

Draft Local Alcohol Policy

Media information Pack



Contents

What is a local alcohol policy?

What will Auckland's local alcohol policy do?

The submission process

Important dates

Media Inquiries

Key proposals

Frequently asked questions

Version	Date	Update
Version 1	13 June 2014	Original

What is a local alcohol policy?

New Zealand as a whole is experiencing alcohol-related harm, including health issues and crime.

A recent review of New Zealand's alcohol laws made it clear that there needed to be more local control of the sale of alcohol and more input from local communities.

With the adoption of the Sale and Supply of Alcohol Act 2013 (SSAA), councils were given new powers to create local alcohol policies to control where, when and how alcohol is sold locally.

Auckland's Local Alcohol Policy will help to ensure alcohol is sold in a responsible way. The policy aims to make Auckland a safer yet vibrant place for people to enjoy.

What will Auckland's Local Alcohol Policy do?

The policy will control:

- where new alcohol licences are allowed
- how many new alcohol licences are allowed
- when bars, restaurants and nightclubs can be open
- when bottle shops and supermarkets can sell alcohol.

The policy will also set out conditions that can be applied to alcohol licences to improve standards.

The policy will apply new rules across the whole of Auckland, with a special focus on areas most in need and where the new rules will have the greatest impact on reducing alcohol-related harm.

Auckland's Local Alcohol Policy (LAP) will help to ensure alcohol is sold in a responsible way.

There are four different kinds of licences covered by the draft policy. These are:

- **on-licences** – bars, restaurants, taverns
- **off-licences** – bottle stores, wine shops, supermarkets
- **club licences** – sports clubs, RSAs
- **special licences** – for special events.

Once adopted, the policy will need to be considered by the licensing decision-makers: the District Licensing Committee (DLC) and the Alcohol Regulatory Authority (ARLA).

The submission process

Submissions on Auckland Council's draft Local Alcohol Policy open **Monday 16 June 2014 and close 4pm Wednesday 16 July 2014.**

It is important people make a submission on the draft as only those who submit at this stage will be able to participate in the next stages of the process, hearings and appeals.

People are encouraged to submit online but forms and documents will also be available within the overview document available at libraries, service centres and local board offices.

Go to **shapeauckland.co.nz** to read the documents and make a submission.

General inquiries about the draft LAP can be directed to LAP@aucklandcouncil.govt.nz or phone the council on 09 301 0101.

Important dates

16 June -16 July 2014	Submissions accepted
Aug/Sept 2014	Public hearings
Oct/November 2014	Provisional Policy to be accepted by Auckland Council
Late 2014	Provisional Policy can be appealed
2015	Auckland Council LAP adopted and comes in to effect*

*exact dates will depend on number and outcome of appeals.

Media Inquiries

All inquiries should be directed to the Auckland Council media team on acmedia@aucklandcouncil.govt.nz

Key Proposals: Policy areas

For this policy we propose to split the region in to three areas:

1. Broad Area A – Auckland’s city centre and commercial areas of Ponsonby and Newton
2. Broad Area B Rest of Auckland
3. 21 Priority Overlay areas or streets – these are places where there are high levels of alcohol-related harm (including crime) and high numbers of existing licences.

Key Proposals: On-licences

For bars, restaurants, taverns, nightclub etc the draft policy proposes standard maximum hours of:

- 9am-3am in Broad Area A
- 9am-1am in Broad Area B
- Ability to apply for an extension of up to two hours trading to best practice operators not in priority overlay areas with preference for those in the city centre and metropolitan centres
- No extensions in priority overlay areas
- New assessment tool to identify potential risk and combined impact before extensions or new high-risk licences before decision on granting a new licence is made. Considerations would include proximity to education facilities, addiction centres and other licences

Key Proposals: Off-licences

For bottle stores, alcohol sales from supermarkets etc the draft policy proposes:

- Region-wide maximum trading hours of 9am-10pm for all off-licences
- Temporary freeze on granting **new** licences in Broad Area A and all priority overlay areas for two years from the date the policy comes in to force.
- After two years, new assessment tool to identify potential risk and combined impact before decisions on granting a new licence is made.

Key Proposals: Club licences

We propose standard maximum hours of 9am to 1am for club licences, such as Returned Services Association premises, sports or service clubs. We are also proposing a range of new conditions for club licences, to help encourage responsible service of alcohol and improve standards of safety.

