

# Provisional Auckland Council Local Alcohol Policy

## Kaupapa Māhere ā-Takiwā mo te Waipiro

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Te Kaunihera o Tāmaki Makaurau



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## 1. Introduction

### 1.1. Explanatory note on Policy Context

- 1.1.1. The Sale and Supply of Alcohol Act 2012 (“the Act”) established a new system of control over the sale and supply of alcohol that is reasonable and that helps to achieve the object of the Act.
- 1.1.2. The object of the Act (section 4) is that:
- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
  - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- 1.1.3. One of the key policy drivers behind the new legislation was an increased focus on local decision-making. In line with this, section 75 of the Act provides local authorities with the power to develop local alcohol policies.
- 1.1.4. This document constitutes Auckland Council’s (“the Council”) Local Alcohol Policy (“the Policy”).

### 1.2. Explanatory note on Purpose and Scope of the Policy

- 1.2.1. The purpose of the Policy is to set out the Council’s policy positions on the following licensing matters for the Auckland region, pursuant to section 77(1) of the Act:
- (a) location of licensed premises by reference to broad areas
  - (b) location of licensed premises by reference to proximity to premises or facilities of a particular kind or kinds
  - (c) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district or any stated part of the district
  - (d) maximum trading hours
  - (e) the issue of licences, subject to discretionary conditions.
- 1.2.2. The Policy does not contain policy positions on matters that are:
- (a) not related to licensing; or
  - (b) outside the scope of section 77(1) of the Act.
- 1.2.3. In accordance with the Act, the District Licensing Committee (“DLC”) and the Alcohol Regulatory and Licensing Authority (“ARLA”) must have regard to the Policy when issuing or renewing licences in the Auckland region.

### 1.3. Interpretation and definitions

1.3.1. Table 1 defines certain terms for the purposes of the Policy.

1.3.2. Unless the context requires another meaning, terms and expressions used but not defined in this Policy that are defined in the Sale and Supply of Alcohol Act 2012, have the same meaning as in that Act.

**Table 1. Definition of terms used in Policy**

<b>Term</b>	<b>Definition</b>
Addiction treatment facilities	Means a residential facility where people are treated for addiction and mental health issues.
Business Centre Zones	Means the following Business Zones under the Proposed Auckland Unitary Plan, notified as at 30 September 2013: City Centre, Metropolitan Centres; Town Centres; Local Centres; and Neighbourhood Centres.
City Centre Fringe	Means the Business Centre Zones of Ponsonby, Newton and Parnell as shown in Appendix 3 to this Policy. The Business Centre Zones are based on the Proposed Auckland Unitary Plan, notified as at 30 September 2013.
Class 1, Class 2 and Class 3	In relation to special licences, the terms Class 1, Class 2 and Class 3 have the meanings provided under the Sale and Supply of Alcohol (Fees) Regulations 2013.
Education Facilities	Has the same meaning as provided in the Community nesting table (Part 4 Definitions E) of the Proposed Auckland Unitary Plan, notified as at 30 September 2013. That is:  Facilities used for education to secondary level. Includes: <ul style="list-style-type: none"> <li>• schools</li> <li>• accommodation, administrative, cultural, health, retail and communal facilities accessory to the above.</li> </ul> Excludes: <ul style="list-style-type: none"> <li>• care centres</li> <li>• tertiary education facilities.</li> </ul>
Host Responsibility Policy	Means a policy the licensee and/or premises manager composes that outlines steps they will take to ensure they are acting as a responsible hosts. The matters to be covered are the steps that will be taken to: <ol style="list-style-type: none"> <li>(a) prevent intoxication; and</li> <li>(b) not serve alcohol to minors; and</li> <li>(c) provide and actively promote low and non-alcoholic alternatives; and</li> <li>(d) provide and actively promote substantial food; and</li> <li>(e) serve alcohol responsibly or not at all; and</li> <li>(f) arrange safe transport options; and</li> <li>(g) actively manage the premises at all times.</li> </ol>

Term	Definition
Metropolitan Centres	Means sub-regional centres second only to the city centre in diversity, scale, form and function. For the purposes of the Policy, the Metropolitan Centres are those mapped in the Proposed Auckland Unitary Plan notified as at 30 September 2013.
Neighbourhood Centres	Means commercial centres within residential areas, limited to a range and scale that meets the local convenience needs of residents. For the purposes of the Policy, the Neighbourhood Centres are those mapped in the Proposed Auckland Unitary Plan notified as at 30 September 2013.
New Licence (or application for New Licence)	For the purposes of the Temporary Freeze and the Rebuttable Presumption, means an application for a licence for a premises that has not traded pursuant to a licence of the same kind within the previous 6 months.
Proposed site	Means the property that relates to the particular licence application.
Reporting Agencies	Means the Police, Medical Officer of Health and inspector, who are required to inquire into certain applications under the Act.
Reporting Area	Means the land area within a 500 metre radius of the property boundaries of the proposed site.
Staff	For the purposes of the provisions in this Policy that refer to host responsibility, means: <ul style="list-style-type: none"> <li>(a) All staff interacting with patrons in the licensed area or areas, that do not already hold a valid general managers' certificate, including staff selling alcohol, bar staff, wait staff, clearing staff including "glassies".</li> <li>(b) All security staff, whether employed or contracted, including crowd controllers, bouncers, door security and event security that are reasonably connected with the licensed area or areas</li> </ul>

## 1.4. Policy Commencement

- 1.4.1. Subject to clause 1.4.2., the Policy comes into force on [insert date] as specified in the [insert resolution number] of the Auckland Council Governing Body, and as publically notified on [insert date], in accordance with section 90 of the Act.
- 1.4.2. Clauses 3.4, 3.4.1, 3.4.2, 4.3, 4.3.1 to 4.3.3, 5.3, 5.3.1 to 5.3.6, 6.1, 6.1.1 to 6.1.3, 7.1 and 7.1.1 to 7.1.6 come into force on [insert date: *note that this must be no sooner than 3 months from the public notice date*] as specified in the [insert resolution number] of the Auckland Council Governing Body, and as publically notified on [insert date], in accordance with section 90 of the Act.

## 2. Policy areas

### 2.1. Overview of Policy areas

2.1.1. The Policy sets out the Council's general policy positions for the Auckland region but provides differently for the following different areas:

- (a) the City Centre, which is the area shown on the map provided at Appendix 1; and
- (b) the Priority Overlay, which comprises the following centres:
  - (i) Avondale; and
  - (ii) Clendon; and
  - (iii) Glen Eden; and
  - (iv) Glen Innes; and
  - (v) Helensville and Parakai; and
  - (vi) Henderson; and
  - (vii) Hunters Corner; and
  - (viii) Māngere; and
  - (ix) Māngere East; and
  - (x) Manukau; and
  - (xi) Manurewa; and
  - (xii) Mt Wellington; and
  - (xiii) Oranga; and
  - (xiv) Ōtāhuhu; and
  - (xv) Ōtara; and
  - (xvi) Panmure; and
  - (xvii) Papakura; and
  - (xviii) Papatoetoe; and
  - (xix) Point England; and
  - (xx) Pukekohe; and
  - (xxi) Takanini; and
  - (xxii) Wellsford and Te Hana; and
  - (xxiii) Wiri; and
- (c) in some circumstances, specific zones from the Proposed Auckland Unitary Plan, notified as at 30 September 2013.

2.1.2. The extent of the Priority Overlay in each centre includes the area of the centre covered by the Business Centre Zones and the areas within a 200 metre radius from the boundary of the Commercial Centre Zones, as shown in the maps provided at Appendix 2.

### 3. Policy tools

#### 3.1. Overview of policy tool: Local Impacts Reports

##### Effect of Local Impacts Reports

- 3.1.1. The purpose of a Local Impacts Report is to provide the DLC and ARLA with information relevant to their decision-making under the Act.
- 3.1.2. The Council intends that the Local Impacts Report be given regard in deciding:
- (a) whether to issue a licence in the circumstances outlined in clauses 4.1.1. and 5.1.1.; and
  - (b) whether to issue a licence subject to discretionary conditions, in the circumstances outlined in clauses 4.1.1. and 5.1.1.; and
  - (c) where (b) applies, what conditions the DLC or ARLA should consider imposing; and
  - (d) what conditions the DLC or ARLA should consider imposing conditions on the renewal of licences under 4.2 and 5.2.; and
  - (e) whether to issue the licence with the full extent of the maximum hours.

##### Preparation of Local Impacts Report

- 3.1.3. For all applications where the Policy directs the DLC and ARLA to consider a Local Impacts Report the Auckland Council Alcohol Licensing Inspectorate will prepare the Local Impacts Report in accordance with clause 3.1.4. (See Appendix 5 for an overview of the applications where a Local Impacts Report is required.)

##### Matters relevant to the Local Impacts Report

- 3.1.4. A Local Impacts Report should address the following matters to the extent that the information is available:
- (a) the existing licensed premises in the Reporting Area, including the number, their locations relative to the proposed site, the kinds and mix of licences, the type of premises, their trading hours, and their risk profiles under the Sale and Supply of Alcohol (Fees) Regulations 2013; and
  - (b) whether any of the following sensitive sites exist within the Reporting Area, and the proximity of these to the proposed site (including whether the relevance of the proximity is impacted upon by any significant physical barriers, such as a river or motorway):
    - (i) early childhood centres and child care facilities; and
    - (ii) Education Facilities, as defined in clause 1.3; and
    - (iii) addiction treatment facilities; and
    - (iv) marae

- (c) for on-licence applications, the transport options available during the times the proposed licence would be open to the public, including buses, trains and taxis; and
- (d) the other types of land uses within the Reporting Area; and
- (e) the nature and severity of alcohol-related harm in the Reporting Area, including incidence of alcohol-related crime, anti-social behaviour, alcohol-related health issues and any other information relevant to section 4(2) of the Act; and
- (f) the nature of the licence application being considered, including the kind of licence applied for, the type of premises, the patron capacity, the hours of operation sought, and the likely risk profile under the Sale and Supply of Alcohol (Fees) Regulations 2013; and
- (g) the steps the applicant will take to manage the premises so as to minimise alcohol-related harm, as outlined in the application.

### Opportunity for applicant to provide information

- 3.1.5. Where a hearing is required in respect of an application where the DLC or ARLA is directed to have regard to a Local Impacts Report, the council will provide the applicant with a copy of the Local Impacts Report in advance of the hearing to allow the applicant sufficient time to respond.

## **3.2. Overview of policy tool: Temporary Freeze on the issue of off-licences**

### Effect of Temporary Freeze

- 3.2.1. The Council's policy position is that:
- (a) there should be a Temporary Freeze in the areas specified at 4.1.4. and 4.1.6; and
  - (b) where the Temporary Freeze applies, the DLC and ARLA should refuse to issue any New Off-licences for the first 24 months of the Policy being in force.

### **3.3. Overview of policy tool: Rebuttable presumption against the issue of New Off-licences**

#### Presumption

- 3.3.1. The Presumption is that applications for New Off-licences should be refused in the areas specified at 4.1.2., 4.1.4, and 4.1.6.
- 3.3.2. This Presumption may be rebutted by the applicant.

#### Deciding whether the presumption is rebutted

- 3.3.3. In deciding whether the Presumption is rebutted by the applicant under clause 3.3.2, the DLC and ARLA should have regard to:
  - (a) the Local Impacts Report
  - (b) information provided, and representations made, by the applicant.

#### Explanatory Note for Reporting Agencies

- 3.3.4. The presumption against the issuing of off-licences is not intended to relieve Reporting Agencies of the obligation to inquire into an application, nor remove their right to oppose an application if they have grounds for concern based on the criteria for issuing licences under the Act.

### **3.4. Overview of policy tool: Maximum trading hours**

#### No expectation to use full extent of maximum trading hours in all cases

- 3.4.1. No licences should be issued with longer trading hours than specified in the Policy.
- 3.4.2. The Council's policy positions on maximum trading hours are not intended to set an expectation that the DLC and ARLA should issue every licence with the full extent of the maximum hours; the DLC and ARLA may issue licences with more restrictive hours than the maximum trading hours specified in the Policy.

### **3.5. Overview of policy tool: Discretionary conditions**

#### General policies on application of discretionary conditions

- 3.5.1. The Council's general policy position is that the DLC and ARLA should apply the conditions included in clauses 4.4, 5.4, 6.2 and 7.2 broadly, and use their discretion to ensure each condition is applied in a reasonable manner.

## 4. Policies relating to off-licences

### 4.1. Location and density policies relating to off-licences

#### General policies on issuing off-licences in the Auckland region

- 4.1.1. Pursuant to sections 77(1)(a) and (d) of the Act, the Council's general policy position on this issuing of off-licences for the Auckland region is that in determining whether to issue a licence for a premises that would have a risk profile of "Low", "Medium", "High" or "Very High" under the Sale and Supply of Alcohol (Fees) Regulations 2013, the DLC and ARLA should have regard to the Local Impacts Report prepared under clause 3.1.3. of the Policy.

#### Specific policies on issuing off-licences in Neighbourhood Centres

- 4.1.2. For the issuing of off-licences in Neighbourhood Centres, the Council's policy position is that there should be a Presumption against the issuing of New Off-licences (outlined at 3.3) in these areas from when the Policy comes into force.
- 4.1.3. Clause 4.1.2. overrides clause 4.1.1.

#### Specific policies on issuing off-licences in the City Centre

- 4.1.4. For the issuing of off-licences in the City Centre, the Council's policy position is that:
- (a) There should be a Temporary Freeze (outlined at 3.2.) on the issue of New Off-licences in the area.
  - (b) Immediately following the expiry of the Temporary Freeze there should be a Presumption against the issuing of New Off-licences (outlined at 3.3.).
- 4.1.5. Clause 4.1.4. overrides clause 4.1.1.

#### Specific policies on issuing off-licences in the Priority Overlay

- 4.1.6. For the issuing of off-licences in the Priority Overlay, the Council's policy position is that:
- (a) There should be a Temporary Freeze (outlined at 3.2.) on the issue of New Off-licences in these areas.
  - (b) Immediately following the expiry of the Temporary Freeze there should be a Presumption against the issuing of New Off-licences (outlined at 3.3.).
- 4.1.7. Clause 4.1.6. overrides clauses 4.1.1. and 4.1.2.

## Specific policies relating to remote sales, complementary sales and auctioneers

- 4.1.8. Clauses 4.1.1. to 4.1.7. do not apply to applications for off-licences for the remote sale of alcohol (licences endorsed under section 40 of the Act).
- 4.1.9. Clauses 4.1.2. to 4.1.7. do not apply to applications for off-licences for complementary sales described in section 35 of the Act or applications for off-licences for auctioneers (licences endorsed under section 39 of the Act).

## 4.2. Applications for renewal of off-licences

### Explanatory note on effect of location and density policies on renewal of off-licences

- 4.2.1. Pursuant to section 133 of the Act, in considering whether to renew a licence, the DLC and ARLA must not take into account any inconsistency between the Policy and renewing the licence (i.e. the Policy cannot be grounds for refusing to renew the licence). However, the DLC and ARLA can impose particular conditions on the licence if they consider that the renewal of the licence without those conditions imposed on it would be inconsistent with the Policy.

### Specific policy position on considering Local Impacts Report in setting conditions for renewal

- 4.2.2. The Council's policy position is that in determining whether to impose conditions on the renewal of off-licences such as those described in clause 4.2.3., the DLC and ARLA should have regard to a Local Impacts Report, prepared under clause 3.1. of the Policy.
- 4.2.3. The off-licences referred to in clause 4.2.2. are those that:
  - (a) have a risk profile of "Medium", "High" or "Very High" under the Sale and Supply of Alcohol (Fees) Regulations 2013; and
  - (b) are located within the Priority Overlay.

## 4.3. Policies on maximum trading hours for off-licences

### General policies on maximum trading hours for off-licences in the Auckland region

- 4.3.1. Pursuant to sections 77(1)(e) and 45 of the Act, the maximum trading hours for off-licences in the Auckland region are 9am to 9pm, Monday to Sunday.

## Specific policy on hours within which alcohol may be delivered from remote sellers

- 4.3.2. The Council's policy position on off-licences licensed in the Auckland region for the remote sale of alcohol is that alcohol should not be delivered outside the hours of 6am to 9pm, Monday to Sunday.
- 4.3.3. Clause 4.3.2. overrides clause 4.3.1.

## **4.4. Policies on discretionary conditions to be applied to off-licences**

- 4.4.1. Pursuant to section 77(1)(f) of the Act, the Council's policy position is that when issuing or renewing off-licences in the Auckland region, the DLC and ARLA should include the following conditions unless there is a good reason not to do so.
- 4.4.2. Clause 4.4.1. and the conditions it refers to do not apply to off-licences for remote sellers of alcohol.

## Prohibited persons

- 4.4.3. The licensee must take the following steps to ensure the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
  - (a) Ensure that no intoxicated persons are allowed to enter or to remain on the premises; and
  - (b) Ensure that signs are prominently displayed detailing the statutory restrictions on the sale of alcohol to minors and intoxicated persons adjacent to every point of sale.

