



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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# **NEW PLYMOUTH DISTRICT COUNCIL AND STRATFORD DISTRICT COUNCIL LOCAL ALCOHOL POLICY**

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# **New Plymouth District Council and Stratford District Council Local Alcohol Policy**

*The Local Alcohol Policy is made in accordance with the authority set out in section 75 of the Sale and Supply of Alcohol Act 2012.*

## **1. POLICY PURPOSE**

The purpose of the Local Alcohol Policy is to provide local direction on alcohol licensing matters within the district to:

- (a) The District Licensing Committee who will make alcohol licensing determinations.
- (b) Alcohol licence applicants so they are certain about what may be permissible in relation to alcohol licensing.
- (c) The community so they are certain about the provisions of the alcohol licensing environment as it relates to their communities.

## **2. POLICY OBJECTIVES**

The objectives of the policy are to provide statements that:

- (a) Reflect the views of local communities about alcohol licensing matters.
- (b) Reflect the Council's stance towards alcohol licensing within the district.
- (c) Provide certainty to applicants about those matters that will be considered as part of alcohol licensing applications.
- (d) Provide effective and unambiguous guidance to the District Licensing Committee and Alcohol and Regulatory Licensing Authority.
- (e) Foster an alcohol licensing environment that minimises alcohol related harm in the community.

## **3. POLICY SCOPE**

The policy includes policy statements in relation to the matters that are permitted under Section 77 of the Sale and Supply of Alcohol Act 2012 (the "Act").

The policy applies to any alcohol licensing application made to the District Licensing Committee within the New Plymouth District and the Stratford District.

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#### 4. RELATIONSHIP TO THE ACT

The policy does not include all of the provisions that may apply to particular licence applications, and should therefore be read in conjunction with the Act (and other legislation including, but not limited to, the Resource Management Act 1991).

Alcohol licence determinations shall be made in accordance with the requirements and authority of the Sale and Supply of Alcohol Act 2012, in conjunction with the policy.

#### 5. POLICY DEFINITIONS

**Alcohol related harm** has the same meaning as in section 5 of the Act

**Authorised customer** in relation to premises a club licence is held for means a person who is either –

- a member of the club concerned; or
- on the premises at the invitation of, and is accompanied by a member of the club concerned; or
- an authorised visitor.

**Authorised visitor** in relation to premises for which a club licence is held, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

**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.

**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.

**Café** has the same meaning as restaurant in terms of the licence.

**Cellar door** means a retail outlet located on a premises used primarily for the manufacture of alcohol for consumption elsewhere (i.e. winery, brewery, distillery or similar style of premises).

**Club** means a body that –

- 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
- is a body corporate whose object is not (or none of whose objects is) gain; or
- holds a permanent club charter;

and

- **Class 1 club** means a club that has or applies for a club licence and has at least 1,000 members of purchase age; and in the opinion of the territorial authority, operates any part of the premises in the nature of a tavern at any time; and
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- **Class 2 club** means a club that has or applies for a club licence and is not a class 1 or class 3 club; and
- **Class 3 club** means a club that has, or applies for, a club licence and has fewer than 250 members of purchase age; and operates a bar for no more than 40 hours each week.

**Club licence** means where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (section 21 of the Act).

**Environment area** means an area having a different character from another area and a particular level of amenity. An environment area may be considered similar to a ‘zone’ and are those Environment Areas identified on the planning maps in the New Plymouth District Plan, which include residential, rural, industrial, business, and open space environment areas.

**Grocery Store** has the same meaning as in section 5 of the Act.

**Hotel** means premises used or intended to be used in the course of business principally for providing to the public:

- lodging; and
- alcohol, meals, and refreshments for consumption on the premises.

**Member** in relation to a club means a person who

- has expressly agreed in writing to comply with the club’s rules; and
- is recognised as a member of the club by those rules.

