

Draft

Waitakere City Council

Liquor Licensing Policy

2003

TABLE OF CONTENTS

Background & Strategic Context	
Issues Tables	1-6
Policy Objectives	7
Background & Roles	8-11
Definitions and Process	12-14
How Waitakere City Council Controls the Impact of Licensed Premises on the Community	15-16
On-Licence Conditions and Assessment Criteria	17
On-Licence Host Responsibility	18-19
On-Licence Days and Hours of Opening	20
Off-Licence Conditions and Assessment Criteria	24
Off-Licence Host Responsibility	25
Off-Licence Days and Hours of Opening	26
Club Licence Conditions and Assessment Criteria	27
Club Licence Host Responsibility	28
Club Licence Days and Hours of Opening	29
Special Licence Conditions and Assessment Criteria	30
Special Licence Host Responsibility	31
Special Licence Days and Hours of Opening	32
Renewals and Variations To On, Off & Club Licences	33-35
Extensions to Hours of Operation	36
Enforcement	37
Management Performance	38
Temporary Authority	39
Public Participation and Objections Process	40-43
Evaluation and Monitoring	44
Toolkit	44

BACKGROUND & STRATEGIC CONTEXT

Waitakere City Council (the Council), in its capacity as District Licensing Agency (DLA), adopted a Sale of Liquor Policy in 1992. The Sale of Liquor Act 1989 (the Act) was amended in 1999 and since then, more decision-making has devolved to DLAs.

The purpose of the Act is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse.

In November 2002 the Council recognised the need to update the Sale of Liquor Policy (the Policy) to reflect the revised Act and to place the Policy in the context of a wider legislative framework – including the Resource Management Act 1991 (RMA), the new Local Government Act 2002 and the new District Plan (operative 27 March 2003)

The availability and use of alcohol has strong links to many of the Council's key objective areas: community safety, economic development, health and wellbeing, and the rights, needs and best interests of children and youth. The Council has a range of relevant responsibilities and overall a major impact on the drinking environment, including its role as DLA, developing District Plan regulations, making and enforcing bylaws and public health inspections.

While the Policy provides an important guideline for the Council, for the Sale of Liquor Inspector, the Police, applicants and other interested parties, the Council also recognises the need to develop a Strategy, or set of Strategies to address wider issues regarding alcohol use in Waitakere City such as:

- Location of new licensed premises.
- Underage drinking.
- Drinking in public places and liquor bans.
- Alcohol advertising and sponsorship on Council property.

Therefore the Council has adopted a two-stage process. The first stage was to develop an Alcohol Policy that:

- Guides the Council's DLA function with regard to the Act.
- Provides clear guidance for the Council's Licensing Inspector and the Police.
- Provides clear guidance to applicants and other interested parties.
- Specifically uses the provisions within the Act to set licensed premise conditions that align with the Council's strategic objectives and the wider national legislative framework.
- Supports the Act's purpose to reduce alcohol related harm.
- Identifies the broad range of alcohol related issues in the community and how they might best be addressed.

Stage two of the process is to develop a city-wide alcohol strategy.

Significant community participation is vital. Therefore the following draft Policy has been developed with the assistance of a reference group comprised of the District Licensing Inspector, Police, the Safe Waitakere Alcohol Project, Council staff and the Last Drink Survey Coordinator. A workshop was held with interested parties in April 2003, which provided valuable input into the draft Policy and helped to identify wider issues for the City.

The draft Policy is now being circulated to those interested parties for further consultation. Public submissions are encouraged. The draft Policy is available on the Council's website or from the Council's Strategy and Development Unit.

Submissions close on 1 August 2003.

ISSUES TABLES

The following tables show how key issues identified by the reference group and workshop participants have been addressed in this draft Policy and propose to be addressed through a broader city-wide approach, which may lead to a suite of policies and practices that Council decides to undertake together with community stakeholders.

These tables are included for consultation purposes only and will not be included in the final document.

