

Draft

Waitakere City Council

Liquor Licensing Policy

2003



Waitakere City Council

Te Taiao o Waitakere

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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 a Liquor Licensing 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 (contact Paula Kerr on 836-8000 ext. 8448 or email paula.kerr@waitakere.govt.nz).

Submissions close on 29 August 2003.

CITY-WIDE ALCOHOL STRATEGY - 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, together with public comments on this document, will be used to develop a project plan for developing a city-wide strategy.

The issues 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.</p> <p>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.</p> <p>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</p> <p>Research location issues-what is a reasonable distance from a residential area (at the moment it is 50 metres).</p> <p>Develop a baseline “noise map” of the City and monitor trends over time.</p> <p>Ensure enforcement, response, and complaints are linked through DLA.</p>
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>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>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>Linking days and hours of operation to the Human Environments in the District Plan</p>	<p>Linking days and hours of operation to the Human Environments in the District Plan is not enough to control the location of licensed premises and mitigate noise.</p>	<p>Review District Plan rules in relation to licensed premises. E.g. we may ask questions like:</p> <p>Do we want licensed premises within 100 metres of a high school? OR</p> <p>How close to a residential area should a nightclub be allowed to operate?</p> <p>Bring alcohol research to this debate – international evidence about location issues.</p>

<i>Issue</i>	<i>What the public workshop told us</i>	<i>How is this issue addressed in the draft Policy?</i>	<i>Wider Issue</i>	<i>City Wide Strategy – the way forward</i>
<p>Hours</p> <p>Currently hours of opening vary across different types of licences and type of premise.</p>	<p>Staggered hours Smaller intimate places to drink – with longer dinking 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 be provided to a Tavern located in a “community environment” (e.g. town centre, shopping centre) if its maximum hours of opening are until 3:00 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>
<i>Issue</i>	<i>What the public workshop told us</i>	<i>How is this issue addressed in the draft Policy?</i>	<i>Wider Issue</i>	<i>City Wide Strategy – the way forward</i>
<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>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>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>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>

<i>Issue</i>	<i>What the public workshop told us</i>	<i>How is this issue addressed in the draft Policy?</i>	<i>Wider Issue</i>	<i>City Wide Strategy – the way forward</i>
<i>Host Responsibility</i>	<p>More security –diarise events nightly..</p> <p>Close working relationship between Police, Trusts, Council, Industry, community orgs.</p> <p>Bar staff and manager training – identify driver in a group, promote dial-a-driver.</p> <p>Staff/management host responsibility training.</p> <p>Display Host Responsibility Policies</p> <p>Star ratings for establishments with good HR</p> <p>Hospitality Association rep. in Waitakere</p>	<p>Imposing minimum host responsibility requirements. These include: The availability of non-alcoholic refreshments.</p> <p>Clear signage at point of sale of alcohol regarding transport options, regime for dealing with intoxicated or disorderly patrons, under-age drinkers etc.</p> <p>Host responsibility awareness on the part of staff, volunteers and management.</p> <p>Noise management plan</p> <p>Security inside and outside premises</p> <p>Enforcement</p>	<p>Licensees can promote a responsible drinking environment inside and in the immediate vicinity of their premises, but how can Licensees extend host responsibility beyond that? For example, intoxicated patrons on streets between bars – unsafe for patrons and public. If licensees 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 licensees, police, community organisations and Maori wardens.</p> <p>Evaluate Council sponsorship and events policies.</p> <p>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)</p> <p>Look at establishing star rating scheme for licensed establishments.</p> <p>Look at Manukau “pub right card” system.</p>
<i>Issue</i>	<i>What the public workshop told us</i>	<i>How is this issue addressed in the draft Policy?</i>	<i>Wider Issue</i>	<i>City Wide Strategy – the way forward</i>
<i>Public Notification and involvement</i>	<p>Involve communities in monitoring and liquor licensing</p> <p>Cooperation between organisations to address issues.</p> <p>Community education programmes</p>	<p>The Policy spells out the objections process, including the Publics’ 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>Explore more ways to involve community in monitoring premises</p> <p>Explore ideas for notification of proposed new premise – e.g. letterbox drop in vicinity, letters to local community etc.</p> <p>Forums/accords with industry, police, community orgs. Improve systems through call centre – link to police, DLA, noise control</p>

<i>Issue</i>	<i>What the public workshop told us</i>	<i>How is this issue addressed in the draft Policy?</i>	<i>Wider Issue</i>	<i>City Wide Strategy – the way forward</i>
<p><i>Gambling</i></p> <p>Gambling is very much linked to alcohol.</p> <p>The Responsible Gambling Bill will become Law in a few months. The Bill in its current form requires Councils to develop Gaming Venue Policies.</p> <p>Currently, an applicant (e.g. TAB) can get a liquor licence, apply for a designated area that will not allow under-age drinkers and then put in gaming machines. This makes it hard to control for the proliferation of gaming machines in the City.</p>	<p>No pokies in bars – separate gambling and drinking</p> <p>Need for host responsibility regime</p>	<p>Only Taverns and Hotels will be allowed to apply for designated restricted or supervised areas for people aged under 18.</p> <p>This will limit the number of licensed premises with gaming machines</p>	<p>With the current Trust monopoly, very few establishments will be affected.</p> <p>Does not go far enough to address link between gambling and alcohol</p>	<p>Need to look at ways in which we can link Alcohol Strategy with Gaming Venue Policy and National Plan for Minimising Gambling Harm</p> <p>Youth and gambling - links with alcohol- access to gambling venues. Tough ID regime for gambling venues.</p>

<i>Issue</i>	<i>What the public workshop told us</i>	<i>How we propose to address this issue</i>
<p>Anomaly in 1990 Waitakere City bylaw no. 20, covering amusement galleries</p> <p>Under the current bylaw every premise operating more than two amusement devices is required to have a licence and be subject to the bylaw. The bylaw places controls on amusement galleries, including a ban on any person under 15 entering the premises during school hours. However the bylaw does not cover any premises licensed or chartered under the Sale of Liquor Act. This creates an anomaly whereby minors are not permitted to be in an amusement gallery during school hours, however they are entitled to enter an establishment that is licensed for consuming alcohol and operate amusement devices in the company of intoxicated adults</p>	<p>This issue had not been identified at the time of the public workshop but is consistent with concerns about under-age access to alcohol.</p>	<p>To amend the bylaw covering amusement galleries so that it will apply to premises licensed under the Sale of Liquor Act.</p> <p>Such an amendment would establish a uniform standard for all premises operating amusement devices. Such premises licensed for the sale of liquor would have to comply with the conditions imposed by the Liquor Licensing Policy as well as the bylaw.</p> <p>Public comment is sought on this issue</p>

POLICY OBJECTIVES

1. To promote a responsible drinking environment for Waitakere City that:

<ul style="list-style-type: none"> promotes safer and more responsible attitudes towards alcohol use 	<i>For example less binge drinking and more moderate alcohol use</i>
<ul style="list-style-type: none"> minimises alcohol related harm 	<i>Including alcohol related injuries, violence, crime and poor health</i>
<ul style="list-style-type: none"> supports local business and employment 	<i>Local jobs, new businesses and training opportunities</i>
<ul style="list-style-type: none"> creates exciting entertainment districts and attracts people to the City 	<i>People come to the city for entertainment, less travel to other cities for entertainment</i>
<ul style="list-style-type: none"> supports the Council's 'compact city' and transport objectives 	<i>Location of new premises supports use of passenger transport, thriving town centres and local neighbourhood 'villages'</i>

2. To align with the Council's strategic objectives and its commitments to Te Tiriti O Waitangi, Safe City, First Call for Children and Strong, Sustainable Economy

3. To support the purpose of the Act – 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.

4. To provide clear guidelines to the Waitakere City DLA with regard to its role under the Act.

5. To provide clear guidelines to District Licensing Inspectors and Police.

6. To provide clear guidelines to applicants, licensees and other interested parties.

BACKGROUND & ROLES

Liquor Licensing Authority

The Liquor Licensing Authority (LLA) is the central liquor licensing body. It comprises a District Court judge, as chairperson, together with two or three members appointed by the Governor-General on the recommendation of the Minister of Justice. The LLA is located in Wellington. Its functions include:

- Determining opposed applications for on, off and club licences and renewals and managers certificates
- Determining appeals against DLA decisions
- Determining applications for variation, suspension or cancellation for on, off and club licences and managers' certificates from the Police or DLA

The LLA's hearing procedure is less formal than a District Court but normal court procedures are observed. On the day of a hearing all parties wishing to be heard, including objectors must complete a registration form and give it to the Court Registrar before the hearing commences.

