

# Explanatory Document for the Provisional Auckland Council Local Alcohol Policy

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## **Introduction**

1. This document provides an overview of the reasoning informing the key policy elements of the Provisional Auckland Council Local Alcohol Policy (“LAP”), developed pursuant to the Sale and Supply of Alcohol Act 2012 (“the Act”). It should be read in conjunction with the Provisional LAP.

## **Context**

2. Auckland Council’s (“the council”) Regional Strategy and Policy Committee adopted the Provisional LAP on 13 May 2015.
3. Once the Provisional LAP has been publicly notified, the Act allows submitters 30 days to lodge an appeal to the Alcohol Regulatory and Licensing Authority (“ARLA”) if they consider that an element of the policy is unreasonable in light of the object of the Act (this is the only ground for appeal). ARLA has the jurisdiction to determine any appeals.
4. Given that this is a new area of law for New Zealand, ARLA treated the first two appeals of this nature as test cases (namely the appeals against the Tasman District Council and Wellington City Council Provisional LAPs). Both judgments provide important guidance on the appeals process, interpreting the ground for appeal and ARLA’s expectations for LAPs in general. ARLA has made it clear that it expects councils to document the reasons for the policy elements when adopting a provisional LAP, with particular reference to the object of the Act, the matters set out in section 78(2) of the Act and the concerns of submitters.

## **Scope of this document**

5. In line with ARLA’s guidance, this document summarises the matters the council has considered in determining each policy element, including the object of the Act and the matters set out in section 78(2) of the Act. The document also shows how submitters’ concerns have been considered and weighed against the overall purpose of the Act.
6. The document is not intended to be exhaustive. It provides an overview of the council’s reasoning. In reaching its decisions, the council has had regard to all submissions received, the information provided at hearings, and reports and advice provided by council officers.
7. The document does not discuss the introduction section of the Provisional LAP as these clauses clearly align with and reference the Act. The definitions in the interpretation section are discussed under the relevant policy element (i.e. where each definition is applied) as required.

## **Further information on the considerations**

### **Section 78(2) considerations**

8. Section 79(2) of the Act requires the council to have regard to the matters listed at section 78(2), when producing its Provisional LAP. These matters are:
  - (a) the objectives and policies of the district plan

- (b) the number of licences of each kind held for premises in the district, and the location and opening hours of each of the premises
  - (c) any areas in which bylaws prohibiting alcohol in public places are in force
  - (d) the demography of the district's residents
  - (e) the demography of people who visit the district as tourists or holidaymakers
  - (f) the overall health indicators of the district's residents
  - (g) the nature and severity of the alcohol-related problems arising in the district.
9. In relation to section 78(2)(b), the council has had regard to the objectives and policies of both the Proposed Auckland Unitary Plan (as notified at 30 September 2013) and the operative district plans. There are currently nine operative district plans in the Auckland region but these will be superseded by the Unitary Plan from late-2016. Whilst the council considered the operative plans in developing the Provisional LAP, the district plan references in the policy relate to the Proposed Auckland Unitary Plan. This ensures that the LAP is forward-looking and recognises the regional coverage of both the Proposed Auckland Unitary Plan and the Provisional LAP.
10. The council is also currently reviewing its alcohol controls in order to rationalise the seven 'legacy' bylaws inherited from the former Auckland-based councils, and to comply with the new requirements of the Local Government Act 2002. Whilst the council has considered alcohol control locations in developing the policy (under section 78(2)(c)), this document does not provide an in-depth analysis of their locations as they are subject to change.

### **Public submissions**

11. The council received 2,693 public submissions, including 12 late submissions. Nearly half of the submissions (1,352) were made using the council's online form, and a third (897) through the Alcohol Healthwatch pro-forma postcards. The postcards comprised a series of statements that submitters could tick if they agreed.
12. Some submitters worked together on their submissions and provided similar or in some cases identical comments. Examples include Progressive Enterprises Ltd, which in addition to its own submission provided the same submissions from each of its 49 stores and proponents of the dance music scene who connected through the "Dance till Dawn" campaign.
13. Further information on the public submissions is provided in the council officers' report to the Hearings Panel (Local Alcohol Policy Project – Background report for hearing of submissions on draft policy, dated August, 2014) and the Hearings Panel's report to the council's Regional Strategy and Policy Committee requesting adoption of the Provisional LAP (May, 2015). Copies of these reports are available on the council's website.
14. The Panel considered all written submissions received. Key points from the submissions, and comments that resulted in changes to the proposed LAP, are summarised below.