Issue	What the public workshop told us	How is this issue addressed in the draft Policy?	Wider Issue	City Wide Strategy – the way forward
<p>Noise</p> <p>Noise from inside premises and from intoxicated patrons leaving premises</p>	<p>Better planning through urban design. Stop serving drinks an hour before closing and make sure food, coffee is available Control noisy leavers</p>	<p>Noise management is one of the minimum host responsibility conditions imposed on the licensee as is the requirement to provide non-alcoholic food and beverages. Link the Policy with District Plan noise rules by requiring that the licensee complies with either the Human Environment Rule within which the premise operates or complies with the Resource Consent or Certificate of Compliance issued for the activity.</p>	<p>Current District Plan noise standards are out of date and among other things do not reflect the heavy bass component of loud music. Host Responsibility conditions do not address areas where licensee has no control e.g. residential streets.</p>	<p>Research noise issues with a view to updating District Plan Rules Research location issues- what is a reasonable distance from a residential area (at the moment it is 50 metres). Develop a baseline "noise map" of the City and monitor trends over time. Ensure enforcement, response, and complaints are linked through DLA.</p>
<p>Issue</p> <p>Location & Proliferation</p> <p>The Sale of Liquor Act and the RMA do not allow the DLA to manage the location of licensed premises, nor can the DLA restrict the number of licensed premises.</p>	<p>What the public workshop told us</p> <p>Planning by urban design – provide for drinking premises within walking distance, in new residential developments. No location next to secondary schools Limit types and spread of premises Link Policy to District Plan Safety important – no dark, quiet spaces. Encourage open, inviting, mixed-use environments</p>	<p>How is this issue addressed in the draft Policy?</p> <p>Linking days and hours of operation to the Human Environment in the District Plan</p>	<p>Wider Issue</p> <p>Linking days and hours of operation to the Human Environment in the District Plan is not enough to control the location of licensed premises and mitigate noise.</p>	<p>City Wide Strategy – the way forward</p> <p>Review District Plan rules in relation to licensed premises. E.g. we may ask questions like: Do we want licensed premises within 100 metres of a high school? OR How close to a residential area should a nightclub be allowed to operate? Bring alcohol research to this debate -- international evidence about location issues.</p>

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Issue	What the public workshop told us	How is this issue addressed in the draft Policy?	Wider Issue	City Wide Strategy – the way forward
<p>Hours</p> <p>Currently hours of opening vary across different types of licences and type of premise.</p>	<p>Staggered hours</p> <p>Smaller intimate places to drink – with longer drinking hours, later at night (1 am – some 3 am)</p>	<p>Link hours and days of opening to type of premise and type of licence by location of premise. E.g. an on-licence will only be provided to a Tavern located in a "community environment" (e.g. town centre, shopping centre) if its maximum hours of opening are until 1:00 am on weekend nights.</p>	<p>Balancing the interests of the licensees and the community, and the long-term strategic direction of vibrant, mixed-use communities.</p> <p>Taking regional issues into account. For example, if Waitakere reduces its night-club hours, will that lead to migratory drinking when night-clubbers head to Auckland CBD when Waitakere closes?</p>	<p>Look at ways in which vibrant mixed-use communities can include drinking establishments and a responsible drinking environment</p> <p>Review evidence from international and national research</p>
<p>Issue</p> <p>Under-Age Drinking</p> <p>Reduce social supply of alcohol to young people under 18 years</p> <p>Reduce access to off-licence purchases by young people under 18 years</p> <p>Reduce on-licensed intoxication of people under 25 years</p> <p>Reduce drinking and intoxication in public places</p> <p>Change existing social norms of alcohol use</p>	<p>Community education and planning. Influencing the drinking culture, more facilities for young people.</p> <p>Enforcement, IDing under 25s, cheap alcohol.</p> <p>Encourage sports clubs, safe places to hang out, safe transportation. Liquor bans (mixed reaction to these – ranging from complete liquor bans in public places to none at all).</p> <p>Ban alcohol advertising. Youth Consultation Encourage peer responsibility.</p>	<p>How is this issue addressed in the draft Policy?</p> <p>Minimum host responsibility requirements include signs placed at the point of sale of alcohol warning the following:</p> <p>Patrons aged 25 and under may be asked for ID. If under 18, the penalty is a minimum fine of \$200.</p> <p>It is illegal to buy alcohol for anyone under 18 unless purchaser is parent or legal guardian (fine up to \$2000).</p> <p>Indicating which part of the premises, if any, are restricted or supervised areas for persons under 18.</p>	<p>Wider Issue</p> <p>There is a Human Rights Act implication (discrimination on the grounds of age), which leaves any Council open to legal challenge on the ID under 25 issue. So far no one has challenged the condition and the Liquor Licensing Authority has not issued a decision on the matter.</p> <p>Coordinating efforts to deal with under-age drinking issues.</p>	<p>City Wide Strategy – the way forward</p> <p>Should you supply campaign and other activities. Collect local indicators and data.</p> <p>Involvement in Wellbeing/Collaboration project, Safety by design project & Regional Alcohol project</p> <p>SHORE and Injury Prevention Research Unit Youth, Alcohol and Public Places research.</p> <p>Linkages to interested organisations - Coordination of Industry, Trusts, Council, Police, DLA, Medical Officer of Health. Youth Consultation - Look at pocket money alcohol Advertising issues, internet cafes</p>

