 3) A transparent decision-making process that triggers community input in locations that are disproportionately represented in alcohol-related harm data for Wellington City
- 4) Information on the objection process and how to lodge an objection.

The Council also believes operators are in the best position to manage risk. The assessment criteria is such that those with an inherently high-risk business will be capable of lowering their risk profile by investing in their business and supporting best practice.

## **Risk assessment**

On application for a new liquor licence or when renewing an existing licence, the suitability of all elements of the activity will be assessed in relation to impacts on the community, and the operation will receive a risk classification.

This classification will influence the licence fees charged by the Council and the types of conditions that will apply to the licence. The lower the risk, the lower the fees charged by the Council and the fewer restrictions on the licence.

The Act permits councils to recover the total costs of the licensing process. Wellington City Council believes the fees charged should be targeted and proportionate to the risks to properly fund the management of those risks.

## **Zone management**

The Sale and Supply of Alcohol Act 2012 allows for local alcohol policies to set maximum trading hours; to apply differently to different areas across the city; and to apply differently to premises for which licences of different kinds are held, or have been applied for.

In addition to a location-based approach to trading hours, decisions will also distinguish by kind of licence and (as required) by types of premises in the application of trading conditions. This is to meet the objectives of the Act and the Council's own strategic goals, particularly around bringing a change in the mix of trading activity in particular areas of the city.

The four areas subject to specific trading conditions are identified as:

- **Suburban Areas** – where the overriding priority is to ensure the locality is a pleasant and agreeable place to live alongside vibrant suburban centres
- **Central Area** – where the overriding priority is to ensure the city has broad appeal through a range of activities, accessibility, and the actual and perceived image of a welcoming, safe place

# APPENDIX 1

- **Entertainment Precinct:** Courtenay Place to Central Street Precinct – where the overriding priority is to balance vitality and vibrancy with safety and harm reduction
- **Southern Zone** – identified as an area/s overrepresented in alcohol-related harm data, the overriding priority here is to reduce harm.

*Refer Maps attached as appendix 2*

## **Comprehensive alcohol-related planning**

As part of its management strategy, the Council is developing a comprehensive Implementation Plan to consider other initiatives to address broader alcohol-related concerns. This ‘big-picture’ plan will make sure we have a consistent citywide approach to alcohol management. It is important that the initiatives in the Local Alcohol Policy are supported by a whole-of-Council approach to addressing the impact that alcohol-related harm has on the city.

## **Frequently asked questions**

### ***What is a Local Alcohol Policy (LAP)?***

The Sale and Supply of Alcohol Act 2012 – allows councils to develop a Local Alcohol Policy covering the licensing of premises that sell and supply alcohol within their territorial area.

### ***What can a LAP deal with?***

A LAP can only deal with matters related to licensing. Through a LAP, communities are able to influence how the District Licensing Committee and Alcohol Regulatory Licensing Authority consider the following matters:

- the location of licensed premises near certain types of facilities, such as in specific suburbs or near schools or community facilities
- the density of licensed premises by specifying whether further licences or types of licences should be issued for premises in the district or in a particular area
- “one-way-door” conditions for licensed premises that would allow patrons to leave premises but not enter or re-enter after a certain time
- discretionary conditions on a licence
- restrictions or extensions to the maximum trading hours in the new Act which are: 8am–4am the following day for on-licences (such as bars, cafés, restaurants) and 7am–11pm for off-licences (such as bottle stores and supermarkets)
- a LAP may apply differently to different kinds of licensed premises.

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## ***Why is Wellington Developing a LAP?***

Wellington City Councillors voted unanimously in November 2012 to develop an Alcohol Management Strategy that would form the basis for a Local Alcohol Policy before the Local Body Elections in October 2013.

The LAP is to have approved provisional status and be ready for notification by 18 December 2013 (a requirement of the legislation).

There was strong support for having the LAP in place as soon as possible to take account of the particular needs of Wellington's communities and as a strategically significant economic driver for the region.

## ***What happens if the incoming Council does not like the LAP that is developed by this Council?***

The new Council can choose to proceed with notifying the LAP developed by the current Council, start the process again or decide not to have a LAP at all.