## Register of alcohol-related incidents

- 4.4.4. The licensee must maintain a register of material alcohol-related incidents, noting the date, time and details of each incident, and the steps taken by the licensee in response to the incident.
- 4.4.5. For the purposes of this condition, the term “material alcohol-related incidents” includes, but is not limited to the following situations:
- (a) a customer or staff member is injured or seriously threatened; or
  - (b) fighting occurs on the premises; or
  - (c) an external agency such as the Police, Māori Wardens or emergency services has been contacted; or
  - (d) a customer has been forcibly evicted and/or banned from the premises; or
  - (e) property is wilfully damaged by a customer;
  - (f) customers are found to be involved in any illegal activities on the premises.
- where the excessive or inappropriate consumption of alcohol has been a contributing factor.
- 4.4.6. The register of incidents must be available for inspection by the Police and Licensing Inspectors at any time that the premises is open to the public.
- 4.4.7. The incident should be recorded in the incident register within 12 hours of the incident occurring.

## 4.5. Additional matters to be considered for discretionary conditions for off-licences

- 4.5.1. In addition to the conditions specified in clauses 4.4., the Council also recommends that the DLC and ARLA should consider imposing conditions relating to the following matters in accordance with the guidelines in Table 2 below.
- (a) Conditions relating to CCTV
  - (b) Conditions relating to exterior lighting
  - (c) Conditions relating to single sales
  - (d) Conditions relating to afternoon closing of premises near Education Facilities
- 4.5.2. In particular, the Council considers that these conditions are applicable for premises that:
- (a) have a risk profile of “High” or “Very High” under the Sale and Supply of Alcohol (Fees) Regulations 2013; and/or
  - (b) are located in the Priority Overlay.

Table 2. Additional matters to be considered for discretionary conditions for off-licences

<b>Matters to be considered</b>	<b>Guidance for the DLC and ARLA</b>
(a) Conditions relating to CCTV	<p>The Council recommends that the DLC and ARLA consider imposing conditions requiring a licensee to operate CCTV on the premises.</p> <p>It may be useful for the DLC and ARLA to specify:</p> <ul style="list-style-type: none"> <li>(a) that recordings made should be provided to a Police Officer or Inspector if requested.</li> <li>(b) that recordings must be of a quality that would assist in the identification of alcohol-related offending;</li> <li>(c) the areas that must be covered by the CCTV, such as entry and exit points, footpaths that are immediately adjacent to the premises, main areas accessed by patrons.</li> </ul>
(b) Conditions relating to exterior lighting	<p>The Council recommends that the DLC and ARLA consider imposing conditions requiring a licensee to provide additional lighting around entrances and exits to ensure the safety of patrons and passers-by.</p>
(c) Conditions relating to single sales	<p>The Council recommends that, where appropriate, the DLC and ARLA consider requiring a licensee to limit the sale of single units from their premises.</p>
(d) Conditions relating to afternoon closing of premises near Education Facilities	<p>The Council recommends that, where appropriate, the DLC and ARLA consider imposing conditions requiring a licensee located near Education Facilities to be closed for the hour after school finishes, for example, between 3pm and 4pm.</p>

## **5. Policies relating to on-licences**

### **5.1. Location and density policies relating to on-licences**

#### General policies on issuing on-licences in the Auckland region

- 5.1.1. Pursuant to sections 77(1)(a) and (d) of the Act, the Council's general policy position on the issuing of on-licences in the Auckland region is that in determining whether to issue an on-licence for a premises that would have a risk profile of "Medium", "High" or "Very High" under the Sale and Supply of Alcohol (Fees) Regulations 2013, the DLC and ARLA should have regard to the Local Impacts Report prepared under clauses 3.1.3. of the Policy.

#### Specific policies on issuing on-licences in the City Centre, City Centre Fringe and Metropolitan Centres

- 5.1.2. Where the application is for an on-licensed premises that would have a risk profile of "Medium" under the Sale and Supply of Alcohol (Fees) Regulations 2013 and the proposed site is located within the City Centre, City Centre Fringe or a Metropolitan Centre, clause 5.1.1. does not apply.

#### Specific policies on issuing on-licences in Neighbourhood Centres

- 5.1.3. In addition to clause 5.1.1, where the application is for an on-licensed premises that would have a risk profile of "Low" under the Sale and Supply of Alcohol (Fees) Regulations 2013 and the proposed site is located within a Neighbourhood Centre, the Council's policy is that the DLC and ARLA should have regard to the Local Impacts Report prepared under clauses 3.1.3. of the Policy.

#### Specific policies on issuing on-licences in the Priority Overlay

- 5.1.4. For the issuing of on-licences in the Priority Overlay, the Council's policy position is that the DLC and ARLA should have regard to the Local Impacts Report prepared under clauses 3.1.3. of the Policy regardless of the premises' risk profile
- 5.1.5. Clause 5.1.4. overrides clauses 5.1.1. to 5.1.3.

## **5.2. Applications for renewal of on-licences**

### Explanatory note on effect of location and density policies on renewal of on-licences

- 5.2.1. Pursuant to section 133 of the Act, in considering whether to renew a licence, the DLC and ARLA must not take into account any inconsistency between the Policy and renewing the licence (i.e. the Policy cannot be grounds for refusing to renew the licence). However, the DLC and ARLA can impose particular conditions on the licence if they consider that the renewal of the licence without those conditions imposed on it would be inconsistent with the Policy.

### Specific policy position on considering Local Impacts Report when imposing conditions on licence renewal

- 5.2.2. The Council's policy position is that in determining whether to impose conditions on the renewal of on-licences such as those described in clause 5.2.3., the DLC and ARLA should have regard to a Local Impacts Report, prepared under clauses 3.1.3. of the Policy.
- 5.2.3. The on-licences referred to in clause 5.2.2. are those that:
- (a) have a risk profile of "High" or "Very High" under the Sale and Supply of Alcohol (Fees) Regulations 2013; and
  - (b) are located within the Priority Overlay.

## **5.3. Maximum trading hours for new and existing on-licences**

### General policies on maximum trading hours for on-licences in the Auckland region

- 5.3.1. Pursuant to sections 77(1)(e) and 45 of the Act, the maximum trading hours for on-licences in the Auckland region are 8am to 3am the following day, Monday to Sunday.

### Specific policies on maximum trading hours for on-licences in the City Centre

- 5.3.2. Pursuant to sections 77(1)(e) and 45 of the Act, the maximum trading hours for on-licences in the City Centre are 8am to 4am the following day, Monday to Sunday.
- 5.3.3. Clause 5.3.2. overrides clause 5.3.1.

### Specific policy on maximum trading hours for on-licences at hotels

- 5.3.4. In line with sections 47 and 255 of the Act, the Council's policy position is that maximum hours for on-licences do not apply to accommodation premises when serving lodgers.

### Specific policy on maximum trading hours for caterers

- 5.3.5. The Council's policy position is that when the holder of an on-licence endorsed under section 38 (a caterer) is selling alcohol on any other premises for a social gathering, the standard maximum hours are 8am to 3am the following day, Monday to Sunday.

### Specific policy on maximum trading hours for conveyances

- 5.3.6. The Council's policy position is that the standard maximum hours for conveyances are 8am to 3am the following day, Monday to Sunday.

## **5.4. Discretionary conditions to be applied to on-licences**

- 5.4.1. Pursuant to section 77(1)(f) of the Act, the Council's policy position is that when issuing or renewing off-licences in the Auckland region, unless there is a good reason not to do so, the DLC and ARLA should:
- (a) Include the following conditions; or
  - (b) Give effect to following policy directions.

### Prohibited persons

- 5.4.2. The licensee must take the following steps to ensure the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
- (a) Ensure that no intoxicated persons are allowed to enter or to remain on the premises; and
  - (b) Ensure that signs are prominently displayed detailing the statutory restrictions on the sale of alcohol to minors and intoxicated persons adjacent to every point of sale.

## Host responsibility

- 5.4.3. The licensee must at all times have in place a Host Responsibility Policy that covers the matters specified in clause 1.3 of the Auckland Council Local Alcohol Policy.
- 5.4.4. The licensee must take reasonable steps to ensure that all staff, as defined under clause 1.3 of the Auckland Council Local Alcohol Policy:
  - (a) are aware of, and comply with, the Host Responsibility Policy; and
  - (b) have successfully completed the Health Promotion Agency's on-line training module on responsible service (or similar training at the discretion of the Chief Inspector).

## Register of alcohol-related incidents

- 5.4.5. The licensee must maintain a register of material alcohol-related incidents, noting the date, time and details of each incident, and the steps taken by the licensee in response to the incident.
- 5.4.6. For the purposes of this condition, the term "material alcohol-related incidents" includes, but is not limited to the following situations:
  - (a) a patron or staff member is seriously threatened; or
  - (b) fighting occurs on the premises; or
  - (c) an external agency such as the Police, Māori Wardens or emergency services has been contacted; or
  - (d) a patron has been forcibly evicted and/or banned from the premises; or
  - (e) property is wilfully damaged by a patron;
  - (f) patrons are found to be involved in any illegal activities on the premises, including drink spiking.

where the excessive or inappropriate consumption of alcohol has been a contributing factor.

- 5.4.7. The register of incidents must be available for inspection by the Police and Licensing Inspectors at any time that the premises is open to the public
- 5.4.8. The incident should be recorded in the incident register within 12 hours of the incident occurring.

## Display of information about safe transport

- 5.4.9. The licensee must display information about transport availability as follows:
- 5.4.10. An A4 poster must be clearly displayed in at least two of the following locations:
- (a) by the main counter or bar; or
  - (b) by the principal exit; or
  - (c) the bathrooms; or
  - (d) another location approved by the DLC or ARLA.
- 5.4.11. The content of the poster must include the following:
- (a) anti-drink driving messaging; and
  - (b) where applicable, taxi contact details and the location of the nearest taxi rank; and
  - (c) advice that staff are available to give further information.

## Designation

- 5.4.12. Where appropriate, the premises (or at least one part of the premises) should be designated, in accordance with section 119 of the Act.

## **5.5. Discretionary conditions to be applied to on-licences on a case-by-case basis**

- 5.5.1. The council recommends that the DLC and ARLA issue and renew all on-licences in the Auckland region subject to the following conditions, where the subject of the condition is relevant to, and appropriate in the circumstances of, the licence application in question.

## Queue management

- 5.5.2. At all times when there is a queue of patrons waiting to enter the premises, the licensee must ensure that:
- (a) there is a safe, controlled and well-lit area for patrons to wait;
  - (b) where appropriate, the queuing area is clearly delineated; and
  - (c) the queue is actively managed by a designated staff member; and
  - (d) the queue does not unreasonably obstruct passers-by and public footpaths.

## Duty Manager for BYO restaurant

- 5.5.3. The licensee of an on-licence endorsed as a BYO restaurant must ensure that the duty manager is present at the following times:
- (a) On Fridays and Saturdays from 6pm, and
  - (b) At any other time when over 50 patrons can be reasonably expected to be present.

## Designation of taverns

- 5.5.4. All areas of a tavern style licence must be designated, except for any areas principally used for dining, which can be undesignated, in accordance with section 119 of the Act.

## **5.6. Additional matters to be considered for discretionary conditions for on-licences**

- 5.6.1. The Council's policy position is that the DLC and ARLA should consider applying conditions relating to the following matters in accordance with the guidelines in Table 3 below.
- (a) Conditions relating to CCTV
  - (b) Conditions relating to minimum numbers of qualified managers
  - (c) Conditions relating to exterior lighting
  - (d) Conditions relating to monitoring of outdoor areas for late-trading premises
  - (e) Conditions relating to signage promoting responsible drinking
- 5.6.2. In particular, these conditions are applicable for premises that are:
- (a) (or would be) rated as "High" or "Very High" risk under the Sale and Supply of Alcohol (Fees) Regulations 2013; and/or
  - (b) located in any of the Priority Overlay

Table 3. Additional matters to be considered for discretionary conditions for on-licences

<b>Matters to be considered</b>	<b>Guidance for the DLC and ARLA</b>
(a) Conditions relating to CCTV	<p>The Council recommends that the DLC and ARLA consider imposing conditions requiring a licensee to operate CCTV on the premises.</p> <p>It may be useful for the DLC and ARLA to specify:</p> <ul style="list-style-type: none"> <li>(a) that recordings made should be provided to a Police Officer or Inspector if requested.</li> <li>(b) that recordings must be of a quality that would assist in the identification of alcohol-related offending;</li> <li>(c) the areas that must be covered by the CCTV, such as entry and exit points, footpaths that are immediately adjacent to the premises, main areas accessed by patrons (other than toilets).</li> </ul>
(b) Conditions relating to minimum numbers of qualified managers	<p>The Council recommends that the DLC and ARLA consider imposing conditions specifying a minimum number of certified managers to be present onsite, if appropriate for large capacity premises at peak times.</p> <p>The exact number of managers required will depend on the layout, use and capacity of the premises.</p>
(c) Conditions relating to exterior lighting	<p>The council recommends that the DLC and ARLA consider imposing conditions requiring a licensee to provide additional lighting around entrances and exits to ensure the safety of patrons and passers-by.</p>
(d) Conditions relating to monitoring of outdoor areas for late-trading premises	<p>The Council recommends that the DLC and ARLA consider imposing conditions requiring the licensee to ensure that all outdoor areas associated with the on-licence, including smoking areas and areas with street frontage, are monitored after 2am.</p>
(e) Conditions relating to signage promoting responsible drinking	<p>The Council recommends that that the DLC and ARLA impose conditions requiring the licensee to clearly display signage encouraging responsible drinking by the main counter or bar.</p>

## **6. Policies relating to club licences**

### **6.1. Maximum trading hours for new and existing club licences**

General policies on maximum trading hours for club licences in the Auckland region

- 6.1.1. Pursuant to sections 77(1)(e) of the Act, the Council's policy position is that the maximum hours for club licences within the Auckland region should be from 9am to 1am the following day, Monday to Sunday.
- 6.1.2. Subject to clause 6.1.1, the Council recommends that in determining the appropriate hours for a club licence, the DLC and ARLA should have regard to:
  - (a) the days and hours of operation of the club; and
  - (b) the type of activities undertaken by the club.
- 6.1.3. The DLC or ARLA may issue Returned Service Association club premises with an exception to trade from 5am on ANZAC Day.

### **6.2. Discretionary conditions to be applied to club licences**

- 6.2.1. Pursuant to section 77(1)(f) of the Act, the Council's policy position is that when issuing or renewing club licences in the Auckland region, unless there is a good reason not to do so, the DLC and ARLA should:
  - (a) Include the following conditions; or
  - (b) Give effect to following policy directions.

#### **Prohibited persons**

- 6.2.2. The licensee must take the following steps to ensure the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
  - (a) Ensure that no intoxicated persons are allowed to enter or to remain on the premises
  - (b) Ensure that signs are prominently displayed detailing the statutory restrictions on the sale of alcohol to minors and intoxicated persons adjacent to every point of sale.

## Host responsibility

- 6.2.3. The licensee must at all times have in place a Host Responsibility Policy that covers the matters specified in clause 1.3 of the Auckland Council Local Alcohol Policy.
- 6.2.4. The licensee must take reasonable steps to ensure that all staff, as defined under clause 1.3 of the Auckland Council Local Alcohol Policy:
- (a) are aware of, and comply with, the Host Responsibility Policy; and
  - (b) have successfully completed the Health Promotion Agency's on-line training module on responsible service (or similar training at the discretion of the Chief Inspector), where appropriate.

## Register of alcohol-related incidents

- 6.2.5. The licensee must maintain a register of material alcohol-related incidents, noting the date, time and details of each incident, and the steps taken by the licensee in response to the incident.
- 6.2.6. For the purposes of this condition, the term "material alcohol-related incidents" includes, but is not limited to the following situations:
- (a) a patron or staff member is injured or seriously threatened; or
  - (b) fighting occurs on the premises; or
  - (c) an external agency such as the Police, Māori Wardens or emergency services has been contacted; or
  - (d) a patron has been forcibly evicted and/or banned from the premises; or
  - (e) property is wilfully damaged by a patron;
  - (f) patrons are found to be involved in any illegal activities on the premises, including drink spiking.
- where the excessive or inappropriate consumption of alcohol has been a contributing factor.
- 6.2.7. The register of incidents must be available for inspection by the Police and Licensing Inspectors at any time that the premises is open to the public.
- 6.2.8. The incident should be recorded in the incident register within 12 hours of the incident occurring.

## Display of information about safe transport

- 6.2.9. The licensee must display information about transport availability as follows:
- 6.2.10. An A4 poster must be clearly displayed in at least two of the following locations:
- (a) by the main counter or bar; or
  - (b) by the principal exit; or
  - (c) the bathrooms; or
  - (d) another location approved by the DLC or ARLA.
- 6.2.11. The content of the poster must include the following:
- (a) anti-drink driving messaging; and
  - (b) where applicable, taxi contact details and where applicable the location of the nearest taxi rank; and
  - (c) that staff are available to give advice.