26

Issue	What the public workshop told us	How is this issue addressed in the draft Policy?	Wider Issue	City Wide Strategy – the way forward
<p><i>Host Responsibility</i></p>	<p>More security –diarise events nightly.. Close working relationship between Police, Trusts, Council, industry, community orgs. Bar staff and manager training – identify driver in a group, promote dial-a-driver. Staff/management host responsibility training. Display Host Responsibility Policies Star ratings for establishments with good HR Hospitality Association rep. in Waitakere</p>	<p>Imposing minimum host responsibility requirements. These include: The availability of non-alcoholic refreshments. Clear signage at point of sale of alcohol regarding transport options, regime for dealing with intoxicated or disorderly patrons, under-age drinkers etc. Host responsibility awareness on the part of staff, volunteers and management. Noise management plan Security inside and outside premises</p>	<p>Licencees can promote a responsible drinking environment inside and in the immediate vicinity of their premises, but how can Licencees extend host responsibility beyond that? For example, intoxicated patrons on streets between bars – unsafe for patrons and public. If licencees turn away an intoxicated patron – where does that patron go?</p>	<p>Look at wider issues such as drinking in public places and liquor bans, E.g. movement between bars – how to keep patrons and public safe through a coordinated effort between licencees, police, community organisations and Maori wardens. Evaluate Council sponsorship and events policies. Coordination of relevant organisations across the city to promote a responsible drinking environment citywide (e.g. through alcohol accords with industry, Police, Council, Community orgs. Trusts etc) Work with Enterprise Waitakere to establish star rating scheme for licensed establishments. Look at Manukau "pub right card" system.</p>
<p><i>Issue</i></p> <p><i>Public Notification and involvement</i> The Public can object to renewals and variations on a number of grounds, including whether or not the licensee has complied with the conditions imposed by the Policy.</p>	<p>What the public workshop told us</p> <p>Involve communities in monitoring and liquor licensing Cooperation between organisations to address issues. Community education programmes</p>	<p>Enforcement How is this issue addressed in the draft Policy? The Policy spells out the objections process, including the Public's right to object on the grounds that the licensee has not met the minimum host responsibility requirements conditions imposed by the Policy</p>	<p>Limited by Sale of Liquor Act notification regime</p>	<p>City Wide Strategy – the way forward</p> <p>Explore more ways to involve community in monitoring premises Explore ideas for notification of proposed new premise – e.g. letterbox drop in vicinity, letters to local community etc. Forums/accords with industry, police, community orgs. Improve systems through call centre – link to police, DLA, noise control</p>

27