## Policy areas

### Overview

15. The Provisional LAP sets out general policy positions for the Auckland region as well as targeted policies for specific areas. The specific areas are the City Centre; areas within the Priority Overlay and; in some instances, certain zones identified in the Proposed Auckland Unitary Plan.

### General considerations

16. Analysis of the matters under section 78(2) of the Act showed that there is considerable variation across the Auckland region, particularly in terms of the number, nature and licensed hours of existing licences, and in relation to population characteristics. In recognition of this, the council adopted an areas-based approach in the Provisional LAP. This enables the council to tailor its policies to the needs of an area, by providing more permissive or restrictive variations to the standard policies, as required. This approach was also developed in response to submitters' feedback that one set of policy provisions would not be appropriate for the large area covered by the council's jurisdiction.
17. Other general considerations that have informed the council include:
  - Examples from the UK and Australia of area-specific policies to protect the community and/or the character of an area from the existing, or potential, negative cumulative impact of licences. (Both the UK and Australia are comparable to New Zealand in terms of culture).
  - Auckland research and international literature that shows different populations, particularly different socio-economic and ethnic populations, experience differing levels of alcohol-related harm, and that different types of intervention are warranted to address this inequity.

### City Centre

18. The Provisional LAP adopts the Proposed Auckland Unitary Plan's definition of the City Centre. The LAP applies targeted location, density and hours policies to the City Centre.
19. In adopting this approach, the council has considered the following:
  - Existing on-licences in the City Centre display different characteristics to those in the rest of the region. Specifically, there is a much greater concentration of licences, particularly late-trading premises. The entire City Centre is also currently covered by alcohol bans, and the demographic makeup of City Centre residents is different to the rest of the region. In particular, there is a large concentration of young adults (students). The City Centre also attracts more visitors, both international and from the rest of New Zealand, than other parts of the region.
  - There is a greater concentration of direct alcohol-related harm, particularly crime and disorder, occurring in the City Centre than in the rest of the region.

20. In addition, most submitters agreed that the central city is unique when compared to the rest of the region and that it warrants its own special category.
21. Many submitters from Parnell and Newmarket considered that the same rules, particularly regarding on-licences, should apply to all parts of the city fringe. Residents in Ponsonby who submitted did not consider the Ponsonby strip to be a part of the central city.

### **Priority Overlay**

22. The Provisional LAP includes a Priority Overlay, which comprises a series of areas where there is evidence of greater levels of alcohol-related harm.
23. Each Priority Overlay area is defined by applying a 200 metre radius from the boundary of the main Business Centre zone(s) relevant to each area. This aligns with the Proposed Auckland Unitary Plan.
24. Areas included in the Priority Overlay were established with reference to the matters specified at section 78(2) of the Act. In particular, the council had regard to information on demography, the nature and severity of alcohol-related harm, and the number and nature of existing licences in determining where the Priority Overlay was warranted.
25. The majority of submitters who indicated a position on the proposal supported the Priority Overlay, including a wide range of individuals and stakeholders. Many submitters living in suburbs covered by the overlay voiced support for the inclusion of their particular areas, and their concern about proliferation of off-licence premises and alcohol-related harm experienced by their communities.

# Local Impacts Reports

## Overview

26. The Provisional LAP includes a special reporting process to help inform the DLC and ARLA's decisions about the location and density of new licences. It recommends that a Local Impacts Report should be prepared for certain licence applications in certain locations.
27. The Local Impacts Report will contain information on the area including existing licensed premises, sensitive sites, land uses, and alcohol-related harm, as well as the nature of the application and steps the applicant is proposing to take to manage the premises.
28. The report process ensures the DLC or ARLA are fully informed of objective considerations, based on sections 78(2) and 105 of the Act.

