

CHRISTCHURCH CITY COUNCIL DRAFT LOCAL ALCOHOL POLICY



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SUMMARY OF INFORMATION

The Christchurch City Council has prepared a draft Local Alcohol Policy (LAP). The Sale and Supply of Alcohol Act 2012 (the Act) allows councils to develop Local Alcohol Policies (LAPs) for their territorial areas. A LAP is a set of policies made by a council in consultation with its community concerning the licensing of premises for the sale and supply of alcohol. Once a LAP is in place, the local District Licensing Committee and the national Alcohol Regulatory and Licensing Authority must have regard to the LAP when making decisions on licence applications.

This Summary of Information (SOI) document provides a brief description of the draft LAP and the process that the Council will follow if it decides to produce a provisional LAP.

The draft LAP

The Act sets out what types of policies a draft LAP may include. They must not include policies on any matter not relating to licensing.

The draft LAP for Christchurch City contains the following types of licensing policies:

- variations on the maximum trading hours set in the Act for on-licences and for off-licences
- different maximum trading hours for on-licenses in different areas of the city
- one-way door conditions for premises holding on-licences. These will be mandatory in certain areas of the city and discretionary in other areas
- various discretionary conditions for on-licences, off-licences, club licences and special licences
- restrictions on the location of new bottle stores and taverns to business zones.

The Council is interested in receiving submissions on all matters relating to the draft LAP, and also about the development of different LAP provisions for different areas and precinct-based accords for specific areas in the city.

The Council has decided to produce a draft LAP in order to provide locally relevant policies for licensing within Christchurch City, and to assist in achieving the object of the Act. The object of the Act is set out in section 4 of the Sale and Supply of Alcohol Act (2012).

Paper copies of the consultation documents are available for viewing at the Council's Civic Offices, 53 Hereford Street, Christchurch and open Council Libraries and Service Centres.

All documents relating to this consultation including the draft LAP can also be found on, and downloaded from, the Council website at www.ccc.govt.nz/HaveYourSay/.

If you want to talk to someone about the draft LAP or this consultation process, contact Adair Bruerton, Senior Policy Analyst, Strategy and Planning, 941 8851.

Timeline for consultation and decision making

- The submission period opens on 31 May 2013 and closes 5pm 1 July 2013. All submissions must be in writing and received by 5pm on 1 July 2013. The Council will not accept anonymous submissions.
- Whole of Council committee to listen to verbal submissions and consider all submissions (**July 2013**)
- Council will make decisions and decide whether to produce a provisional LAP (**September 2013**).

Background to the proposal

Christchurch City Council has decided to prepare a Local Alcohol Policy (LAP) for Christchurch City. The document following this statement is a draft LAP for the purposes of consultation with the community.

The Sale and Supply of Alcohol Act 2012 (the Act) allows councils such as the Christchurch City Council to develop Local Alcohol Policies (LAPs) for their territorial area. A LAP is a set of policies made by a council in consultation with its community concerning the licensing of premises for the sale and supply of alcohol. Once a LAP is in place, the local District Licensing Committee and the national Alcohol Regulatory and Licensing Authority must have regard to the LAP when making decisions on licence applications.

A LAP can only deal with matters relating to licensing; through a LAP, communities are able to set the direction on some or all of the following matters:

- the location of licensed premises near certain types of facilities, such as in specific neighbourhoods or near schools or churches
- the density of licensed premises by specifying whether further licences or types of licences should be issued for premises in the district or in a particular area
- “one-way door” conditions for licensed premises that would allow patrons to leave premises but not enter or re-enter after a certain time
- discretionary conditions in a licence
- restrictions or extensions to the maximum trading hours set in the new Act which are: 8am - 4am for on-licences (such as pubs and restaurants) and 7am - 11pm for off-licences (such as bottle stores and supermarkets).

In addition, a LAP may apply differently to different kinds of licensed premises.

The draft LAP

The draft LAP for Christchurch City contains the following types of licensing policies:

- variations on the maximum trading hours set in the Act for on-licences and for off-licences
- different maximum trading hours for on-licenses in different areas of the city
- one-way door conditions for premises holding on-licences. These will be mandatory in certain areas of the city and discretionary in other areas
- various discretionary conditions for on-licences, off-licences, club licences and special licences
- restrictions on the location of new bottle stores and taverns to business zones.

In preparing the draft LAP the Council considered a range of policy options, some of which have been rejected/not included in the draft LAP. For your information, these are listed after the Statement of Proposal. The Council is interested in receiving submissions on all matters relating to the draft LAP and also about the development of other local alcohol policies and precinct-based accords for specific areas in the city.

