

Auckland Council:

Draft Local Alcohol Policy

Raising the Bar

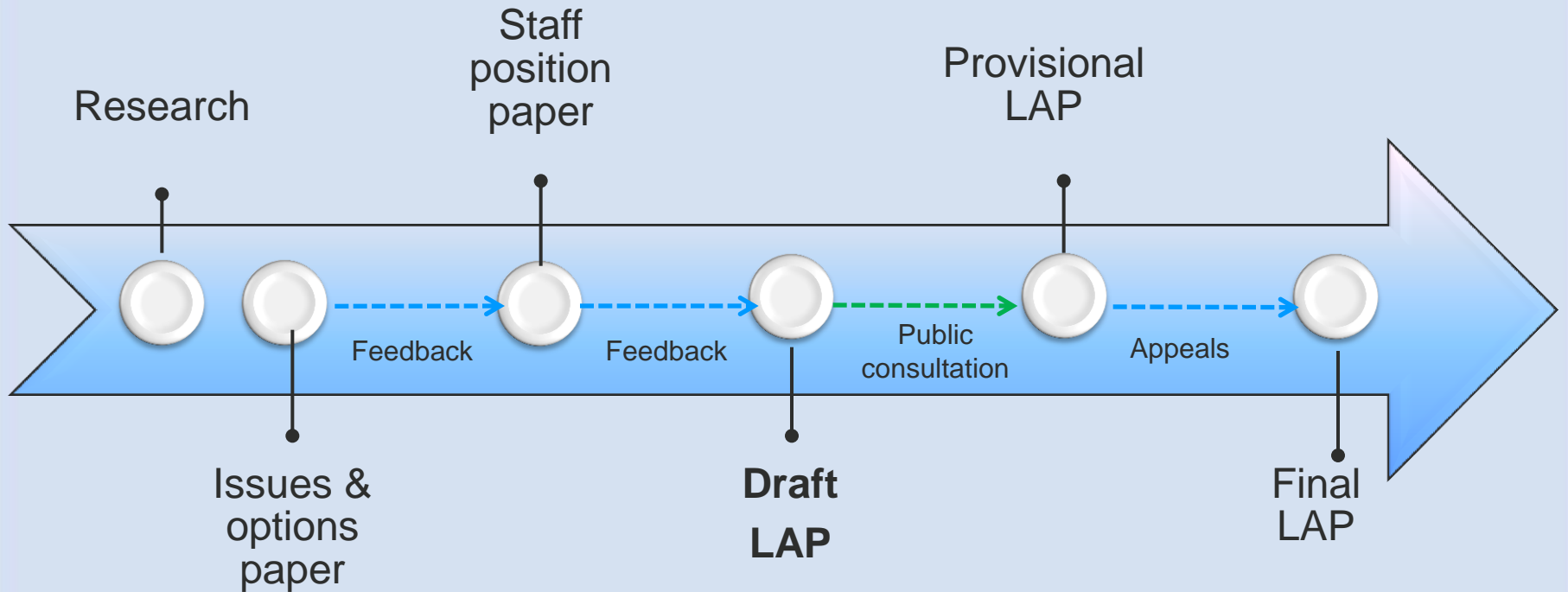
May 2014

Overview



*Policy must be reasonable
in light of object of the Act*

Policy development process



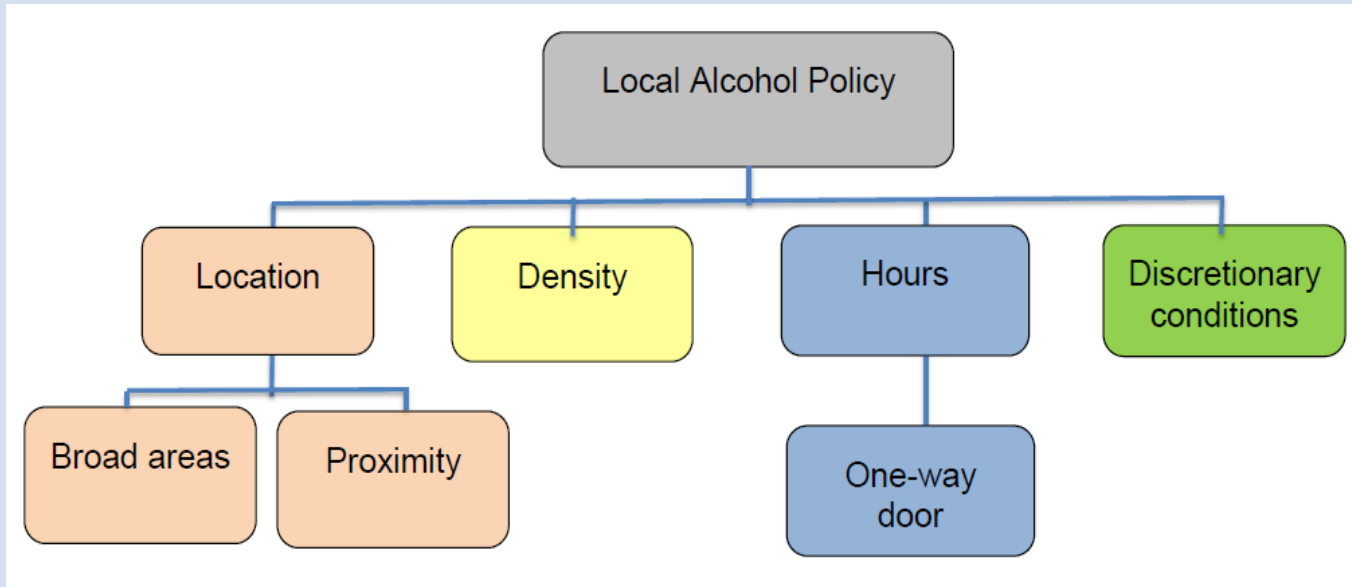
Effect of LAP

What effect will the LAP have?

- Licence decision-makers “must have regard to” LAP
- Application for **new licence**:
 - Inconsistency with LAP – grounds for refusal
 - Or can impose conditions
- Application for **renewal** (existing licences)
 - Cannot refuse to renew
 - But can impose additional conditions

Scope

What can the LAP cover?



Where should / shouldn't new licences be allowed to open?

What hours are appropriate where?

Should we control licences near sensitive sites?

Should we control the number of new licences issued?

What hours should premises be allowed to sell alcohol?

What additional conditions should be imposed to raise standards?