## ***Why does the LAP not cover licence fees?***

Licence fees are currently being consulted on by the Ministry of Justice and are unlikely to be confirmed by the time the Council considers the provisional Local Alcohol Plan.

## ***Has the community been involved with the development of the draft LAP?***

The Alcohol Management Strategy and draft LAP was prepared with community input from a comprehensive early engagement programme called The Right Mix? This began with a survey of residents' views, which were then shared at ward-based workshops, industry and stakeholder workshops, and in online discussion forums. We also set up a broadly representative stakeholder reference group to test and develop ideas.

## ***What happens now?***

The draft LAP was adopted by the full Council on 27 June 2013. It is now open for public consultation by means of a Special Consultative Procedure to allow further community input until 2 August 2013. Anyone who is interested can make a submission.

## ***When can I make a submission?***

Submissions about the draft LAP can be made from **2 July until 5pm on 2 August 2013**.

## ***What happens to the submissions?***

The Council has established a Local Alcohol Policy Hearings Subcommittee to consider submissions and then decide whether or not to prepare a provisional LAP and what it will include. The committee will be chaired by Councillor Stephanie Cook. Public hearings for oral submissions will take place in early August 2013. Anyone who makes a written submission and wants their views heard by the committee should make that request in their written submission.

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## ***What happens after the public hearings in August?***

The Council's Strategy and Policy Committee will consider all the written and oral submissions and then decide on the final form of the provisional LAP and make a recommendation to the full Council in late September. If adopted by the Council, the provisional LAP will be publicly notified soon after 18 December 2013 and then it will be open to appeals.

## ***What happens after the Council notifies a provisional LAP?***

The Act allows for an appeal process to the national Alcohol Regulatory and Licensing Authority. ***Only a person or agency that has made a submission as part of the Special Consultative Procedure on a draft LAP will be able to appeal against any element of the resulting provisional LAP.*** The Police and Medical Officer of Health have statutory rights of appeal.

## ***When will the LAP become operational?***

Final adoption of a LAP is likely to be mid-2014 at the earliest. There are a number of steps to meet legislative requirements.

The default national maximum hours in the Sale and Supply of Alcohol Act 2012 (8am–4am for on-licences such as pubs and restaurants, and 7am–11pm for off-licences such as bottle stores and supermarkets)) apply from 18 December 2013. Premises that currently open for longer hours will have to comply with the maximum trading hours from this date. Premises with shorter hours will continue to operate to the hours of their licence.

As new licences are applied for or existing ones are renewed, the District Licensing Committee and national Alcohol Regulatory and Licensing Authority will refer to the new default hours, other criteria in the Sale and Supply of Alcohol Act 2012 and any Local Alcohol Policy in place, in making their decisions.

## ***How often will the LAP be reviewed?***

Legislative requirements mean the LAP must be reviewed every six years, although councils can choose to do this sooner if they wish.

## ***What are some of the proposals included in the LAP?***

The draft LAP is based on a risk-based policy model that rewards best practice, assesses risk, and limits high-risk activity at particular locations and during particular times. This approach will create a hospitality and retail environment that prioritises quality over quantity. Key elements of the draft LAP (attached) are:

- a two-tiered maximum trading hours system for bars, night clubs, and restaurants in the central city (2am–3am in general, 3am–5am in the Entertainment Precinct).
- staggered closing times based on the ability of the licensee to minimise risk (rather than a one-way-door policy)
- maximum trading hours of 7am–9pm for supermarkets, grocery and bottle stores to reduce spontaneous purchasing that may lead to excessive pre-loading and side-loading

# APPENDIX 1

- compulsory public hearings for applications close to schools, in the Entertainment Precinct and in the Southern Zone.

The Entertainment Precinct is a response to compelling evidence that late-night trading has a higher risk. The precinct is proposed from Courtenay Place to Cuba Street. Their location reflects the clustering of late-night venues and this is designed to drive late-night activity into well-managed, well-supported and clearly identified zones.