The Council has consulted the Police, the Medical Officer of Health and the Licensing Inspectors in the preparation of the draft LAP. Before and during the preparation of this draft, the Council has

sought the views of the community about alcohol licensing matters including through surveys of public opinion, forums and workshops for identified stakeholders, staff attendance at Community Board workshops, and through meetings with a wide range of interested parties including residents groups, industry representatives, and health and community workers. A summary of this consultation can be found in the report to the Council and its attachments (<http://resources.ccc.govt.nz/files/TheCouncil/meetingsminutes/agendas/2013/May/Council16May2013OpenAgendaFull.pdf>).

As required by the Act the Council has had regard to the following matters when preparing a draft LAP.

- the objectives and policies of its district plan; and
- the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises; and
- any areas in which bylaws prohibiting alcohol in public places are in force; and
- the demography of the district's residents; and
- the demography of people who visit the district as tourists or holidaymakers; and
- the overall health indicators of the district's residents; and
- the nature and severity of the alcohol-related problems arising in the district.

This material can also be read in the report to the Council and its attachments.

Reasons for the proposal

Christchurch City Council has decided to prepare a LAP in order to provide locally relevant policies for licensing within Christchurch City. The Council recognises that within the community there is considerable concern about the effects of excessive and inappropriate drinking. The preliminary consultation has demonstrated that there is a real desire by the community to be involved in setting local policies on licensing premises, to best serve our city. The Council views a LAP for Christchurch City as an important tool to assist the District Licensing Committee in making its decisions and to help in the achievement of the object of the Act. The object of the Act 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.

Under the Act, the harm caused by the excessive or inappropriate consumption of alcohol includes—

- (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
- (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

What happens next?

The Act says that once the Council has prepared a draft LAP, the Council must consult on the draft using the special consultative procedure (which is set out in the Local Government Act 2002).

STATEMENT OF PROPOSAL

Under the special consultative procedure, the Council must prepare a statement of proposal. (This document, which includes the Summary of Information together with the draft LAP is the Statement of Proposal).

Submissions are invited on this statement of proposal from **31 May until 1 July 2013**.

Your submission on the draft LAP is needed by the Council by 5pm on 1 July 2013. The Council will not accept anonymous submissions.

The submissions may be sent either:

- Through the Council's website (www.ccc.govt.nz/Haveyoursay), or
- By email to localalcoholpolicy@ccc.govt.nz; or
- By using the submission form or any other written form and posted to:

Freepost 178

'Submissions on proposed Local Alcohol Policy 2013'

Christchurch City Council

Democracy Services

PO Box 73013

Christchurch 8154 *or*

- By delivering to

- (a) Civic Offices, 53 Hereford Street, Christchurch
- (b) The Christchurch City Council Libraries and Service Centres

A copy of this statement of proposal is available for public inspection during ordinary office hours at the following places:

- (a) Civic Offices, 53 Hereford Street, Christchurch
- (b) The Christchurch City Council Libraries and Service Centres

Copies of this statement of proposal may also be viewed on, and downloaded from, the Council's website, www.ccc.govt.nz/HaveYourSay

If you want to talk to someone about the draft LAP or this consultation process please contact Adair Bruorton, Senior Policy Analyst, Strategy and Planning, 941 8851.

Any person who makes a written submission has the opportunity to be heard by the appointed committee of full Council at public hearings to be held during **July 2013**, but should make that request in their written submission.

The Council is legally required to make all written or electronic submissions available to the public and to Councillors, including the name and address of the submitter. Information will be available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987. If you consider there to be compelling reasons why your contact details and/or submission should be kept confidential, you should contact the Council's Public Affairs Consultation Team Leader, telephone 03 941 8999.

All Councillors have been appointed to a committee to hear and consider all submissions on the draft LAP, and will then decide whether to produce a provisional LAP as a result of this consultation. It is anticipated that the Council will make this decision in September 2013. If the Council decides to produce a provisional LAP, the Council will not be able to take any further steps to notify or adopt the final LAP until after 18 December 2013 (prescribed by the Sale and Supply of Alcohol Act (2012)). It is anticipated that the incoming Council will affirm the provisional LAP and publicly notify it in early 2014.

Once the Council has notified a provisional LAP, there is an appeal process to the Alcohol Regulatory and Licensing Authority. Only a person or agency that has made a submission as part of the special consultative procedure on a draft LAP will be able to appeal against any element of the resulting 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 and 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 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 and Licensing Authority.