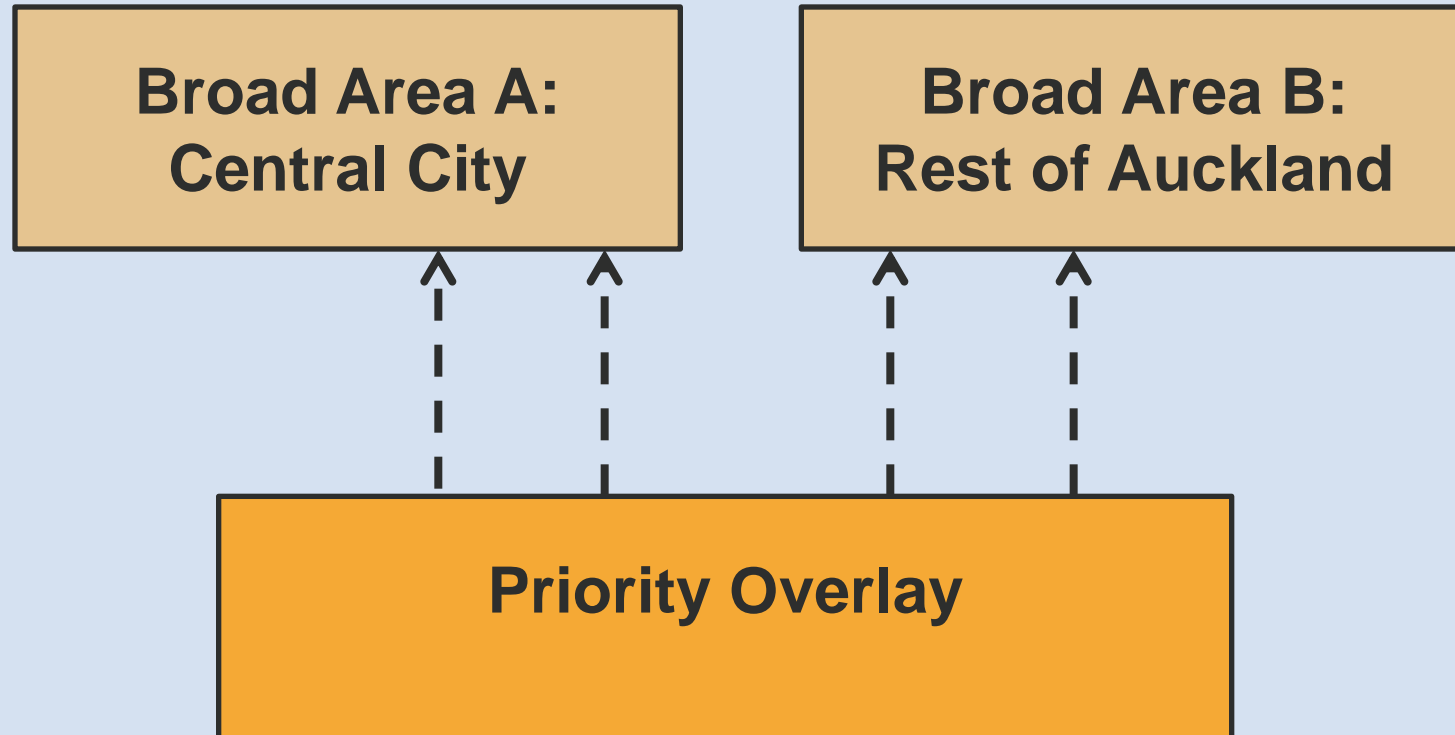
Policy Areas

Location by reference to broad areas

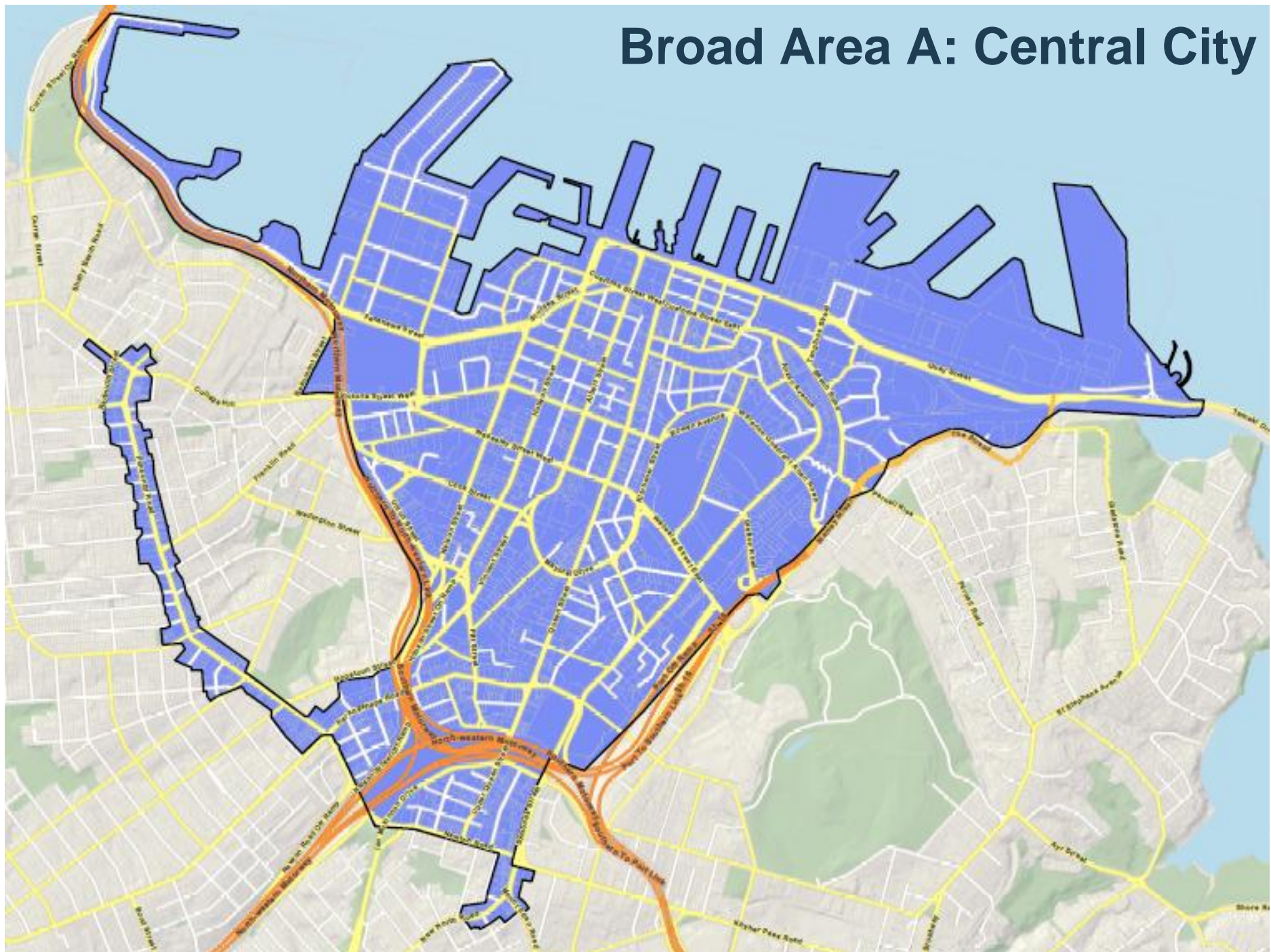
Draft LAP: Section 2

Location: Policy Areas

Overview



Broad Area A: Central City



Location: Priority Overlay

Map of Priority Streets



**Fort Lane / Fort Street
intersection**

**Queen Street: Wellesley
to Victoria streets**

Location: Priority Overlay

Examples of Priority Areas



Manurewa (p.80)



Avondale (p.73)

Density

Whether further licences
should be issued

Draft LAP: Sections 3.1 – 3.3; 4.1; and
5.1 – 5.2

Density

Should we control the number of new licences issued?

Background

- Nearly 4,000 licences across Auckland
- Majority on-licences (approx 2,500)
- Over 1,000 off-licences
- Highest concentration – Central City
- Highest density relative to population – rural areas
- Significant concentrations of off-licences
 - E.g. Glen Innes: for every one on-licence, there are 11 off-licences

Density

Where should / shouldn't new licences be allowed to open?

Position in Draft LAP

- Area A and Priority Areas
 - Harder to establish new licences, especially off-licences
 - Encourage lower risk on-licences; harder to establish higher risk
- Area B
 - Strict rules for neighbourhood centres
 - Direct premises to larger centres
 - Protection for residential areas



Density (and location)

Tools in draft policy

1. Temporary freeze

- LAP recommends that DLC and ARLA should refuse to issue any further off-licences
- 2 years from adoption of final policy
- Applied in Broad Area A and Priority Overlay

2. Rebuttable presumption

- New off-licences will only be granted if they:
 - do not add to alcohol-related harm
 - will benefit community
- Applied in
 - Area A and Priority Overlay (former freeze areas)
 - Neighbourhood centres in Area B

Density (and location)