**New Plymouth CBD zone** means the area contained by:

- St Aubyn Street from Liardet Street to Queen Street,
- Queen Street,
- the part of Devon Street west between Queen Street and Robe Street,
- Robe Street between Devon Street west and Powderham Street,
- Powderham Street (from Robe Street) and Courtney Street (to Gover Street),
- Gover Street between Courtney Street and Molesworth Street, and
- Molesworth Street from Gover Street to Liardet Street

**Off-licence** means where the licensee sells alcohol from a premises for consumption somewhere else (section 17 of the Act).

**On-licence** means where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (section 14 of the Act).

**One way door restriction** means no person (other than an exempt person) shall be admitted or re-admitted to a licensed premises after a specified time.

**Restaurant** means premises that –

- are not a conveyance; and
- 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) of the Act);

and

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- **BYO restaurant** means a restaurant for which an on-licence permits BYO only. (Section 37 of the Act.)
- **Class 1 restaurant** means a restaurant that has, or applies for, an on-licence and has, in the opinion of the territorial authority, a significant separate bar area; and in the opinion of the territorial authority, operates that bar area, at least one night a week, in the manner of a tavern.
- **Class 2 restaurant** means a restaurant that has, or applies for, an on-licence and has, in the opinion of the territorial authority, a separate bar; and in the opinion of the territorial authority, does not operate that bar area in the manner of a tavern at any time.
- **Class 3 restaurant** means a restaurant that has or applies for an on-licence and that, in the opinion of the territorial authority, only serves alcohol to the table and does not have a separate bar area.

**Sensitive site** means:

- An early childhood centre, a child care facility, a primary school and a secondary school (but excluding residential dwellings which are used for the provision of in-home early childcare services);
- A recreational facility or open space where facilities have been designed to attract the public, and in particular young people under the legal purchase age (e.g. play grounds, parks, skateboard parks and so on) (but excluding recreational facilities which are administered, managed or funded by privately owned entities for commercial gain);
- A community centre or hall where members of a community tend to gather for group activities, social support and related activities, public information, and other meetings and gatherings;
- A hospital, addiction treatment facility, or Well Child / Tamariki Ora programme provider's centre

**Stratford Central Business/ Retail Area** is the area defined by the map in Appendix 1 for the purpose of interpreting and implementing clauses 6.3.3 and 6.6 of this policy

**Special licence** means the licensee can sell or supply alcohol, for consumption to people attending an event (on-site special), or the licensee can sell the licensee's alcohol for consumption somewhere else (off-site special) (section 22 of the Act).

**Supermarket** has the same meaning as defined in the Sale and Supply of Alcohol Act 2012

**Tavern** means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public.

**Zone** means a zone or environment area as defined in the operative New Plymouth District Plan and / or Stratford District Plan.

Distances are measured from the boundary of the licensed premises to

- in the case of a zone or area: the boundary of the zone or area
- in the case of a sensitive site: to the boundary of the sensitive site

In all cases, distances are measured along the shortest possible publicly accessible route.

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## 6. POLICY STATEMENTS

### 6.1 Location of Licensed Premises

Classes of alcohol licences may be located within:

- Existing premises locations (renewals).
- Specific (District Plan defined) environment areas (defined below) (new applications).

Any application for a licence renewal shall be exempt from the provisions relating to restrictions on the location of licensed premises, so long as the premises remains continuously licensed. For the purposes of this provision, continuously licensed will include a premises for which an existing licence has expired, provided an application to renew the licence has been made before the expiry date of the existing licence. If the application to renew the licence is refused, the premises will cease being continuously licensed from the date of the expiry of the existing licence.

Any application for a new licence received before this policy comes into effect, or any application for a new licence received from a premises issued with a temporary authority under section 136 of the Sale and Supply of Alcohol Act 2012 when this policy comes into effect, shall be exempt from the provisions relating to restriction on the location of licensed premises.