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 (see section 14 of the Act);
- **off-licences** where the licensee sells alcohol from a premises for consumption somewhere else (see section 17 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 (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 (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-licences (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 (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

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

a place of entertainment open at night which normally provides music and space for dancing and may provide a show e.g. of comedy or other 'acts'

rural townships

the townships of Lyttelton and Akaroa town centres

suburban centres

those areas where land is zoned 'Business' or 'Town Centre', or, in the case of a green-fields growth area, land zoned 'Living G'

supermarket

means premises with a floor area of at least 1000 m2 (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1))

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)). (ie, an airport bar is not treated as a tavern for alcohol licensing purposes).

2.0 Draft 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 (other than hotel in-bedroom (mini-bar) sales and special licences):

Maximum trading hours	All off-licence sales including over the counter sales, except for mini-bars
Monday to Sunday	9am to 9pm

The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday	24 hours per day
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2.2 Hours for on-licences

- 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 to 1am the following day

- 2.2.2 The following maximum trading hours and one-way door restrictions apply to all on-licensed premises that are taverns/bars/pubs/nightclubs/clubs in **Christchurch Central Area A**:

Christchurch Central Area A covers both the Category 1 and Category 2 Entertainment Precincts (excluding Victoria St) in the Christchurch Central Recovery Plan. (See Map 1 on page 10)

Maximum trading hours	Taverns/bars/pubs/night-clubs/clubs
Monday to Sunday	8am until 3am the following day
One-way door restriction	1 am

- 2.2.3 The following maximum trading hours and one-way door restrictions apply to all on-licensed premises that are taverns/bars/pubs/night-clubs/clubs in **Christchurch Central Area B**:

Christchurch Central Area B covers mixed use and business zones of the Central City Recovery Plan (and includes the Category 2 Entertainment Precinct for Victoria Street). (See Map 1 on page 10)

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

- 2.2.4 The following maximum trading hours and one-way door restrictions apply to all on-licensed premises that are taverns/bars/pubs/night-clubs/clubs in suburban centres and rural townships:

Maximum trading hours	Taverns/bars/pubs/night-clubs/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 maximum 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 Central City Area A of Map 1 of the LAP, generally require premises to close at/before 1 am.

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.

2.5 Discretionary conditions:

Note:

The Act provides for the LAP to include policies to guide the District Licensing Committee and the Alcohol Regulatory and 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 are considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- 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.

Conditions relating to the following matters may be appropriate for on-licensed premises such as cafes and bars:

- Provision of additional security (staff) after ‘x’ hour
- The installation and operation of CCTV cameras on the exterior of premises
- Provision of effective exterior lighting
- Restrictions on the size and time of ‘last orders’
- Management of patrons queuing to enter the licensed premises
- 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:

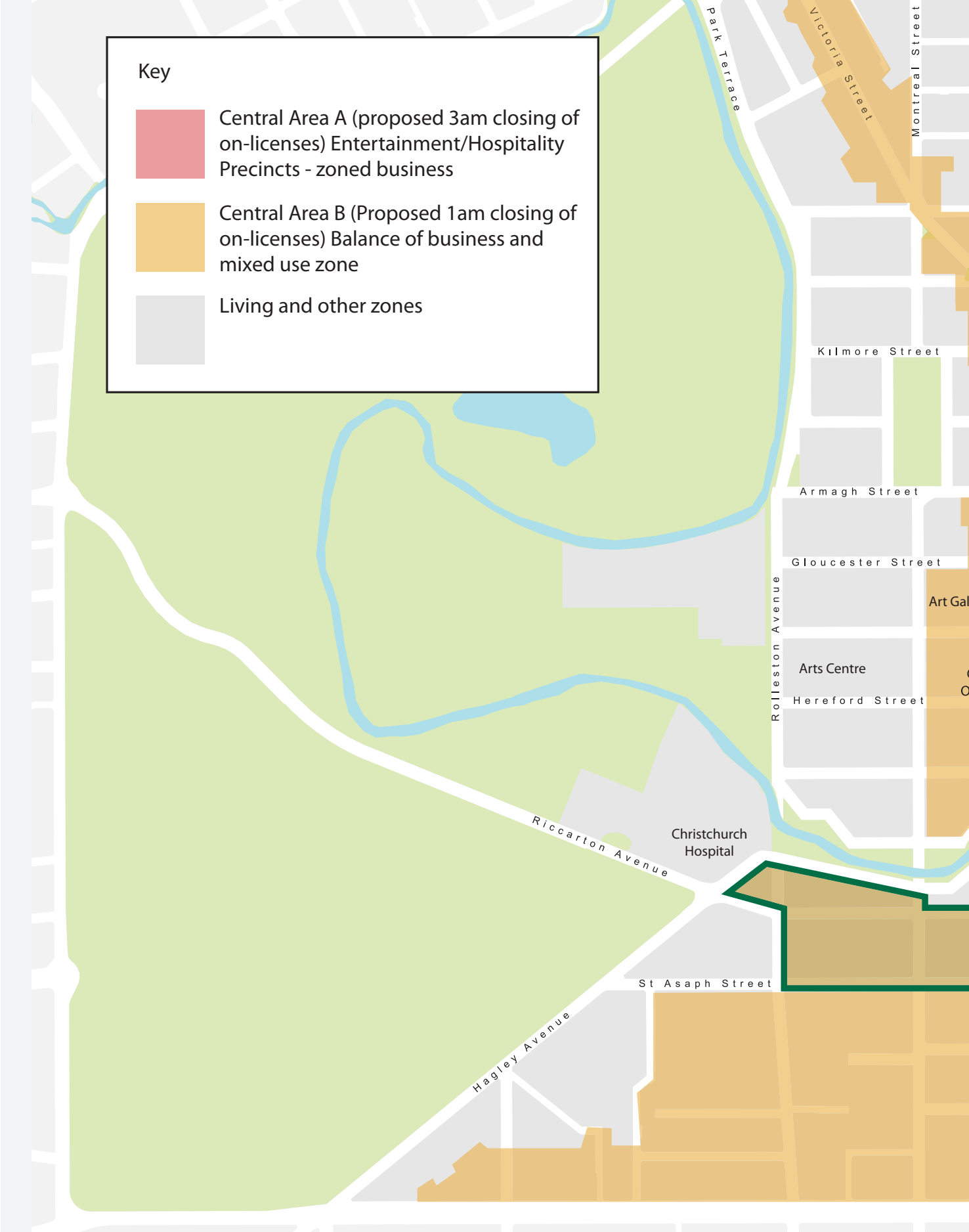
- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores
- Display of safe drinking messages/material