Limiting off-licence trading hours from 7am–9pm. Off-licence purchasing patterns on Friday and Saturday nights show a spike in alcohol-only supermarket purchases from 9pm – purchasing behaviour that is conducive for excessive pre-loading and side-loading. International experience supports restricting trading hours for off-licences so that these premises are closed before at-risk groups move into the city.

***I think pricing is an issue; why is there nothing in the policy that restricts the price of alcohol?***

Increasing the minimum price for alcohol, particularly for products that attract young people, was a commonly raised solution during The Right Mix? consultation. The Council is not able to place a minimum price on alcohol but we can advocate to the Government to consider this issue together with price advertising.

***I live in the Southern Zone, does that mean no more licences will be issued in my area?***

No, what it means is that the Council believes that any application assessed as high risk in your zone needs to be reviewed closely and the community given the opportunity to be heard.

***The policy says that youth-focused events might not get alcohol licences. Will my school still be able to sell alcohol at a fundraiser?***

The Council believes alcohol is not appropriate at some occasions and events. The policy will require the District Licensing Committee to look carefully at the nature of the proposed occasion or event. For example, the committee is unlikely to have concerns about alcohol being sold for off-site consumption (ie a bottle of wine or craft beer to take away) but may consider setting up a bar at a school fundraiser an inappropriate activity.

***What will the draft LAP do about off-licences and on-licenses wanting to set up where there is local opposition?***

In all cases where valid objections are received on an application, the District Licensing Committee is required to hold a public hearing.

***I currently operate a licensed venue in Wellington, how will the trading hour restrictions impact on me?***

<b>Impact of Government's default trading hours and draft policy limits on existing operators</b>	<b>18 December 2013 – default trading hours apply:</b>	<b>When LAP is adopted and becomes operational – mid-2014</b>
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	<b>On-licence: 8am–4am the following day</b>  <b>Off-licence: 7am–11pm</b>	
I operate an on-licence in the central area until 6am but I am outside any of the new Entertainment Precinct.	You will only be able to operate until 4am.	You may continue to operate until 4am until your licence is renewed. At that point you will be assessed to determine your eligibility to operate until 3am.
I operate an on-licence until 6am in what will be one of the Entertainment Precinct.	You will only be able to operate until 4am.	You may continue to operate until 4am until your licence is renewed. At that point you will be assessed to determine your eligibility to trade until 5am.
I operate an on-licence until 3am in what will be the Entertainment Precinct.	No change. You operate to the lesser condition of 3am on your licence.  <i>Note: all operators to trade according to the lesser condition on their licence. Default trading hours are identified limits only.</i>	You continue to operate until 3am. If you wish to be assessed to determine your eligibility to trade until 5am, you can request this when you renew your licence.
I operate an on-licence until midnight in a suburban centre.	No change. You operate to the lesser condition of midnight on your licence.	You continue to operate until midnight. At your next renewal, your business will be assessed to determine your level of risk and if this trading hour limit remains unchanged.
I operate an off-licence in the Central Area, trading 8am–11.30pm.	You will only be able to operate until 11pm.	You continue to operate until 11pm. When you renew your licence your trading hours will be restricted to the maximum in the policy of 7am– 9pm.
I operate an off-licence in one of the new Entertainment Precinct, trading 8am –11.30pm.	You will only be able to operate until 11pm.	You continue to operate until 11pm. When you renew your licence your trading hours will be restricted to the maximum in the policy of 7am– 9pm.
I operate an off-licence in the suburbs, trading 7am–10pm.	Your hours remain unchanged as they are within the default	You continue to operate your existing trading hours until you renew your

# APPENDIX 1

	maximum of 11pm.	licence when your trading hours will be restricted to the maximum in the policy of 9am–9pm.
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## Have your say

The Council is keen to know what you think about this policy. Anyone can make a submission:

- online at [Wellington.govt.nz](http://Wellington.govt.nz) ('Have Your Say')
- by calling 499 4444 for further information including a submission form
- by posting a submission form to: Freepost 2199, The Right Mix, Wellington City Council, PO Box 2199, Wellington 6011
- or by emailing a submission to:  
[alcoholstrategy@wcc.govt.nz](mailto:alcoholstrategy@wcc.govt.nz)

Please ensure you include the following information:

- Your name, postal address, phone number, fax number and email address
- Your submission, with reasons for your views
- Any changes you would like considered
- Whether you wish to speak to the Council in support of your submission (an oral submission).