## General considerations

29. The Local Impacts Report also includes a description of five of the seven section 78(2) considerations, specifically, zoning under the district plan, existing licences in the area, the demography of the local population, and existing levels of alcohol-related harm, including both health and crime related issues.
30. In determining where a Local Impacts Report is required, the council has considered district plan objectives and policies; the locational triggers include the zoning of the proposed site.
31. Existing alcohol-related problems have also informed the policy's requirements for a Local Impacts Report, that is, riskier applications are required to undergo the Local Impacts Report process, while Very Low Risk applications are not.
32. The majority of submitters who indicated a position on the proposal supported assessing the surrounding area and considering this in licence decision-making. As well as individual submitters, those in favour of the approach included both the public health sector and some industry stakeholders.
33. A large number of submitters supported the inclusion of reporting on sensitive sites, particularly schools. Some submitters, including the Police, proposed that marae should be considered a sensitive site. The council agreed that this inclusion had merit.
34. There is cross-sector support for the council to provide Local Impact Reports.

## Off-licences

35. Under the Provisional LAP, all applications for Low, Medium, High and Very High Risk off-licences in the region would be accompanied by a Local Impacts Report, unless more specific location and density provisions apply.
36. In determining these policies, the council has considered literature, which demonstrates that additional off-licences in an area can be linked with violence in the home and at other licensed premises in the vicinity, and have been linked to higher levels of drinking among young people in the area. Literature also shows that clusters of off-licence premises can lead to price competition and an increase in sales to prohibited persons, because of competition for customers. Auckland data on controlled purchase operations aligns with this.

37. The council therefore considers that it is important for decision-making bodies to be aware of the number and nature of existing licences in the locality, and of the local demography and any population groups or sensitive sites that are likely to be adversely affected by the granting of an off-licence.
38. Submissions show strong community support for applying the Local Impacts Report process to off-licence applications. Submitters particularly supported reporting on existing licences in the area, as well as local schools and land uses.

#### **Remote sellers**

39. Off-licences for remote sale of alcohol (licences endorsed under section 40 of the Act) are exempted from the Local Impacts Report process, as well as the Temporary Freeze and the Rebuttable Presumption, as they are can deliver anywhere and have no direct alcohol-related impacts on their locality.
40. In creating this exemption, the council considered submissions from the remote seller industry, requesting that their businesses be excluded from the Environmental and Cumulative Impacts Assessment (now Local Impacts Report). The submitters gave evidence that they do not generally impact the geographic area in which they are located, and also discussed this as part of their oral submissions.

#### **On-licences**

41. The Provisional LAP requires some on-licence applications to be accompanied by a Local Impacts Report, depending on the location and the risk profile of the proposed premises, as follows:
  - High and Very High Risk on-licences across the region
  - Medium Risk on-licences, except in the City Centre, the City Centre Fringe and Metropolitan Centres
  - Low Risk on-licences in Neighbourhood Centres
  - All on-licences in the Priority Overlay
42. Overall, this means that applications for riskier premises in more suburban areas are more likely to require a Local Impacts Report, while triggers for Local Impact Reports in business centres are not as stringent. This aims to direct riskier on-licence premises to larger centres where they are more appropriate; a late-trading premises with live music is unlikely to be appropriate in a residential, suburban neighbourhood, but could be suitable in a Metropolitan Centre, for example.
43. In determining this approach, the council has had regard to the section 78(2) considerations, particularly as follows:
  - District plan objectives and policies are a key consideration in determining where a Local Impacts Report is to be required for an on-licence premise. The zoning of the proposed site, and its corresponding place in the Unitary Plan hierarchy of centres, is one of two determinants triggering the requirement for a report.
  - The number and nature of existing licences is also an important consideration in determining which applications a Local Impacts Report is to be required for. In examining the existing licensed environment, it is clear that some types of on-



licences cluster together, and that larger centres are more suitable for these activities.

- Demography and health outcomes of residents and visitors has also informed where a Local Impacts Report is required; reports are required for a wider range of licences in residential areas, and reports are required for all licence applications in communities that are more deprived and experiencing higher levels of poor health (that is, in the Priority Overlay).
44. Existing alcohol-related problems have also informed the council's policies about when a Local Impacts Report is needed; riskier applications that are associated with more alcohol-related harm are more likely to be required to undergo the Local Impacts Report process. Further, reports are required for all applications in areas currently experiencing high levels of alcohol-related harm (the Priority Overlay).
  45. Literature demonstrates that clusters of on-licence premises can attract heavier drinkers to an area. It also shows that different types of on-licence premises are more (and in some cases less) suitable in different parts of the city (residential vs. commercial). This evidence correlates with findings from Auckland.
  46. Accordingly, the council considers that informing decision-making bodies of the number and nature of existing licences in the locality, and of the local demography and land uses that may be adversely affected by the granting of an on-licence, is key to the application process.
  47. Submissions show strong community support for applying the Local Impacts Report process to on-licence applications. Submitters were particularly supportive of reporting on the surrounding environment and the consideration of transport options and local schools.