## Duty manager to be onsite

- 6.2.12. The licensee must ensure that the duty manager is present at the following times:
- (a) On Fridays and Saturdays from 8pm (if the club is operating at that time), and
  - (b) At any other time when over 50 patrons can be reasonably expected to be present and the bar is open.

## Designation

- 6.2.13. The premises (or at least one part of the premises) should be designated.

### 6.3. Additional matters to be considered for discretionary conditions for club licences

6.3.1. The Council's policy position is that the DLC and ARLA consider applying conditions relating to the following matters in accordance with the guidelines in Table 4 below:

- (a) Conditions relating to CCTV
- (b) Conditions relating to signage promoting responsible drinking

6.3.2. In particular, these conditions are applicable for premises in the Priority Overlay.

**Table 4. Additional matters to be considered for discretionary conditions for club licences**

Matters to be considered	Guidance for the DLC and ARLA
(a) Conditions relating to CCTV	<p>The Council recommends that the DLC and ARLA consider imposing conditions requiring a licensee to operate CCTV on the premises.</p> <p>It may be useful for the DLC and ARLA to specify:</p> <ul style="list-style-type: none"> <li>(a) that recordings made should be provided to a Police Officer or Inspector if requested.</li> <li>(b) that recordings must be of a quality that would assist in the identification of alcohol-related offending;</li> <li>(c) the areas that must be covered by the CCTV, such as entry and exit points, footpaths that are immediately adjacent to the premises, main areas accessed by patrons (other than toilets).</li> </ul>
(b) Conditions relating to signage promoting responsible drinking	<p>The Council recommends that that the DLC and ARLA impose conditions requiring the licensee to clearly display signage encouraging responsible drinking by the main counter or bar.</p>

## 7. Policies relating to special licences

### 7.1. Maximum trading hours for special licences

#### Hours for on-site special licences for events at unlicensed premises

- 7.1.1. Pursuant to section 77(1)(e) of the Act, the Council's policy position is that in determining the maximum trading hours for an on-site special licence for an unlicensed premises, the DLC and ARLA should have regard to the following matters:
- (a) the Council's policy position regarding the maximum hours for on-licences for the locality that the premises is located in; and
  - (b) the applicant's proposals for minimising alcohol-related harm at the event.
- 7.1.2. The Council considers that the maximum trading hours permitted for on-site special licences for events at unlicensed premises should not exceed the standard maximum trading hours permitted for on-licences in the Policy Area that the premises is located in unless the DLC or ARLA are satisfied that that the risks of alcohol-related harm are acceptable, taking into account the applicant's proposals to minimise alcohol-related harm.

#### Hours for on-site special licences for events at licensed premises

- 7.1.3. Pursuant to section 77(1)(e) of the Act, Council's policy position is that in determining the maximum trading hours for an on-site special licence for a licensed premises, the DLC and ARLA should have regard to the following matters:
- (a) the maximum trading hours specified on the licence relating to the premises; and
  - (b) considering the applicant's proposals to minimise alcohol-related harm at the event; and
  - (c) where the premises is an on-licence, the Council's policy position regarding the maximum hours for on-licences for the Policy Area that the premises is located in; or
  - (d) where the premises is a club licence, the Council's policy position regarding the maximum hours for club licences.
- 7.1.4. The Council considers that the maximum trading hours permitted for on-site special licences for events to be held at on-licensed premises, should not exceed the maximum trading hours permitted for on-licences in the Policy Area that the premises is located in unless the DLC or ARLA is satisfied that the risks of alcohol-related harm are acceptable, taking into account the applicant's proposals to minimize alcohol-related harm.

- 7.1.5. The Council considers that the maximum trading hours permitted for on-site special licences for events to be held at club licensed premises, should not exceed the maximum trading hours permitted for club licences in the Auckland region unless the DLC or ARLA is satisfied that the risks of alcohol-related harm are acceptable, taking into account the applicant's proposals to minimise to minimise alcohol-related harm.

### Hours for off-site special licences

- 7.1.6. Pursuant to section 77(1)(e) of the Act, the Council's policy position is that in determining the maximum trading hours for an off-site special licence, the DLC and ARLA should take into account the following matters:
- (a) the Council's policy position regarding the maximum hours for off- licences; and
  - (b) the applicant's proposals for minimising alcohol-related harm at the event.

## **7.2. Discretionary conditions to be considered when issuing special licences**

- 7.2.1. The Council's policy position is that when issuing special licences in the Auckland region, the DLC and ARLA should include the following conditions unless there is a good reason not to do so.

### Prohibited persons

- 7.2.2. The licensee must take the following steps to ensure the provisions of the Act relating to the sale of alcohol to prohibited persons are observed:
- (a) ensure that no intoxicated persons are allowed to enter or remain on the licensed premises; and
  - (b) ensure that signs are prominently displayed detailing the statutory restriction on the sale of alcohol to minors and intoxicated person adjacent to every point of sale.

### Host responsibility

- 7.2.3. The licensee must at all times have in place a Host Responsibility Policy that covers the matters specified in clause 1.3 of the Auckland Council Local Alcohol Policy.
- 7.2.4. The licensee must take reasonable steps to ensure that all staff, as defined under section 1.3 of the Auckland Council Local Alcohol Policy:
- (a) are aware of, and comply with, the Host Responsibility Policy; and
  - (b) have successfully completed the Health Promotion Agency's on-line training module on responsible service (or similar training at the discretion of the Chief Inspector), where appropriate.

## Additional matters to be considered for discretionary conditions for special licences

7.2.5. The Council's policy position is that the DLC and ARLA should consider applying additional discretionary conditions in accordance with the guidelines in Table 5 when appropriate.

- (a) Conditions restricting the number of alcoholic beverages that can be sold or supplied per patron per transaction
- (b) Conditions restricting the types of vessels that alcohol can be sold or supplied in
- (c) Conditions relating to queue management
- (d) Conditions relating to progressive closing times
- (e) Conditions relating to steps to be taken by the licensee to engage with the Police, Medical Officer of Health and Licensing Inspectors before, during and after the event
- (f) Conditions relating to minimum requirements for security staff
- (g) Conditions relating to the provision of on-site emergency services.

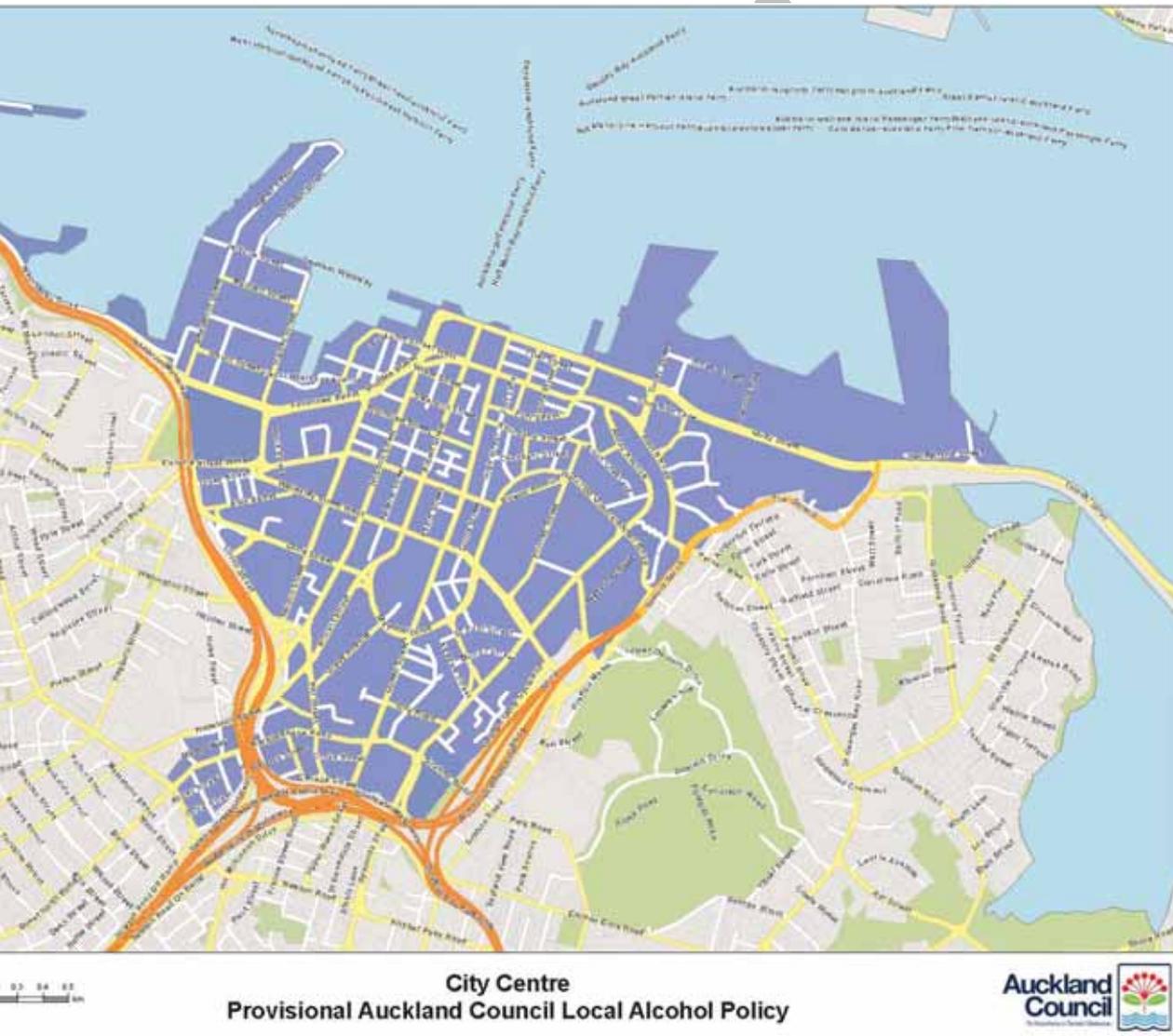
**Table 5. Additional matters to be considered for discretionary conditions for special licences**

Matters to be considered	Recommendations to DLC and ARLA as to when required			Additional guidance for DLC and ARLA
	Class 1 Large	Class 2 Medium	Class 3 Small	
(a) Conditions restricting the number of alcoholic beverages that can be sold or supplied per patron per transaction	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<ul style="list-style-type: none"> <li>• This condition could be applied for the entire duration of the event, or after a certain time, as appropriate.</li> </ul>
(b) Conditions restricting the types of vessels that alcohol can be sold or supplied in	<b>Yes</b>	<b>Yes</b>		<ul style="list-style-type: none"> <li>• The council recommends the DLC and ARLA consider requirements such as the use of toughened glass, plastics/polycarbonates, or official glasses depending on the type of event and the design and layout of the premises, in particular, for events being held primarily outdoors.</li> </ul>

Matters to be considered	Recommendations to DLC and ARLA as to when required			Additional guidance for DLC and ARLA
	Class 1 Large	Class 2 Medium	Class 3 Small	
(c) Conditions relating to queue management	<b>Yes</b>	<b>Yes</b>		<ul style="list-style-type: none"> <li>The specific requirements of this condition will depend on the location, the nature of the event and the design and layout of the premises</li> <li>The condition may be applied to manage queues at the entrances to the event as well as queues for bar areas.</li> </ul>
(d) Conditions relating to progressive closing times	<b>Yes</b>			<ul style="list-style-type: none"> <li>This condition may include a requirement to stagger the closing times of different bar areas at the event.</li> <li>This condition could also be linked with restrictions on the number of beverages allowed per transaction.</li> </ul>
(e) Conditions relating to steps to be taken by the licensee to engage with the Police, Medical Officer of Health and Licensing Inspectors before, during and after the event	<b>Yes</b>			This condition could include requirements to: <ul style="list-style-type: none"> <li>consult these agencies prior to the event, where requested by the agencies; and</li> <li>meet/debrief with these agencies after the event, where requested by the agencies, and if the licensee will be holding future events of a comparable nature.</li> </ul>
(f) Conditions relating to minimum requirements for security staff	<b>Yes</b>			<ul style="list-style-type: none"> <li>This condition could specify a minimum ratio of security staff to patrons and/or could specify a minimum number of security staff to be operating at certain areas of the event site</li> </ul>
(g) Conditions relating to the provision of on-site emergency services	<b>Yes</b>			<ul style="list-style-type: none"> <li>The specific requirements of this condition will depend on the nature of the event</li> </ul>

- 7.2.6. Some of the above conditions may also be appropriate in certain circumstances for off-site special licences and these should be applied at the discretion of the DLC and ARLA.