Councillors will consider all submissions and take account of the issues raised before deciding whether to approve the provisional policy. The process and timetable for this consultation is shown below.

## Timeline for consultation

The consultation period is as follows:

5pm 2 July 2013	Consultation begins
5pm 2 August 2013	Written submissions close
6-8 August 2013	Local Alcohol Policy Strategy and Policy Committee hears oral submissions

## Submissions close 5pm 2 August 2013

When the public consultation process ends, the Council will consider all the feedback and decide whether or not to approve the provisional Local Alcohol Policy.

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## Appendix 1

### Police View

The pendulum has swung too far in the direction of relaxed opening hours and the associated increase in crime, disorder and social harm. Being the entertainment Capital in New Zealand we have a unique opportunity to take a stance to reduce victimisation and the associated alcohol related harm in our city. Now is the time for all of us to make the right choices for the future of our city.

Based on offending patterns, all bars should close at midnight. However, we understand and appreciate that we are a metropolitan city and there is a need to provide night time entertainment and a place for the public to socialise. With that in mind, the Wellington Police firmly believe that to reduce alcohol-related harm, and to protect our vibrant CBD, licences must be limited to a 3.00am closing and that a one-way door policy should be introduced from 1.00am. There are provisions in the Act for special licences to cater for the events that the city hosts.

Crime data analysis, research and anecdotal evidence from our frontline officers all show that the longer licensed premises are open after midnight the more crime, drink driving and victimisation we see. There are some huge social costs in relation to health, ACC and loss of productivity.

New Zealand research shows that the predicted rate of offences associated with closing later when compared with 12am or earlier is:

- 4.2 times the expected rate of offences between 2.01am and 3.00am
- 8.9 times the expected rate of offences between 3.01am and 5.00am.

Police analysis of offending data shows that one-third of all offending in Wellington is concentrated in less than 1% of the city's geographical area in the city's CBD. The vast majority of this offending occurs between 2300 and 0500 on Friday and Saturday nights. Excessive alcohol consumption fuels antisocial behaviour, violence and property damage offending. Does our city need that after 3am?

Wellington Police have been working collaboratively with our partners since November 2011 on the CBD Safety Project which has seen some reduction in violence and theft offending.

While significant inroads have been made in reducing alcohol related harm and offending in the CBD, reducing the availability of alcohol must be the next step to reducing alcohol-related harm and it is too important not to change. You will not create vibrancy in a city that is not safe.

The decision must be made, how much harm does the community wish to tolerate and is vibrancy in our city being able to consume alcohol until six in the morning? The pendulum has gone too far and it's our duty and responsibility to rebalance the social harm that alcohol is causing in the safest little capital in the world.

### Medical Officer of Health's View

The Object of the new alcohol legislation is about the "safe" and "responsible" sale and supply of alcohol so as to minimise "harm" caused by "excessive or inappropriate consumption of alcohol". "Harm" is very broadly defined to include health outcomes as well as impacts on social well-being at the level of the individual and at a societal or community level.

# APPENDIX 1

As Medical Officer of Health for Wellington I am concerned about the high local impact of the “excessive or inappropriate consumption of alcohol” is having on alcohol related injury and chronic illness. This will now be placing a significant economic burden on the Wellington region in terms of the direct cost of treatment, re-allocation of resources away from other important health needs, and associated loss in productivity. This economic burden is entirely preventable and the magnitude of this burden should be balanced along with the perceived economic benefits of the more permissive sale and supply of alcohol that appeared over the last two decades. There is considerable evidence that the pendulum has swung too far and there is a need for the pendulum to swing back to a point of equilibrium that is more appropriately aligned to the “safe” and “responsible” sale and supply of alcohol.