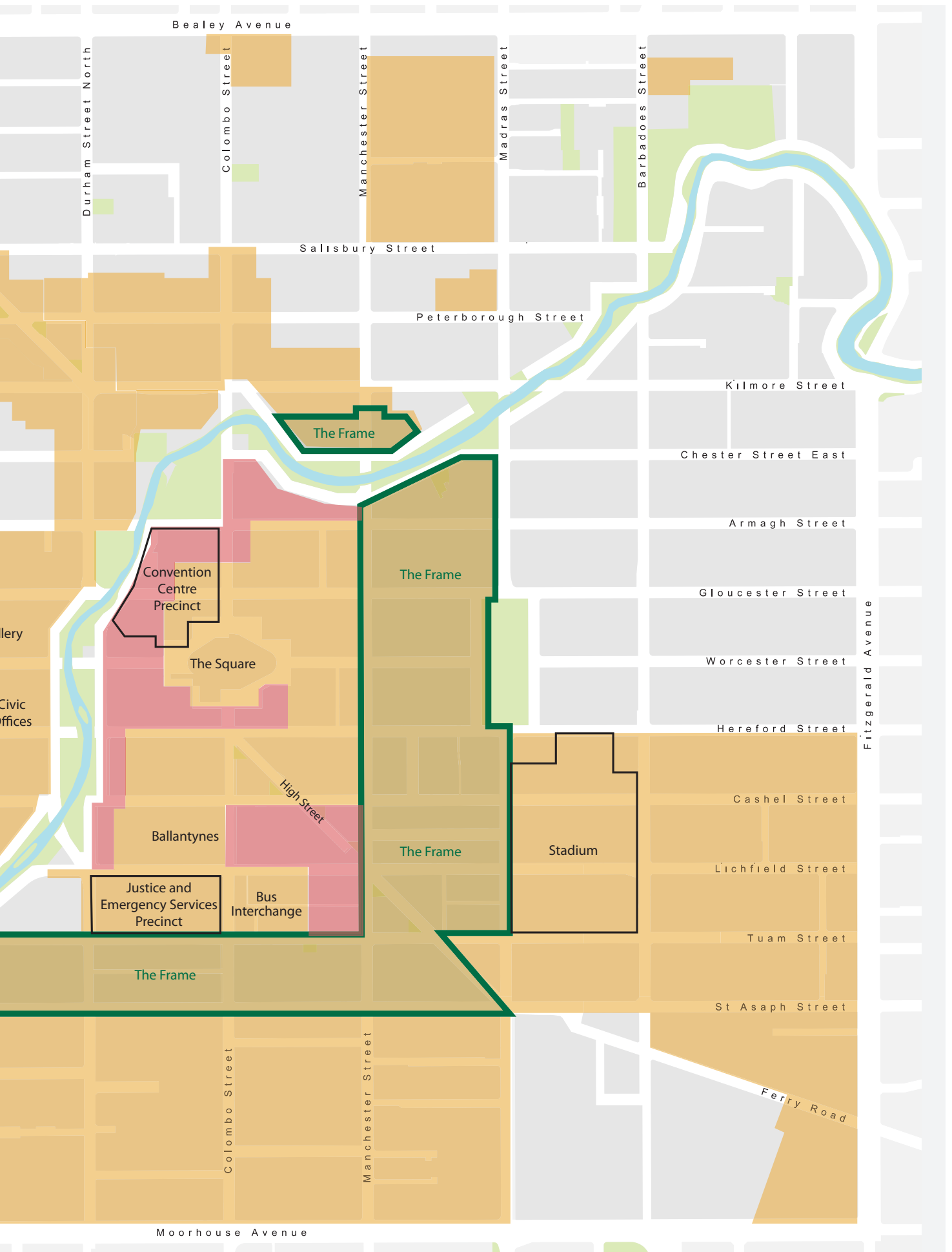
2.5.3 Special licences:

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

- Any special licence for a series of events should not be for a period exceeding 6 months
- No premises should have more than 20 events under special licence in any 12 month period.

Map 1 Central City





OTHER POLICY OPTIONS CONSIDERED BY THE COUNCIL

During development of the draft LAP the Council considered a range of options. Those that were not preferred, include:

1. **Status quo** – i.e. no LAP; rely on the provisions in the Sale and Supply of Alcohol Act (2012) (the Act), including its maximum default opening hours, to guide licensing decisions

Reasons for rejecting this option:

- All key stakeholders were supportive of the Council developing a LAP promptly, urging the Council to address recognised alcohol-related harm in the district and to provide certainty for licensees about their trading environment as the city rebuilds
- Default hours not considered appropriate across the whole district
- Not developing a LAP means local communities do not have the opportunity to influence licensing decisions

2. Local restrictions

(i) Restrictions on the location of licensed premises e.g. on bottle stores close to schools

Reasons for not including this policy:

- The provisions of the Act are considered adequate to address such issues of location. Under the Act the District Licensing Committee(DLC) is required to consider the effects of a proposed licensed premise e.g. the effects of a bottle store, on the amenity and good order of 'the locality' and consider also the purposes for which land near the premises concerned is used
- Restrictions on the location of premises may lead to unintended and undesirable consequences such as a 'cluster' of licensed premises located just outside an area where premises are not permitted
- There may also be considerable difficulties in establishing a robust and workable definition of 'proximity'

(ii) Restrictions on the density of licensed premises

Reasons for not including this policy:

- Fewer licensed premises and dense clusters of premises than prior to the earthquakes
- The provisions of the Act and the criteria for assessment of licensing applications that the District Licensing Committee must have to regard to are considered adequate to address density matters

(iii) Much more restrictive provisions with regards hours and location for on-licensed premises, generally and specifically:

Reasons for not including this policy, generally:

- Lack of support for this in the community survey and preliminary consultation
- Negative economic consequences

And specifically:

3am closure for Victoria Street premises

Reasons for not including this policy:

- Strong feedback from nearby residential community about problems arising from current 3am closing of some premises, and one premise closing at 5am

(iv) Less restrictive provisions than proposed in the LAP with regard to off-licensed premises, specifically

Off licence opening hours to commence at 7am

Reasons for not including this policy:

- Preference for consistency between all off-licences' hours to ensure fair trading environment between types of off-licences
- Many bottle stores already do not open until 9am so a 7am start is not required or necessary

(v) Much more restrictive provisions than proposed in the LAP with regard to off-licensed premises' hours, specifically

Off licence sales of alcohol to stop at 7pm

Reasons for not including this policy:

- Unreasonable restriction on shopping opportunities and lifestyle
- Inconsistent with the stated position of the Police on off-licences' hours

(vi) Less restrictive provisions than proposed in the LAP with regard to hours and location in general

Reasons for not including this policy, generally:

- Evidence from enforcement and emergency services of an increase in alcohol-related harm in the later hours
- Research shows that adding or subtracting just one or two hours of trading after midnight can make a significant difference to rates of violence
- Little support in the community survey for less restrictive trading environment
- No support for less restrictive provisions from the Police, Medical Officer of Health or licensing inspectors

And specifically:

Off licence opening hours to 11 PM (as per the default hours under the Act)

Reasons for not including this policy:

- Would not contribute to meeting the policy objective of reducing alcohol-related harm
- The Police, Medical Officer of Health and licensing inspectors consider there should be a gap between the closing time of off-licences and the time at which many people come into the central city for later night entertainment and drinking, as a way of reducing opportunity for pre- and side-loading
- No clear support for this in the community survey

FREQUENTLY ASKED QUESTIONS

1. What is a Local Alcohol Policy (LAP)?

A LAP – under the Sale and Supply of Alcohol Act 2012 (the Act) – allows councils such as the Christchurch City Council to develop a set of policies about licensing of premises that sell and supply alcohol within their territorial area.