the map

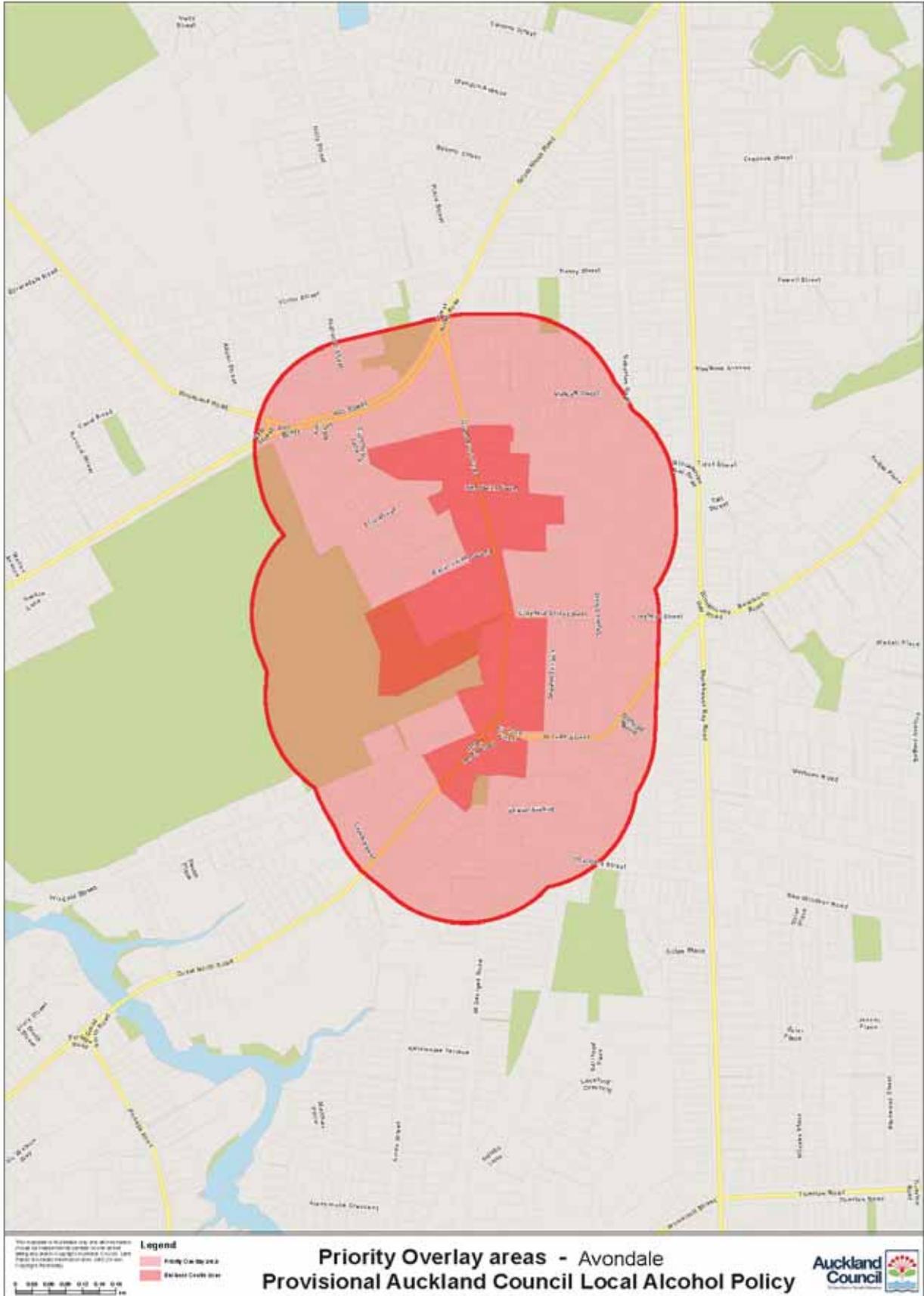


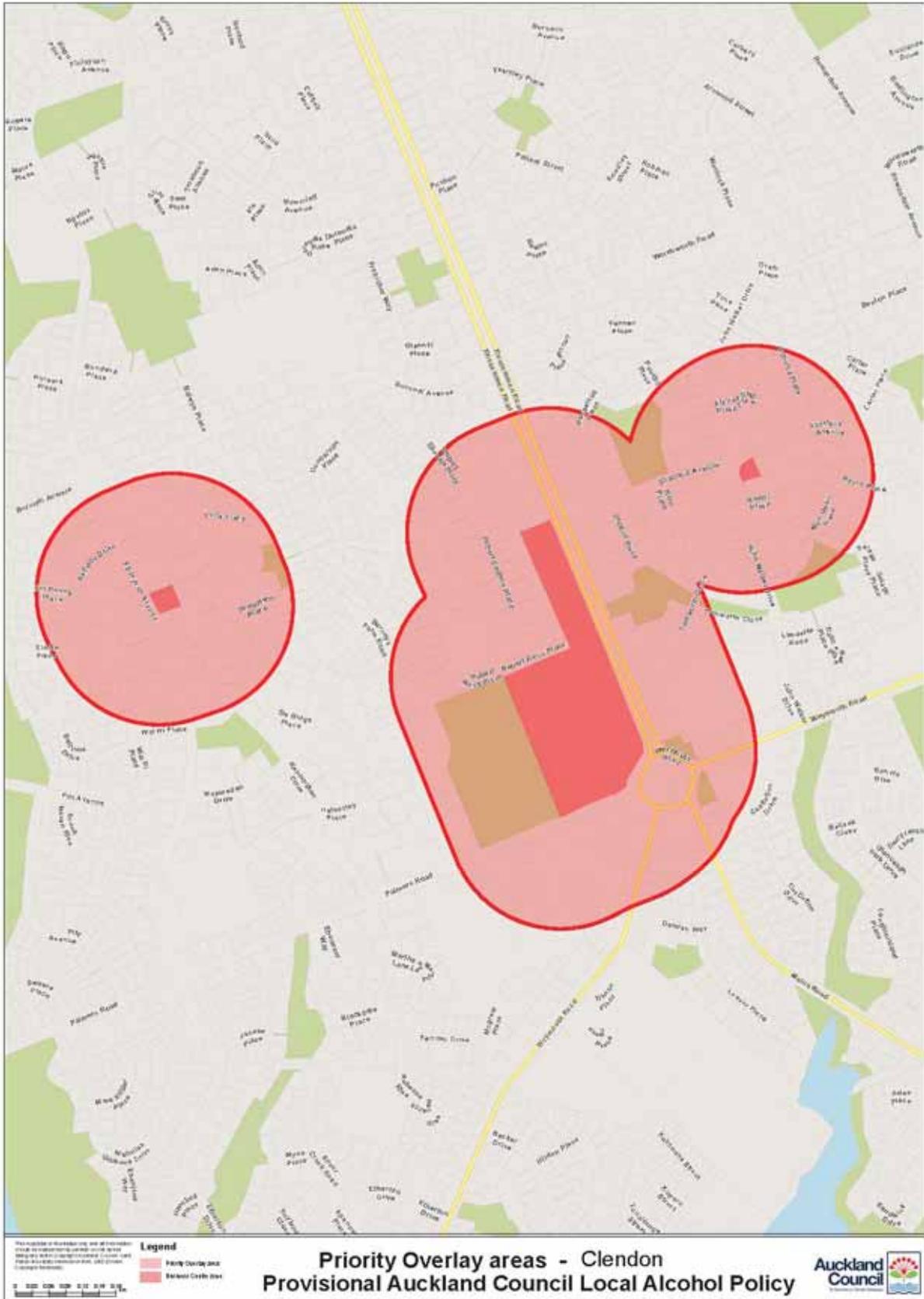


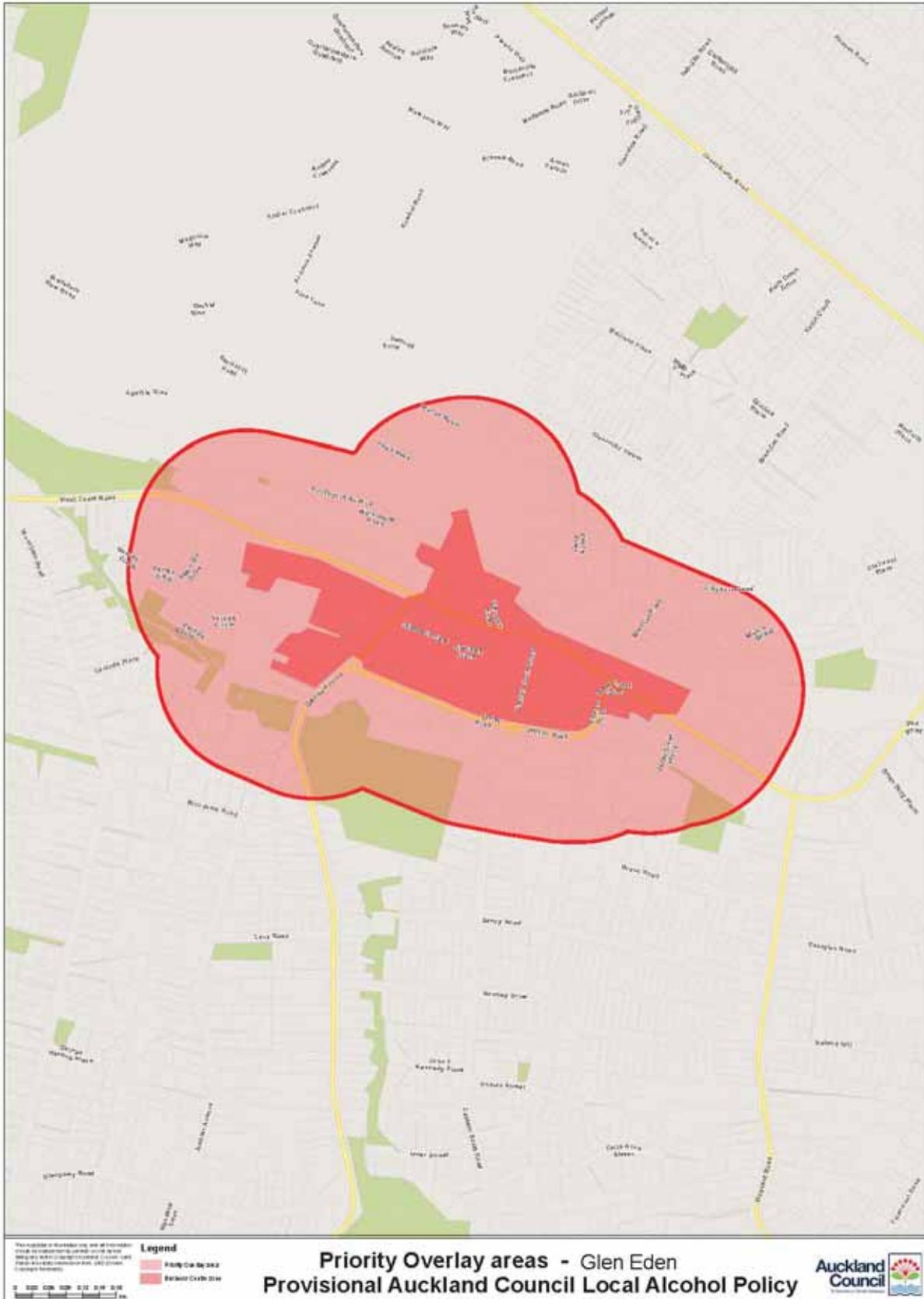
## Appendix 2: Priority Overlay maps

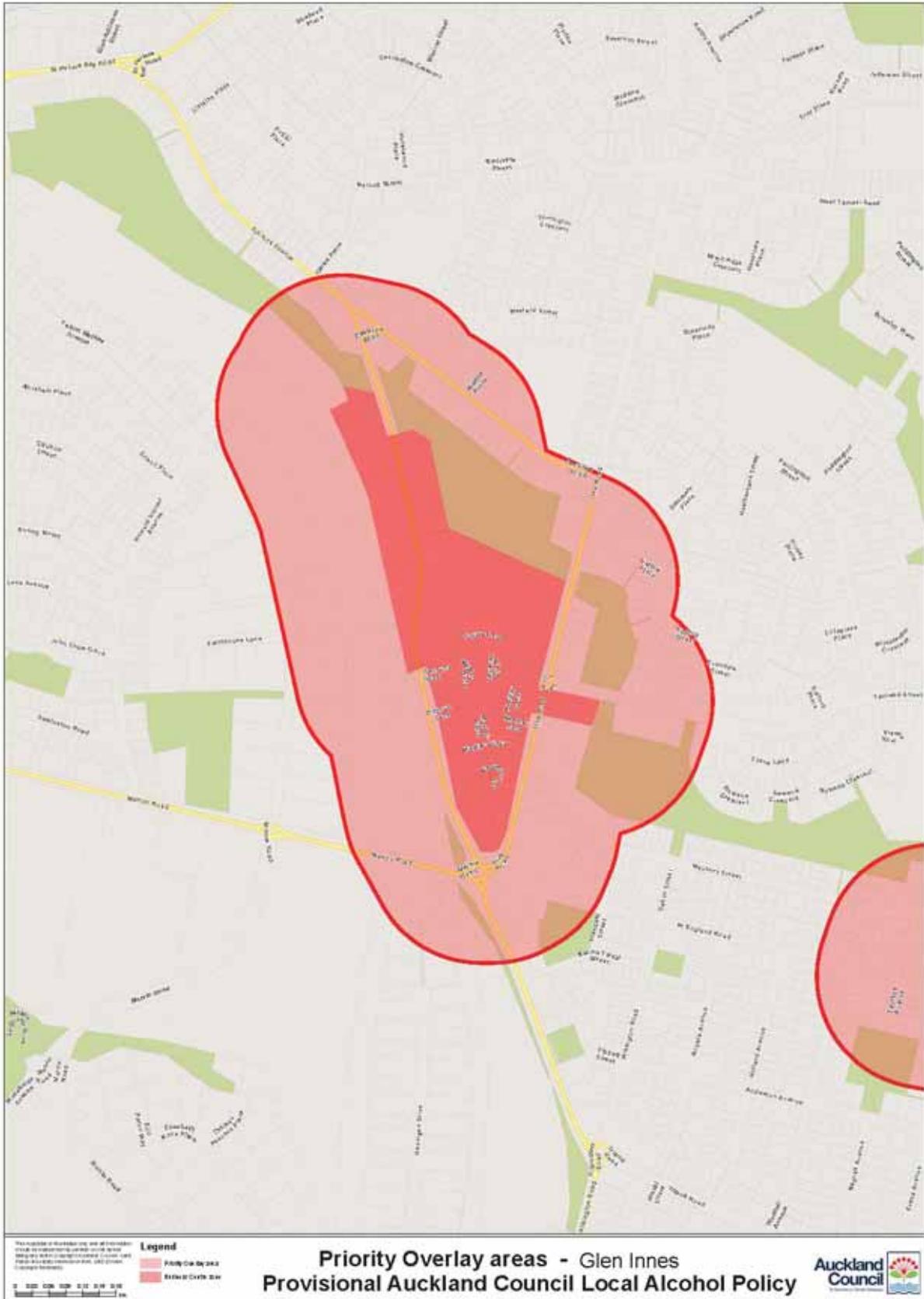
The Priority Overlay areas maps are as follows:

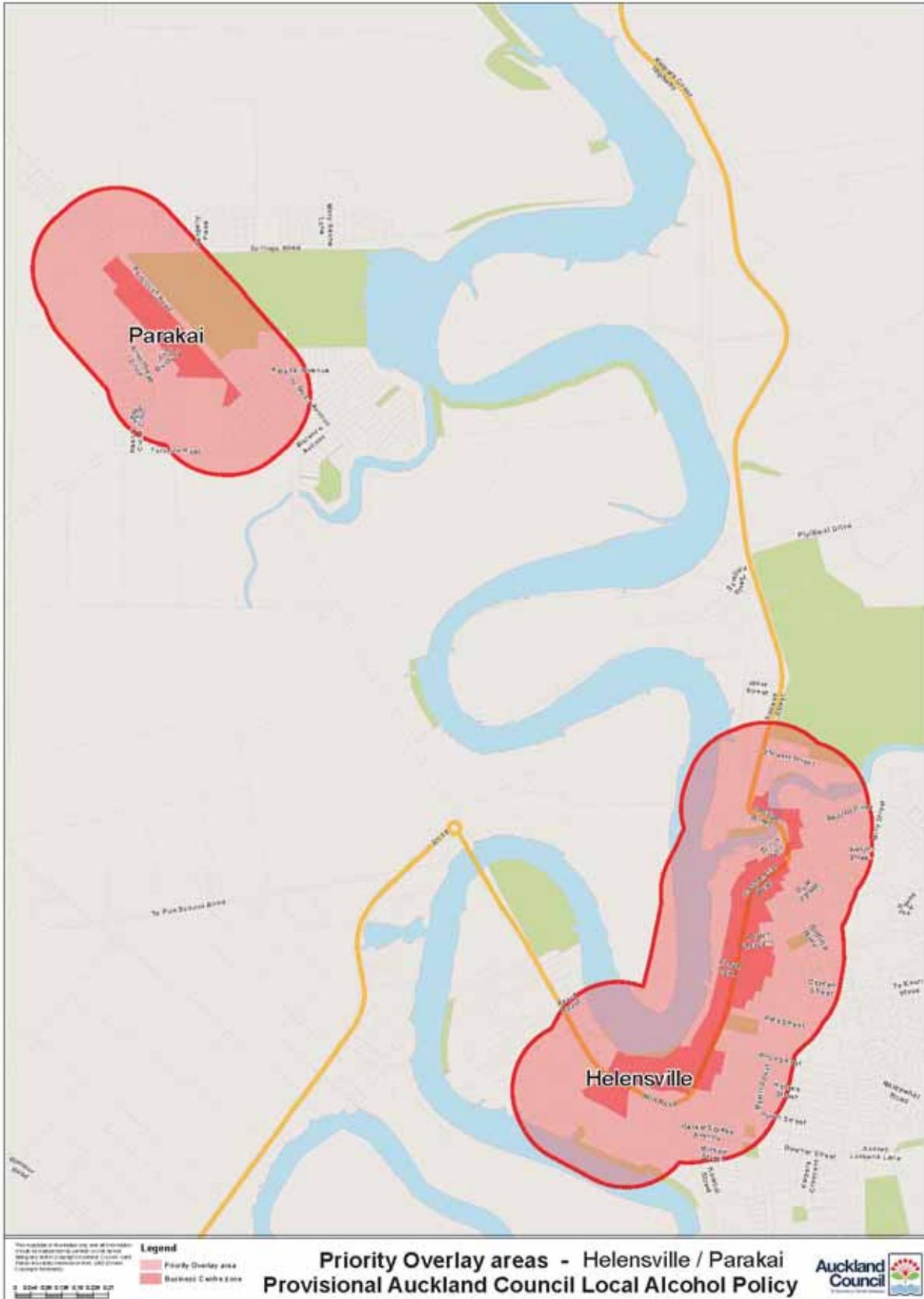
- (a) Avondale;
- (b) Clendon;
- (c) Glen Eden;
- (d) Glen Innes;
- (e) Helensville and Parakai;
- (f) Henderson;
- (g) Hunters Corner;
- (h) Māngere;
- (i) Māngere East;
- (j) Manukau;
- (k) Manurewa;
- (l) Mt Wellington;
- (m) Oranga;
- (n) Ōtāhuhu;
- (o) Ōtara;
- (p) Panmure;
- (q) Papakura;
- (r) Papatoetoe;
- (s) Point England;
- (t) Pukekohe;
- (u) Takanini;
- (v) Wellsford and Te Hana; and
- (w) Wiri.