The Authority Chair (Judge) will explain the order of proceedings on the day of the hearing. In most cases the Judge lets the opposing party (generally Police or DLA) state why they are opposing an application, before hearing the applicant's arguments against the objection. The Authority will give all parties a chance to ask witnesses questions.

District Licensing Agencies

Liquor licensing matters are processed by District Licensing Agencies (DLA)s, who administer the Sale of Liquor Act 1989. The Waitakere District Licensing Agency is based within Waitakere City Council.

The Waitakere District Licensing Agency's role covers administration, monitoring and enforcement. It includes:

- Assessing and determining unopposed applications for liquor licences
- Assessing and determining unopposed applications for managers' certificates
- Opposing applications where appropriate
- Inspecting and monitoring licensed premises
- Assessing and determining special licences and temporary authorities
- Record-keeping (including instances of non-compliance and complaints) and maintaining a register of applications

Police

The Police screen applications for Managers' Certificates and Liquor Licenses to verify the suitability of the applicant, or anyone associated with the applicant premises, to hold a license pursuant to the Act.

The Police carry out background checks on applicants and indicate to the DLA whether the Police have any objections to the issuing of the license or certificate.

The Police will report all applicant convictions (excluding speeding and parking infringements), whether or not the Police object to the application. If the District Licensing Inspector is considering other reasons for objecting, the fact that the applicant has convictions may lead to a decision by the Licensing Inspector to object to the application.

If a Company applies for a license, Police will verify the suitability of the Company, including each director and each shareholder.

The Police monitor compliance with the Act by visiting premises during hours of operation, and investigate and enforce offences under the Act.

The Police can apply to the LLA for variation, suspension or cancellation of any licenses, or certificates if the Police are concerned with the way premises are operated.

Police licensing staff work closely with licensees and the other agencies.

Medical Officer of Health and Fire Service

The DLA requests reports from the Medical Officer of Health and Fire Service for each license application.

Waitakere City Council

Liquor licence applicants are required to obtain both planning and building 'certificates' (as they are called under the Sale of Liquor Act) in respect of 'premises' for all on-licence, off-licence and club-licence applications. Waitakere City Council processes these certificates.

All liquor licence applicants are therefore required to apply to the Council for a 'certificate' under the Resource Management Act 1991. Waitakere City Council issues either a 'Certificate of Compliance' or a 'Resource Consent' where an application is made. This is generally required as a pre-requisite for obtaining a liquor licence, but often the Liquor Licence and the certificate are applied for at the same time.

Certificates of Compliance and Resource Consents are assessed against the Objectives, Policies and Rules of the Council's District Plan, not the assessment criteria contained within this Policy. This means that the premises will need to comply with the relevant rules in the District Plan Human Environment and Natural Area (two main types of zones), and any relevant City Wide Rules.

If the premises that will be used to supply liquor are an existing use (i.e. have been operating for some time) and the premises have the relevant planning and building approvals, a Certificate of Compliance will be issued.

If the premises are a new operation, a resource consent may be required for any infringements of the District Plan Rules for the building itself, or a resource consent will be required if the applicant wishes to operate outside of the hours specified in the District Plan. The hours of operation specified in the District Plan are more conservative than those contained within the Policy. Therefore any person who wishes to operate longer than the hours specified in the "Hours of Opening" Section of this Policy may require a resource consent to enable them to do so.

The District Plan Sale of Liquor Rule specifies the following hours of operation:

11.00am – 10.30pm Sunday to Thursday (inclusive); and

11.00am – 11.30pm Friday and Saturday.

The District Plan Sale of Liquor Rule also specifies that amplified music can only occur during the following hours:

8.00am – 10.00pm Monday-Thursday, Sundays and public holidays; and
8.00am – 11.00pm Friday and Saturday.

All liquor licence applicants are required to apply for approval in relation to the Building Code. The Building Code prescribes the functional requirements for buildings and the performance criteria with which buildings must comply in their intended use (s 48, Building Act 1991). Applicants are required to submit appropriate plans of their premises to enable Council's Building Consent staff to undertake their assessment and if appropriate issue the building consent.

Liquor Licensing Trusts

Until 1972 Waitakere City was a "dry" area - there were no taverns or pubs or wholesalers. In 1972 residents voted on whether they wished Waitakere City to remain dry or to allow Licensing Trusts to administer the sale and supply of liquor. A Licensing Trust is a board of elected representatives (separate from the City Council) that administer premises selling liquor within the boundaries of its district. The electors voted for Trusts to be established.

The concept of licensing trusts was based upon community ownership. In effect the sale of liquor in a particular area was to be controlled by the people of the community through elected representatives. A key feature was that profits from the sale of liquor would first of all be put into providing excellent facilities, and secondly be returned to the community by way of funding for community projects.

There are two Licensing Trusts serving Waitakere City. The Portage Licensing Trust serves the New Lynn to Waikumete Cemetery, Glen Eden to Titirangi areas. The Waitakere Licensing Trust serves Glendene, Piha, Henderson, Te Atatu areas through to Kumeu (which is in the Rodney District Licensing Agency's jurisdiction).

Community

The DLA endeavours to address community concerns and issues where the legislation allows, which is primarily through the public notification and objection process, which is described on page ** of the Policy.

The consultation process so far has also indicated that the community is also particularly concerned about the inability to object to the location of licensed premises, noise issues, intoxicated patrons in public spaces and alcohol use amongst young people.

The Act and the RMA do not allow the DLA to manage the location of licensed premises based on concerns about the social impacts of the product itself, do they enable the DLA to restrict the number of licensed premises.

The Act allows the DLA to have regard to the site of the premises in relation to neighbouring land use only by imposing conditions on days on which and hours during which liquor may be sold. This draft Policy limits days and hours of operation according to the type of premise and its location in terms of the new District Plan. The legal limitations on location and proliferation are acknowledged and highlighted as issues for addressing as part of a city-wide strategy on alcohol.

Noise management is included in the draft Policy assessment criteria for granting a license and is now one of the minimum host responsibility conditions imposed on licensees. We also propose to address noise issues as part of a wider strategy to control noise, while at the same time allowing the development of vibrant entertainment venues in the City.

Drinking in public places and alcohol use amongst young people are also identified as key issues for addressing as part of a wider strategy.

DEFINITIONS AND PROCESS

On-licence

An on-licence provides for liquor sales "on" a particular premise. The area is specifically defined and may include some outside areas. Cafes, fully licensed and BYO restaurants, and entertainment venues in Waitakere City are required to have an on-licence liquor licence. Hotels providing accommodation, food and alcohol for consumption on the premises are required to have an on-licence. Taverns, whose principal business is to provide alcohol and other refreshments to the public, are also required to hold an on-licence. In Waitakere City, Hotels and Taverns are controlled by the Licensing Trusts.

