

**ROTORUA  
LAKES COUNCIL**

**ADOPTED  
LOCAL ALCOHOL  
POLICY**

**ROTORUA LAKES COUNCIL**

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## 1 BACKGROUND TO THE POLICY

In December 2012 the Alcohol Reform Bill was passed by Government. The Bill was the result of a Law Commission report into legislation and policies around the sale, supply and consumption of alcohol in New Zealand. The result of the Alcohol Reform Bill was three new Acts:

- The Sale and Supply of Alcohol Act 2012 (The Act)
- The Local Government (Alcohol Reform) Amendment Act 2012
- The Summary Offences (Alcohol Reform) Amendment Act 2012

Rotorua's Local Alcohol Policy (LAP) aims to provide local guidance for how we meet the objectives of the Act in our community. The object of the Act is to ensure *"the sale, supply and consumption of alcohol be undertaken safely and responsibly; and the harm caused by excessive or inappropriate consumption of alcohol be minimised"*<sup>1</sup>. Under the Act each territorial authority can develop a LAP relevant to their District.

In broad terms the LAP can:

- Limit the location and/or number of licensed premises, taking into account factors such as proximity to certain activities and facilities (sensitive sites);
- Restrict or extend maximum opening hours where alcohol is available, as outlined in the Act; and
- Impose conditions related to the issuing of licences.

The **draft** Local Alcohol Policy (LAP) was developed in conjunction with elected representatives of the Rotorua Lakes Council (RLC), Iwi, alcohol licensing staff, Police, medical officers of health, licensees, the tourism industry and other interested parties.

The draft LAP then went out for public consultation in January 2014 with submissions closing on the 7<sup>th</sup> March 2014. Hearings into submissions were heard on the 22<sup>nd</sup> and 23<sup>rd</sup> May 2014. As per the practice note issued by the Alcohol Regulatory and Licensing Authority (ARLA), the draft LAP was put on hold pending the outcome of appeals on proposed local alcohol policies (PLAPs) before them. A working party of RLC councillors met in April 2015 to work through the submissions received and heard, as well as having before them the decisions from ARLA - in particular, in relation to the PLAPs of Tasman District Council and Wellington City Council.

This process has resulted in a PLAP for Rotorua being proposed to the RLC for approval and moving to the notification and appeal process as outlined within the Act.

This PLAP was approved by RLC on the 12<sup>th</sup> November 2015.

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<sup>1</sup> Sale and Supply of Alcohol Act 2012

## 2 INTRODUCTION

RLC has developed this LAP to take an active role in protecting the safety and health of our community. Development of the LAP allows the community to work together to develop and implement strategies that are relevant to reduce the harmful effects of alcohol for our residents.

This LAP incorporates the views of residents and the alcohol licensing trade, as well as Iwi, Police, Toi Te Ora Public Health Service and other stakeholders. All have shared their views as to how alcohol could be responsibly managed within the Rotorua District.

These stakeholders are united in their desire to see the LAP reduce *excessive* and *inappropriate* use of alcohol and improve community safety from alcohol-related harm. RLC recognises the alcohol licensing trade for their efforts to self-regulate and control negative outcomes of alcohol supply, and their positive participation in the LAP's creation.

It is also recognised that appropriate use of alcohol in social settings is an enjoyable pastime that many people value. Additionally, Rotorua has a vibrant hospitality industry that attracts national and international visitors. Responsible alcohol consumption is an enjoyable part of many visitors' experience and a contributor to Rotorua's night-time economy.

However, alcohol is also a significant cause of disease, disability and social harm. Its negative impacts include illness, injury, violence, crime, vehicle accidents and death. Leaving aside the obvious cost to individuals and their families, these impacts also come at a significant economic cost to the community, which must provide emergency, healthcare and other services. A RLC-commissioned report "The Impacts of Liquor Outlets in Rotorua District" (May 2012) outlines the extent of negative social and economic impacts in the local community.

The LAP is designed to encourage the socially responsible use of alcohol in the Rotorua community, keeping in mind the importance of tourism and hospitality to our economy, whilst also protecting the safety of residents and visitors and minimising the social and economic impacts of alcohol-related harm.

## 3 THE OBJECT OF THE ACT

Section 4 of the Act states:

“(1) 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.

- (2) For the purposes of subsection (1), 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)."

## 4 DEFINITIONS

### **Inner City:**

The Inner City is the area outlined in the **Appendix**.

### **On Licence:**

This licence provides for the sale and supply of alcohol for consumption in or on the specified licensed premises, i.e. cafes, taverns and hotels. The area specified as licensed is defined on plans provided and may include outside areas e.g. hotels, taverns, restaurants.

### **Club Licence:**

This licence is similar to an On Licence but specific to a club premises and club members, affiliates and guests of club members.

### **Off Licence:**

This licence provides for the sale of alcohol (take home) which is to be consumed elsewhere. May include bottle stores and supermarkets. (Some hotels and taverns may hold both an off and on licence.)