The draft policy also includes proposals on **discretionary conditions** and **special licences**.

FAQs - Draft Auckland Council Local Alcohol Policy

We recommend you see the [Draft Local Alcohol Policy Overview document](#), now available on shapeauckland.co.nz

The policy has defined two main areas: Broad Area A - Auckland's city centre and the commercial areas of Ponsonby and Newton - and Broad Area B, which incorporates the rest of the Auckland region.

In addition to Broad Areas A and B, the draft policy also identifies a set of priority areas that are scattered across the whole region.

1. How were the areas in the Priority Overlay decided?

The council used several indicators including crime, deprivation, health statistics and the current number of off-licences to ascertain areas that already suffer significant levels of alcohol-related harm and have at-risk populations.

The streets within these areas where the most alcohol-related crime was reported (the "priority streets") were used as the centres for the areas, and the 250 metre zone around these streets is the mapped priority area. The resulting priority areas are considered to be the most vulnerable to alcohol-related harm so they will be subject to stricter rules.

BACKGROUND

2. Can't different parts of the Auckland region have their own LAP?

No. The Act allows a council to have one policy for its territorial area. However, the LAP can include local variation and the draft Auckland Council LAP establishes three broad areas where the policy works differently, as well as different rules for some Unitary Plan zones.

3. What issues can be addressed in a Local Alcohol Policy (LAP)?

The Sale and Supply of Alcohol Act 2012 allows an LAP to include rules on a number of licensing matters including location, density, hours and discretionary conditions. Please visit the MOJ site for more <http://www.justice.govt.nz/policy/sale-and-supply-of-alcohol/>

A LAP cannot include rules on any matter not relating to licensing (e.g. community development initiatives, liquor ban areas). When considering licensing applications the District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) need to take in to account provisions in the council's local alcohol policy.

4. What effect will the LAPs have on existing licences?

- Rules about **hours** will apply to existing licences (note: rules about hours only come into effect at least 3 months after the adoption of the final policy, so early 2015).
- **Discretionary conditions** can be applied to existing licences when they are renewed (licences are renewed every three years).
- Rules about the **number** and **location** of licences can only be applied to new licence applications. A licence can't be taken off an existing premises because it is inconsistent with the new LAP.

ON-LICENCES

5. Do all on-licences in the city centre have to close at 3am? Won't everyone leaving at the same time cause problems at closing time?

No. The council is proposing standard maximum hours of 9am to 3am for on-licences in the city centre, Newton and Ponsonby (Broad Area A). Some premises that have high standards of management will be able to apply for a trial extension of up to two hours (to stay open until a time between 3am to 5am). This will mitigate the amount of patrons leaving premises and on the street at the standard closing time of 3am.

Any premises which are licenced for more restrictive hours will not be automatically extended to 3am.

6. Can't all bars just get an extension, which would be the same as a 5am closing in the city centre?

No. Only a limited number of best-practice operators will be granted extended hour trials. In order to get a trial extension, the licensee must undergo a rigorous assessment process and provide a Risk Management Plan detailing how they will mitigate the increased risk associated with longer hours of operation. An example of an eligible premise might be a small, boutique bar which is lower risk, or a music venue where alcohol consumption is of secondary focus. After 12 months, any trial will be reviewed.

7. Do all bars everywhere else have to close at 1am? What about places like Parnell, Newmarket and Takapuna?

No. The council is proposing standard maximum hours of 9am to 1am for on-licences in the rest of the region (Broad Area B). Some premises that have high standards of management will be able to apply for a trial extension of up to two hours (to stay open until a time between 1am to 3am). Trial extensions will be refused in the Priority Overlay and residential areas.

Any premises which are licenced for more restrictive hours will not be automatically extended to 1am.

8. Does this mean champagne breakfast functions won't be able to happen?

No. The council proposes standard maximum hours of 9am to 1am for caterers. However, as on-licence holders, caterers are also eligible to apply for trial extensions, and can apply for an extension of two hours in the morning (instead of the evening). If deemed to be a suitable operator, this will allow the caterer to serve alcohol from 7am so these types of functions can occur. Alternatively, for one-off functions, event hosts can apply for a special licence.