A key strategy to address the alcohol issue is to reduce the accessibility of alcohol by reducing outlet density and days and hours of sale. Through the Local Alcohol Policy the Council is provided with the tools to immediately limit the days and hours of sale and to, in the long term, to reduce the density of outlets. For the first time ever I can provide to Council an analysis of Emergency Department data that characterises the impact of alcohol on young people in Wellington City. This analysis shows that problem binge drinking and “preloading” is predominantly taking place in the Southern, Lambton and Eastern wards. The Mt Cook, Te Aro, Newtown, Brooklyn, Island Bay, Miramar/Strathmore Park and Kilbirnie/Melrose stand out as problem areas and the likely sources of their low price alcohol are local supermarkets and liquor stores. I will be able to provide, sometime in the future, information on the magnitude of chronic illness linked to alcohol. However, limiting accessibility to alcohol supplied by suburban supermarkets and liquor stores will be a key prevention strategy. It appears that the evidence supports the need to re-balance the pendulum for suburban communities and neighbourhoods.

I strongly support the immediate reduction in days and hours of sale for supermarkets and liquor stores to 9am to 9pm, with preference for a further reduction in hours for suburban supermarkets and liquor stores located in the southern wards to 8pm on Monday to Thursday, 9pm on Friday and Saturday, and 6pm on Sunday. This is in line with the recent decision of the Liquor Licensing Authority with respect to a suburban liquor store in Canons Creek, Porirua. Caps and sinking lid policies should be used to address the high levels of outlet density in the communities and neighbourhoods already mentioned.

For the CBD I support the Police view that closing time should be 3am. The police have the best understanding of the nature of the social harms relating to law and order. Much of the harm that occurs in the CBD is directly linked to the pre-loading taking place in the suburbs already mentioned and other cities. Never the less there is strong international evidence that shifting back early morning closing hours for bars does lead to fewer ED attendances. Notions around “rhythm of the city” and “entertainment precincts” are attractive and are worth exploring further. It is my view that the pendulum needs to be rebalanced first and then relaxation of the 3am closing time can only be considered in terms of the economic benefits significantly outweighing the economic burden of the harm.

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Making progress on reducing alcohol accessibility is an important step in addressing the issue of alcohol related harm but by itself will not solve the problem. New Zealand will also need to look at raising alcohol prices, raising the purchasing age, reducing marketing and advertising, and strengthening drink-driving counter-measures.