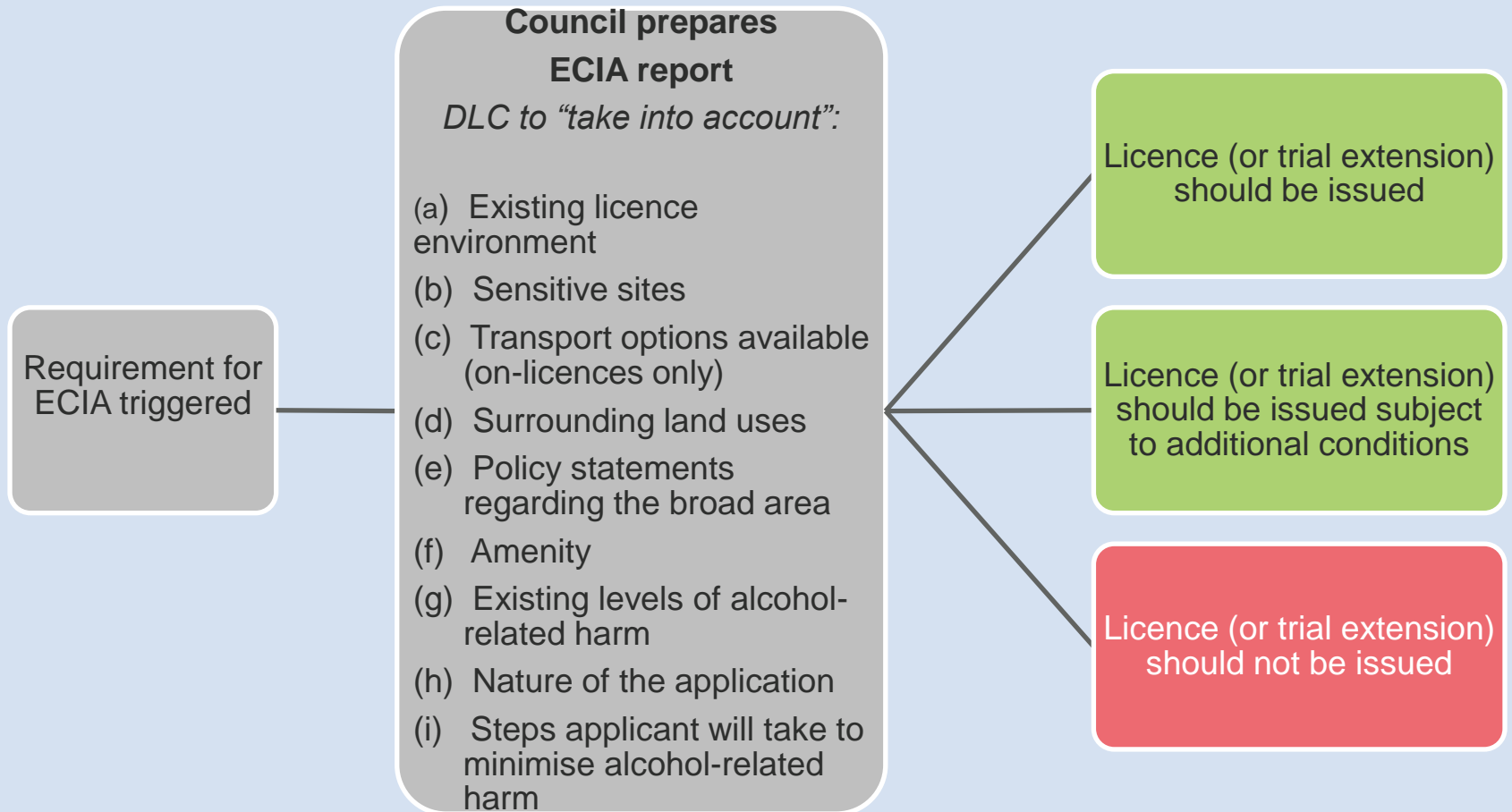
Tools in draft policy - continued

3. Environmental and cumulative impact assessments

- Broader assessment criteria to manage location and density issues
- Triggered by location and risk of premises
 - Link to Risk Profiles in Fees Regulations
- Covers environmental risks, cumulative impacts and individual risks associated with premises
- Used to determine:
 - Applications for new licences
 - Applications to rebut presumption against issue of new off-licences
 - (Applications for trial extensions)

Density (and location)