### **Renewals of off-licences and on-licences**

48. The Local Impacts Report is required for higher-risk licence renewals in the Priority Overlay to assist decision-makers in determining the conditions to be included in a licence.
49. Licence renewals were not a prominent theme in the submissions. However, a few submitters recommended considering location and density factors when setting conditions for licence renewals; the council considered that these recommendations warranted investigation.
50. Literature demonstrates that access to off-licence premises has been linked to heavier drinking among young people. Informing decision-making bodies of the local demography, land uses and sensitive sites in the area assists them in setting conditions to mitigate the impact of the licence on particular populations.
51. In establishing which licence renewals are to be accompanied by a Local Impacts Report, the number and nature of existing licences is significant. The areas where the report is required for renewals already have existing licensed premises which are, directly or indirectly, impacting the community negatively.
52. Demography, health outcomes of residents, and existing alcohol-related problems have informed where a Local Impacts Report is required for renewals; the communities located within the Priority Overlay experience higher levels of problems associated with alcohol than the rest of Auckland.

53. Existing alcohol-related problems have also informed the type of renewals which need to go through the Local Impacts Report process, that is, riskier applications which are associated with more alcohol-related harm.

# Temporary Freeze and Rebuttable Presumption against New Off-licences

## Overview

54. The Provisional LAP includes a Temporary Freeze, which recommends that the DLC and ARLA should refuse to issue new off-licences in the City Centre and the Priority Overlay for the first 24 months of the policy being in force.
55. The Provisional LAP also includes a presumption against the issuing of new off-licences in:
  - the City Centre and the Priority Overlay areas, following the expiry of the Temporary Freeze; and
  - Neighbourhood Centres from the date the policy comes into force.
56. The effect of the rebuttable presumption is that applications for new off-licences should generally be refused, unless the DLC or ARLA is satisfied that the applicant has rebutted the presumption.

## General considerations

57. In adopting these policies, the council aims to address high levels of alcohol-related harm whilst also recognising that there may be limited circumstances where a new off-licence is acceptable, and that an area may change over time.
58. Many submitters raised concerns about the proliferation of off-licences in Auckland.
59. Australian research shows that an additional off-licence:
  - can be a significant predictor of area-level violent crime and violence on residential premises; and
  - is more likely to result in an increase in assaults at licensed premises than an additional on-licence.
60. Accordingly, the council considers that restricting the establishment of new off-licences is likely to limit the incidence of alcohol-related harm, both generally and at licensed premises. A temporary freeze to regulate the density of licences has been used successfully overseas, and is applied for two years in line with international best practice. Cities in the UK also use a presumption against the issue of new licences to regulate density.

## City Centre and Priority Overlay

61. The Provisional LAP seeks to limit the number of new off-licences establishing the Priority Overlay and the City Centre as these areas experience higher levels of alcohol-related harm compared with the rest of Auckland.
62. Off-licence premises are already located in areas where the freeze and presumption against new off-licences applies, often at greater densities than in other parts of Auckland.
63. The City Centre has the largest number and highest density of off-licences of any area in Auckland.

64. The Priority Overlay areas have higher levels of vulnerable populations that are more likely to experience alcohol-related harm than other groups, for example, those living in higher deprivation and young males. Many of these populations also experience poor health outcomes. The City Centre also has high numbers of young people (particularly students).
65. The majority of submitters that indicated a position on the Temporary Freeze and Rebuttable Presumption showed support, and many submitters raised concerns about the proliferation of off-licences, particularly in areas of high deprivation. Submitters from the on-licence industry also considered the consumption of cheap and readily available off-licence alcohol or “pre-loading” to be a major contributor to problems experienced at their establishments.

