

PROVISIONAL LAP

1.0 INTRODUCTION AND EXPLANATORY MATERIAL

1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objects:

- (a) that 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.

1.2 Harm is defined very widely and includes:

- any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.

1.3 The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Christchurch City Council has decided to develop a LAP for its district and to set different restrictions and conditions for identified areas within the district.

1.4 Once the LAP comes into force, the Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.

1.5 Through a LAP the community is able to:

- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
- Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular area;
- Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
- Recommend discretionary conditions for licences;
- Restrict or extend the default **maximum** trading hours set in the new Act, which are:

- 8am - 4am for on-licences (such as ~~pubs~~ taverns and restaurants)
- 7am - 11pm for off-licences (such as bottle stores and supermarkets).

CRITERIA FOR CONSIDERING LICENSING APPLICATIONS

1.6 The purpose of the LAP is to provide local guidance for the Council's District Licensing Committee in deciding whether to issue a licence.

1.7 Under section 105 of the Act, the District Licensing Committee has to have regard to a range of matters in addition to "any relevant local alcohol policy" when considering a licence application. The types of matters include:

- the object of the Act;
- the suitability of the applicant;
- the design and layout of any proposed premises;
- whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the licence;
- whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences but—

- ... it is nevertheless desirable not to issue any further licences.

1.8 The Act says that a licence may be refused if the issue of the licence, or the consequences of the issue of the licence would be inconsistent with the LAP (section 108). (This requirement does not apply for the renewal of licences). The Act also says that a licence may be made subject to conditions if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 109).

GOALS OF THE LAP

1.9 The Local Alcohol Policy provides direction for the District Licensing Committee so that licensing decisions:

- Contribute to Christchurch being a safe and healthy city;
- Reflect local communities' character and amenity and their values, preferences and needs;
- Contribute to the recovery of a liveable, attractive city;
- Encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

OBJECTIVES OF THE LAP

1.10 The objectives of the LAP are to provide a policy which:

- Reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
- Facilitates the return of late-night entertainment venues to the Central City;
- Provides certainty and clarity for applicants and the public as to whether a proposed license application will meet the criteria of the LAP;
- Provides effective guidance for the decisions of the District Licensing Committee and the Alcohol Regulatory Licensing Authority in Christchurch.

DEFINITIONS USED IN THIS LAP

1.11 When reading this LAP, the following words and phrases have been used (note, please check the Act where a section has been referred to):

Types of licences

- ~~on-licences where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there~~ On any premises an on-licence (other than an on-licence endorsed under section 37) is held for, the licensee (a) can sell and supply alcohol for consumption there; and (b) can let people consume alcohol (see section 14 of the Act);
- ~~off-licences where the licensee sells alcohol from a premises for consumption somewhere else~~ On the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else (see section 17(1) of the Act);
- ~~club licences where the licensee (eg a club) can sell and supply alcohol for consumption on the club premises by authorised customers~~ On the premises a club licence is held for, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there (see section 21 of the Act); and
- ~~special licences which can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event~~

~~described in it.~~ There are 2 kinds of special licence: on-site special licences and off-site special licences. On the premises a special licence designated as an on-site special licence is held for, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it. On the premises a special licence designated as an off-site special licence is held for, the licensee can sell the licensee's alcohol for consumption somewhere else, to people attending an event described in it. (see section 22 of the Act).

Notes:

Some premises hold more than one licence – for example an on-licence bar may also hold an off-licence and be able to sell alcohol which is consumed off the premises.

The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence special licences are not subject to the Act's default **maximum** hours for on-licenses (8 am to 4 am) but can apply up to 24 hours a day.

The Act does not apply to duty-free sales of alcohol at international airports.

The LAP will not set **maximum** trading hours for the sale of alcohol at a casino as the law states that the hours of an on-licence for a casino are the hours that the casino is lawfully open.