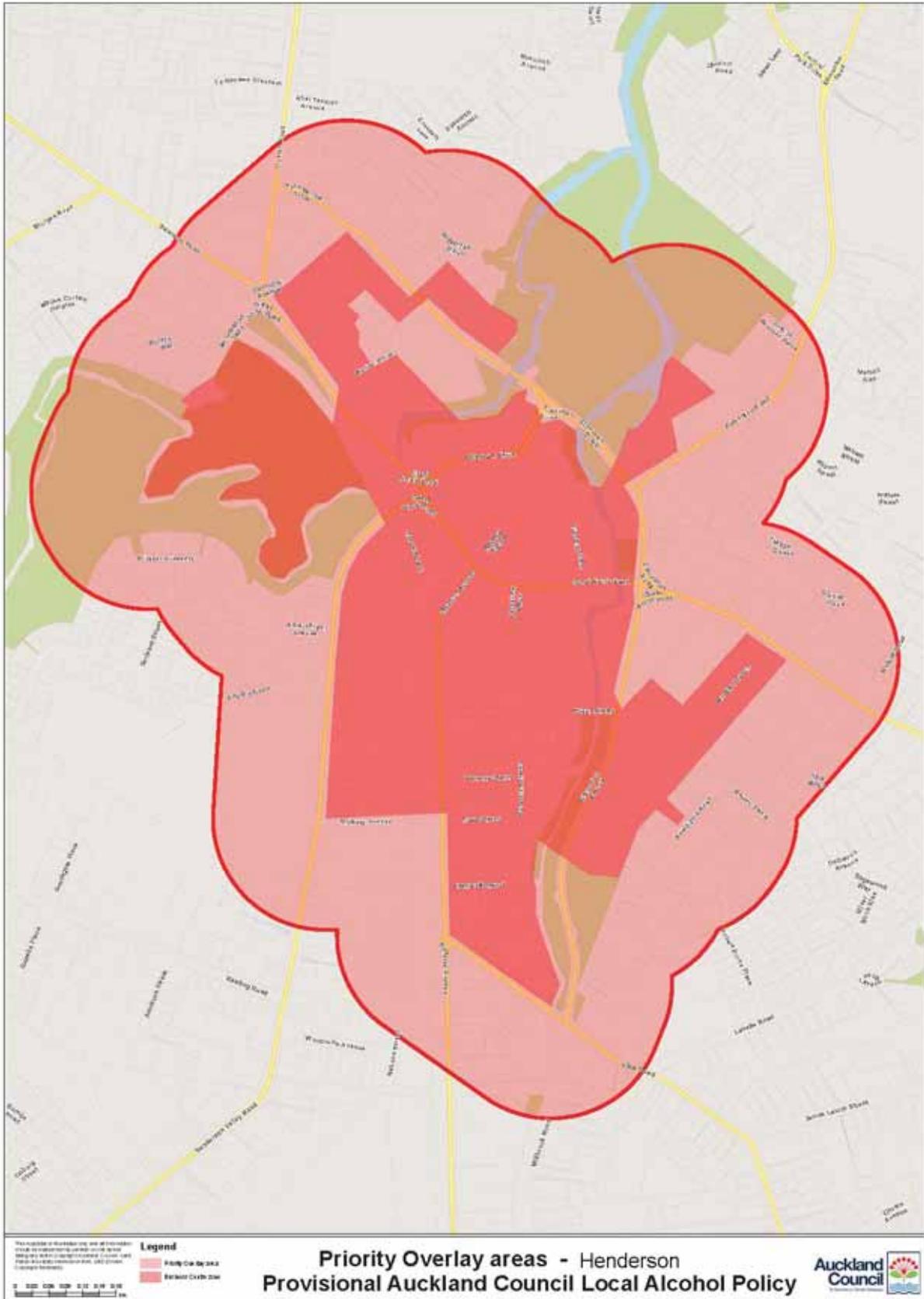


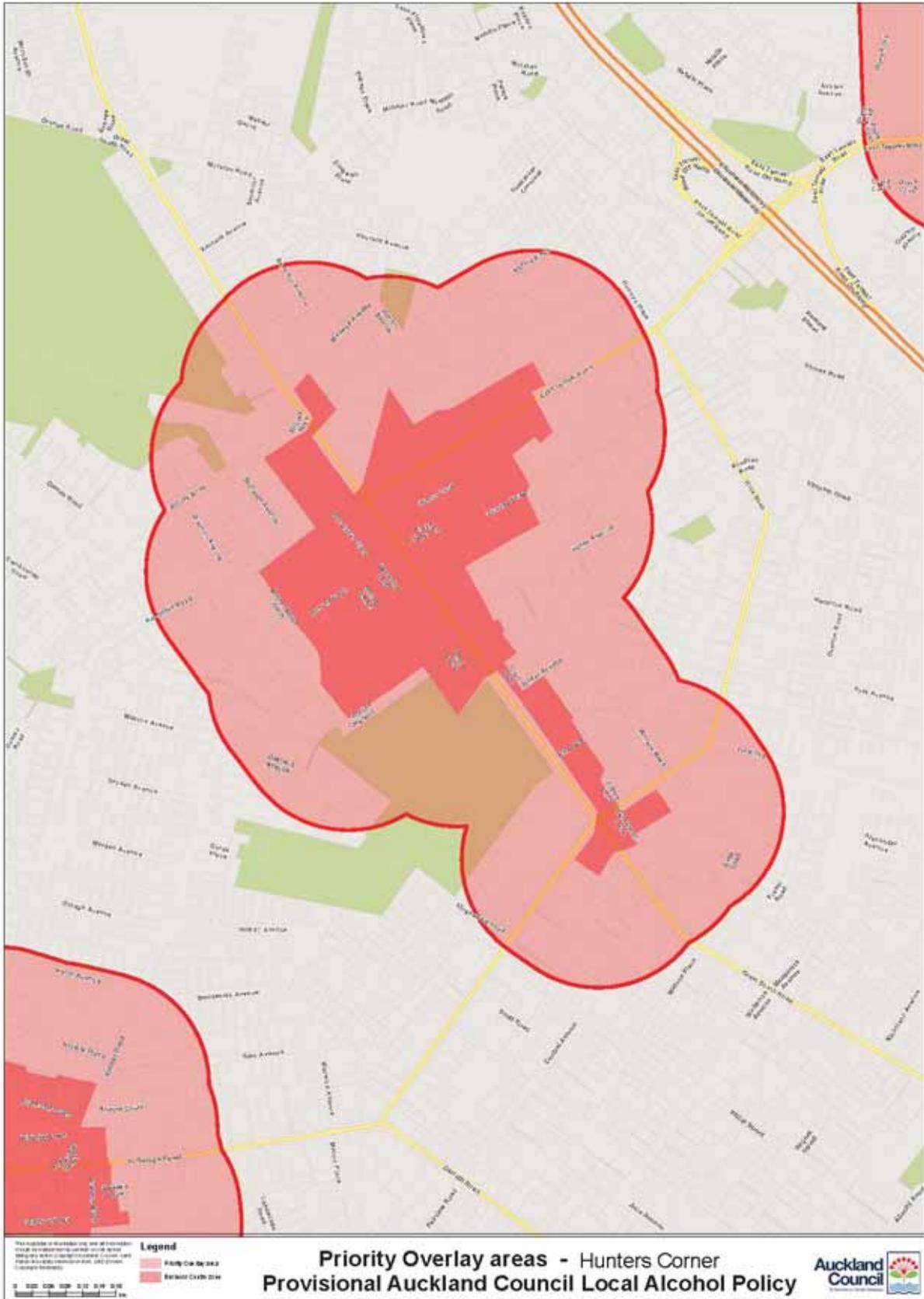


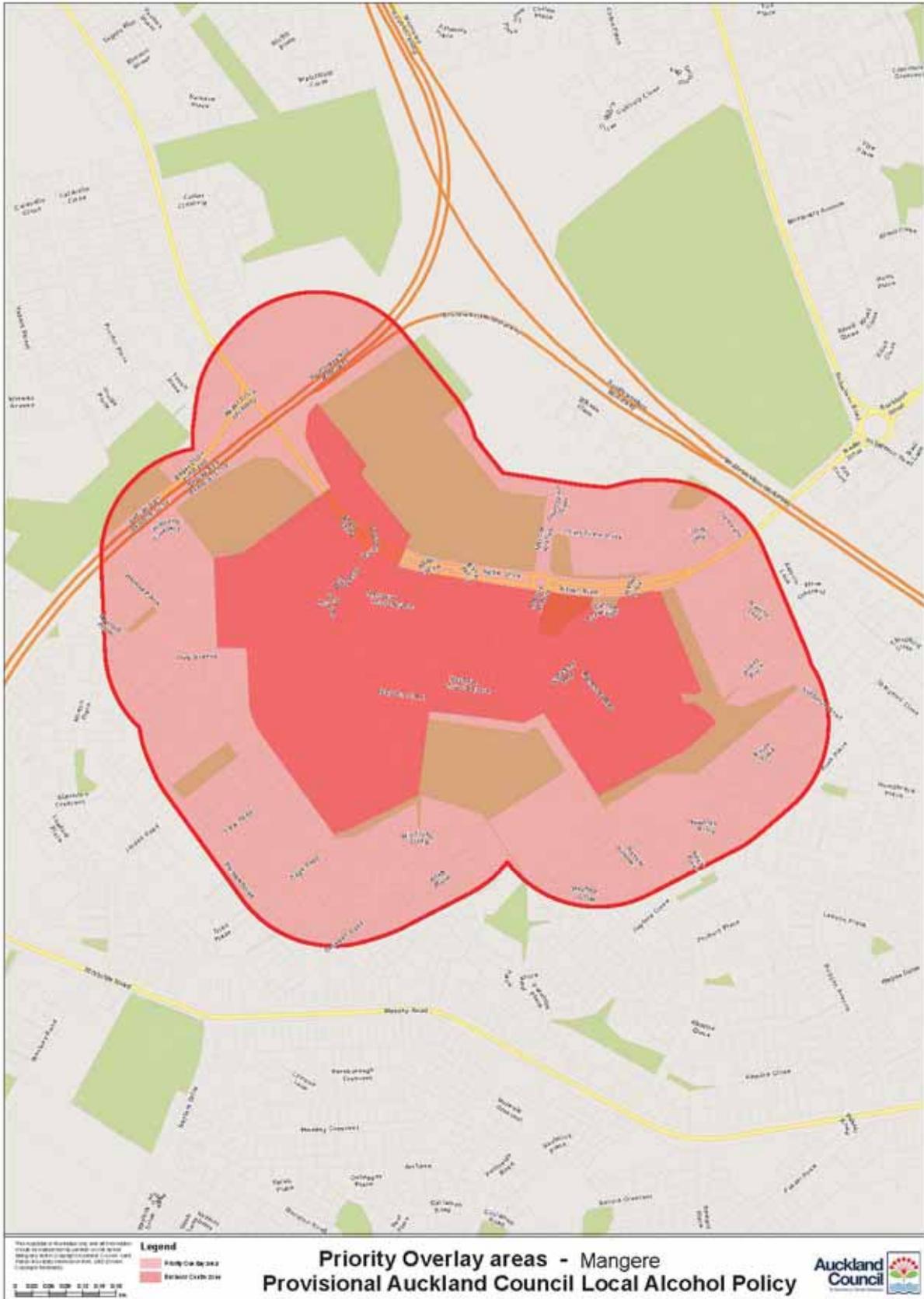


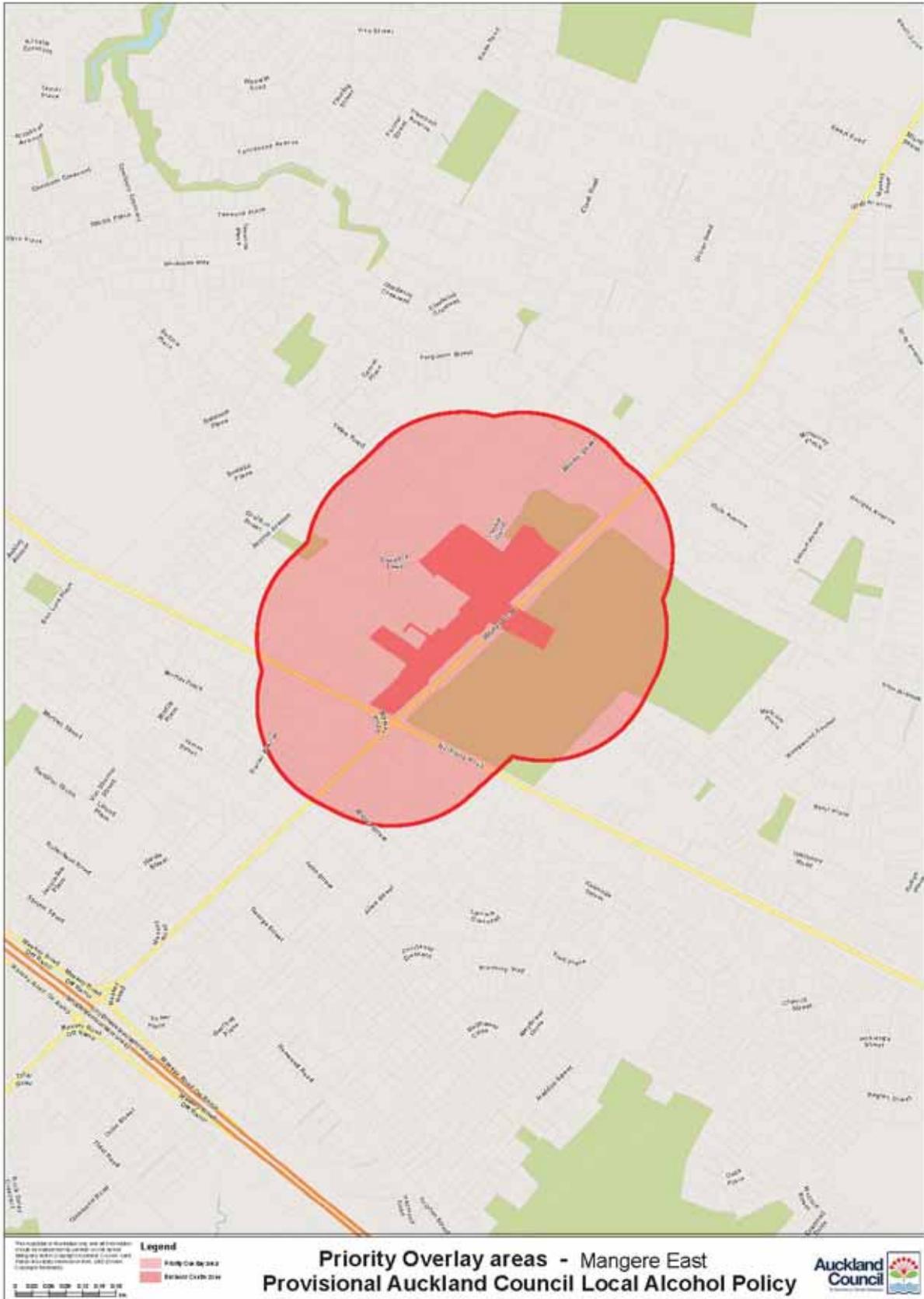


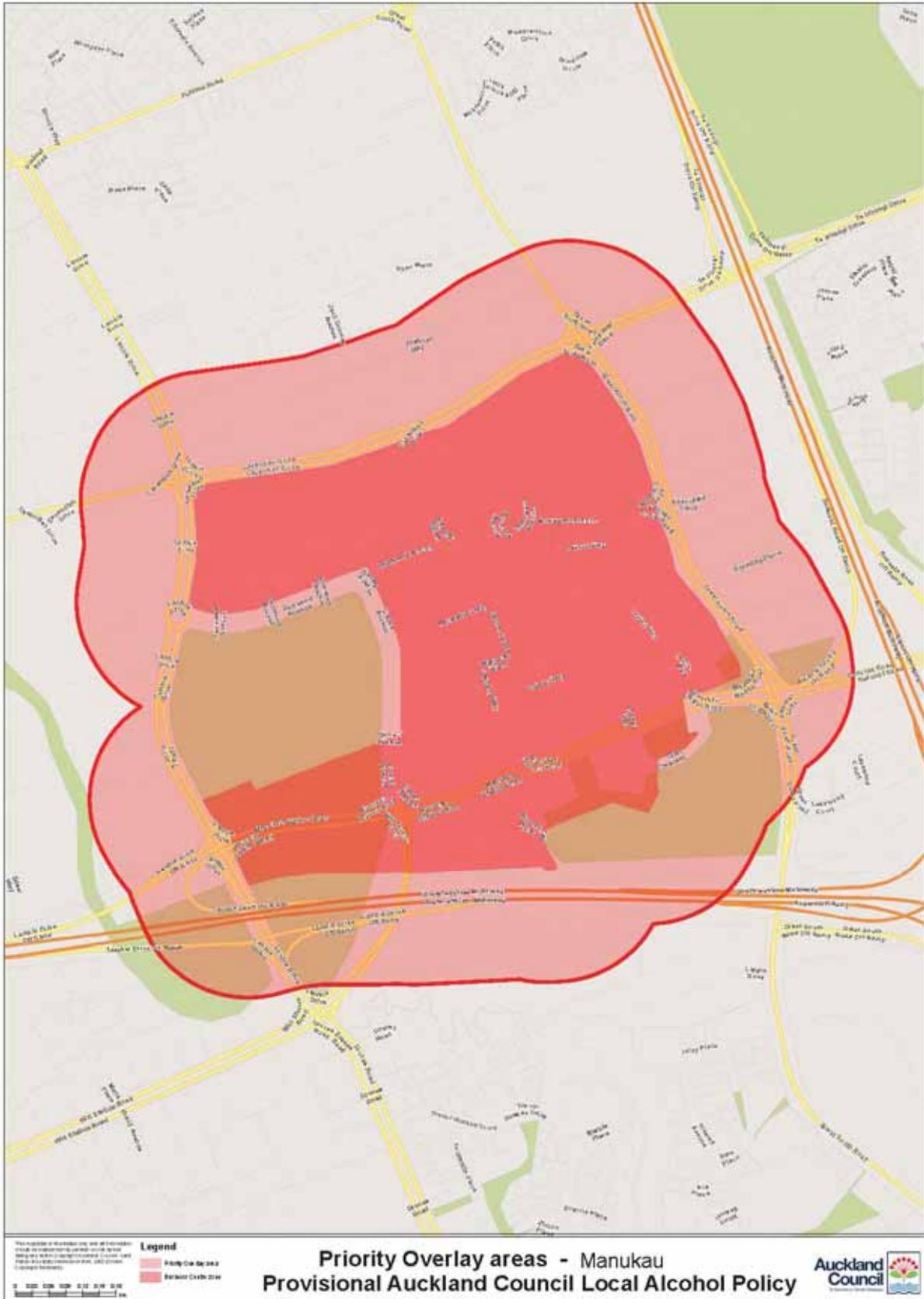


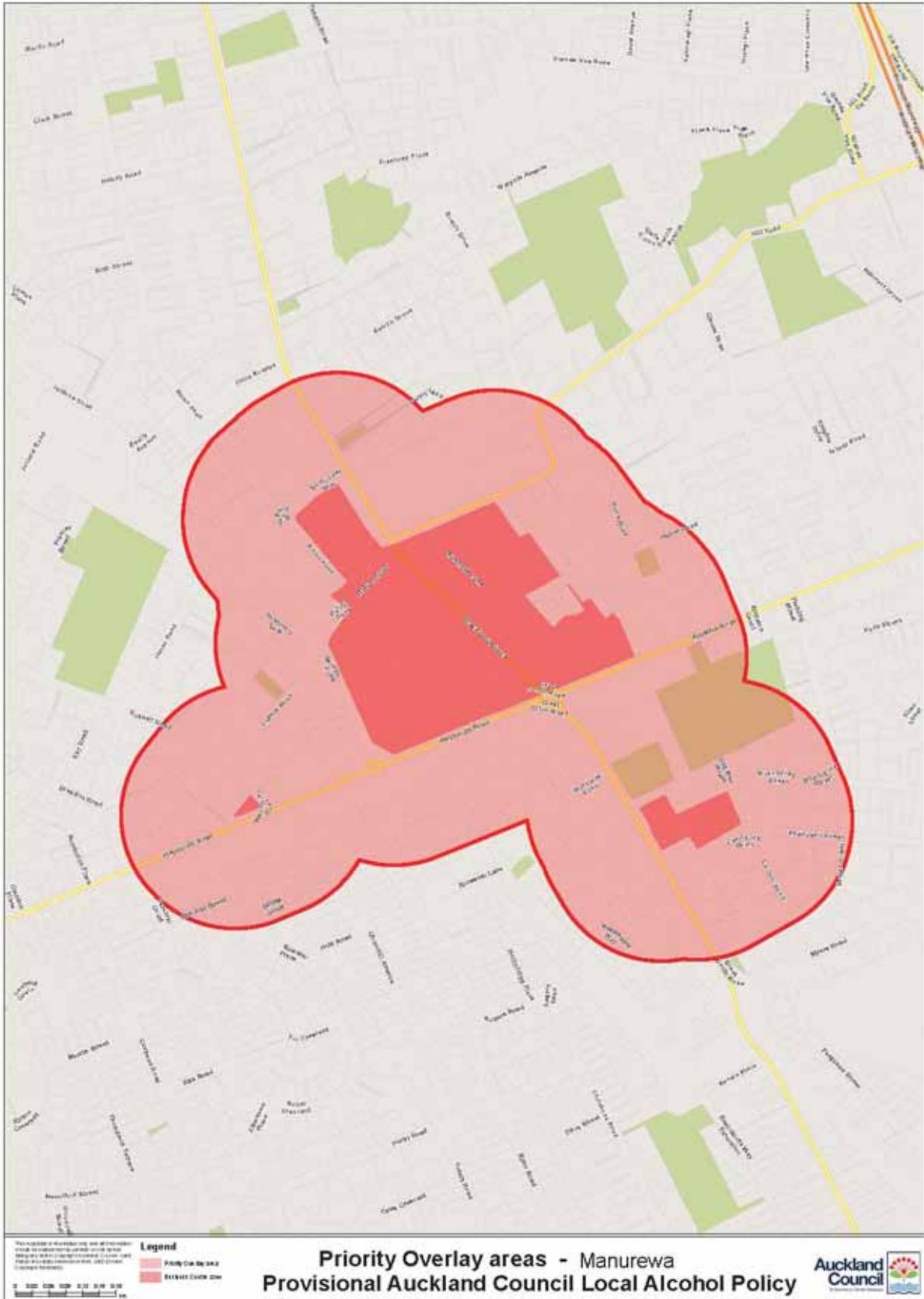


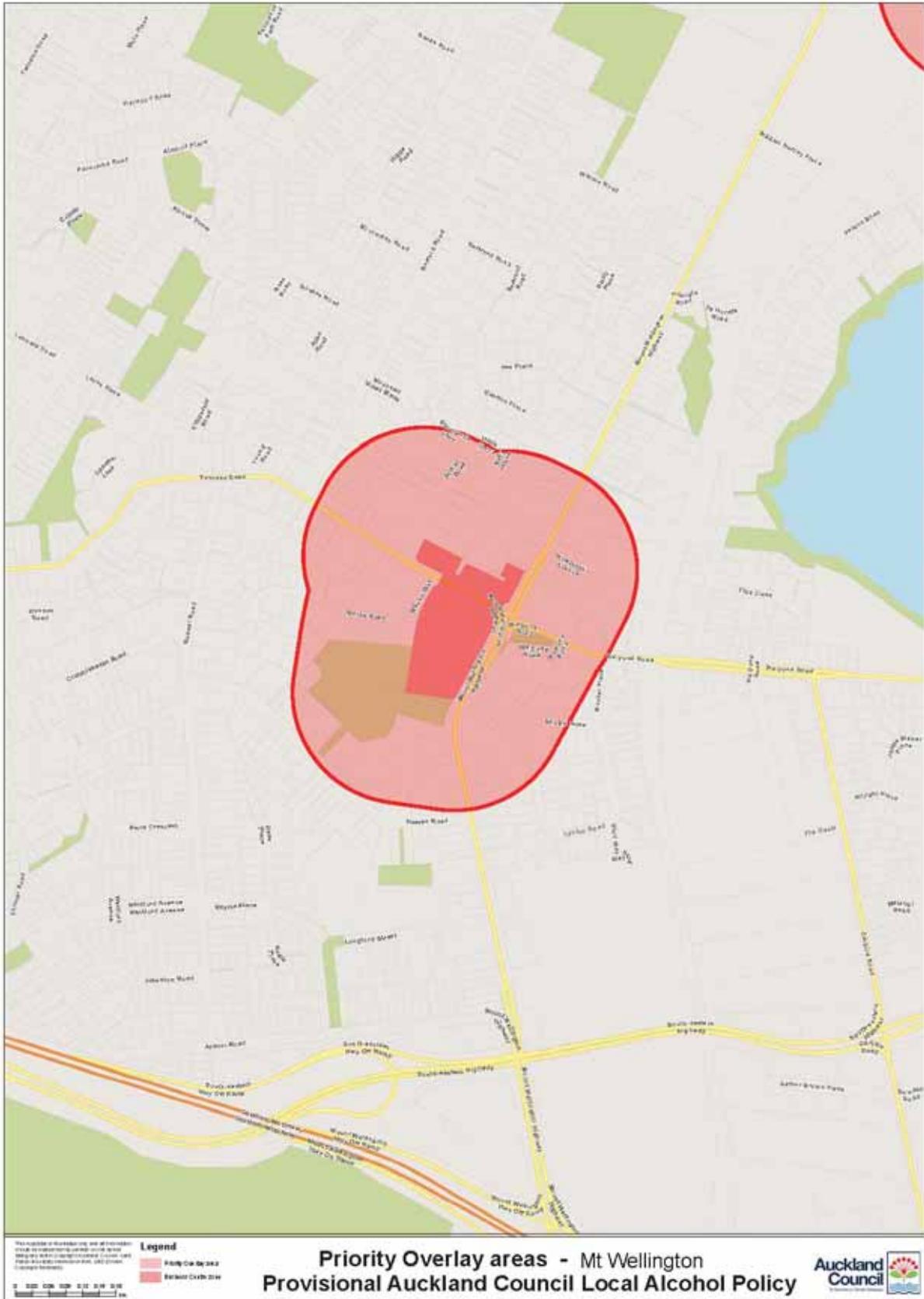


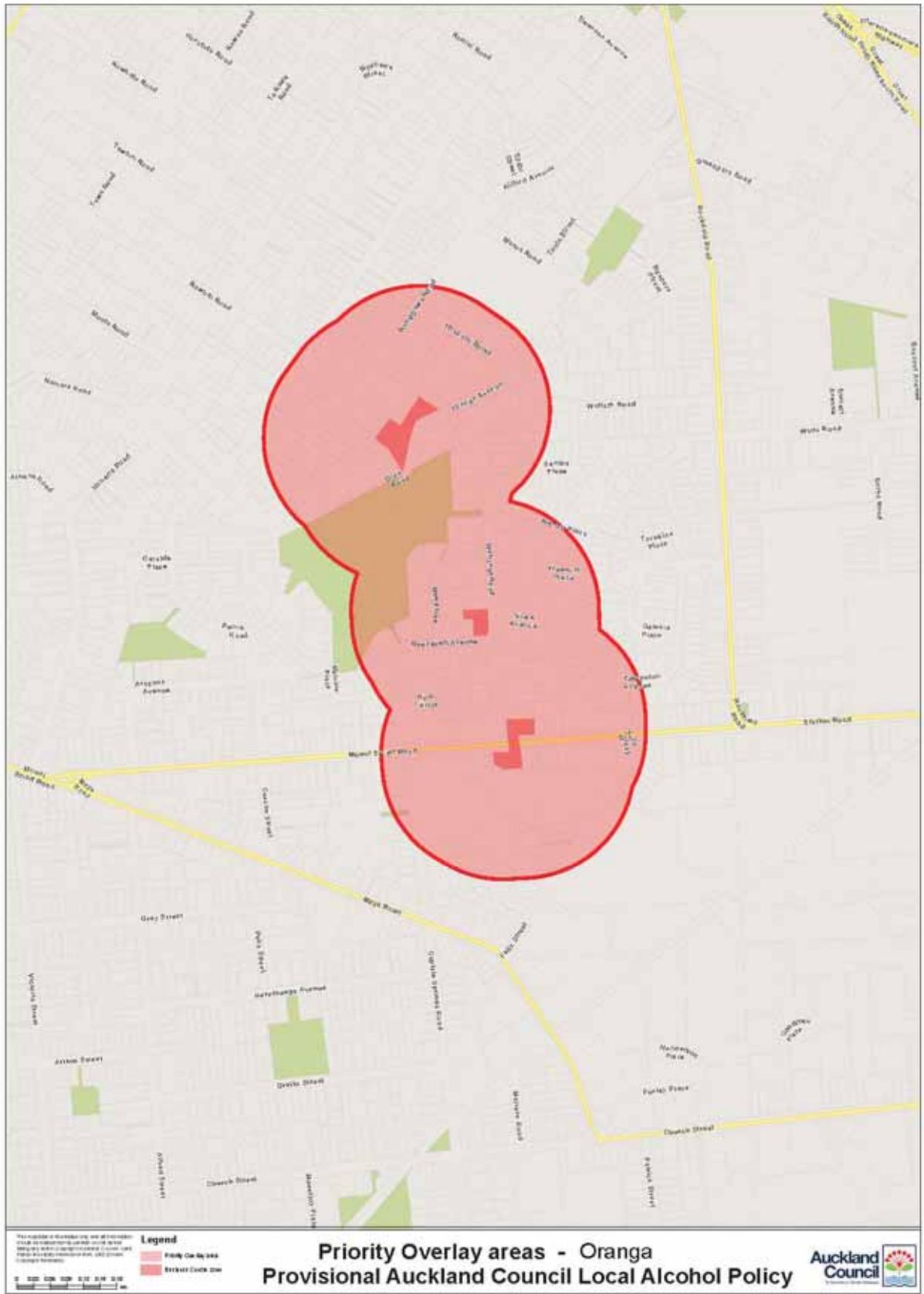


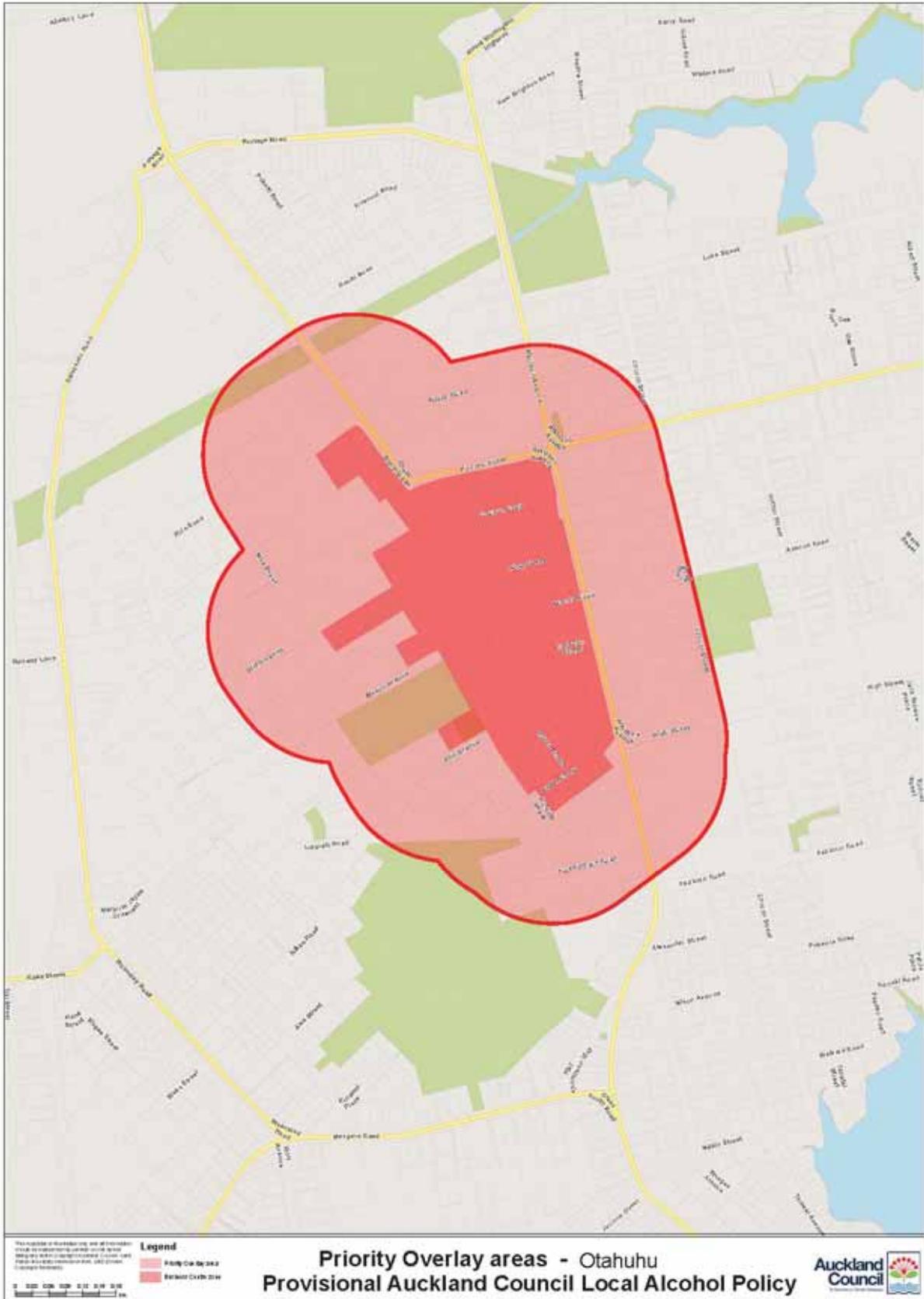


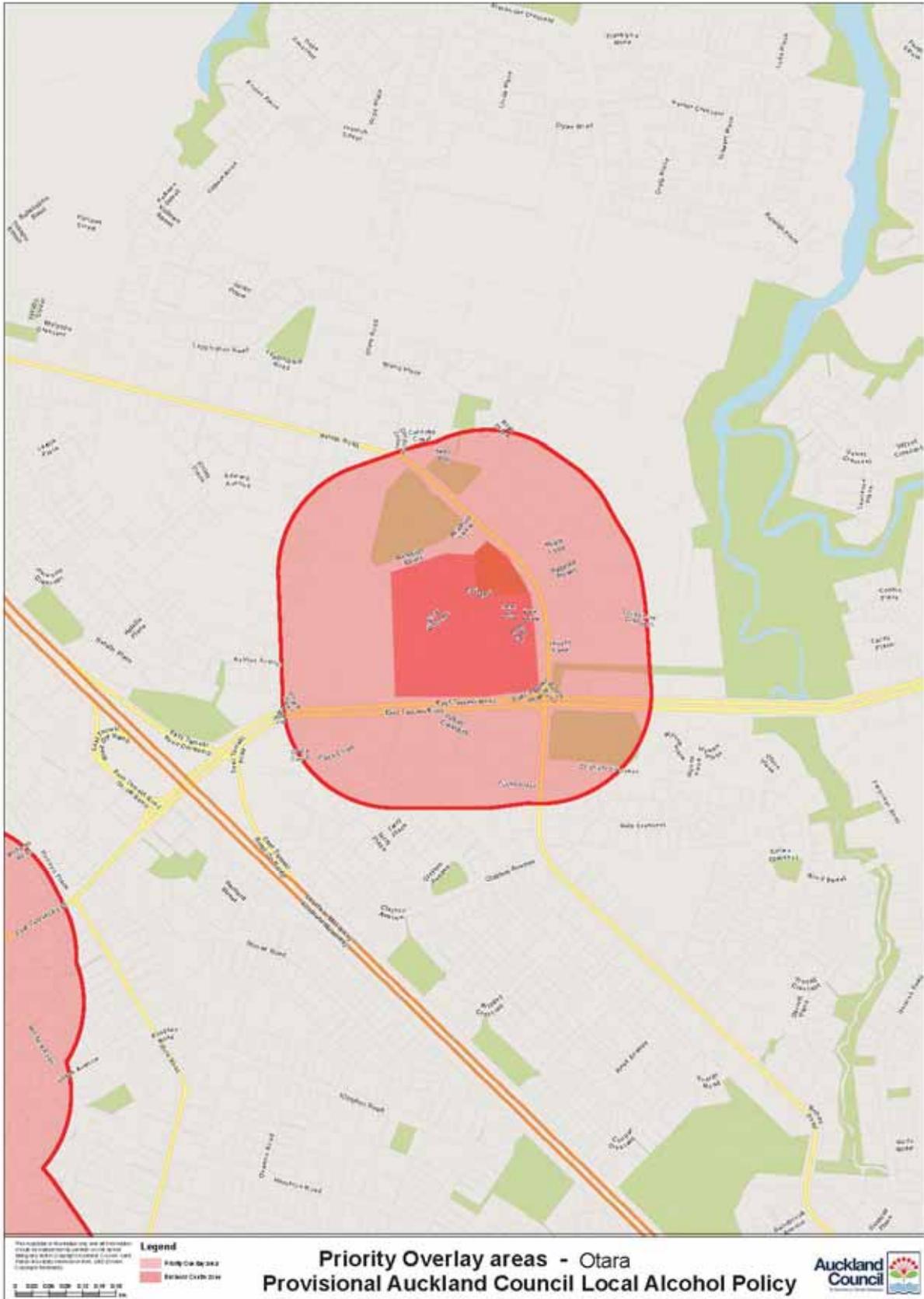


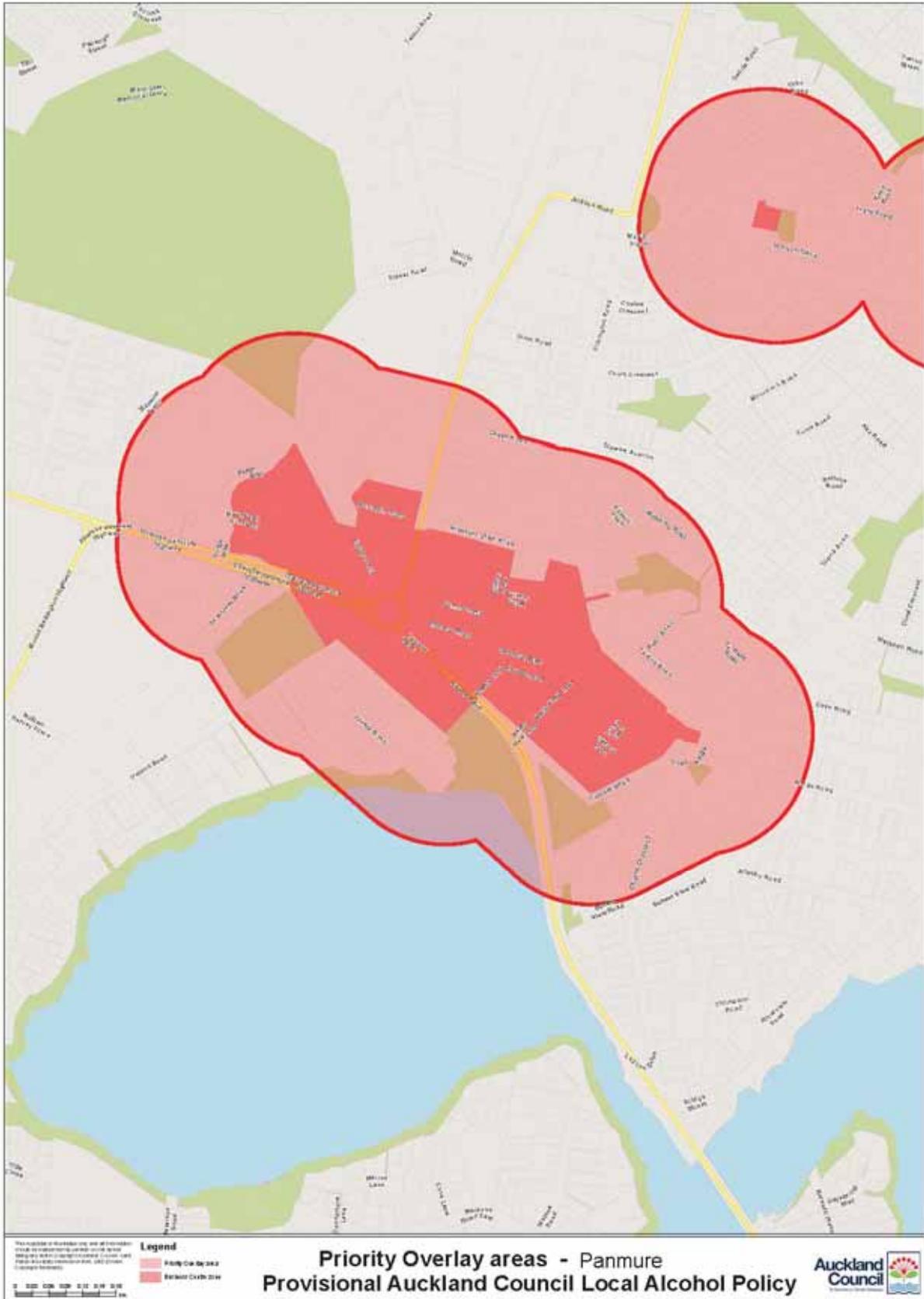


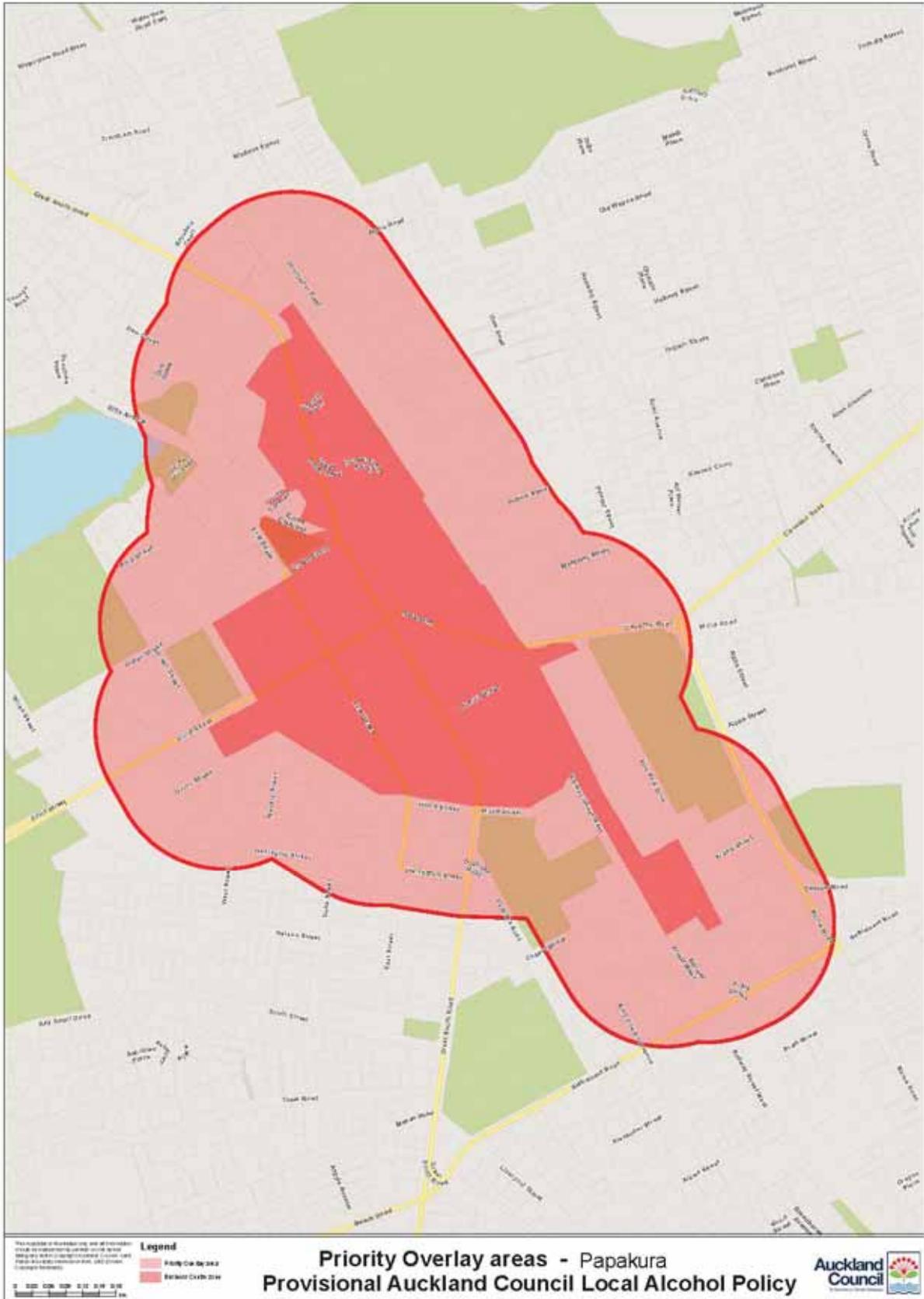


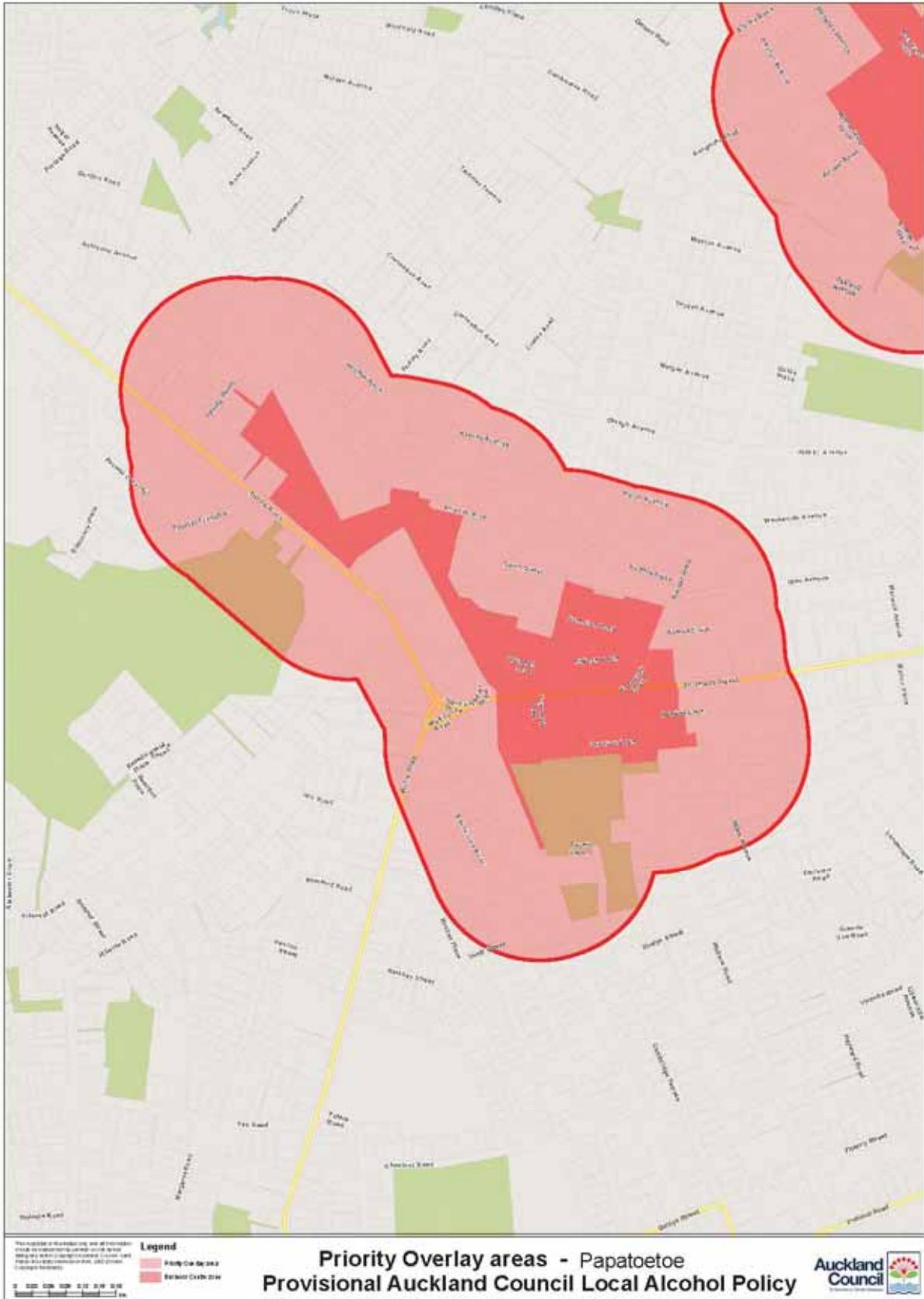