### **Neighbourhood Centres**

66. The Provisional LAP also establishes targeted policies for Neighbourhood Centres.
67. Analysis of the number and nature of existing licences, and how they relate to the Proposed Auckland Unitary Plan, shows that community concerns about “bottle stores on every corner” are reflective of the current licensed environment, especially in areas of higher deprivation. Applying the rebuttable presumption to Neighbourhood Centres also complements the Proposed Auckland Unitary Plan provision that “non-residential activities that locate in residential areas contribute to and support the amenity of the neighbourhood”.
68. The application of the rebuttable presumption to Neighbourhood Centres is further supported by evidence that the presence of alcohol retailers within walking distance, particularly shops in predominantly residential areas, increases the availability of alcohol to populations who are less mobile and are generally more at risk of alcohol-related harm, for example, minors or people living in areas of high deprivation.
69. Submitters were particularly supportive of the rebuttable presumption in its application to Neighbourhood Centres.

### **Definition of “New Off-licences”**

70. The Provisional LAP includes a definition for the term “New Licence”, so that applications for premises that have traded within the previous 6 months under the same kind of licence are not captured by the Temporary Freeze and Rebuttable Presumption policy elements.
71. This ensures that the Temporary Freeze and Rebuttable Presumption will not apply to an application for a licence where a premises has been sold or changed hands; any business within the areas where these density and location tools apply will not be immediately de-valued because of the Auckland Council Local Alcohol Policy.
72. This policy responds to stakeholder feedback provided throughout the general policy development process about the adverse effects these policies could have on the ability for licensees to sell their businesses.

## Maximum trading hours

### Overview

73. The Provisional LAP includes policies on maximum trading hours for off-licences, on-licences, club licences and special licences in Auckland.
74. The specific hours proposed are outlined in the following subsections.

### General considerations

75. In determining the maximum hours for licensed premises in Auckland, the council had regard to the matters at section 78(2) of the Act, particularly as follows:
  - Proposed Auckland Unitary Plan objectives and policies demonstrate that different hours may be required for some areas.
  - Licensees in Auckland have been granted many different sets of trading hours (though they often do not operate to the full extent of these hours).
  - The nature and severity of alcohol-related harm varies greatly across the region.
76. Research shows that there is a strong correlation between the availability of alcohol, both geographically and temporally, and the incidence of alcohol-related harm. It recommends restricting the overall hours that alcohol is available in order to decrease alcohol-related harm. This is applicable to both retailers selling alcohol to take away and to alcohol sold for consumption on-site.
77. Trading hour reductions, both overseas and in Auckland, have corresponded with significant reductions alcohol-related harm, providing empirical evidence in support of the literature.

### Off-licences

78. The Provisional LAP sets regional off-licence trading hours of 9am to 9pm. This approach limits the availability of alcohol, in particular: young people's exposure to alcohol in the morning; and to legal age users at times when prior consumption of alcohol is more likely to influence purchasing choices and there is strong evidence of alcohol-related harm occurring (that is, late in the evening).
79. Off-licence premises are ubiquitous throughout the Auckland region, but are most densely concentrated in the City Centre, where there is also the highest concentration of on-licence premises.
80. The most common opening time for off-licence premises in Auckland is 9am. The most common closing time 11pm, and across the Auckland region, alcohol-related crime and disorder is worst between 9pm and 1am.
81. As well as general evidence relating to reductions in hours, a recent study on New Zealand drinkers showed that those purchasing alcohol at an off-licence after 10pm are twice as likely to drink heavily than those purchasing alcohol before 10pm. Evidence indicates that variations in off-licence hours is likely to lead to purchasers travelling to get take-away alcohol, so regionally consistent hours are more effective at limiting alcohol-related harm.

82. The council's decision to restrict hours was also informed by feedback from submitters, who generally considered that off-licence hours that are more restrictive than the national default are an improvement and will help to address "pre-loading", "side-loading", and violence in the home, and that they will have little impact on organised shoppers.
83. Submitters strongly supported all types of off-licences having the same maximum hours. A 9pm close for off-licences received more support from submitters than any other (later) closing time, including the Draft LAP proposal of 10pm, which has been considered by the council in setting a 9pm closing time for off-licence premises.
84. A large number of submitters also requested an opening time even later than 9am, particularly 10am. However, rather than imposing this as a regional standard (which may be too strict for some areas), the council considers that the DLC will use their discretion if later opening hours are appropriate in a particular case.