Off-licence

An off-licence provides for the sale of liquor that is to be consumed elsewhere (e.g. bottle stores). Some Hotels and Taverns hold both off and on licences. Only the Licensing Trusts, premises where alcohol is made (such as wineries and breweries), or a club other than a sports club (e.g. RSA) are able to apply for an off-licence in Waitakere City. Therefore, people cannot open up a wholesale outlet, or sell wine as part of a gift basket, or at a supermarket in Waitakere City.

Club Licence

A club-licence is similar to an on-licence but provides for a specific group of people, club members and guests. While any club can apply for a club licence, it is highly recommended that the club is an incorporated society (see the Council internet site for more information). The Ministry of Commerce's Business & Registry Branch handles the registration of incorporation of clubs.

Special Licence

A special licence authorises the holder to sell and supply liquor, on the premises or conveyance described in the licence, to any person attending any occasion or event or series of occasions or events described in the licence.

Local Authority 'Certificates'

All liquor licence applicants are required to apply for a 'certificate' under the RMA from the relevant local authority. The Council issues a 'Certificate of Compliance' or a 'Resource Consent' where an application is made in respect of a liquor licence (see pages 9-10). Applicants are required to submit their Certificate of Compliance or a Resource Consent as part of their application for their liquor licence.

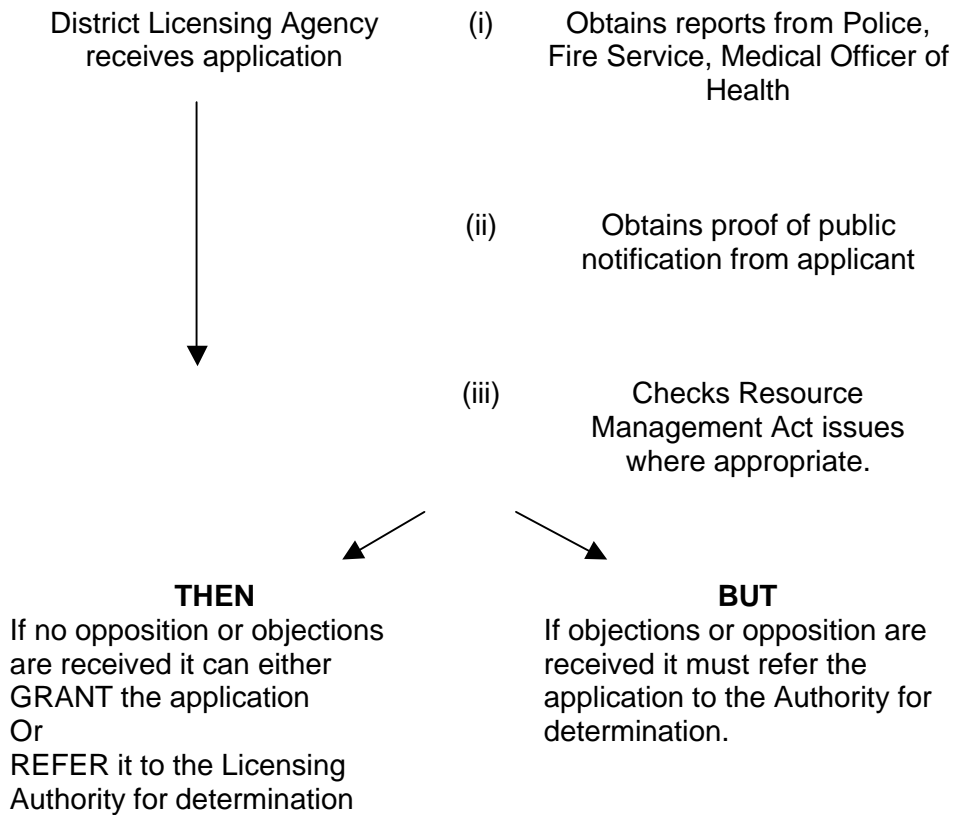
In addition, all liquor licence applicants are required to apply for approval in relation to the Building Code. The Building Code prescribes the functional requirements for buildings and the performance criteria with which buildings must comply in their intended use (s 48, Building Act 1991). Applicants are required to submit appropriate plans of their premises to enable Council's Building Consent staff to undertake the building approval.

Process

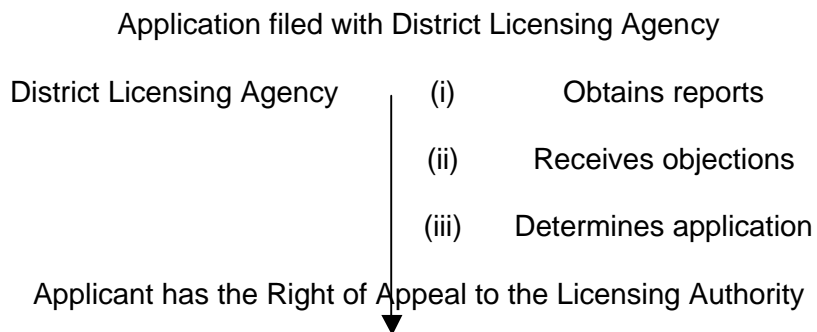
The Policy sets out the assessment criteria that the DLA will have regard to when it considers whether or not to grant new licences or approve renewals or variations to existing licences. The Policy also sets out a list of conditions imposed on the licensee once the licence is approved. The application process is set out in the following diagram.

SALE OF LIQUOR ACT 1989

PROCESS FOR NEW ON-LICENCE, OFF-LICENCE, CLUB LICENCE, MANAGER'S CERTIFICATE, AND RENEWALS AND VARIATIONS



SPECIAL LICENCES



HOW WAITAKERE CITY COUNCIL CONTROLS THE IMPACT OF LICENSED PREMISES ON THE COMMUNITY

The Act and the RMA **do not** allow the DLA to manage the location of licensed premises based on concerns about the **social impacts** of the product itself, nor do they enable the DLA to restrict the **number** of licensed premises. However the DLA can indirectly control the location of licensed premises and their potential impact on the community through its District Plan and Sale of Liquor Policy conditions relating to hours and days of opening.

District Plan

Before anyone can apply for a liquor license they must provide a certificate to the DLA from the Council stating that the proposed use of the premise meets the Council's District Plan requirements.

The Council's planning requirements are laid down by the District Plan, which is developed in accordance with the requirements of the RMA. The RMA allows the Council to control the location of licensed establishments through rules based on the *effects* of the proposed activity. The RMA also allows the Council to use the District Plan to manage the physical and aesthetic impacts of retailing liquor through rules based on noise, traffic, signage and related issues.

Within its legal abilities under the RMA, this Council uses its District Plan to manage the effects of people's activities on other people and the sustainable management of the built environment through rules based on *Human Environments*.

The *Human Environments* reflect areas within the City, which have notably different characteristics and which are covered by the District Plan Human Environments Rules. They are:

Living Environment	Covers urban and suburban residential areas of the City
Community Environment	Covers town centres, suburban shopping centre and blocks of shops
Open Space Environment	Covers parkland owned by the Council, Auckland Regional Council or other public agencies
Working Environment	Covers the industrial/employment areas of the City
Waitakere Ranges and Bush Living Environment	Covers areas within the Waitakere Ranges in private ownership and generally bush-covered large sites
Countryside Environment	Covers the rural area to the north of the City's developed urban area
Foothills Environment	Covers the area between the developed urban area westwards to the bush covered parts of the Waitakere Ranges
Rural Villages Environment	Covers the villages located in rural parts of the City – Herald Island, Whenuapai and Waitakere
Coastal Villages Environment	Covers the settlements along the Tasman Sea and Manukau Harbour Coast – Te

	Henga, Piha, Karekare, Huia, Cornwallis and Parau
Special Areas	Locations within the City that have special characteristics which separate them out from the above <i>Human Environments</i> – Monterey Park (for visitors), Westpark Marina, Corban’s Estate, (Bible) College, Quarry, Balefill, Harbourview, Waitakere Hospital, Te Atatu Boat Club, Peripheral Growth Area, Lincoln Centre and Lincoln Park

Activities relating to the sale of liquor are permitted provided they meet all the relevant rules of the District Plan, including parking, noise, traffic, wastewater etc. The activity must be compatible with the local amenity values and neighbourhood character established for the Human Environment within which it is located. For example, standards for noise are set out in all the rules relating to Human Environments. In all cases the standards are set to reflect the characteristic levels of noise in the area, and all fall within the safety levels for humans.

