

Napier District Licensing Agency

Sale of Liquor Policy

Adopted 5 November 2008

Contents

1. Introduction	3
2. Policy Principles	4
3. Current Alcohol Initiatives	5
4. Licensing Hours Policy	7
5. Liquor Licensing Policy	9
6. Managers Certificates Policy	12
7. Enforcement/Monitoring Activities	13

Introduction

The object of the Sale of Liquor Act 1989 is “to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse so far as can be achieved by legislative means”. Napier City Council, as the District Licensing Agency (DLA), has a role to play in the reduction of liquor abuse by effectively administering the provisions of the Act.

The object of this Policy is to provide a set of tools for the Agency and its regulatory staff to effectively administer the Act in a consistent and transparent manner. The Policy also seeks to inform licensees and prospective licensees of this agency’s expectations.

While there is no legal requirement for a Policy under the Sale of Liquor Act 1989 a Sale of Liquor Policy allows for local conditions to be addressed by the District Licensing Agency in its decisions. Increasingly the Liquor Licensing Authority is giving greater weight to such policy documents in its decisions. The creation of this policy provides a framework for consistent DLA decisions dealing with the local liquor licensing environment.

Achieving balance between the expectations of the community and those of the recreation, entertainment and hospitality markets is difficult. Where a conflict occurs or appears likely, the District Licensing Agency will act as it deems appropriate within the provisions of the Sale of Liquor Act 1989.

The Policy recognises the special role Wineries and vineyards play in Hawke’s Bay and the need for careful interpretation of the various sections that potentially affect those activities.

This Policy supersedes the previous Sale of Liquor Policy adopted by Napier City Council on 2 November 1994. This document seeks to address current liquor licensing concerns and where possible harmonise Napier’s provisions with those of its neighbouring agency in the Hastings District.

2. Policy Principles

The Napier City Council Mission is:

“To Provide the Facilities and Services and the Environment, Leadership, Encouragement and Economic Opportunity to Make Napier the Best Provincial City in New Zealand in which to Live, Work, Raise a Family, and Enjoy a Safe and Happy life.”

With this in mind the following principles have been set out to guide the development and administration of the Liquor Policy:

The Policy should meet the objective of the Sale of Liquor Act 1989 – the objective of the Act is set out previously in this document and is consistent with Council’s Mission to ensure residents can achieve a safe and happy life. All District Licensing Agency actions will be consistent with the Act.

The Policy should be fair and transparent – The policy will seek to balance the interests of Napier’s community with those of providing economic opportunity to businesses. Evaluation of applications will occur in a manner that is clear to interested parties.

The Policy should promote conflict resolution – Where conflict over any issue covered by this policy occurs the District Licensing Agency will endeavour to resolve these issues prior to any legal measures being employed.

3. Current Alcohol Initiatives

This section sets out initiatives that are currently in place in Napier City for dealing with alcohol issues. This does not comprise a formal alcohol strategy for Napier City rather it demonstrates the linkages between this Policy and the following alcohol initiatives.

On 1 March 2006 Napier City Council resolved that an alcohol strategy would be developed for the City. This Policy acknowledges that an overarching Alcohol Strategy will be created by Council at some future date and that there is a need for this policy to integrate with any such strategy.

3.1. Host Responsibility

The District Licensing Agency will continue to cooperate with District Health Board staff and licensees in host responsibility initiatives to promote a safer Napier for residents and visitors. Cooperation will continue through initiatives such as the Alcohol Accord and host responsibility awards. Licensees will be encouraged to meet the Host Responsibility guidelines produced by the Hawkes Bay District Health Board.

3.2. Liquor Bans

Napier City Council recognises the role that its liquor control bylaw has in minimising liquor abuse in key public areas of the City. Locations for liquor bans are defined in the bylaw or by Council resolution from time to time. Where designations of liquor licences encompass areas within liquor ban locations or where special licences are granted in liquor ban areas the Agency will take those matters into consideration.

3.3. Alcohol Accord(s)

Napier City Council recognises the value of Alcohol Accords as a means of sharing information with and receiving information from the hospitality industry and other agencies. It allows rapid and informal consultation with alcohol industry stakeholders. Napier City Council actively participates in the development and maintenance of Alcohol Accords in partnership with stakeholders.

3.4. Curbing Alcohol Related Violence (C.A.R.V.)

Council is an active participant in the C.A.R.V. initiative that is running in the region. As its name indicates the initiative seeks to reduce violence associated with alcohol through a variety of strategies.