### 6.2 New **on-licence** applications - permitted areas

The following classes of alcohol premises are permitted in the following locations:

- 6.2.1 Class 1, 2 and 3 restaurants and BYO restaurants shall be allowed in all zones.
- 6.2.2 Nightclubs, taverns or adult premises and class 1 clubs shall be allowed in:
- New Plymouth Business Environment Areas A, B, C and D (but not within 50 metres of a residential zone or rural zone).
  - Stratford Business Zone or Rural Zone.
- 6.2.3 Hotels shall be allowed in:
- New Plymouth Business Environment Areas A, B, C, and D (but not within 50 metres of a residential zone or rural zone).
  - Stratford Business Zone or Rural Zone
- 6.2.4 Class 2 and 3 clubs shall be allowed in:
- New Plymouth Business Environment Areas A, B, C and D, and Open Space Environment Areas.
  - Stratford Business Zone and Protected Area Zone
- 6.2.5 Theatres and cinemas shall be allowed in:
- New Plymouth Business Environment Areas A, B, C and D, Industrial and Residential Environment Areas.
  - Stratford Business Zone.
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6.2.6 Other on-licences shall be allowed in:

- New Plymouth Business Environment Areas A, B, C and D (but not within 50 metres of a residential zone or rural zone).
- Stratford Business Zone or Rural Zone.

Note, this provision is subject to clause 6.1.

### 6.3 New off licence applications - permitted areas

6.3.1 Remote sale premises and cellar doors shall be allowed in all zones.

6.3.2 Supermarkets and grocery stores shall be allowed in all zones.

6.3.3 Bottle stores shall be allowed in:

- New Plymouth Business Environment Areas A, B, C, D and Industrial Environment Areas (but not within 50 metres of a residential zone or rural zone).
- Stratford Central Business/ Retail Area (as defined in Appendix 1)

Note, this provision is subject to clause 6.1.

### 6.4 Special licences

Special licences may be considered for any zoned area.

### 6.5 Proximity to sensitive sites

No new on-licence or off-licence premises (excluding supermarket and grocery store) outside the New Plymouth CBD Zone and the Stratford Central Business/ Retail Area shall be allowed within 100 metres of a sensitive site.

Note, this provision is subject to clause 6.1.

### 6.6 Licence restrictions

#### 6.6.1 *Off Licence (stand alone bottle stores)*

The maximum number of off-licence bottle stores permitted for each district shall be the number of off-licensed bottle stores at the time this policy is adopted.

The District Licensing Committee has discretion as to compliance with this policy for premises that will take active steps to minimise alcohol-related harm that are within permitted areas (alcohol-related harm as defined by section 5(1) of the Sale and Supply of Alcohol Act 2012).

In determining whether premises will take active steps to minimise alcohol-related harm for the purpose of this provision, the District Licensing Committee shall, based on information supplied by the applicant, take into account:

- If the operator operates other licensed premises in New Zealand, whether those premises operate in a manner that minimises alcohol-related harm (including whether any enforcement action has been taken against those premises)
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- The proposed style and types of sale (such as the price or type of alcohol being sold)
- Any conditions that the applicant proposes the District Licensing Committee applies to the premises (including opening times)
- Any other matter that the District Licensing Committee considers relevant.

For the avoidance of doubt, the burden of proof that the proposed off licence bottle store will take active steps to minimise alcohol-related harm is on the applicant.

## 6.7 Maximum Trading Hours

### 6.7.1 *On-Licences*

The following maximum trading hours shall apply to the following types of on licences.

Classification of on licence	Maximum trading hours
Club (all classes), nightclub, tavern, restaurants (all classes), bars and hotels	Monday to Sunday, 8am to 2am the following day in the New Plymouth District, excluding the New Plymouth CBD zone where the maximum trading hours are Monday to Sunday, 8am to 3am.  Monday to Sunday, 8am to 2am the following day in the Stratford District.
Airport	Monday to Sunday, 7am to 1am the following day.

Note that when daylight saving changes, closing time is set according to New Zealand Daylight Time not New Zealand Standard Time (as defined in the Time Act 1974).

### 6.7.2 *Off Licences*

The following maximum trading hours shall apply to the following types of off-licences.