Sale of Liquor Policy Conditions

The Act allows the DLA to have regard to the site of the premises in relation to neighbouring land use when imposing conditions on both the days on which and hours during which liquor may be sold.

This draft Policy imposes limits on days and hours of operation according to the type of licensed premise and with regard to the District Plan’s Human Environments in which it is located. Linking the conditions under the Policy to the District Plan in this way seeks to mitigate any adverse impacts of a licensed premise on the neighbouring community. Local residents should therefore be able to enjoy the amenities of a licensed premise that is suited to their chosen living environment.

As noted earlier, the legal limitations on location and proliferation are acknowledged and highlighted as issues for addressing as part of a city-wide strategy on alcohol.

In addition to the conditions imposed on licensed premises with regard to days and hours, the DLA requires licensees to adopt minimum Host Responsibility requirements. The DLA believes that Host Responsibility extends to people who live near a licensed premise. It is therefore part of the licensee’s responsibility to mitigate any adverse effects on neighbours that might be caused by noise.

Although the proposed Host Responsibility conditions regarding noise management goes some way towards mitigating adverse effects of noise on local residents it does not address areas where the licensee has no control, such as car parks which are not owned by the licensee and residential streets. Furthermore, the heavy bass component of loud music is increasingly becoming an issue at licensed premises and private parties. These wider issues are acknowledged and highlighted as issues for addressing as part of a city-wide alcohol strategy.

ON-LICENCE CONDITIONS AND ASSESSMENT CRITERIA

ASSESSMENT CRITERIA

Suitability of Applicant - the DLA must be satisfied that the applicant will properly carry out the responsibilities that go with holding a licence.

Days on which and hours during which the applicant proposes to sell liquor

Compliance of the premises and activity with all other relevant legislation (e.g. Building Act, Resource Management Act), District Plan and bylaws

Matters raised in objection to the application by community, Police, Medical Officer of Health or Fire Service.

Applicant's Host Responsibility programme

The sale and supply of other goods and services

Regime for dealing with on and off-site problems

Regime for dealing with under-age and intoxicated persons

The persons or types of persons to whom it is intended that liquor be sold

Police, Fire Service and Medical Officer of Health Reports.

Any other matters in respect of the application promoting the responsible consumption of liquor

CONDITIONS

In accordance with, and in addition to the conditions of every on-licence imposed by s14 of the Act, the DLA imposes the following conditions:

Days on which and hours during which liquor may be sold as specified in this section the Policy.

The licensee must have in place the minimum host responsibility requirements specified in this section of the Policy.

The licensee must ensure that staff and and/or volunteers and management are familiar with this Policy's minimum host responsibility requirements

The licensee must place appropriate signage on the premises (see minimum host responsibility requirements)

Only Hotels and Taverns will be granted designated restricted or supervised areas.

The licensee must comply with District Plan noise rules for the Human Environment within which the premise operates or the licensee must comply with the Resource Consent or Certificate of Compliance issued for the activity

ON-LICENCE HOST RESPONSIBILITY

Minimum Requirements

On-licences (other than restaurants and cafes), must make available non-alcoholic refreshments and substantial foods such as filled rolls, sandwiches, pizzas, hot chips, sausage rolls, pies, hot chips etc.

Signs must be placed at the point of sale of alcohol

1. Indicating the availability of non and low-alcohol refreshments and food.
2. Providing information about transport options – bus, taxi, dial a driver services
3. Encouraging designated drivers
4. Warning that intoxicated persons will not be served – licensee could be fined up to \$10,000
5. Warning that patrons behaving in a disorderly manner will be asked to leave
6. Warning that patrons aged 25 and under may be asked for ID. If under 18, penalty is a minimum fine of \$200.
7. Warning that it is illegal to buy alcohol for anyone under 18 unless purchaser is parent or legal guardian – fine of up to \$2000
8. Indicating which part of premises, if any, are restricted or supervised areas for persons under 18
9. Noise Management. The DLA believes that Host Responsibility does not exclude people who live near a licensed premise. It is therefore part of the licensee's responsibility to mitigate any adverse effects on the community that might be caused by noise. Steps that a licensee can take to mitigate the effects of noise include:
 - Sound-proofing the premises
 - Installing an air-conditioning system so that outside doors can remain closed
 - Closing doors and windows after 10pm to reduce noise
 - Ensuring that patrons are considerate of neighbours when leaving the premises (e.g. Staff in car park to control noisy behaviour).
 - Responding promptly to complaints

Recommended Host Responsibility Actions

Policy Development It is recommended that all premises develop an active host responsibility policy that goes beyond the minimum requirements above and covers the following areas.

- **An Age Identification Policy** It is strongly recommended that premises have a policy of checking ID's of persons appearing to be under the age of 25 years, with signage to that effect for example "We ID under 25"
- **Server and Security Staff Training.** How training for staff will be managed to ensure staff receive training in issues such as preventing intoxication, identifying and dealing responsibly with intoxicated patrons, requesting identification, identification of false ID and dealing with minors. Keep a register of staff training with regard to OSH and Host Responsibility requirements.
- **Record Keeping.** Keeping an incident logbook to record events that may be brought to the attention of the Police or the District Licensing Inspector, noting event, time, persons involved and outcome.
- **Active Promotion of Safe Transport Options** such as provision of a free phone
- **Food and Non-Alcoholic Drinks Promotion-** covering measures beyond minimum such as having a water jug and glasses at the end of the bar so patrons can help themselves.
- **Other Measures to Prevent Intoxication** For example: avoidance of promotions/discounts,- stopping the serving of alcoholic drinks an hour before closing, early identification of signs of intoxication.
- **Control of Patron Numbers**

ON-LICENCE DAYS AND HOURS OF OPENING

Days	District Plan Identification	Hotel and Tavern Opening Hours
Mon – Thu	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills • Waitakere Ranges & Bush Living • Special Area • Open Space 	<p style="text-align: center;">Not Acceptable</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p>
Fri – Sat	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills • Waitakere Ranges & Bush Living • Special Area • Open Space 	<p style="text-align: center;">Not Acceptable</p> <p>10.00 am till 3.00 am the following day 10.00 am till 3.00 am the following day 10.00 am till 3.00 am the following day 10.00 am till 3.00 am the following day</p> <p>10.00 am till 3.00 am the following day 10.00 am till 3.00 am the following day</p>
Sun	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills • Waitakere Ranges & Bush Living • Special Area • Open Space 	<p style="text-align: center;">Not Acceptable</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p>
Good Friday; Easter Sunday; Christmas Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills • Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>No alcohol to be sold No alcohol to be sold No alcohol to be sold No alcohol to be sold No alcohol to be sold</p> <p>No alcohol to be sold No alcohol to be sold</p>
ANZAC Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills • Waitakere Ranges & Bush Living • Special Area • Open Space 	<p style="text-align: center;">Not acceptable</p> <p>1.00 pm till 1.00 am the following day 1.00 pm till 1.00 am the following day 1.00 pm till 1.00 am the following day 1.00 pm till 1.00 am the following day</p> <p>1.00 pm till 1.00 am the following day 1.00 pm till 1.00 am the following day</p>