3.5. Harmonised Policy with Hastings District

In an effort to ensure consistency on a regional basis the Napier City Council has sought to harmonise its Policy with that of Hastings District Council where possible. Each City has its own unique character and drinking culture however problems associated with alcohol consumption are reasonably similar to both locations. Harmonisation of the Policies allows for reasonably consistent hours of opening for premises and similar controls in both Cities

3.6. One-way Door

In order to facilitate the orderly exit from on-licensed premises and the minimisation of the congregation of alcohol influenced people at closing time a one way door policy is recommended to licensees. The recommendation is that on-licensed premises operate a "one-way door" policy from 2 am until 3 am, allowing people to exit premises during those hours but denying any entrance. The operation of a one way door is necessarily voluntary however its implementation will contribute to recognition of licensees as responsible operators.

Should a one way door policy be adopted in central government legislation the Agency would act to support this.

3.7. Door Staff training

Napier City Council District Licensing Agency recommends the training of door staff of On licensed premises in responsible host practices. It supports the concept of accreditation standards for door staff. This requirement is necessarily voluntary for licensees at this time however the implementation of door staff training would contribute to the recognition of licensees as responsible operators.

Should the possibility of accreditation for trained Door staff be adopted in central government legislation the Agency would act to support this.

4. Licensing Hours Policy

The 1999 Amendment to the Sale of Liquor Act gave authority to Liquor Licensing Agencies to authorise the hours of operation of licensed premises. The timeframes outlined below are closely harmonised with those of Hastings District to provide a high level of consistency across Hawkes Bay.

The following liquor licensing hours shall generally apply within Napier City until the next review of the Policy has been completed.

4.1. On Licences

Hotels/ Bars/ Taverns/ Cafés/ Restaurants	7 am – 3 am
Wineries and Winery Restaurants	7 am – 3 am (see 4.4 (1) below)
Nightclubs / Entertainment Venues	7 am – 3 am (see 4.4 (2) below)

4.2. Off Licences

Supermarkets	6 am – 12 midnight
Wineries	7 am – 12 midnight
Hotels / Bars / Taverns	7 am – 12 midnight
Bottle stores	7 am – 12 midnight

Off licences will generally be granted in accordance with the above stated hours however where an applicant can make a case for harmonising the hours of an Off License with an On License in operation on the same premises consideration may be given to extending the above hours.

4.3. Club Licences

Licensing hours are to be consistent with the nature and activities of the club. In general hours of operation shall range from 8 am to 1 am the following day.

4.4. Notes with regard licensing hours

1. The operator of a winery-restaurant will be constrained by the hours defined by any resource consent or District Plan requirements. The above-stated hours do not imply any right to operate outside any requirements set under the Resource Management Act 1991.
2. The hours granted for a Nightclub / Entertainment Venue licence shall be consistent with the hours the premises will be open to provide entertainment.
3. Applications for off licences past midnight will be considered by the District Licensing Agency on a case by case basis.
4. In a small number of cases it may be desirable to consider a 24-hour on or off license. Where a compelling case can be made for a 24-hour licence consideration will be made by the District Licensing Agency. It is not necessary that premises operating under a 24-hour license participate in the "one way door" strategy.
5. The above hours are meant to be read in conjunction with the requirements of Napier City's District Plan and do not imply any proposed activity is provided for in the District Plan. The location of all licensed premises shall be controlled through the Napier City District Plan.
6. Outdoor dining hours may be restricted where noise impact to residential areas is considered likely. As guidance, where this has been a factor in the past 11 pm has been used as a benchmark time.
7. Licensees with On licenses allowing operation till 3am will be encouraged to operate a one way door policy from 2 am (refer to section 3.6 above).

5. Liquor Licensing Policy

5.1. New On, Off and Club Licences

The District Licensing Agency must accept all complete new and renewal applications for on, off and club liquor licences. The Agency shall undertake assessment of the application(s) and seek reports from its own licensing inspectors, the Police, the Medical Officer of Health and the community through a public notification process.

All applications must be complete (that is, be accompanied by all relevant information) prior to their being accepted for processing. Information supplied to allow for assessment of new applications for on and off licences will include all documents required by the Sale of Liquor Act 1989. Where the application is for a new licence the applicant shall provide proof that the activity meets the requirements of the Napier City District Plan, the Resource Management Act 1991 and has all other requisite permissions.

5.2. Renewal of On, Off and Club Licences

The Sale of Liquor Act 1989 requires that all licences issued must be renewed after an initial 12 month period and then prior to expiry (normally 3 yearly). The uncontested renewal of an on, off or club licence shall be subject to satisfactory reports cover the following areas:

- The standard of management of the premises including satisfactorily addressing the following: dealing with minors or intoxicated persons on the premises, antisocial behaviour, violence, provision of required signage, compliance with license conditions
- The adequacy and implementation of the host responsibility policy for the premises.
- Public complaints or objections including but not limited to complaints relating to noise, environmental factors or antisocial behaviour in the vicinity of the premises.
- Operation of the licence in accordance with license conditions (including licensing hours).
- Convictions recorded against the licensee.
- Any changes to the scale or nature of the operation.