1.12 Other terms

airport bar — ~~means premises that are within or attached to an airport; and used or intended to be used in the course of business principally for selling or supplying alcohol to air travellers arriving at or departing from the airport (refer section 5(1))~~

bottle store means retail premises where (generally speaking) at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else, excluding cellar doors (refer section 32(1))

bar in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1))

café — ~~has the same meaning as restaurant in terms of the licence~~

cellar door means a small shop located on a winery property, which is limited to providing the following services and products to its customers:
(a) Tastings of the wine grown and produced from the winery property only; and
(b) Sale of packaged wine grown and produced from the winery property only, for consumption elsewhere.

club means a body that—
(a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
(b) is a body corporate whose object is not (or none of whose objects is) gain; or
(c) holds a permanent club charter (refer section 5(1))

grocery store — ~~grocery store means a shop that—
(a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
(b) comprises premises where—
(i) a range of food products and other household items is sold; but
(ii) the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1))~~

hotel means premises used or intended to be used in the course of business principally for providing to the public—
(a) lodging; and
(b) alcohol, meals, and refreshments for consumption on the premises (refer section 5(1))

restaurant means premises that—

- (a) are not a conveyance; and
- (b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1))

night-club ~~an entertainment venue open only at night which provides music and space for dancing and/or other live entertainment and where the principal income is derived from activities other than the sale of alcohol~~
an entertainment venue-
(a) open only after 5pm which provides music and dedicated space for dancing and/or other live entertainment (including live bands and live DJs); and
(b) where at least 30% of the revenue is derived from activities other than the sale of alcohol or food.

~~rural township~~ ~~the township of Akareoa town centre~~

~~suburban centres~~ ~~those areas where land is zoned 'Business' or 'Town Centre', or, in the case of a green fields growth area, located on land zoned 'Living G'~~

suburbs and rural townships means those areas not in the Christchurch Central Area A or Christchurch Central Area B

supermarket means premises with a floor area of at least 1 000 m² (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(4) [32\(1\)\(e\)](#))

tavern (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
 (b) does not include an airport bar (refer section 5(1)). (i.e., an airport bar is not treated as a tavern for alcohol licensing purposes)

2.0 PROVISIONS

2.1 Hours for off-licences

2.1.1 The following **maximum** trading hours apply to all off-licensed premises in the Christchurch City territorial area:

Maximum trading hours	All off-licence sales including over the counter sales
Monday to Sunday	9am to 9pm 7am to 10pm

2.2 Hours for on-licences

Note:

To avoid any doubt, for the purpose of the provisions in 2.2, the **maximum** trading hours specified apply to on-licensed premises where the licensee holds an on-licence or a club licence.

Note:

On-licensed premises with a night-club licence are only allowed to be located in Christchurch Central Area A.

~~2.2.1 The following **maximum** trading hours apply to all on-licensed premises that are restaurants or cafes in the Christchurch City territorial area:~~

Maximum trading hours	Restaurants/cafes
Monday to Sunday	8am until 1am the following day

2.2.2 The following **maximum** trading hours apply to all on-licensed premises that are hotels in the Christchurch City territorial area with respect to the sale of alcohol to their lodgers.

Maximum trading hours	Hotels
Monday to Sunday	24 hours per day

2.2.3 Except for provisions ~~s 2.2.2 and 2.2.4~~, the following **maximum** trading hours and one-way door restrictions apply to all on-licensed premises ~~that are taverns/bars/pubs/clubs in~~ **Christchurch Central Area A:**

~~**Christchurch Central Area A** covers the areas shown in red on Map 1, which includes both the Category 1 and Category 2 Entertainment Precincts (excluding Victoria St) in the Christchurch Central Recovery Plan and the other areas shown.~~

Maximum trading hours	Taverns/bars/pubs/clubs
Monday to Sunday	8am until 3am the following day
One-way door restriction	Discretionary condition where appropriate