### **On-licences**

85. The Provisional LAP sets regional on-licence trading hours of 8am to 3pm, with 8am to 4am in the City Centre only. This represents a decrease in overall availability of alcohol from the national default hours and avoids incentivising migration to the centre of the region late at night.
86. On-licence premises are located throughout the Auckland region, but tend to cluster in business zones, particularly the City Centre.
87. Existing hours for on-licence premises have informed the maximum trading hours specified in the Provisional LAP:
  - Over half (54 per cent) of Auckland's on-licences open at 8am.
  - Excluding the City Centre, 24 per cent of the region's on-licences are open after 1am, but less than 5 per cent are still open after 3am.
  - Over half (53 per cent) of the City Centre's on-licences are open past 3am; a 3am closing would have a significant impact on licensees in the City Centre.
88. As well as general evidence relating to reductions in hours leading to reductions in alcohol-related harm, research shows that fixed closing hours in high-density clusters of on-licences can increase levels of violence and other alcohol-related harm at closing time, due to patrons all leaving at the same time.
89. In Auckland, alcohol-related crime is worst in the City Centre between 11pm and 3am, indicating that some degree of natural attrition has occurred by 4am, and that a 3am closing in the City Centre would be likely to worsen the harm seen at 3am rather than reduce it.
90. The council has also considered submitters' views in setting the on-licence trading hours in the Provisional LAP. The council's approach to on-licence hour policies is significantly different to the Draft LAP proposal; the Draft LAP proposal of a 9am opening for on-licences with a 3am close in the central city, a 1am close in the rest of the region, and the ability to apply for two-hour extensions received strong opposition in submissions.
91. Of the submitters who did not support the proposal, some considered it that it was too permissive and others that it was too restrictive. Submitters also considered that the

extension tool would allow trading too late, or that the process was too complicated and unfair on existing licensees.

92. The majority of submitters requesting more permissive hours for the central city asked to retain the current national default hour of 4am. Submitters cited various reasons for this, particularly, concern about harm on the street if an earlier closing time is implemented and concern about drinking at private (unmonitored) premises instead of at on-licences.
93. Of submitters advocating for more permissive hours for the rest of the region (i.e. outside the central city), 3am was most commonly referenced as a suitable closing time. Submitters were particularly concerned about Auckland's sub-regional centres, and discussed a desire to go out locally without the need to migrate to the central city or unsupervised locations late at night.
94. Many submitters also considered that harmful drinking practices, in particular pre- and side-loading, and the availability of cheap off-licence alcohol, were the main contributors to alcohol-related harm associated with on-licence premises.
95. Lodgers at accommodation providers are exempt in line with sections 47 and 255 of the Act, and because of the low-risk nature of the activity.

### **Club licences**

96. The Provisional LAP includes club licence hours of 9am to 1am, with allowance for a 5am opening at RSAs on ANZAC Day. This represents a large decrease from the national default hours but aligns with existing club licences' hours.
97. Of the existing club licence premises in Auckland, two per cent are licensed to be open after 1am. While twenty per cent of club licences are licensed to open before 9am, 40 per cent of these open at 8:30am; a 9am opening will only have a minor impact on these premises.
98. Club licence premises are located throughout Auckland, and their location is largely dictated by the location of club rooms, sports field, and the like, as opposed to clustering with other licenses or locating in particular Proposed Auckland Unitary Plan zones or residential areas.
99. The majority of club licence industry submitters were comfortable with hours of 9am to 1am, though some wanted to see traditional ANZAC Day dawn activities at RSAs specifically recognised by allowing trading from 5am on that day annually.

### **Special licences**

100. Generally, the hours for the locality in which the event is being held will be sufficient and appropriate for the event the special licence is sought for. However, special licences issued in the Auckland region have been granted for a wide variety of events with a range of hours. The Provisional LAP therefore emphasises the DLC's discretion in setting hours for special licences, rather than setting blanket rules that are not practicable to apply.
101. Submitters who indicated a position on the proposal strongly supported a case-by-case approach to special licence hours, with regard to hours for existing licences in the area where the event is to be held.