There are several categories of Off-Licence and for the purpose of this LAP:

- **Supermarket:** Premises defined in section 32(1)(e) of the Act;
- **Grocery store:** Premises defined in section 33(1) of the Act;
- **Bottle Store:** Premises where the main product for sale is alcohol of any type – e.g. wine, beer, spirits, ciders etc. Usually these premises are stand-alone. They cannot be situated wholly or partially within another shop, unless part of a hotel or tavern style on licence where alcohol can be sold either in a separate store or over the bar.

**Special Licence:** There are two kinds of special licence, for the purpose of this LAP: **on-site special licences** and **off-site special licences**:

- **On-site special licence** means a premises licensed to sell and supply alcohol for consumption, to people attending an event (as described in the special licence) at those premises;

- **Off-site special licence** means a premises licensed to sell alcohol for consumption elsewhere, to people attending an event described in the special licence, and the supply of alcohol free (as a sample), for consumption on the premises (see section 22 of the Act).

## **5 POLICY OVERVIEW**

For the first time, the Act has enabled territorial authorities to create a LAP that takes into consideration residents' concerns regarding the impacts of alcohol in the community. The creation of a local policy is optional, and if no LAP exists, then the Act is the default policy.

RLC has opted to create a LAP to offer clear guidance to the industry, on how they should operate to create a safe and responsible environment within our community. The LAP is designed to help encourage socially responsible use of alcohol and protect the community from the impacts of alcohol-related harm, by reducing excessive and inappropriate consumption of alcohol.

### **5.1 Purpose of the LAP**

The purpose of this LAP is to clearly define the requirements that must be met when an application for a licence is made, the parameters used to determine whether a licence will be granted or renewed, and the basis for granting or refusing different types of licences within the District. The LAP provides guidance to applicants and the Rotorua District Licensing Committee (RDLC) when determining a licence application and the impact this will have (negative or positive) within the community.

## **6 SPECIFIC POLICIES**

The following policies outline RLC's policy responses to sections 77 (1) (a) to (e) and (g) of the Act –

- 6.1 Location of Licensed Premises in Proximity to Sensitive Sites
- 6.2 Maximum Trading Hours
- 6.3 One-way Door Restrictions.

### **6.1 Location of Licensed Premises in Proximity to Sensitive Sites**

It is important to the Rotorua community that off-licence outlets are not allowed to operate within a pre-defined distance from one or more "sensitive sites".

**POLICY STATEMENT – SENSITIVE SITES**

**No new off-Licence applications will be granted if the premises are to be located outside the Inner City and within a 200 metre radius of any Sensitive Site, unless the RDLC or ARLA is satisfied, that it is appropriate to do so.**

**“Sensitive Site/s”** means Education Facilities and Marae:

- **Education Facilities** means sites used primarily for education, such as pre-school, primary, secondary and tertiary institutions and institutes delivering educational services for groups such as unemployed people, youth, elderly or groups with special educational needs.
- **Marae** means community meeting places or surrounds. Marae customarily means the open space in front of a meeting house upon which various ceremonial occasions are centred. For the purpose of the LAP, a Marae also consists of a wharenuī (Maori meeting house) and/or a wharekai/hall, together with the surrounding area of open ground. It includes buildings normally used in conjunction with the meeting house or hall, the whole being located on a defined parcel or parcels of land and administered by legally appointed trustees of a trust body for the common use or benefit of a defined group of Maori people.

**“New off-licence applications”** excludes new off-licence applications made in respect of premises for which an off-licence or temporary authority (based on an underlying off-licence) was in force immediately prior to the application being filed.

## 6.2 Maximum Trading Hours

The Law Commission report identified that longer trading hours contributed to increased law and disorder problems for Police and Emergency Services. RLC believes that the benefits of alcohol availability must be balanced against the known harm caused by excessive intoxication in Rotorua.

**POLICY STATEMENT – MAXIMUM TRADING HOURS**

As allowed for in Section 90(2) and (6) of the Act, the following trading hours will apply -

**OFF LICENCES:**

- Monday to Sunday (except during the dates specified below): 7.00 am to 10.15 pm
- Monday to Sunday, 11 December to 24 December - 7.00 am to 11.00 pm

**WITHIN THE INNER CITY:**

**ON LICENCES:**

- Sale of alcohol for consumption on licensed premises: 8.00 am to 3.00 am the following day;

**CLUB LICENCES:**

- Sunday to Friday: 8.00 am to 12 midnight
- Saturday and Public Holidays: 8.00 am to 1.00 am the following day

**OUTSIDE THE INNER CITY:**

**ON LICENCES:**

- 8.00 am to 1.00 am the following day

**CLUB LICENCES:**

- Sale of alcohol for consumption on club licensed premises:
  - Sunday to Friday: 8.00 am to 12midnight
  - Saturday and Public Holidays: 8.00 am to 1.00 am the following day.

**6.3 One-Way Door Restrictions**

The former District Licensing Agency, along with many responsible licensees, have for some time used one-way door restrictions to help reduce alcohol-related harm.