Classification of off licence	Maximum trading hours	
	New Plymouth District	Stratford District
Supermarket	Monday to Sunday, 7am to 9.30pm	Monday to Sunday, 7am to 10pm
Grocery stores, bottle stores, cellar doors and over the counter sales	Monday to Sunday, 7am to 9.30pm	Monday to Sunday, 7am to 10pm
Hotel in bedroom mini bar sales	Monday to Sunday, 24 hours per day	Monday to Sunday, 24 hours per day

Note – The maximum trading hours does not preclude a licence being subject to more restrictive trading hours.



### 6.7.3 *Special Licences*

Permitted hours do not apply to special licences which shall be considered on a case by case basis.

## 6.8 Discretionary conditions

### 6.8.1 *On-Licences*

The District Licensing Committee may issue an on-licence subject to any reasonable conditions, not inconsistent with the Act, including but not limited to conditions in respect of the following:

- Alcohol Accord membership.
- Provision of additional security staff after a specified time.
- Installation of CCTV cameras, inside and/or outside the venue and of viewable and recordable quality.
- Provision of exterior lighting.
- The provision of door staff wearing high visibility clothing.
- Restrictions on the size (e.g. doubles) and quantity (e.g. maximum number of drinks permitted per individual sale) of sales.
- Restriction on time the premises can remain open after the permitted trading hours have ended.
- Restrictions on the use of outdoor areas after a specified time.
- Cessation of entertainment (e.g. bands) at a specified time.
- Host responsibility policy containing information which actively informs about the following:
  - Availability of low alcohol and no alcohol drinks;
  - Making water freely available;
  - The range of food that is available;
  - Steps to prevent alcohol sales to underage persons, intoxicated and other prohibited persons;
  - Transport options for patrons;
  - Signage and staff service and host practices;
  - Any other matter that can encourage responsible alcohol sales, supply and consumption.

### 6.8.2 *BYO restaurants may also require:*

- A certified manager to be on duty during specified periods or times.

### 6.8.3 *Clubs may also require:*

- A certified manager to be on duty during specified periods or when the number of patrons is likely to exceed a specified number (risk based).

### 6.8.4 *Off-Licences*

The District Licensing Committee may issue an off-licence subject to any reasonable conditions, not inconsistent with the Act, including but not limited to conditions in respect of the following:

- Alcohol Accord membership.
  - Installation of CCTV cameras, inside and/or outside the venue and of viewable and recordable quality.
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- Provision of exterior lighting.
- Host responsibility/Single Alcohol Area policies containing information which actively informs about the following:
  - Signage containing information which actively informs about the following:
    - : The availability of non-alcoholic and low alcohol drinks and recipes (except for supermarkets and grocery stores);
    - : Display of safe drinking messages and material
  - Steps to prevent alcohol sales to underage persons, intoxicated persons and other prohibited persons

#### 6.8.5 *Special Licences*

The District Licensing Committee may issue a special licence subject to any reasonable conditions, not inconsistent with the Act, including but not limited to:

- Any condition already specified in 6.9.1.
- Requiring multi agency (Police, Licensing Inspector, Fire and Health) engagement for the planning of the event.
- Any special licence for a series of events should not be for a period greater than 1 year, and may only relate to the same type of event or series of events and assessed as low risk.
- A maximum number of special events may be imposed based on an assessment of the risks associated with the event(s).
- Compliance with any operational Traffic Management Plan and/or Event Management Plan and/or Alcohol Management Plan or Noise Management Plan as required for a medium or large scale event.

Funerals will be exempted from the requirement to hold a special licence, subject to the referral of the proposal to the Licensing Inspector and the Police, and approval of the Commissioner.

#### 6.9 One way door restrictions

One way door restrictions are not a mandatory requirement for on-licences, but may be imposed on a licence, as the District Licensing Committee require.

### **POLICY REVIEW**

This policy shall be reviewed initially within three years from the date the policy is adopted and subsequently every six years from the date of the previous review.

# APPENDIX

Map defining Stratford Central Business/ Retail Area for the purpose of interpreting and implementing clauses 6.3.3 and 6.6 of this policy



**Map Legend**

Planning Zones

- Business
- Retail
- Protected Area
- Residential
- Rural/Residential
- Properties
- Stratford LAP Area



## Appendix One



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