## Discretionary conditions

### Overview

102. The Provisional LAP recommends a range of discretionary conditions for the DLC and ARLA to consider applying to on-licences, off-licences, club licences and special licences.
103. The policy categorises the discretionary conditions into the following three “tiers”:
- specific conditions to be considered for inclusion in every licence
  - conditions to be applied to licences as appropriate
  - matters for the DLC and ARLA to consider addressing through the use of discretionary conditions.
104. The conditions are drafted to: be practicable to apply; be clear and simple to comply with; allow for individual circumstances; and encourage regional consistency as appropriate (that is, some conditions are less specific while others are highly specific.)
105. The matters at section 78(2) of the Act, evidence of policy effectiveness, and community and stakeholder views were all considered in evaluating each discretionary condition and how it is recommended to be applied.

### Specific conditions

106. The discretionary conditions on-licences, off-licences and club licences as well as the key reasons for them are summarised in the table below.

**Table 1. Summary of reasons for inclusion of conditions in the LAP**

Condition	Licence	Summary of reasons
<b>Conditions to be applied to licences unless there is a good reason not to</b>		
Prohibited persons	Off-, on- and club	<ul style="list-style-type: none"> <li>• To ensure the Act’s requirements are clear to customers and patrons who may not be familiar with the legislation, as well as staff.</li> </ul>
Register of alcohol-related incidents	Off-, on- and club	<ul style="list-style-type: none"> <li>• To assist licensees (in managing their premises), as well as Police and inspectors.</li> <li>• To encourage best practice systems for all licensees.</li> <li>• Many licensees in Auckland already use registers to track incidents and events on their premises, and submitters who commented on the condition were generally supportive of its inclusion in the LAP, including industry, individual and health submitters.</li> </ul>
Host responsibility	On- and club	<ul style="list-style-type: none"> <li>• To help create safer drinking environments, by focussing on the alcohol server as well as the environment in which alcohol is consumed</li> <li>• To encourage best practice systems for all licensees.</li> <li>• Many licensees in Auckland already have Host Responsibility policies, and the DLC has formally required this by including the Host Responsibility policy on some licences. Submitters who commented on the condition were generally supportive of its</li> </ul>



Condition	Licence	Summary of reasons
		inclusion in the LAP, including industry, individual and health submitters.
Display of information about safe transport	On- and club	<ul style="list-style-type: none"> <li>To build on requirements under the Act and ensure that information is easily available to patrons, who may not be aware that staff hold information about transport options.</li> </ul>
Designation	On- and club	<ul style="list-style-type: none"> <li>To build on requirements under the Act and limit children's and young people's exposure to alcohol.</li> </ul>
Duty manager to be onsite	Club	<ul style="list-style-type: none"> <li>To build on the Act's requirements for certified managers to monitor patrons' alcohol consumption at licensed premises, by requiring a manager at busy periods and times when harm from excessive and inappropriate consumption is more likely to occur (that is, Friday and Saturday evenings).</li> </ul>
<b>Conditions to be applied to on-licences on a case-by-case basis</b>		
Queue management	On-	<ul style="list-style-type: none"> <li>To ensure the safety of both patrons queuing and pedestrians passing by, and to promote industry best practice.</li> </ul>
Duty Manager for BYO restaurant	On-	<ul style="list-style-type: none"> <li>To build on the Act's requirements for certified managers to monitor patrons' alcohol consumption at licensed premises, by requiring a manager at busy periods and times when harm from excessive and inappropriate consumption is more likely to occur (that is, Friday and Saturday evenings).</li> </ul>
Designation of taverns	On-	<ul style="list-style-type: none"> <li>To build on requirements under the Act and limit children's exposure to alcohol.</li> </ul>
<b>Additional matters to be considered for conditions</b>		
CCTV	Off-, on- and club	<ul style="list-style-type: none"> <li>To align with Crime Prevention Through Environmental Design (CPTED) principles and international best practice.</li> </ul>
Exterior lighting	Off- and on-	<ul style="list-style-type: none"> <li>To align with CPTED principles and international best practice.</li> </ul>
Single sales	Off-	<ul style="list-style-type: none"> <li>To limit availability of alcohol to those with alcohol dependencies and other vulnerable drinkers.</li> <li>Submitters who commented on this topic did not support the Draft LAP proposal to apply this condition to all off-licences. <ul style="list-style-type: none"> <li>Submitters considered it would be inappropriate in areas not experiencing high levels of alcohol-related problems, and that it would adversely affect the craft beer industry.</li> <li>To address these concerns, the council has amended the condition in the Provisional LAP so that it is instead a recommendation for Medium to Very High Risk licences in the Priority Overlay only.</li> </ul> </li> </ul>
Afternoon closing of premises near Education Facilities	Off-	<ul style="list-style-type: none"> <li>To reduce the visibility of alcohol to children and young people.</li> <li>Many submitters are worried about alcohol outlets that are located close to schools. Location and density controls in the LAP will not affect existing licences. However, closing alcohol stores near schools in the Priority Overlay while children are leaving responds to submitters' concerns and to literature, which</li> </ul>