Days	District Plan Identification	Café & Restaurant Opening Hours
Mon - Thu	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>8.00 am till 11 pm 8.00 am till 12 midnight 8.00 am till 12 midnight 8.00 am till 12 midnight 8.00 am till 12 midnight</p> <p>8.00 am till 12 midnight 8.00 am till 12 midnight</p>
Fri - Sat	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>8.00 am till 12 midnight 8.00 am till 1.00 am the following day 8.00 am till 1.00 am the following day 8.00 am till 1.00 am the following day 8.00 am till 1.00 am the following day</p> <p>8.00 am till 1.00 am the following day 8.00 am till 1.00 am the following day</p>
Sun	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>8.00 am till 11.00 pm 8.00 am till 12 midnight 8.00 am till 12 midnight 8.00 am till 12 midnight 8.00 am till 12 midnight</p> <p>8.00 am till 12 midnight 8.00 am till 12 midnight</p>
Good Friday; Easter Sunday; Christmas Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>8.00 am till 11.00 pm 8.00 am till 12 midnight 8.00 am till 12 midnight 8.00 am till 12 midnight 8.00 am till 12 midnight</p> <p>8.00 am till 12 midnight 8.00 am till 12 midnight</p>
ANZAC Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>8.00 am till 11.00 pm 8.00 am till 12 midnight 8.00 am till 12 midnight 8.00 am till 12 midnight 8.00 am till 12 midnight</p> <p>8.00 am till 12 midnight 8.00 am till 12 midnight</p>

Days	District Plan Identification	Entertainment Venues Opening Hours
Mon - Thu	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>Not acceptable</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p>
Fri - Sat	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>Not acceptable</p> <p>10.00 am till 3.00 am the following day 10.00 am till 3.00 am the following day 10.00 am till 3.00 am the following day 10.00 am till 3.00 am the following day</p> <p>10.00 am till 3.00 am the following day 10.00 am till 3.00 am the following day</p>
Sun	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>Not acceptable</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p>
Good Friday; Easter Sunday; Christmas Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>Not acceptable</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p>
ANZAC Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>Not acceptable</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p>

Days	District Plan Identification	Wineries Opening Hours
Mon - Thu	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm</p> <p>9.00 am till 11.00 pm 9.00 am till 11.00 pm</p>
Fri - Sat	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 11.00 pm 9.00 am till 12 midnight 9.00 am till 12 midnight 9.00 am till 12 midnight 9.00 am till 12 midnight</p> <p>9.00 am till 12 midnight 9.00 am till 12 midnight</p>
Sun	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm</p> <p>9.00 am till 11.00 pm 9.00 am till 11.00 pm</p>
Good Friday; Easter Sunday; Christmas Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm</p> <p>9.00 am till 11.00 pm 9.00 am till 11.00 pm</p>
ANZAC Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm</p> <p>9.00 am till 11.00 pm 9.00 am till 11.00 pm</p>

OFF-LICENCE CONDITIONS AND ASSESSMENT CRITERIA

ASSESSMENT CRITERIA

Suitability of Applicant - the DLA must be satisfied that the applicant will properly carry out the responsibilities that go with holding a licence.

Days on which and hours during which the applicant proposes to sell liquor

Compliance of the premises and activity with all other relevant legislation (e.g. Building Act, Resource Management Act), and bylaws

Matters raised in objection to the application by community, Police, Medical Officer of Health or Fire Service.

Applicant's Host Responsibility programme

The sale and supply of other goods and services

Regime for dealing with on and off-site problems

Regime for dealing with under-age and intoxicated persons

The persons or types of persons to whom it is intended that liquor be sold

Police, Fire Service and Medical Officer of Health Reports.

Any other matters in respect of the application promoting the responsible consumption of liquor

CONDITIONS

In accordance with, and in addition to the conditions of every off-licence imposed by s37 of the Act, the DLA imposes the following conditions:

Days on which and hours during which liquor may be sold as specified in this section of the Policy.

The licensee must have in place the minimum host responsibility requirements specified in this section of the Policy.

The licensee must ensure that staff and and/or volunteers and management are familiar with this Policy's minimum host responsibility requirements

The licensee must place appropriate signage on the premises (see minimum host responsibility requirements).

OFF-LICENCE HOST RESPONSIBILITY

Minimum Requirements

Signs required at point of sale:

- Warning that patrons aged 25 and under may be asked for ID. If under 18, penalty is a minimum fine of \$200.
- Warning that it is illegal to buy alcohol for anyone under 18 unless purchaser is parent or legal guardian – fine of up to \$2000

Recommended Host Responsibility Actions

Off- licences can contribute to the goal of minimising alcohol abuse by the following actions:

Having an Age Identification Policy. It is strongly recommended that the premise have a policy of checking ID's of persons appearing to be under the age of 25 years, and has signage to that effect, for example: "We ID under 25"

Discouraging On-Supply to Minors. For example signs: "Are you purchasing alcohol for the minors outside the premises?"

Providing Food and Non Alcoholic Drinks Off-licenses can contribute to the goal of minimising alcohol abuse by stocking substantial frozen or chilled food, such as pizza. This particularly targets younger patrons and encourages them to consume food with their alcohol. The DLA encourages off-licensees to make such food available and to place signs advertising its availability.

Staff Training in Prevention of Sales to Minors For example:

- problems associated with sales to minors
- assertive requesting for ID
- identifying and dealing with false IDs
- identifying and managing persons who may be purchasing for minors

OFF-LICENCE DAYS AND HOURS OF OPENING

Days	District Plan Identification	Opening Hours
Mon - Thu	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm</p> <p>9.00 am till 11.00 pm 9.00 am till 11.00 pm</p>
Fri - Sat	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 12 midnight 9.00 am till 12 midnight 9.00 am till 12 midnight 9.00 am till 12 midnight 9.00 am till 12 midnight</p> <p>9.00 am till 12 midnight 9.00 am till 12 midnight</p>
Sun	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm 9.00 am till 11.00 pm</p> <p>9.00 am till 11.00 pm 9.00 am till 11.00 pm</p>
Good Friday; Easter Sunday; Christmas Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>No alcohol to be sold No alcohol to be sold No alcohol to be sold No alcohol to be sold No alcohol to be sold</p> <p>No alcohol to be sold No alcohol to be sold</p>
ANZAC Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>1.00 pm till 11.00 pm 1.00 pm till 11.00 pm 1.00 pm till 11.00 pm 1.00 pm till 11.00 pm 1.00 pm till 11.00 pm</p> <p>1.00 pm till 11.00 pm 1.00 pm till 11.00 pm</p>

CLUB LICENCE CONDITIONS AND ASSESSMENT CRITERIA

ASSESSMENT CRITERIA

Suitability of Applicant - the DLA must be satisfied that the applicant will properly carry out the responsibilities that go with holding a licence.

Days on which and hours during which the applicant proposes to sell liquor

Days on which and the hours during which the premises are used for the club's activities

Compliance of the premises and activity with all other relevant legislation (e.g. Building Act, Resource Management Act), and bylaws

Matters raised in objection to the application by community, Police, Medical Officer of Health or Fire Service.

Applicant's Host Responsibility programme

The sale and supply of other goods and services

Regime for dealing with on and off-site problems

Regime for dealing with under-age and intoxicated persons

The persons or types of persons to whom it is intended that liquor be sold

Police, Fire Service and Medical Officer of Health Reports.

Any other matters in respect of the application promoting the responsible consumption of liquor

CONDITIONS

In accordance with, and in addition to the conditions of every club licence imposed by s60 of the Act, the DLA imposes the following conditions:

The licensee must have in place the minimum host responsibility requirements specified in this section of the Policy.

The licensee must ensure that staff and and/or volunteers and management are familiar with this Policy's minimum host responsibility requirements

The licensee must place appropriate signage on the premises (see host responsibility requirements).

Only club members and their guests are to be served alcohol.

The licensee must have in place a regime for ensuring that prohibited persons are not served alcohol (e.g. Visitors' book, proof of membership, standard of dress, standard of behaviour).