Applications for variations to licences will include assessment of the above and environmental or other effects of proposed variations.

5.3 Special Licences

Special Licences may be applied for to extend the hours of operation of existing licensed premises for a special event or series of events or where there is a desire to sell liquor to persons attending an occasion or series of occasions or events (sections 73 and 74 of the Act).

Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for police reporting. Applications submitted with less than 20 working days available to the District Licensing Agency may not be processed in time for the event and are submitted at the applicant's risk. Where it is unlikely that a special licence can be issued due to insufficient processing time the applicant will be advised at the time of application.

All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Agency for a decision.

The approval of a special licence that covers portions of the City covered by liquor bans will be deemed to temporarily lift the liquor ban for the duration of the special license. This is provided for in the liquor ban bylaw itself.

Applicants organising large scale special events (with over 500 people likely to attend) may be required to provide an alcohol management plan at the discretion of the Secretary of the District Licensing Agency, its Deputy Secretary or the Liquor Licensing Inspector as a condition of the special licence. This would include as minimum:

- Host responsibility measures (including provision or catering of food and low and non alcoholic drinks)
- Security measures
- Management of minors
- Management of intoxication
- Full description of the nature of the activity/event proposed
- Transport measures / exit from site issues
- Duty Manager – on site contact during the event.
- How enforcement officers can access sites to facilitate monitor
- Noise Management Plan (if required)

Special licences should only be issued for special events and not merely to allow an extension of existing licensing hours. As guidance as to what may or may not qualify as a special event the following matters should be taken into account:

- The liquor Licensing Authority has issued decisions that reflect that televised events do not constitute an event in themselves.
- The Sale of Liquor Act specifies three and a half sacrosanct days on which premises with a tavern style on licence may not operate: Good Friday, Easter Sunday, Christmas Day and before 1 pm Anzac Day . A special licence to celebrate these days is not consistent with the provisions of the Act.
- A special event may be restricted to a limited number of attendees by issue of invitation or sale of tickets to the event.

5.4 Temporary Authorities

Temporary Authorities may be applied for to enable the new owner of a premises to carry on a business whilst waiting for their own licence to be issued. All Temporary Authority applications must be accompanied by proof of sale and purchase of the business, a copy of the lease and clear indication of landowner consent for use of the building. Although not a requirement of the Act new applications for a temporary authority will be forwarded to the Police for comment.

The maximum period of time a temporary authority can be issued is 3 months. It is generally considered that 6 months is sufficient time for a prospective licensee to have completed the process to obtain a full licence. Unless exceptional circumstances exist, no more than two temporary authorities will be issued. Any temporary authority may be issued for a lesser period of time than 3 months.

Notwithstanding the above, it will be a condition of every temporary authority that an application for full licence will be submitted to the DLA prior to the expiry of the first temporary authority.

6. Managers Certificates Policy

6.1. General Managers

Applications for General Managers Certificates will be received from individuals who have completed NZQA training that qualifies them to hold a Licensed Controllers Qualification (issued by the Hospitality Standards Institute). In addition applicants will supply:

Evidence as to the applicants character and reputation (a reference must be provided by the employer and a brief CV be provided).

A declaration of any criminal convictions.

Evidence of recent experience in the control of licensed premises.

In assessing applications the District Licensing Agency will consider the above information and any issues raised in the reports of the Liquor Licensing inspector and the Police.

6.2. Club Managers

Applications for Club Managers Certificates will be received from individuals who have undertaken sufficient training to enable them to exercise control over the sale of liquor within a club premises. In addition applicants will supply:

- Evidence as to the applicant's character and reputation (a reference must be provided by the club manager or committee).
- A declaration of any criminal convictions.
- Evidence of recent experience in the control of licensed premises.

In assessing applications the District Licensing Agency will consider the above information and any issues raised in the reports of the licensing inspector and the Police.

Generally persons working in Clubs will only be eligible for a Club Managers Certificate.

7. Enforcement and Monitoring Activities

Liquor Licensing Inspectors will undertake periodic assessments of licensed premises to ensure compliance with the Act and adherence to the Liquor Licence Conditions.

The District Licensing Agency will endeavour to cooperate with the Police in matters of Sale of Liquor enforcement. This will encompass:

- Information sharing.
- Joint operations to determine Act compliance (such as controlled purchase operations).
- Regular meetings between the Police, District Health Board staff and the Liquor Licensing Inspectorate.
- Periodic checks with regard to alcohol promotions where complaints are received