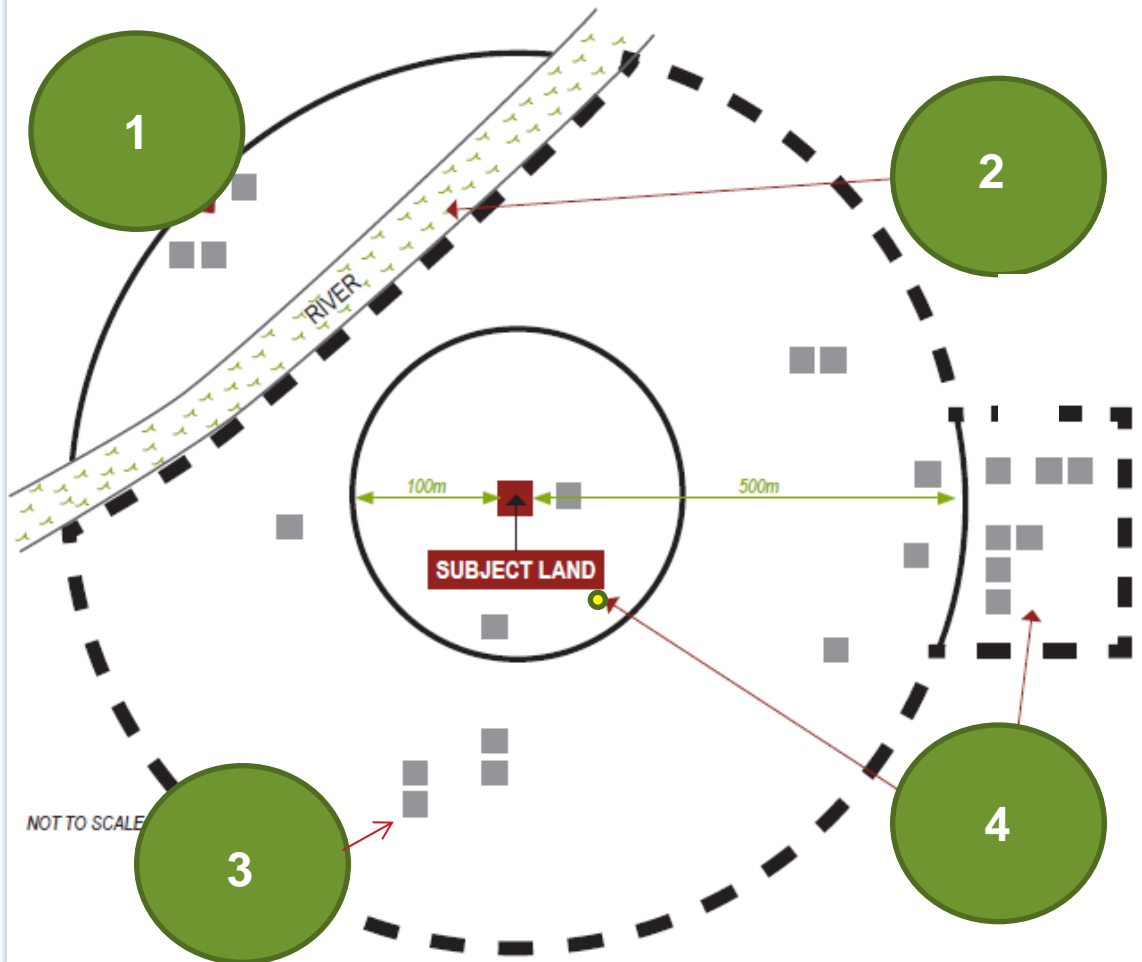
ECIA Process



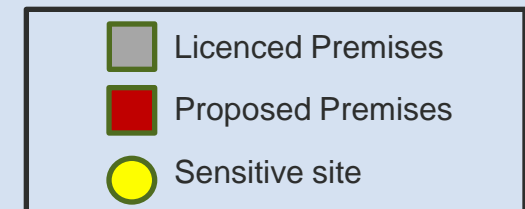
Density (and location)

ECIA Example

Example of a cumulative impact assessment area



1. Assessment area: 500m radius from proposed site
2. Impassable physical barrier
3. Licences by type marked on the map
4. Note: cluster of premises, sensitive site, surrounding land uses / activity types



Density (and location)