If a club is similar to a normal commercial operation (such as an RSA) then a manager needs to be on duty when liquor is being sold. If it is a sports club that does not employ staff, then the manager should be on duty at those times when the club is generally at its busiest (for example post tournament or post the main sporting activity). At other times a manager is expected to "available" when liquor is being sold.

Serving alcohol is restricted to members and invited guests

CLUB LICENCE HOST RESPONSIBILITY

Minimum Requirements

Clubs must make available non-alcoholic refreshments and substantial foods such as filled rolls, sandwiches, pizzas, hot chips, sausage rolls, pies, hot chips etc

Minors must be able to obtain food and non-alcoholic beverages from an appropriate area.

Signs must be placed at the point of sale of alcohol

1. Indicating the availability of non and low-alcohol refreshments and food.
2. Providing information about transport options – bus, taxi, dial a driver services
3. Encouraging designated drivers
4. Warning that intoxicated persons will not be served – licensee could be fined up to \$10,000
5. Warning that patrons behaving in a disorderly manner will be asked to leave
6. Warning that patrons aged 25 and under may be asked for ID. If under 18, penalty is a minimum fine of \$200.
7. Warning that it is illegal to buy alcohol for anyone under 18 unless purchaser is parent or legal guardian – fine of up to \$2000
8. Indicating regime for ensuring prohibited persons are not served alcohol (e.g. Visitors' book, proof of membership, standard of dress, standard of behaviour).
9. Noise Management. The DLA believes that Host Responsibility does not exclude people who live near a licensed premise. It is therefore part of the licensee's responsibility to mitigate any adverse effects on the community that might be caused by noise. Steps that a licensee can take to mitigate the effects of noise include:
 - Sound-proofing the premises
 - Installing an air-conditioning system so that outside doors can remain closed
 - Closing doors and windows after 10pm to reduce noise
 - Ensuring that patrons are considerate of neighbours when leaving the premises (e.g. Staff in car park to control noisy behaviour).
 - Responding promptly to complaints

Recommended Host Responsibility Actions

- Actively encourage transport options by providing a free phone service
- Discourage sale to minors by signs e.g. "Are you purchasing alcohol to minors outside the premises?" and/or providing staff in the car park to monitor sales to minors.
- Stop serving drinks an hour before closing and make sure food and coffee are available.

CLUB LICENCE DAYS AND HOURS OF OPENING

Days	District Plan Identification	Opening Hours
Mon - Thu	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm</p> <p>10.00 am till 11.00 pm 10.00 am till 11.00 pm</p>
Fri - Sat	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 12 midnight 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p>
Sun	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm</p> <p>10.00 am till 11.00 pm 10.00 am till 11.00 pm</p>
Good Friday; Easter Sunday; Christmas Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm</p> <p>10.00 am till 11.00 pm 10.00 am till 11.00 pm</p>
ANZAC Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 11.00 pm</p> <p>5.00 am till 12.00 midnight for RSA's only</p>

SPECIAL LICENCE CONDITIONS AND ASSESSMENT CRITERIA

ASSESSMENT CRITERIA

The nature of the occasion or event or series of occasions or events.

The suitability of the applicant.

The days and hours during which the applicant proposes to sell or supply liquor.

The areas of the premises, if any, that the applicant proposes should be designated as restricted areas or supervised areas.

The steps proposed to be taken by the applicant to ensure that the requirements of the Sale of Liquor Act in relation to the sale of liquor to prohibited persons.

The applicant's proposals to the sale and supply of non-alcoholic refreshments, beverages and food.

The provision of assistance with or information about alternative forms of transport from the event or occasion.

Any other matters raised in an objection by the Police or Sale of Liquor Inspector.

Any matter aimed at promoting the responsible consumption of alcohol.

The applicants host responsibility programme.

The general safety of all patrons attending the function or event, the safety of all employed at such an event and the safety of the public in general directly or indirectly affected by the event.

If no liquor was available would the event still continue? If the answer is no then there probably should be no licence issued.

CONDITIONS

In accordance with, and in addition to the conditions of every special licence imposed by s80 of the Act, the DLA may impose the following conditions:

The days and hours during which the applicant proposes to sell or supply liquor shall be directly linked to the event. For example with a rugby match, the sale of liquor may take place from the beginning of the game till the final whistle and not an hour before and an hour after the game.

The licensee must place appropriate signage on the premises.

The exclusion of the public to the event or occasion, by only permitting ticket holders, invited guests, club members etc. at the discretion of the Police or Inspector.

The provision of Security at all entrances and/or exits to prevent unauthorised persons gaining access to the event or occasion and security to be provided in all areas where liquor is to be sold or supplied.

The duty manager's name/s to be displayed at all times during the event or occasion.

A certified duty manager to be on duty at certain events or occasions at the discretion of the Police and/or Inspector.

The Inspector and/or Police may limit the number of containers of liquor sold per time per person.

The Inspector and/or Police may limit the types of alcohol that is sold or supplied eg. No spirits or wine.

Noise levels at the function must be moderate to comply with the Resource Management Act 1991.

SPECIAL LICENCE HOST RESPONSIBILITY

Minimum Requirements

Holders of Special Licences must make available low and non-alcoholic refreshments and substantial food.

Signs must be placed at or near the point of sale or supply.

1. Providing information about alternative transport options – taxi or dial a driver and encouraging designated drivers.
2. Warning that liquor shall not be sold or supplied to persons under the age of 18 years old.
3. Warning that no alcohol shall be supplied to persons without identification.
4. The only acceptable documents for the proof of age are a passport, a New Zealand drivers licence or a HANZ 18+ card.
5. Liquor shall not be supplied to intoxicated persons.
6. The name of the Duty Manager/s.
7. Notices of any designations either restricted or supervised.

Security shall be provided at all entrances to prevent unauthorised persons gaining access.

Noise levels generated at the function must be moderate to comply with the Resource Management Act 1991.

Recommended Actions

- Actively encourage alternative transport options by providing a free phone service.
- Discourage the sale or supply of alcohol to minors by displaying signage and providing security to monitor patron activity.
- The supply or availability of food throughout the duration of the event.
- Any other means of promoting the responsible use of alcohol.
- A certified Duty Manager to be at the event and supervise the sale and supply of alcohol.

SPECIAL LICENCE DAYS AND HOURS OF OPENING

Days	District Plan Identification	Opening Hours
Mon - Thu	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p style="text-align: center;">9.00 am till 12 midnight</p> <p>9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day</p> <p>9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day</p>
Fri - Sat	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p style="text-align: center;">9.00 am till 12 midnight</p> <p>9.00 am till 3.00 am the following day 9.00 am till 3.00 am the following day 9.00 am till 3.00 am the following day 9.00 am till 3.00 am the following day</p> <p>9.00 am till 3.00 am the following day 9.00 am till 3.00 am the following day</p>
Sun	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p style="text-align: center;">9.00 am till 12 midnight</p> <p>9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day</p> <p>9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day</p>
Good Friday; Easter Sunday; Christmas Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day</p> <p>9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day</p>
ANZAC Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day</p> <p>9.00 am till 1.00 am the following day 9.00 am till 1.00 am the following day</p>

RENEWALS AND VARIATIONS TO ON, OFF & CLUB LICENCES

New licenses must be renewed after one year and every three years thereafter. The licence holder may seek variations to licence conditions at any time. Note that a licence is a privilege, not a right. The licensing environment is dynamic and the nature of the licence might change as the City changes

When processing renewals and variations the DLA looks at how the operation deals with on and off site problems, whether the licence conditions have been met and the general approach to achieving the purpose of the Sale of Liquor Act. The past performance of the management of a premise will be a critical part of the assessment.