2.2.4 The following **maximum** trading hours apply to all on-licensed premises that are night-clubs in **Christchurch Central Area A:**

Maximum trading hours	Night-clubs
Monday to Sunday	5pm until 4am the following day
One-way door restriction	Discretionary condition where appropriate

Note:

In considering approval for a night-club to operate maximum trading hours of 5pm– 4am, the following matters should be addressed by the District Licensing Committee, in addition to the discretionary conditions in the LAP and criteria in sections 105 and 106 of the Act:

- A crime prevention through environmental design (CPTED) assessment of the prospective or existing premises and location to assess safety risks (e.g. proximity to transport nodes, public car parks, residential, visitor accommodation or retail premises)
- Licensee's active participation in a precinct accord, if one is in existence (which could include e.g. information-sharing between premises about banned customers or persons of interest)
- Sufficiency of pedestrian space in the immediate area around the premise to accommodate anticipated numbers of passing and gathered non-patrons and safe dispersal of patrons
- Degree of safe separation of pedestrian space from vehicle traffic outside and near to the premise's public entrance and exit
- Provision for end-of-night cleansing routines of the exterior perimeter and immediate vicinity
- Ease of accessibility for emergency services
- Licensee's record as a best practice operator.

2.2.5 Except for provision 2.2.2, the following **maximum** trading hours and one-way door restrictions apply to all on-licensed premises ~~that are taverns/bars/pubs/clubs~~ in **Christchurch Central Area B** excluding the part of Christchurch Central Area B fronting Victoria Street to the north of Salisbury Street, and fronting Papanui Road:

Maximum trading hours	Taverns/bars/pubs/clubs
Monday to Sunday	8am until 1 am the following day
One-way door restriction	Discretionary condition where appropriate

The following **maximum** trading hours and one-way door restrictions apply to all on-licensed premises in the part of **Christchurch Central Area B** fronting Victoria Street to the north of Salisbury Street, and fronting Papanui Road:

<u>Maximum trading hours</u>	
<u>Monday to Sunday</u>	<u>8am until 3 am the following day for the three years from the date this LAP comes into force; and 8am to 1 am the following day thereafter</u>
<u>One-way door restriction</u>	<u>Discretionary condition where appropriate</u>

Christchurch Central Area B covers the area as shown in blue on Map 1, ~~which includes the Category 2 Entertainment Precinct for Victoria Street.~~

2.2.6 Except for provision 2.2.2, the following **maximum** trading hours and one-way door restrictions apply to all on-licensed premises ~~that are taverns/bars/pubs/clubs in suburban centres~~ in suburbs and rural townships:

Maximum trading hours	Taverns/bars/pubs/clubs
Monday to Sunday	8am until 1am the following day
One-way door restriction	Discretionary condition where appropriate

Note:

Where a LAP does not specify **maximum** trading hours, the default **maximum** trading hours in the Act apply. However, on any licensing application, the District Licensing Committee has a discretion to set the permitted trading hours as more restrictive than the default trading hours. Similarly, where a LAP does set **maximum** trading hours, the District Licensing Committee also has a discretion to set the permitted trading hours as more restrictive than the **maximum** trading hours in the LAP.

2.3 Special licences:

2.3.1 The following one-way door restrictions apply to all premises in respect of which an on-site special licence is issued:

One-way door restriction	Discretionary condition where appropriate
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Note:

The hours (opening and closing) and duration of a special licence are set, having regard to the nature of the event or series of events. Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on site consumption, e.g. at a private function or when a bar has a special licence to open earlier/close later for significant events. Generally for premises holding existing on-licences, the conditions of a special licence premises will specify a closing time no more than two hours later than permitted by their on-licence and the terms of special licences for premises outside **Christchurch Central Area A** of Map 1 of the LAP, generally require premises to close at/before 1am.