2. What can a LAP deal with?

A LAP can only deal with matters relating to licensing. Through a LAP, communities are able to set the direction on some or all of the following matters:

- the location of licensed premises near certain types of facilities, such as in specific neighbourhoods or near schools or churches.
- the density of licensed premises by specifying whether further licences or types of licences should be issued for premises in the district or in a particular area.
- “one-way door” conditions for licensed premises that would allow patrons to leave premises but not enter or re-enter after a certain time.
- discretionary conditions in a licence.
- restrictions or extensions to the maximum trading hours set in the new Act which are: 8am - 4am for on-licences (such as bars, cafes and restaurants) and 7am - 11pm for off-licences (such as bottle stores and supermarkets).

In addition, a LAP may apply differently to different kinds of licensed premises.

3. Why is Christchurch developing a LAP?

Christchurch City Councillors unanimously voted in February 2013 to prepare a provisional Christchurch-specific Local Alcohol Policy (LAP) before the October 2013 local body elections.

The Councillors wanted to prepare a LAP as far as legally possible so that it was ready to notify after 18 December 2013 (a requirement of the legislation).

There was a strong feeling that the Christchurch community wanted to address alcohol issues sooner rather than later.

4. What happens if the incoming Council does not like the LAP that is developed by the current Council?

The newly elected council can choose to proceed with notifying the LAP developed by the current Council, start the process again or decide not to have a LAP at all.

5. Has the community been involved with the development of a draft LAP?

A LAP is made by a council in consultation with its community. The Act requires that the Police, Medical Officer of Health and Licensing Inspectors be involved in the preliminary development of a draft LAP, but the Christchurch City Council has also engaged with numerous other stakeholders to get their input into a draft LAP. Other preliminary work included a survey of Christchurch and Banks Peninsula residents, forums for interested stakeholders and collating data from health agencies and the Police. This draft LAP is now out for community consultation.

6. What happens now?

The draft LAP was adopted by the full Council on 16 May 2013. It is now out for community consultation via a Special Consultative Procedure (SCP), to allow for community input, until 1 July 2013. Anyone who is interested can make a submission on the draft LAP.

7. When can I make a submission?

Submissions about the draft LAP can be made from **31 May** until **5pm on 1 July 2013**. The Council will not accept anonymous submissions.

8. How can I make a submission?

The submissions may be sent either:

- Through the Council’s website (www.ccc.govt.nz/HaveYourSay); or

- By email to localalcoholpolicy@ccc.govt.nz; or

- By using the submission form or any other written form and posted to:

Freepost 178
‘Submissions on proposed Local Alcohol Policy 2013’
Christchurch City Council
Democracy Services
PO Box 73013
Christchurch 8154 or

- By delivering to:

- (a) Civic Offices, 53 Hereford Street, Christchurch;
- (b) The Christchurch City Council Libraries and Service Centres

A copy of the statement of proposal, which includes the draft LAP, is available for public inspection during ordinary office hours at the following places:

- (a) Civic Offices, 53 Hereford Street, Christchurch;
- (b) The Christchurch City Council Libraries and Service Centres.

Copies of this statement of proposal may also be viewed on, and downloaded from, the Council’s website, www.ccc.govt.nz/HaveYourSay

9. What happens to the submissions?

The Council has established a committee of the full Council to hear and consider, submissions on the draft LAP, and to then decide whether or not to proceed with preparing a provisional LAP and what it will include. The committee will be chaired by Councillor Sue Wells. Hearings from those submitters who choose to be heard will take place in late July 2013. Any person who makes a written submission and wants to be heard by the committee, should make that request in their written submission.

10. What happens after the public hearings in July?

The committee of the full Council will consider all the written and heard submissions and then decide whether or not to proceed with preparing a provisional LAP and what it will include. The provisional LAP will then be publicly notified in early 2014 and open to appeals if the new Council agrees. Final adoption of a LAP is not likely to be until mid to late 2014, depending on the length of the appeal process.

11. What happens after the Council notifies a provisional LAP?

The Act allows for an appeal process to the national Alcohol Regulatory and Licensing Authority. Only a person or agency that has made a submission as part of the special consultative procedure on a draft LAP will be able to appeal against any element of the resulting provisional LAP. The Police and Medical Officer of Health have statutory rights of appeal.