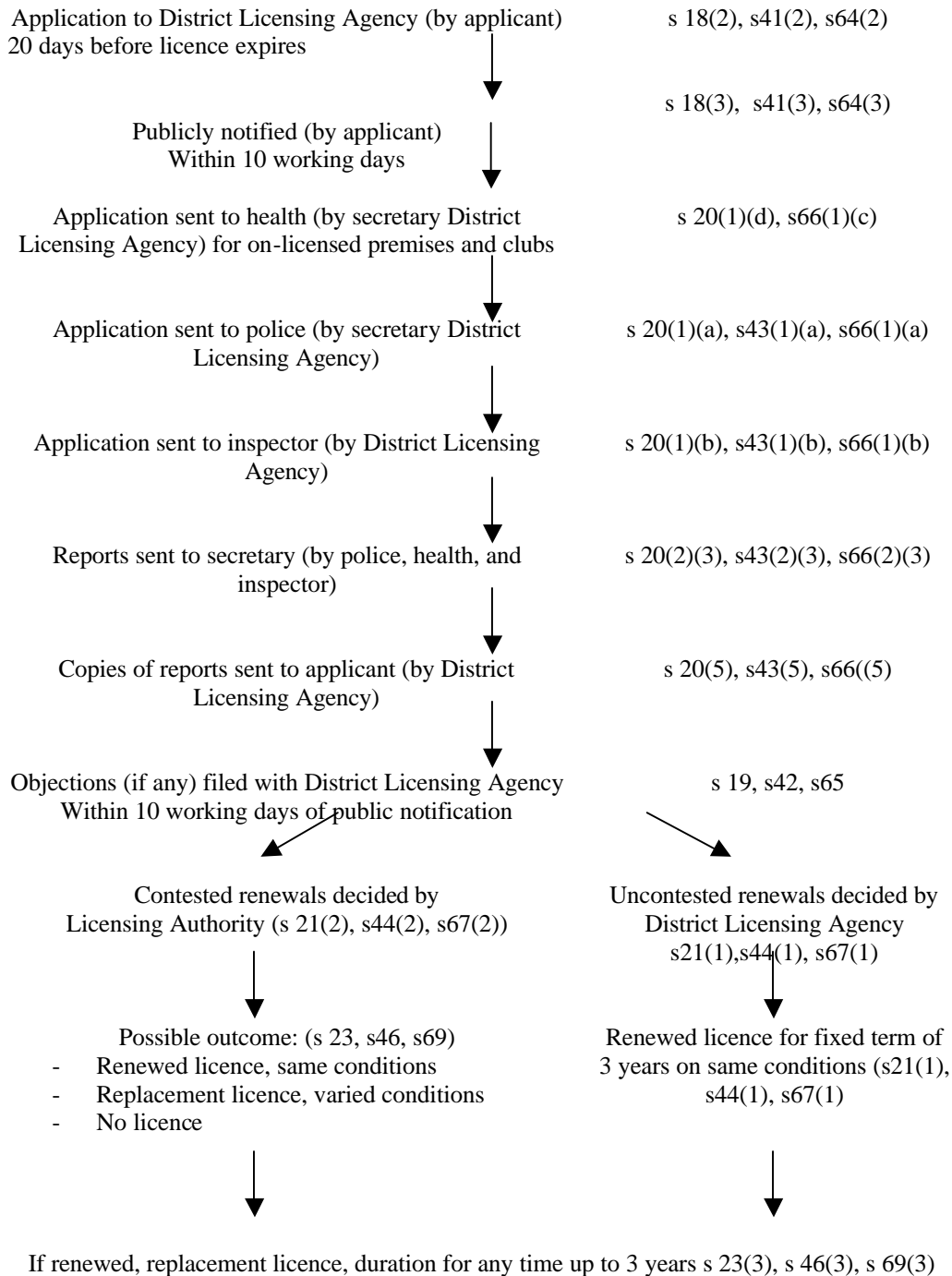
The renewal applications are publicly notified and the DLA can take any public comment (against the assessment criteria set out below) into account. While the DLA will send out reminder notices to all licensees it is the responsibility of the licensee to ensure that renewal applications are lodged within the required timeframe.

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

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

Sale of Liquor Act 1989

PROCESS FOR RENEWING OF ON, OFF, CLUB LICENCE



RENEWALS & VARIATIONS ASSESSMENT CRITERIA FOR ON, OFF & CLUB LICENCES

USE OF INFORMATION

The DLA will use any information that it has available where this has the potential to assist it to make robust decisions. In assessing applications the DLA 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, Fire Service or other organisations deemed appropriate*
- *Independent studies or monitoring commissioned by the Council.*
- *Any other information that is deemed relevant to the application*

ASSESSMENT CRITERIA

Suitability of Applicant - the DLA must be satisfied that the applicant has properly carried out the responsibilities that go with holding a licence.

Whether Applicant has fully complied with Policy licence conditions and requirements of the Sale of Liquor Act 1989

District Licensing Inspector, Police and Medical Officer of Health reports

Evidence of on site and off site problems or incidents

Matters raised in objection to renewal application

Noise complaints

General approach of management to meeting objectives of the Policy

Changes to nature and scale of operation

Implementation and effectiveness of host responsibility programme

Any other information in respect of the licensee's promotion of the responsible consumption of liquor (such as last drink survey evidence, noise management plan).

EXTENSIONS TO HOURS OF OPERATION

Extensions will only be considered where applicant can justify that there are exceptional circumstances, such as to target a particular market segment, reinforce the “specialty” nature of the venue or support a particular marketing approach.

ASSESSMENT CRITERIA

Suitability of Applicant - the DLA must be satisfied that the applicant has properly carried out the responsibilities that go with holding a licence.

Whether Applicant has fully complied with Policy licence conditions and requirements of the Sale of Liquor Act 1989

District Licensing Inspector, Police and Medical Officer of Health reports

Evidence of on site and off site problems or incidents

Matters raised in objection to renewal application

Noise complaints

General approach of management to meeting objectives of the Policy

Changes to nature and scale of operation

Implementation and effectiveness of host responsibility programme

Any other information in respect of the licensee’s promotion of the responsible consumption of liquor (such as last drink survey evidence, noise management).

ENFORCEMENT

Any member of the Police or any district licensing inspector may at *any time* apply to the Liquor Licensing Authority for an order:

- Varying or revoking any condition of a licence, other than a special licence, imposed by the Liquor Licensing Authority, or
- Imposing any new condition relating to any of the conditions imposed by the District Licensing Authority or the Liquor Licensing Authority (ss14(5), 37(4), 60(2)), or
- Suspending the licence, or
- Cancelling the licence.

The DLA will fulfil its enforcement responsibilities under the Act by:

1. Working closely with Police, public health officials, noise control officers and the community to ensure compliance.
2. Conducting routine inspections during opening hours.
3. Inspecting all premises on a regular basis but focussing on taverns & nightclubs during busiest hours and near closing time
4. Randomly inspecting Special Licences
5. Routinely monitoring Temporary Authorities
6. Investigating all complaints, forward information to police and report findings to relevant parties
7. Targeting inspection effort to premises where non-compliance is observed – proposed mechanisms include:
 - Using available information such as last drink survey, call centre, police, and noise complaint data.
 - Co-ordinating with Road Safety Waitakere
 - Look at ways that public can participate in informing DLA of non-compliance.
 - Co-ordinate with community organisations promoting responsible use of alcohol
8. Provide appropriate training and resources to DLA and Inspector

MANAGEMENT PERFORMANCE

REQUIREMENTS

(Note: the Act does not provide for conditions to be imposed on manager certificates – but the following requirements are consistent with LLA decisions and Act requirements)

The DLA will conduct interviews and/or tests

The licensee must notify the Police when managers are appointed or employment is terminated (notification forms will be included in toolkit).