Condition	Licence	Summary of reasons
		suggests minimising young people's exposure to alcohol to facilitate healthy attitudes to drinking.
Minimum numbers of qualified managers	On-	<ul style="list-style-type: none"> <li>To signal to the DLC and ARLA that the council considers, in some cases, more than one manager may be required to ensure the adequate supervision of all areas at once (e.g. in large premises).</li> </ul>
Monitoring of outdoor areas for late-trading premises	On-	<ul style="list-style-type: none"> <li>To address the potential for public areas outside late-trading premises to become "hotspots" for alcohol-related violence, by requiring late-trading licensees to take a proactive approach to ensuring the areas outside their exits and entrances remain safe for patrons and others.</li> </ul>
Signage promoting responsible drinking	On- and club	<ul style="list-style-type: none"> <li>To ensure the Act's requirements are clear to customers and patrons who may not be familiar with the legislation, as well as staff.</li> </ul>

## Application to special licences

107. The discretionary conditions for special licences and the key reasons for them are summarised in the table below. For Tier 3 special licence conditions, the Provisional LAP further divides the conditions based on the class of the event (Class 1, 2 and 3). This is indicated in the table.

**Table 2. Reasons for inclusion of special licence conditions in the LAP**

Condition	Class of event	Summary of reasons
<b>Conditions to be applied to licences unless there is a good reason not to</b>		
Prohibited persons	All	<ul style="list-style-type: none"> <li>To ensure the Act's requirements are clear to customers and patrons who may not be familiar with the legislation, as well as staff.</li> </ul>
Host responsibility	All	<ul style="list-style-type: none"> <li>To help create safer drinking environments, by focussing on the alcohol server as well as the environment in which alcohol is consumed</li> <li></li> </ul>
<b>Additional matters to be considered for conditions</b>		
Restrictions on the number of alcoholic beverages that can be sold or supplied per patron per transaction	1, 2 and 3	<ul style="list-style-type: none"> <li>To help manage intoxication at events, where layout and entertainment can mean it is harder to monitor drinking behaviour, by limiting buying of multiple drinks in one transaction.</li> </ul>
Restrictions on the types of vessels that alcohol can be sold or supplied in	1 and 2	<ul style="list-style-type: none"> <li>To ensure that broken glass on the ground does not become a hazard both at the event and for users of the area after the event is finished (for example, a public park).</li> </ul>
Queue management	1 and 2	<ul style="list-style-type: none"> <li>To improve the safety of patrons queuing and pedestrians passing by.</li> </ul>

Condition	Class of event	Summary of reasons
Progressive closing times	1	<ul style="list-style-type: none"> <li>To limit widespread availability of alcohol when a large event is "winding-down" without having to close all bars completely.</li> </ul>
The steps to be taken by the licensee to engage with the Police, Medical Officer of Health and Licensing Inspectors before and after the event	1	<ul style="list-style-type: none"> <li>To ensure emergency services are aware of large events and are able to provide advice on safe practices and event management.</li> </ul>
Minimum requirements for security staff	1	<ul style="list-style-type: none"> <li>To minimise the incidence of alcohol-related harm at an event, and encourage safe behaviour from patrons.</li> </ul>
The provision of on-site emergency services	1	<ul style="list-style-type: none"> <li>To avoid serious harm by limiting the escalation of any issues or injuries at a large event.</li> </ul>