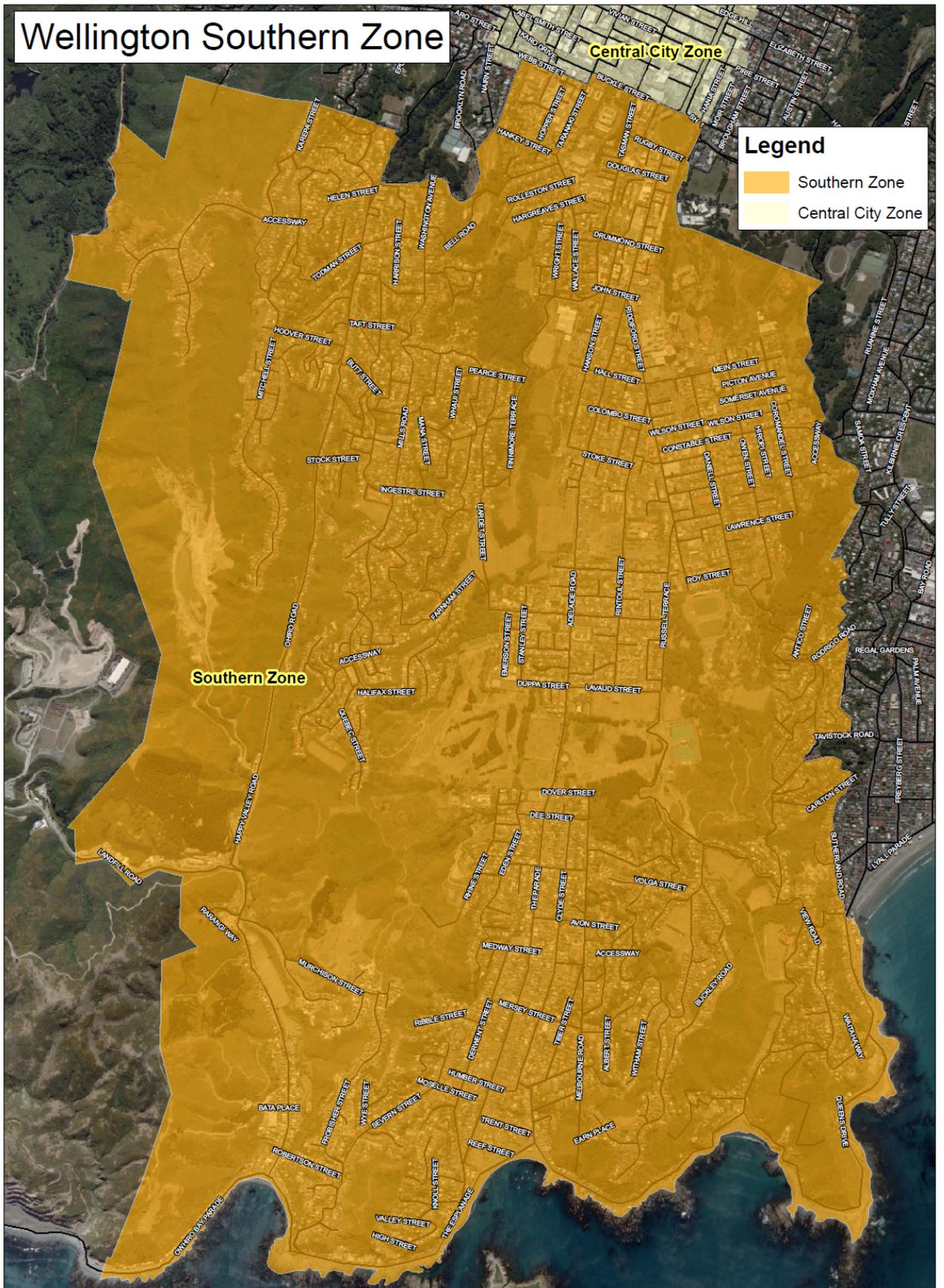
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Map 2: Central City Zone boundaries



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Map 3: Southern Zone Boundaries



# APPENDIX 1

## SUBMISSION FORM

### Your submission

You may also give an oral submission to the Local Alcohol Policy Hearings Subcommittee of the Council. If you want to do that, please tick the box below. The hearings will be held in early August 2013. You will be allocated 5–10 minutes to present your submission, including time for questions from the Councillors. The Council will confirm the date and time of your hearing in writing, by email or by telephone call.

#### Tick one

I DO NOT wish to discuss my submission at the hearing, and ask that this written submission be considered.

OR

I wish to discuss the main points in my written submission at a hearing, to be held in early August 2013 (note oral submissions are given 5 minutes for individuals and 10 minutes for organisations).

I am completing this submission:  On my own behalf  On behalf of a group or organisation

If you are representing a group or organisation, how many people do you represent?

\_\_\_\_\_

Your name

Organisation name (if applicable)

Organisation role (if applicable)

Contact address

Post code

Phone number (day)

Phone number (evening)

Email (if applicable)

Signature

Date

# APPENDIX 1

## Draft Local Alcohol Policy

1. Please indicate your level of satisfaction with the following provisions in the draft LAP

*\*If you disagree, please tell us what you would like the provision to be changed to.*

- 1a. Under the proposed zone framework, late-night trading activity of bars and entertainment venues (after 2–3am max) will be moved into a specific Entertainment Precinct in the city to better manage the harm associated with trading at this time.

Proposed Entertainment Precinct boundaries are Courtenay Place (Taranaki to Kent Terrace) to Cuba Street (Abel Smith Street)

(section XX of the draft LAP)

Creating an Entertainment Precinct (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know

Please give reasons

- 1b. The proposed risk-based management framework reviews the suitability of all elements of the activity in relation to its impacts on the community, and provides a risk classification.