All licensed premises, excluding clubs, will have at least one manager on duty at all times when liquor is sold

If a club is similar to a normal commercial operation (such as an RSA) then a manager needs to be on duty when liquor is being sold. If it is a sports club that does not employ staff, then the manager should be on duty at those times when the club is generally at its busiest (for example post tournament or post the main sporting activity). At other times a manager is expected to “available” when liquor is being sold

The name of the Duty Manager must be prominently displayed on the premises

Manager must ensure employees and volunteers receive appropriate host responsibility training.

ASSESSMENT CRITERIA

New General Managers Certificate

Applicant’s character and reputation

Any recorded convictions

Any experience, in particular recent experience

Training, in particular recent training

Police reports

Club managers should only hold club manager certificates unless there are good grounds for issuing a general manager’s certificate.

New Club Managers Certificate

Applicant’s character and reputation

Any recorded convictions

Applicants must have successfully completed a training course within the last 24 months, provided by an acknowledged or NZQA accredited provider (list of providers provided in toolkit)

Extent of applicant’s involvement in the club’s activities.

Renewals

Applicant’s character and reputation

Any recorded convictions

The manner in which the manager has managed the sale and supply of liquor pursuant to the licence in regard to the aim of contributing to the reduction of liquor abuse

Police and District Licensing Inspector reports

TEMPORARY AUTHORITY

Temporary authorities are granted to allow a person to use a licence that is attached to premises. These are generally needed when an establishment changes hands.

A temporary authority will be granted under the following conditions:

- Issued for a maximum of 3 months and can only be issued if there is a current licence on the premises
- That an appropriate license application be made within 15 working days of having the temporary authority granted, and
- The applicant must be a suitable person to hold a licence.

Before a second temporary authority can be applied for, a completed licence application must have been received by the DLA. The time limit of 15 days is designed to encourage operators to make the application for a substantive licence.

The reason for this is that in the DLA's experience, without such an incentive being in place, applications are not made in time. The options are then to continue to issue temporary authorities (which are unsatisfactory where a substantive license should be in place) or to refuse to issue a licence.

Where an established operation has extended hours and the person applying for a temporary authority has no history of responsible management then the extended hours of operation are likely to be removed. The onus will be on the applicant to prove that the retention of the extended hours of operation is appropriate (i.e. the applicant will be assessed in terms of the criteria for extended hours).

PUBLIC PARTICIPATION & OBJECTIONS PROCESS

Objections Process

Once a liquor licence application is filed with the DLA a copy is sent to the Police, DLA Inspector and Medical Officer of Health (for on or club licences).

All new and renewal applications for on, off and club licenses and any applications for variations to licence conditions, are publicly notified and the community has the ability to comment or object

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 of Liquor 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 District Licensing Agency. There must not be less than 5 days and not more than 10 days between the two dates of publication.

Objections must be filed within 10 working days after the first date of publication of the notices.

If the Police, DLA Inspector, Medical Officer of Health, or the Public raise any objections, the DLA sends all documents and any public objections to the LLA. The LLA will then decide 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.

What is 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 ten kilometres 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 LLA may give less weight to objections from persons who will not be directly affected by the proposed licensed premises.

Public Notices: An Example of What to Look For -

**PUBLIC NOTICE
SALE OF LIQUOR ACT 1989
SECTION 31(3)**

Joe Bloggs has made application to the Waitakere District Licensing Agency for the grant/renewal of an On Licence in respect of the premises at No 1 Xvier Street, Titirangi, Waitakere City and known as "Bushman's Pub".

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

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

Monday to Saturday	8.00 am till	1.00 am the following day
Sunday		8.00 am till 12 midnight

The application may be inspected during ordinary office hours at the Waitakere District Licensing Agency, Waitakere City Council Civic Centre, 6 Waipariera Ave. Henderson, Waitakere City.

Any person who is entitled to object and who wishes to object to the grant of an application May, not later than 10 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 Agency, Private Bag 93109 Henderson, Waitakere City.

This is the first (or second) publication of this notice.

For renewals and variations the applicant must ensure that a notice of the application is attached in a conspicuous place on or adjacent to the site to which the application relates.

Grounds for Objecting to New Licences

The grounds for objection are set out in the Sale of Liquor Act. They relate only to the conditions of an individual licence and not whether the location of a premise is suitable. They are:

For On and Off Licences

- Suitability of the applicant
- Days and hours liquor will be sold
- Designation of the whole or part of the proposed premises as a restricted or supervised area
- Steps taken to ensure prohibited persons are not served
- Supply of food and non-alcoholic refreshments (does not apply to off licences)
- The applicant's proposals relating to the provision of assistance with or information about alternative forms of transport from the licensed premises (for on licences only)
- Whether the applicant intends the sale or supply of any other goods besides liquor and food, or any services other than those directly related to the sale or supply of liquor or food.

For Club Licences

- Suitability of the applicant
- Days and hours liquor will be sold
- Days and hours club premises will be used for club activities
- Designation of the whole or part of the proposed premises as a restricted or supervised area
- Proportion of club membership who are prohibited persons
- Steps taken to ensure prohibited persons are not served
- Supply of food and non alcoholic beverages
- The applicant's proposals relating to the provision of assistance with or information about alternative forms of transport from the licensed premises

Where licensed premises change hands and the new applicant seeks the same licence conditions as those presently in force, objections are valid only if they relate to the applicant's suitability.

Suitability – matters likely to be relevant include:

- Previous experience
- Previous convictions
- Character, reputation
- Training, qualifications
- Knowledge of legislation relating to licensed premises
- Breach of an undertaking
- Misleading information in an application or public notice

Grounds for Objection to Applications for Renewal or Variation

For On and Off Licences

- The suitability of the applicant
- The conditions attaching to the licence (as outlined in this Policy, so that includes the licensee's host responsibility management, including noise management)
- The manner in which the licensee has conducted the sale and delivery of alcohol

For Club Licences

- The suitability of the applicant
- The conditions attaching to the licence (as outlined in this Policy, so that includes the licensee's host responsibility management, including noise management)
- The manner in which the licensee has conducted the sale and delivery of alcohol

Glossary of Terms

Prohibited person is someone who is under the age of 18 or who is intoxicated **Restricted area** is a designated part of licensed premises to which persons under 18 may not be admitted

Supervised area is the designated part of licensed premises to which persons under 18 may not be admitted unless accompanied by a parent, or guardian.

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 DLA within 10 working days of the first public notice appearing in the newspaper.

Upon receipt of an objection, the DLA will send an acknowledgement letter. The complete application will then be sent to the LLA who will check the validity of the objection. A time will be set for the hearing 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 DLA. Although this is an effective way to boost numbers of objectors, duplicate signatures are frequent. It is extremely difficult for the DLA to acknowledge petitioners because names and addresses are often unreadable. Therefore it is always helpful if a spokesperson can be appointed.

Keeping You Informed

Some liquor licence applications attract hundreds of objections and the DLA receives literally thousands of pages of objections. The DLA 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. 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 in a newspaper please telephone the DLA for advice before sending in another objection.

The DLA regrets that it is unable to keep objectors informed of the progress of the application. However, objectors can telephone the DLA for an update on 09 836 8000 extension 8676.

EVALUATION AND MONITORING

A system to evaluate and monitor compliance with the Policy will be established within the DLA as part of a City Wide strategy to address alcohol issues. Public objections and complaints about licensed premises (including noise complaints and police complaints) will be kept in a centralised record-keeping system. This will enable the DLA to keep track of the licensed premises that are causing the most concerns and also to keep track of the issues that the public are most concerned about.

TOOLKIT

The DLA will issue a toolkit with each licence that will include:

- A copy of the Liquor Licensing Policy
- Examples of signage
- A list of acknowledged or NZQA accredited training providers
- Examples of good Host Responsibility practices
- Obligations under the Sale of Liquor Act