Recap of proposed rules: off-licences

Risk	Broad Area A		Broad Area B		Priority Overlay	
	First 24 months	After 24 months	At all times policy in force		First 24 months	After 24 months
			Neighbourhood centres	Rest of Area B		
Very High	Temp. Freeze	Presumption against new off-licences	Presumption against new off-licences	ECIA required	Temp. Freeze	Presumption against new off-licences
High						
Med						
Low						
Very Low				ECIA required		

Density (and location)

Recap of proposed rules: on-licences

Risk	Broad Area A	Broad Area B			Priority Overlay
		Metro Centres	Neighbourhood Centres	Rest of Area B	
Very High	ECIA required	ECIA required	ECIA required	ECIA required	ECIA required
High	ECIA required	ECIA required	ECIA required	ECIA required	ECIA required
Med	NA	NA	ECIA required	ECIA required	ECIA required
Low	NA	NA	ECIA required	NA	ECIA required
Very Low	NA	NA	NA	NA	ECIA required

Density (and location)

Examples

Applications for new...	Broad Area	Density rules?	ECIA?	Risk rating	Example conditions
OFF: Grocers on K Road open until 9pm	A	Temp freeze	-	Med	Licence not granted
OFF: Supermarket in Flat Bush open until 10pm	B	ECIA: Location / risk	Y	Med	Single sales, etc.
OFF: Bottle store cnr. New North Rd and Alberton Ave	B	Presumption against	Y	Med	Licence not granted
OFF: Cellar door on Waiheke Vineyard open until 7pm	B	NA (Based on risk and location)	N	Very low	Single sales, etc.
OFF: Bottle store in Avondale open until 10pm	PO	Temp freeze	-	Med	Licence not granted
ON: Albany BYO restaurant open until 11pm	B	NA (Based on risk and location)	N	Med	Manager on-site, etc.
ON: Pt Chevalier hotel open until 1am	PO	ECIA: Location / risk	Y	Med	<ul style="list-style-type: none"> Licence may not be granted Midnight closing, etc.

Proximity

Location by reference to premises or facilities of a particular kind

Draft LAP: Section 3.1

Proximity

Should we control licences near sensitive sites?

Position in Draft LAP

- Covered through ECIA process
- Draft LAP specifically directs DLC and ARLA to **take into account** following sensitive sites in decision-making
 - Early childhood centres
 - Schools
 - Addiction treatment facilities
 - Any other facility relevant to objectives of Policy

Hours

Maximum trading hours

Draft LAP: Sections 3.4; 3.5; 4.3; 5.4; 6.1

Hours

What hours should premises be allowed to sell alcohol?

Position in Draft LAP

- Standard hours
 - Off-licences: 9am to 10pm region-wide
 - Club-licences: 9am to 1am region-wide
 - On-licences:
 - Area A: 9am to 3am
 - Area B: 9am to 1am
 - Priority Overlay: Same as underlying Area, but DLC encouraged to be more restrictive

Hours

What hours should premises be allowed to sell alcohol?

Position in Draft LAP (continued)

- Trial extensions for best practice on-licences
 - Area A and B: Up to 2 hours (morning or evening, not both)
 - Priority Overlay: No extensions
- Trial basis in first instance
- Strict application process for extensions:
 - ECIA
 - Reasons why standard hours not adequate
 - Risk management plan
- Includes process for revoking extensions

Hours

Trial extended hours

- Should **not** be granted:
 - where ECIA shows would unreasonably add to environmental and cumulative impacts
 - to licensees with negative holdings
 - to premises in neighbourhood centres or residential areas
 - in Priority Areas
- Preference for:
 - Applicants with History of compliance/high standards of management
 - Premises in Broad Area A (except Priority Streets)
 - Premises in metro centres for Broad Area B

Conditions

The issue of licences subject to discretionary conditions

Draft LAP: Sections 3.6; 4.4-4.6; 5.5 – 5.7; and 6.2 – 6.4

Conditions

What additional conditions should be imposed to raise standards?

Position in draft LAP

Recommended for all on-licences:

- Prohibited persons
- Host responsibility
- Display of information about safe transport
- Register of alcohol-related incidents

Conditions

What additional conditions should be imposed to raise standards?