12. When will the LAP become operational?

Final adoption of a LAP is likely to be mid to late 2014 at the earliest, with a number of steps required to meet legislation requirements.

The default national maximum hours in the Sale and Supply of Alcohol Act 2012 (8am - 4am for on-licences (such as pubs and restaurants) and 7am - 11pm for off-licences (such as bottle stores and supermarkets)) apply from 18 December 2013. Premises that currently open for longer hours will have to comply with the maximum trading hours from this date. Premises with shorter hours will continue to operate to the hours of their licence.

As new licences are applied for or existing ones renewed, the District Licensing Committee and national Alcohol Regulatory and Licensing Authority will refer to the new default hours, other criteria in the Sale and Supply of Alcohol Act 2012 and any Local Alcohol Policy in place, in making their decisions.

13. What is the District Licensing Committee (DLC)?

Under the new legislation, each local council must establish one or more DLCs to make decisions on all licences and managers certificates. The DLC will replace the current District Licensing Agency. The DLC will have wider powers than the Agency as it will consider all licence application and renewals and managers certificate applications and renewals, regardless of whether they are contested or not contested. The Christchurch City Council needs to have a DLC in place by 18 December 2013. A DLC is made up of a chairperson or commissioner and two committee members.

14. What is the Alcohol Regulatory and Licensing Authority (ARLA)?

ARLA considers and determines licensing applications having replaced the Liquor Licensing Authority from 19 December 2012, which previously had this role. During the first 12 months of the new law, ARLA will continue to consider all contested applications for licences. ARLA will be primarily an appeal body for applications. ARLA will hear any appeals to the Council's provisional policy.

15. What is the LAP used for?

Once a LAP is in place, the local District Licensing Committee and the national Alcohol Regulatory and Licensing Authority must have regard to it when making decisions on licence applications.

16. Are other Councils around New Zealand preparing LAPs?

The Christchurch City Council is one of the first Councils in the country to start preparing a LAP. Other centres that have begun work include Wellington, Auckland and Dunedin, and locally Waimakariri, Selwyn and Ashburton are underway.

17. How often will the LAP be reviewed?

Legislation requirements mean the LAP must be reviewed every six years, although Councils can choose to do this sooner if they wish.

18. What are some of the proposals included in the LAP?

- A closing time of 3am in the Central City Entertainment Precincts (excluding Victoria Street) for taverns, bars, pubs, night-clubs and clubs, with a one-way door policy from 1am.
- A closing time of 1am elsewhere in the Central City (including Victoria Street) for taverns, bars, pubs, night-clubs and clubs, with a discretionary one-way door policy where appropriate.
- A closing time of 1am in suburban centres in the city for taverns, bars, pubs, night-clubs and clubs, with a discretionary one-way door policy where appropriate.
- Maximum trading hours for selling alcohol of 9am until 9pm for all off-licences in Christchurch.
- Restrictions on the location of new bottle stores and taverns to business zones.

19. What will the draft LAP do about off-licences and on-licences wanting to set up where there is local opposition because of concern about location and/or density?

The District Licensing Committee and national Alcohol Regulatory and Licensing Authority will consider an expanded range of criteria in deciding whether to grant new or renewing licences, including considering the effect the licensed premise will have on the 'amenity and good order' of the locality.

The draft LAP proposes limiting new off-licences and on-licenses for taverns to locations on land zoned 'Business' or 'Town Centre', or in the case of a green-fields growth area, on land that has been identified as a business area in an Outline Development Plan approved by the Council.

- For more information about the LAP process contact Adair Bruerton, Senior Policy Analyst, Strategy and Planning, (03) 941 8851.

PLEASE READ BEFORE COMPLETING YOUR SUBMISSION

The public consultation period is from Friday 31 May 2013 to Monday 1 July 2013. A public hearings process will follow.

Your submission must be in writing but does not have to be on this form. No anonymous submissions will be accepted.

Whether you use this form or not, you must provide your full name, address and telephone number. It is also helpful if you refer to the specific page(s) or section(s) of the proposed policy. If you are submitting on behalf of an organisation, please state this and your role within that organisation.

Submissions must be received (NOT postmarked) at the Hereford Street Civic Offices no later than 5pm on Monday 1 July 2013. To ensure receipt, hand deliver last minute submissions to the Civic Offices, 53 Hereford Street.

We are legally required to make all written or electronic submissions available to the public and to Councillors, including the name and address of the submitter, subject to the provisions of the Local Government Official Information and Meetings Act 1987. If you consider there to be compelling reasons why your contact details and/or submission should be kept confidential, you should contact the Council's Communication's Consultation Team Leader, telephone 941 8999 or 0800 800 169.