9. Are there any other exceptions for on licences?

Yes. On-licenses within lodgings - hotel bars and restaurants - serving guests who are staying at the premises would be exempt from maximum trading hours. Under the Sale and Supply of Alcohol Act (SSAA), serving alcohol at international airports and at the casino is also exempt from the hours specified in an LAP.

10. Will applications to extend hours be notified?

Yes. An operator would have to apply to the DLC for a variation of its license conditions to extend its trading hours. Applicants would have to give notice by putting a notice on its premise and placing a public notice in the newspaper.

The Medical Officer of Health and Police can object to the application and persons with a wider community interest e.g. a school concerned about earlier opening hours of a nearby on-licence.

OFF-LICENCES

11. What are the hours bottle stores and supermarkets can sell alcohol?

The council proposes maximum hours of 9am to 10pm across the region. The current default hours allow sales between 7am and 11pm.

Note: the SSAA already requires supermarkets that open late to cordon off alcohol display areas after 11pm. The council's draft policy would change the cordon time to 10pm.

12. What is a “temporary freeze” and how will it work?

In some parts of Auckland there is a much higher density of off-licenses than in others – particularly in the city centre. Some communities are also experiencing disproportionate levels of alcohol-related harm.

In an effort to address this, the draft LAP proposes a freeze on any **new** off-licenses in Broad Area A and the Priority Overlay for 24 months from the date the LAP comes in to effect, that is, the draft LAP recommends that the DLC refuses any new off-licenses in these areas for two years.

13. Does that mean that a wine shop business in a freeze area can't be sold?

No. For the purposes of the policy, the council has determined that a **new** licence is a premise that has not operated as an off-licence for the 12 months prior to the application.

14. What about the rest of Auckland?

Off-licence applications will be assessed on the impact they would have on the areas where they are located. This will take into account how many other licenced premises already exist in the area as well as proximity to other sites like schools or treatment facilities. The DLC will then consider this information when making its decision on whether to grant the licence.

There is also a “rebuttable presumption” against any new off-licenses in neighbourhood centres (as zoned in the Unitary Plan), which aims to prevent further ‘bottle stores on every corner’.

15. What happens to existing off-licenses?

Density and location policies cannot apply to existing off-licenses so the council cannot take an existing licence away because it is inconsistent with the new policy. When an operator applies to renew their licence, the DLC can apply additional discretionary conditions.

The maximum trading hours in the LAP will apply to existing licences.

16. What about the very cheap sales of one can of beer at a time? Is the council doing anything about this?

Yes. One of the conditions recommended in the draft LAP is that an off-licensee must not sell single units of mainstream beer, cider or RTDs in less than 445ml packaging. Boutique and handcrafted beer and cider are exempt from this provision.

CLUBS and TRUSTS

17. What's happening to sports clubs and RSAs?

Sports clubs and RSAs hold "club licences". The policy proposes maximum trading hours of 9am to 1am across Auckland. Clubs are not eligible to apply for any extension of hours and there are no location or density policies applied to clubs in the draft LAP.

18. What does all this mean for the licencing trusts?

The LAP does not remove the Trusts or replace any of the work they do. Applications made by the licencing trusts will be subject to the controls in the LAP, as will applications by any other person or group in the Auckland region.

PROCESS

19. Who has had input into the development of the draft LAP so far?

The Governing Body (Councillors), Local Board members, and the council's various boards and panels have contributed to the direction of the draft LAP.

The SSAA requires the council to consult with the Police, the Medical Officer of Health and licensing inspectors before producing a draft LAP. The council has undertaken this consultation and met regularly with two "stakeholder reference groups" which include representatives from the hospitality and retail industry and health agencies. A number of public meetings, notified on the council's website, and meetings with community groups were also held (late 2013) on possible issues and options for the draft LAP.

20. Can I see the draft LAP and how can I make a submission?

A concise overview of the draft LAP and submission forms will be available from Libraries, Auckland Council Service Centres and Local Board offices. You will also be able to view it online and download a submission form, please visit shapeauckland.co.nz

Public consultation will start on 16 June 2014 and the submission period will be open for one month (closing at 4pm on 16 July 2014).

21. When will the LAP come into effect?

Once the submission period closes in July, a hearings process will commence which allows an opportunity for submitters to speak about their submission to Councillors. A provisional LAP will then be developed incorporating the views of Aucklanders and organisations on the draft LAP. Once this is adopted by Council, the policy is then able to be appealed by anyone who submitted on the draft LAP.