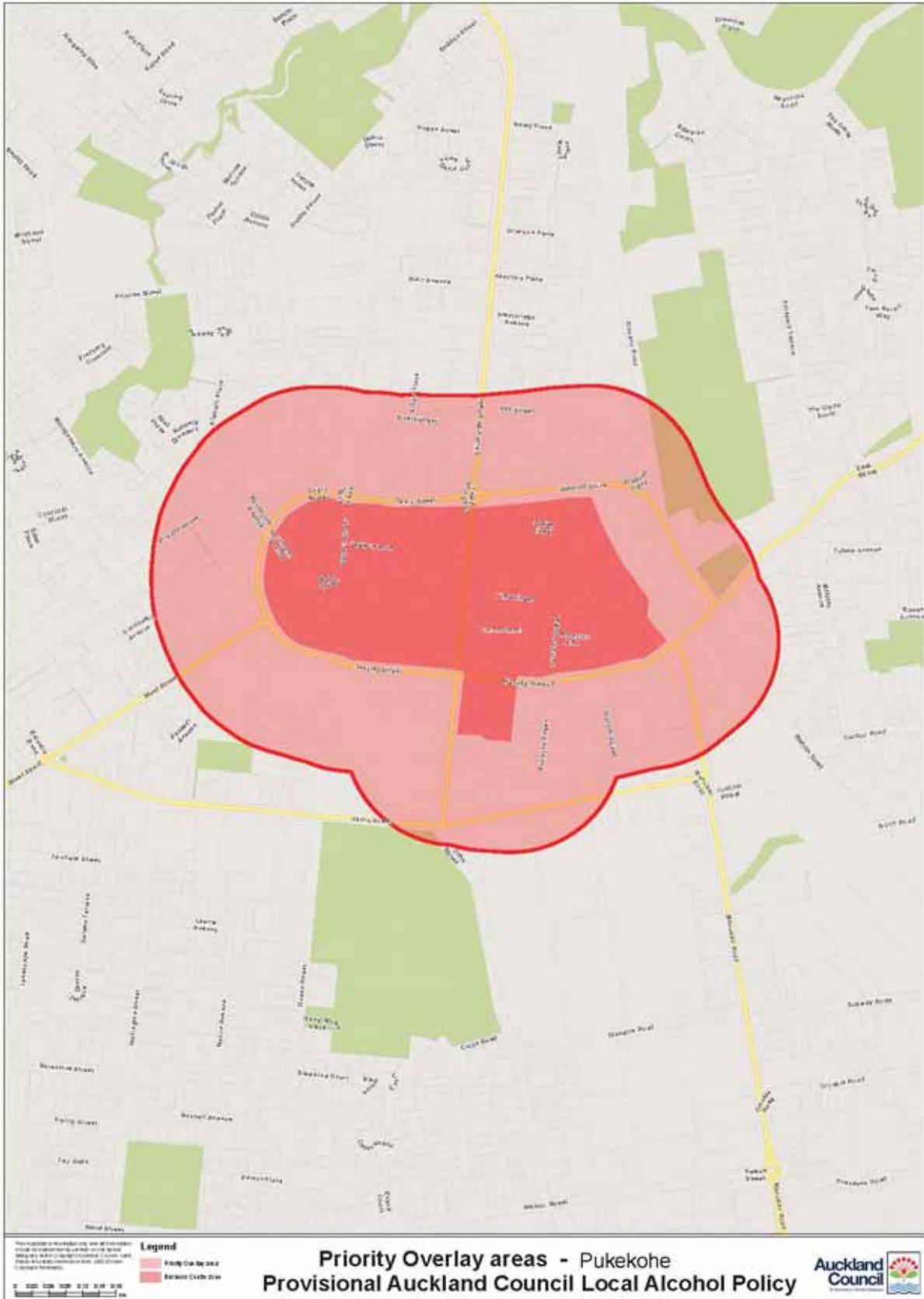


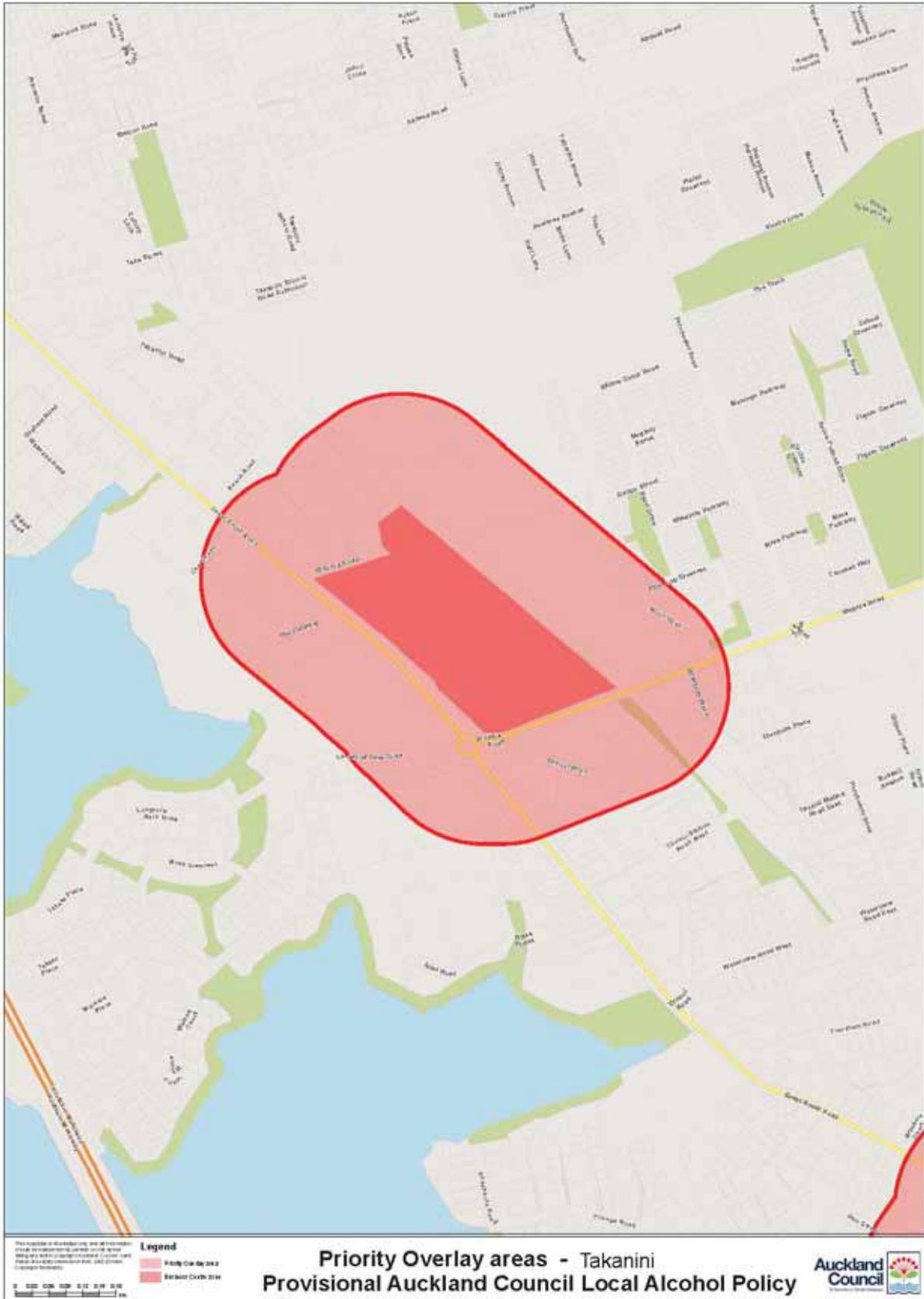


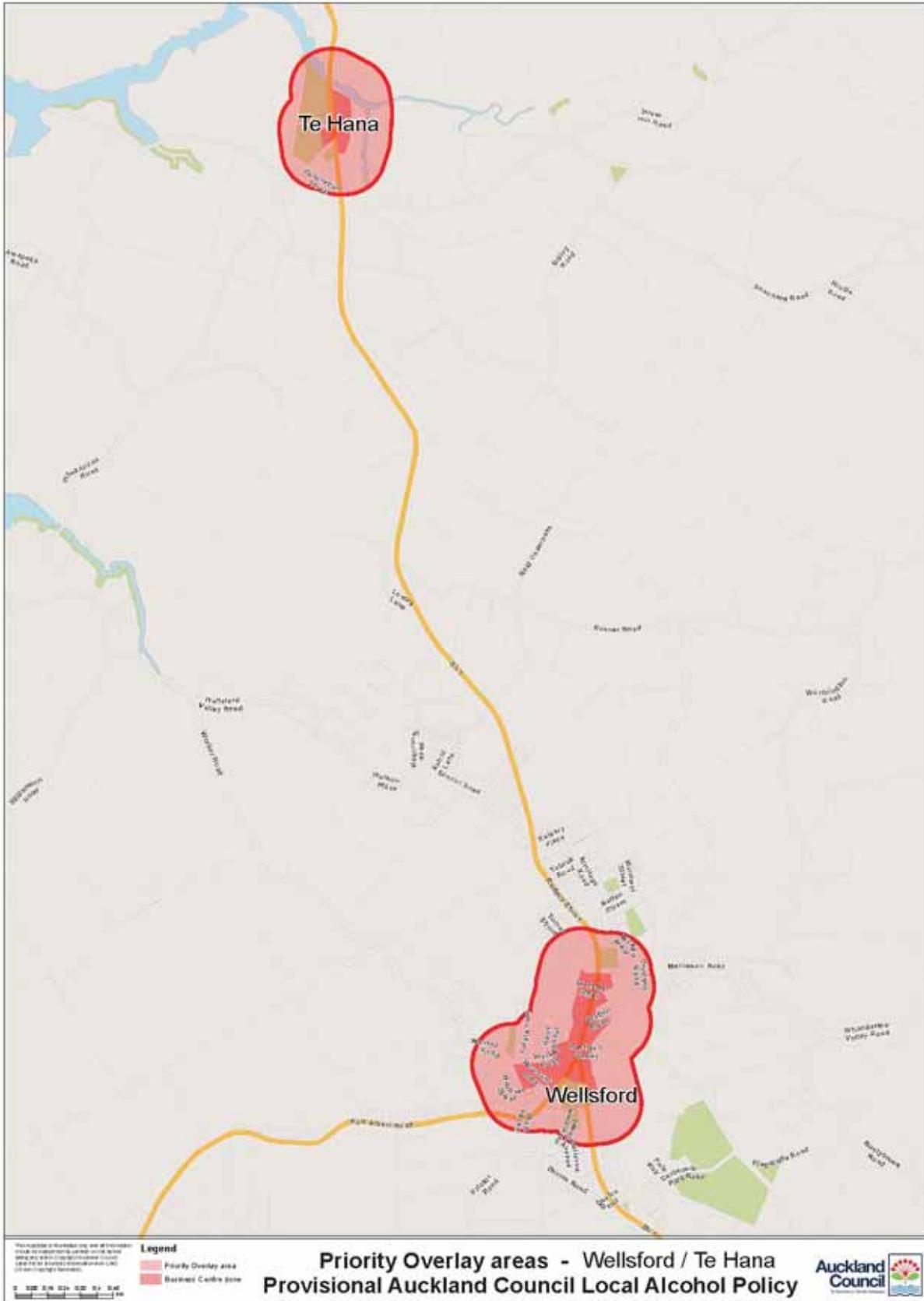






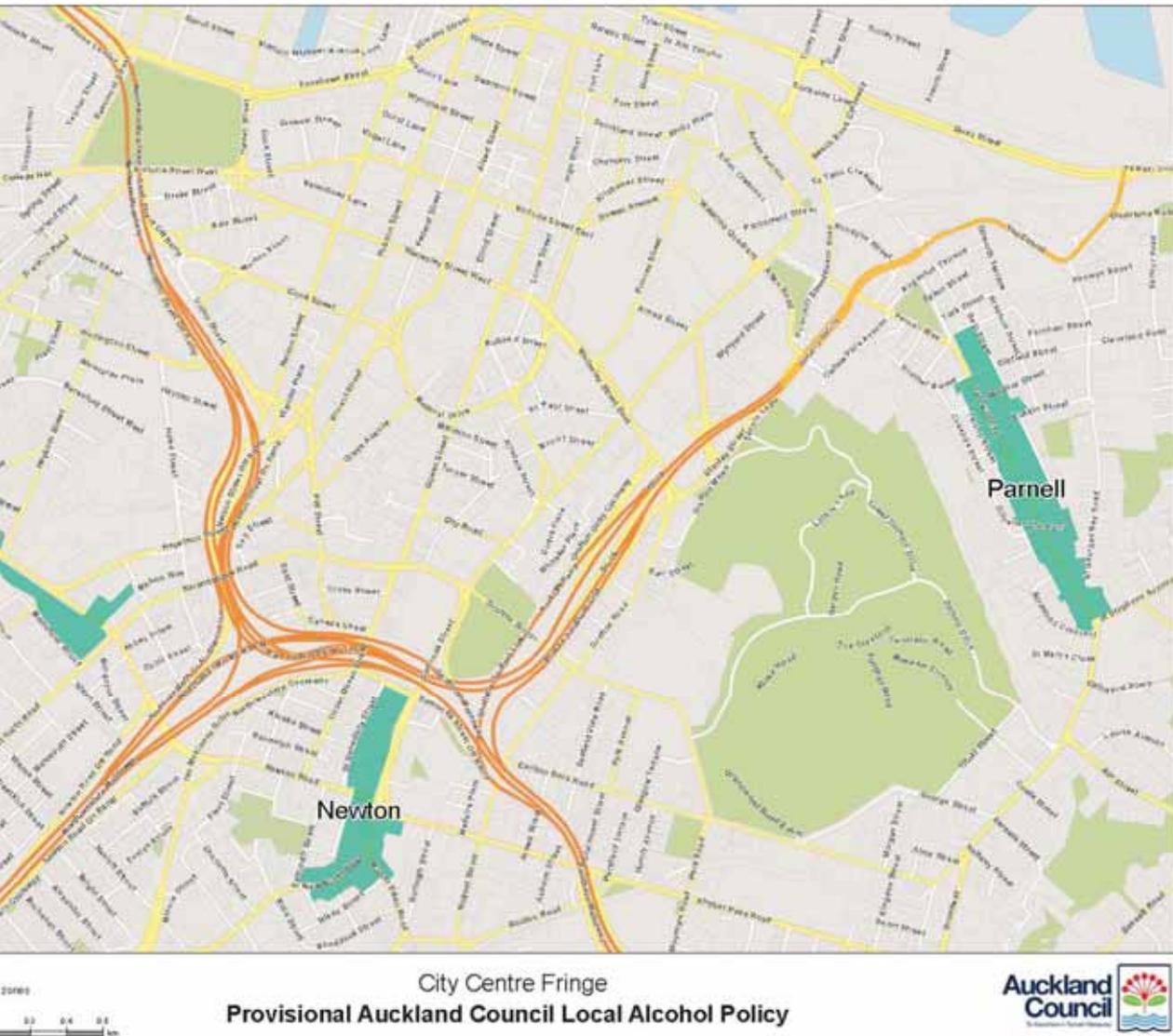






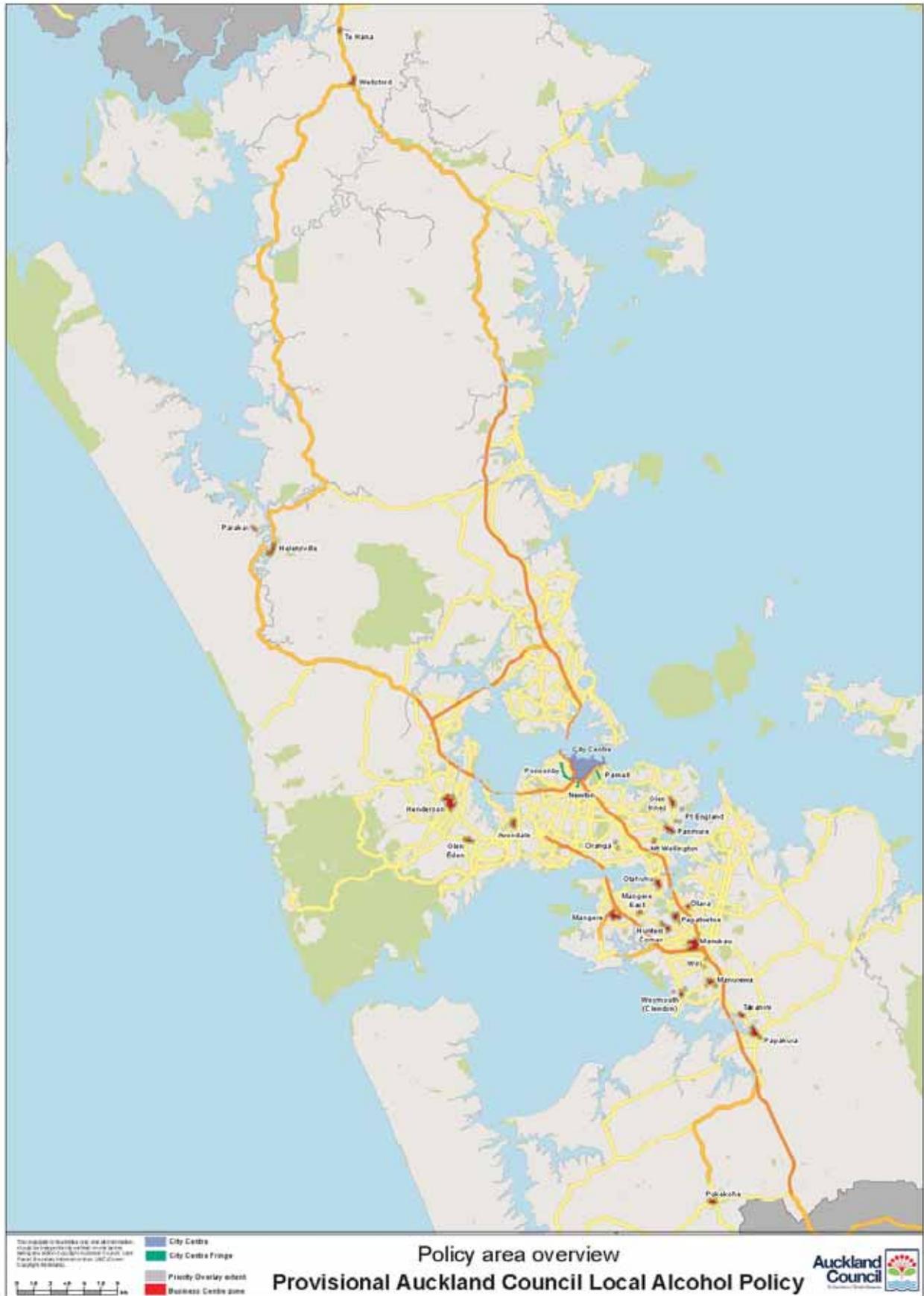


## City Centre Fringe map





## Appendix 4: Policy areas overview map





## Appendix 5: Where a Local Impacts Report is required

**Table 1. When Local Alcohol Policy directs the DLC and ARLA to consider a Local Impacts Report for off-licences except remote sellers**

Application type	Risk profile	General policies for Auckland region	Neighbour-hood Centres	City Centre	Priority Overlay
New	Very High	Required	Rebuttable presumption* applies	Rebuttable presumption* applies after Temporary Freeze expires	Rebuttable presumption* applies after Temporary Freeze expires
	High				
	Medium				
	Low				
	Very Low	Not required			
Renewal	Very High	Not required	Not required	Not required	Required in determining conditions
	High				
	Medium				
	Low				Not required
	Very Low				

\*In deciding whether the Presumption is rebutted by the applicant, the DLC and ARLA should have regard to the Local Impacts Report.

**Table 2. When Local Alcohol Policy directs the DLC and ARLA to consider a Local Impacts Report for on-licences**

Application type	Risk profile	General policies for Auckland region	City Centre, City Centre Fringe, Metropolitan Centres	Neighbour-hood Centres	Priority Overlay
New	Very High	Required	Required	Required	Required
	High		Not required		
	Medium				
	Low	Not required			
	Very Low				
Renewal	Very High	Not required	Not required	Not required	Required in determining conditions
	High				
	Medium				
	Low				Not required
	Very Low				