This classification will influence the licence fees charged by the Council and the types of conditions that may be applied to the licence. The lower the risk, the lower the fees charged by the Council and the fewer restrictions applied to the licence.

(section XX of the draft LAP)

Risk-based management framework (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know

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Please give reasons

**1c. The proposed maximum trading hour restrictions for on-licensed venues (bars, restaurants, cafés)**

Entertainment Precinct

7am–3am

7am–5am max for best-practice premises

Central Area

7am–2am

7am–3am max for best-practice premises

Suburban Centre

7am–midnight max

(section XX of the draft LAP)

<u>Entertainment Precinct</u> maximum trading hour restrictions for on-licensed venues (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know

<u>Central Area</u> maximum trading hour restrictions for on-licensed venues (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know

<u>Suburban Centre</u> maximum trading hour restrictions for on-licensed venues (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know

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Please give reasons

--

**1d. The proposed maximum trading hour restrictions of 7am-9pm for off-licensed venues (supermarkets, grocery stores, bottle stores)**

(section XX of the draft LAP)

Maximum trading hour restrictions of **7am-9pm** for off-licensed venues (please tick one only)

Strongly agree	Agree	Disagree	Strongly disagree	Don't know

Please give reasons

--

**1e. Supermarkets, grocery and bottle stores (all off-licence venues) should be treated the same despite the different range of products they sell.**

- Supermarket and grocery stores can only sell only beer and wine
- Bottle stores can sell beer, wine, spirits and RTDs (ready to drink mixes)

Treating all off-licence venues the same (please tick one only)

Strongly agree	Agree	Disagree	Strongly disagree	Don't know

Please give reasons

--

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**1f. The Council will look closely at applications for the sale and supply of alcohol at youth-focused occasions or events, or those likely to attract people under the legal purchase age of 18 years.**

(section XX of the draft LAP)

Council focus on applications for youth-focused occasions or events (please tick one only)				
Strongly agree	Agree	Disagree*	Strongly disagree*	Don't know

\* If you disagreed above, please give reasons

--

**1g. The policy proposes hearing triggers for dealing with issues of density and proximity of licensed premises.**

(section XX of the draft LAP)

Hearing triggers for dealing with issues of density and proximity of licensed premises (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know

Please give reasons

--

**1h. The proposed discretionary conditions**

(section XX of the draft LAP)

The proposed discretionary conditions (please tick one only)				
Strongly agree	Agree	Disagree	Strongly	Don't know

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			disagree	

Please give reasons

2. **Overall, do you agree with the direction of the draft Local Alcohol Policy**  
(please tick one only)?

Strongly agree	Agree	Disagree	Strongly disagree	Don't know

Please give reasons

Please be as specific as possible to help us understand your views. It is helpful if you clearly state the page(s) and/or section numbers(s) of the draft LAP you are commenting on.

3. **What are the best aspects of the draft Local Alcohol Policy?**

4. **What aspects of the draft Local Alcohol Policy do you think need to be changed?**

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5. Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?

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## Draft Alcohol Management Strategy

6. The proposed goals in the draft Alcohol Management Strategy are achievable.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know

Please give reasons

7. The initiatives proposed in the Implementation Plan (attached to the draft strategy) will deliver on the strategic goals.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know

Please give reasons

8. The initiatives proposed in draft strategy will contribute to communities having a healthier relationship with alcohol.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know

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Please give reasons

*You may add more pages if you wish. Thank you for your submission.*

The Council want feedback from a wide range of people in the city. To help us understand more about who we are reaching, we would appreciate you answering the following. Answers to these questions are confidential and will not be part of your submission. Please tick the appropriate boxes below to describe yourself.

Your gender:

\_\_\_\_\_

Your age:

- Under 18 years     18–24 years     25–34 years     35–49 years  
 50–60 years     65 years and over

Your ethnicity:

- New Zealand European/Pakeha     New Zealand Māori     Pacific  
 Indian     Chinese     Other Asian

Other \_\_\_\_\_