Position in draft LAP

Recommended on case-by-case basis for on-licences:

- Restrictions on drinks prior to closing
- Queue management
- Security staff
- Manager for BYO restaurant
- Designation of taverns
- Clean public areas
- Minimum number of qualified managers and security
- Monitoring of outdoor areas for late-trading premises
- CCTV
- Exterior lighting

Conditions

What additional conditions should be imposed to raise standards?

Position in draft LAP

Recommended for all off-licences:

- Prohibited persons
- Single unit sales
- Register of alcohol-related incidents

Recommended on case-by-case basis for off-licences:

- Clean public areas
- CCTV
- Exterior lighting

Special licences

Hours and Discretionary Conditions

Draft LAP: Section 7

Special licence policy package

- Act only allows LAP to cover hours and conditions
- **Hours:** set on case by case basis by considering
 - Hours in area or on licence
 - Risks associated with the event
 - Nature of event / predominance of alcohol
 - Target audience, including age
 - Number of patrons
 - Nature and location of premises
 - Applicant's proposals to manage event / minimise risk

Special licence policy package

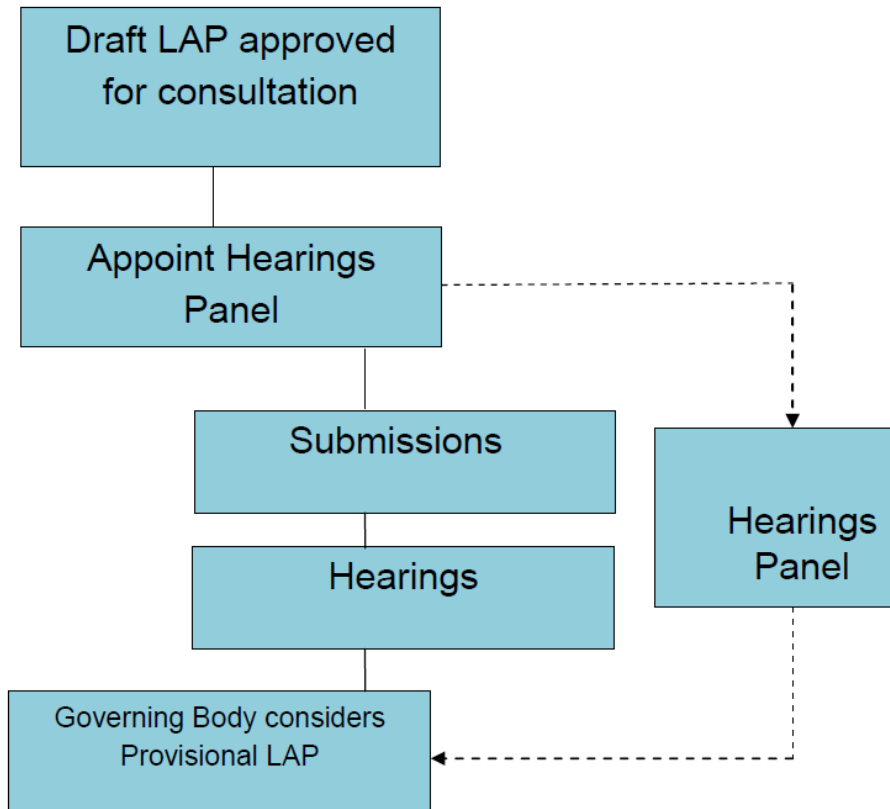
- **Conditions**

- Various conditions depending on class of event, e.g.
 - Size, strength, number of drinks
 - Progressive closing times
 - High visibility clothing
 - Security

Consultation process

Have your say...

Consultation process



- 13 May: Draft LAP approved
- 27 May: Hearings Panel to be appointed
- **16 June: Public notice and open for written submissions**
- **16 July: Close submission period**
- Late August – September: Hearings
- Late 2014: Hearings Panel report back with Provisional LAP

Have your say!

Key dates:

16 June: official release of consultation pack

16 July: Last day for submissions

Queries:

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Or via the call centre on:
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