2.3.2 The following **maximum** trading hours apply to all premises in respect of which a special licence is issued:

Maximum trading hours	
Monday to Sunday	Up to 24 hours per day

2.4 Location of premises:

~~2.4.1 From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store unless that bottle store is located on land zoned 'Business' or 'Town Centre', or, in the case of a green fields growth area, located on land zoned 'Living G' provided that the Living G zoned site of the proposed bottle store is within a business area shown on an Outline Development Plan approved by the Council'.~~

~~2.4.2 From the date this LAP comes into force, no further on-licences are to be issued for any premises being a tavern unless that tavern is located on land zoned 'Business' or 'Town Centre', or in the case of a green fields growth area, located on land zoned 'Living G', provided that the Living G zoned site of the proposed tavern is within a business area shown on an Outline Development Plan approved by the Council.~~

~~Note:~~

~~The LAP can go further than the district plan or be more restrictive in its provisions but cannot permit activities not allowed by the District Plan. The operative district plan for Christchurch City provides for licensed premises either within the Business and Town Centre zones or by resource consent.~~

2.4.1 No off-licences are to be issued for bottle stores on residential zoned land unless an off-licence was held for the premises on the date this policy comes into force.

Explanation: This policy is aimed specifically at ensuring that new bottle stores are appropriately located within the District Plan non-residential zones (e.g. commercial zones). In the past some bottle stores have been permitted to locate on residential zoned land because the District Plan has not excluded them from such locations.

Note: New supermarkets are exempt from this policy as they require larger parcels of land and may (subject to resource consent) develop on residential zoned land in order to obtain the land area needed.

2.4.2 No on-licences are to be issued for taverns on residential zoned land unless a tavern on-licence was held for the premises on the date this policy comes into force.

Explanation: This policy is aimed specifically at ensuring that new taverns are appropriately located within the District Plan non-residential zones (e.g. commercial zones). In the past some taverns have been permitted to develop on residential zoned land because the District Plan has not excluded them from such locations.

2.5 Discretionary conditions:

Note:

The Act provides for the LAP to include policies to guide the District Licensing Committee and the Alcohol Regulatory Licensing Authority as to discretionary conditions that are appropriate. This policy guidance is in addition to the particular provisions of the Act in relation to discretionary conditions including s117 of the Act which permits the Committee and Authority to issue any licence subject to “any reasonable conditions not inconsistent with this Act”.

2.5.1 On-licences

Conditions relating to the following matters may be appropriate for on-licensed premises:

- Any premises operating principally as a restaurant that sells alcohol later than 1.00am must identify and designate one or more parts of the premises as areas to which minors must not be admitted, or may only be admitted accompanied by a parent or guardian after 9pm until closing
- Provision of additional security (staff) after ‘x’ hour
- The installation and operation of CCTV cameras on the exterior of, and within premises
- Provision of effective exterior lighting
- Restrictions on the size (e.g. ‘doubles’) and time of ‘last orders’
- Management of patrons queuing to enter the licensed premise
- Restriction on the use of outdoor areas after ‘x’ hour
- ‘One-way door’ restrictions
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the **maximum** trading hours contained in this LAP.

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- Qualified manager to be on duty during busy periods e.g. Thursday, Friday and Saturday nights
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the **maximum** trading hours contained in this LAP.

Conditions relating to the following matters may be appropriate for on-licensed Club premises depending on the size and nature of the club:

- A requirement for a qualified manager to be present when alcohol is available for sale during busy periods e.g. more than 100 people are on the Club premises.

2.5.2 Off-licences

Conditions relating to the following matters are appropriate for bottle stores:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores
- Display of safe drinking messages/material

2.5.3 Special licences:

Conditions relating to the following matters are appropriate for special licenses:

- Any special licence for a series of events should not be for a period exceeding 6 months
- No premises subject to an on-licence may ~~should~~ have more than 20 days or events under a special licence in any 12-month period.

Map 1

Provisional Local Alcohol Policy

17 June 2016