Send us your submission:

On the internet

Enter your submission using the form provided on the Council's website at www.ccc.govt.nz/HaveYourSay

By email

Email your submission to:

LocalAlcoholPolicy@ccc.govt.nz

Make sure that your full name and address is included with your submission.

By mail

Post your submission to:

Freepost 178 (no stamp required)

Submissions on the Draft Local Alcohol Policy 2013

Christchurch City Council

Democracy Services

PO Box 73013

Christchurch 8154

Your submission

If you wish, you can present your submission at a hearing by a committee of the full Council. If that is the case, please tick the appropriate box below. The hearings will be held in late July 2013. Five to ten minutes will be allocated for speaking to your submission, including time for questions from the Councillors. The Council will confirm the date and time of your hearing in writing, by email or by telephone call.

Tick one

☐ I do NOT wish to discuss my submission at the hearing, and ask that this written submission be considered

OR

☐ I wish to discuss the main points in my written submission at the hearings, to be held in late July 2013.

I am completing this submission: ☐ For myself ☐ On behalf of a group or organisation

If you are representing a group or organisation, how many people do you represent?

Your name

Organisation name (if applicable)

Organisation role (if applicable)

Contact address

Postcode Phone number (day) Phone number (evening)

Email (if applicable)

Signature Date

1. Please indicate your level of satisfaction with the following provisions in the draft LAP

*If you disagree, please tell us what you would like the provision to be changed to.

(Please tick)

	Agree	Neither agree nor disagree	Disagree*
(a) The proposed maximum trading hours for on-licensed premises such as bars, taverns, clubs and night-clubs in the Central City. (Section 2.2.2 of the draft LAP)			
* (Please give reasons):			
(b) The proposed maximum trading hours for on-licensed premises such as bars, taverns, clubs and night-clubs in other parts of the city, including Lyttelton, Akaroa and Victoria Street. (Sections 2.2.3 and 2.2.4 of the draft LAP)			
* (Please give reasons):			
(c) The proposed maximum trading hours for on-licensed premises such as restaurants and cafes in all parts of the city. (Section 2.2.1 of the draft LAP)			
* (Please give reasons):			
(d) The proposed maximum trading hours for off-licensed premises such as supermarkets, bottle stores and grocery stores in all parts of the city. (Section 2.1.1 of the draft LAP)			
* (Please give reasons):			
(e) The proposed one-way door restriction on bars and night-clubs in the Central City. (Section 2.2.2 of the draft LAP)			
* (Please give reasons):			
(f) The proposed controls on the location of new bottle stores. (Section 2.4 of the draft LAP)			
* (Please give reasons):			
(g) The proposed controls on the location of new taverns. (Section 2.4 of the draft LAP)			
* (Please give reasons):			
(h) The proposed special licence and discretionary conditions. (Sections 2.3 and 2.5 of the draft LAP)			
* (Please give reasons):			

2. Overall, do you support the direction of the draft Local Alcohol Policy?

Agree	Neither agree nor disagree	Disagree

Please be as specific as possible to help us understand your views. It is helpful if you clearly state the page(s) and/or section number(s) of the draft LAP you are commenting on.

3. What are the best aspects of the draft Local Alcohol Policy?

4. What aspects of the draft Local Alcohol Policy do you think need to be changed?

5. Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters which you want to see included in the Local Alcohol Policy?

You may add more pages if you wish. Thank you for your submission.

The Council wants feedback from a wide range of people in the city. To help us understand more about who we are reaching, we would appreciate you answering the following. Answers to these questions are confidential and will not be part of your submission. Please tick the appropriate boxes below to describe yourself.

Your gender:

☐ Male ☐ Female

Your age:

☐ Under 18 years ☐ 18-24 years ☐ 25-34 years ☐ 35-49 years ☐ 50-64 years ☐ 65 years and over

Your ethnicity:

☐ New Zealand European/Pakeha ☐ New Zealand Maori ☐ Pacific ☐ Indian ☐ Chinese ☐ Other Asian
☐ Other _____

Household income: (annual household income [\$] before tax)

☐ Prefer not to say ☐ loss ☐ no income ☐ less than \$10,000 ☐ \$10,001-\$20,000 ☐ \$20,001-\$30,000
☐ \$30,001-\$40,000 ☐ \$40,001-\$50,000 ☐ \$50,001-\$60,000 ☐ \$60,001-\$70,000 ☐ \$70,001-\$80,000 ☐ \$80,001-\$90,000
☐ \$90,001-\$100,000 ☐ \$100,001-\$150,000 ☐ \$150,001-\$200,000 ☐ \$200,001 and over ☐ Don't know

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