A one-way door policy means patrons can remain on premises until closing time (3 am, say), but cannot enter the premises after a specified time (such as 1 am).

**POLICY STATEMENT – ONE-WAY DOOR RESTRICTIONS**

As a condition of a licence, premises within the Inner City trading after 12 midnight may be required to have a one-way door restriction, effective 1 hour prior to the end of the licensed hours.

**7 DISCRETIONARY CONDITIONS**

The following policies, made under section 77(1)(f) of the Act, provide a guide to the RDLC and ARLA as to the types of discretionary conditions that RLC considers may be appropriately imposed when granting applications under the Act -

- 7.1 Implementation of the CPTED Principles**
- 7.2 Alcohol Product Advertising**
- 7.3 Host Responsibilities**



## 7.4 Food Requirements for Special Licences.

### 7.1 Implementation of the CPTED principles

'Guidelines for CPTED - Crime Prevention through Environmental Design'<sup>2</sup> provides three approaches to managing the physical environment in ways that will reduce the opportunity for crime (Ministry of Justice, 2005):

- Natural - the integration of security and behavioural concepts into how human and physical resources are designed and used (e.g. border definition, windows);
- Organised – the introduction of labour-intensive security (e.g. security guards, Police, security patrols);
- Mechanical – the introduction of capital or hardware-intensive security (e.g. locks, closed circuit television, lighting)

As a result of these approaches, there are four key overlapping CPTED principles (Ministry of Justice, 2005):

- Surveillance – people are present and can see what is going on;
- Access management – methods are used to attract people and vehicles to some places and restrict them from others;
- Territorial reinforcement – clear boundaries encourage community ownership of the space; and
- Quality environment – good quality, well maintained places attract and support surveillance.

Consistent with the object of the Act, RLC considers that it may be appropriate for licensees to be required to implement the CPTED principles.

<b>POLICY STATEMENT - CPTED PRINCIPLES</b>
<b>Licences may be issued subject to conditions which require implementation of the CPTED principles.</b>

### 7.2 Alcohol product advertising

Consistent with the object of the Act, Council's bylaws and the District Plan, RLC considers that it may be appropriate for licence applications to be granted subject to restrictions being imposed on alcohol product advertising.

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<sup>2</sup> Developed by the Health Promotion Agency (CPA) to establish and maintain a safe and secure environment in all licensed premises and published on October 2015 and supplement the Ministry of Justice's National Guidelines for Crime Prevention Through Environmental Design in New Zealand (2005).

**POLICY STATEMENT – ALCOHOL PRODUCT ADVERTISING**

**Off-licences may be issued subject to conditions relating to alcohol product advertising, including a condition that no more than 50% of the main façade of the premises be permitted to contain alcohol product advertising.**

### 7.3 Host Responsibilities

Consistent with the object of the Act, RLC considers that it may be appropriate for licensees to be required to be responsible hosts, ensuring the safety of their patrons.

**POLICY STATEMENT - HOST RESPONSIBILITIES**

**On-licences and Club licences may be issued or renewed subject to a requirement that the premises has a host responsibility policy and that such policy be an integral part of the day to day operations of the premises. All host responsibility policies should -**

- **include but not be limited to:**
  - **Clear signage displayed within the premises, setting out available transportation options.**
  - **Provision and promotion of food options.**
  - **Provision and promotion of low and non-alcoholic drinks.**
  - **Dealing with minors and / or intoxicated persons.**
- **be easy to read, not only for the staff but also the customers; and**
- **be visible to customers.**

### 7.4 Food requirements for Special licences

The supply of food is an important element in ensuring that the incidents of alcohol-related harm are reduced at any Special Licence event. For the purpose of the special licences policy, three food classes are defined, as follows:

- (a) **Snack Food** – is not limited to but may include cracker biscuits and cheese, pickles, salad vegetables as a dip, nachos and canapés.

- (b) **Light Food** – is not limited to but may include pies, filled rolls, toasted sandwiches, French fries and hot savouries.
- (c) **Substantial Food** – is not limited to but may include buffet or a la carte meals, smorgasbords, and fish and chips.

<b>POLICY STATEMENT - FOOD REQUIREMENTS FOR SPECIAL LICENCES</b>
<p><b>Special Licences may be issued subject to conditions as to the types of food which must be available, as appropriate to the duration and type of event, as follows:</b></p> <ul style="list-style-type: none"><li>(a) <b>Events up to two hours duration - a minimum of Snack Food;</b></li><li>(b) <b>Events up to five hours duration - a minimum of Light Food;</b></li><li>(c) <b>Events in excess of five hours - Substantial Food.</b></li></ul>

## 8 COMMENCEMENT OF THIS POLICY

This LAP was duly adopted by RLC by a resolution passed on the 12<sup>th</sup> day of November 2015, and was confirmed following consideration of submissions received during a special consultative procedure, by a resolution passed on the 18<sup>th</sup> day of February 2019.

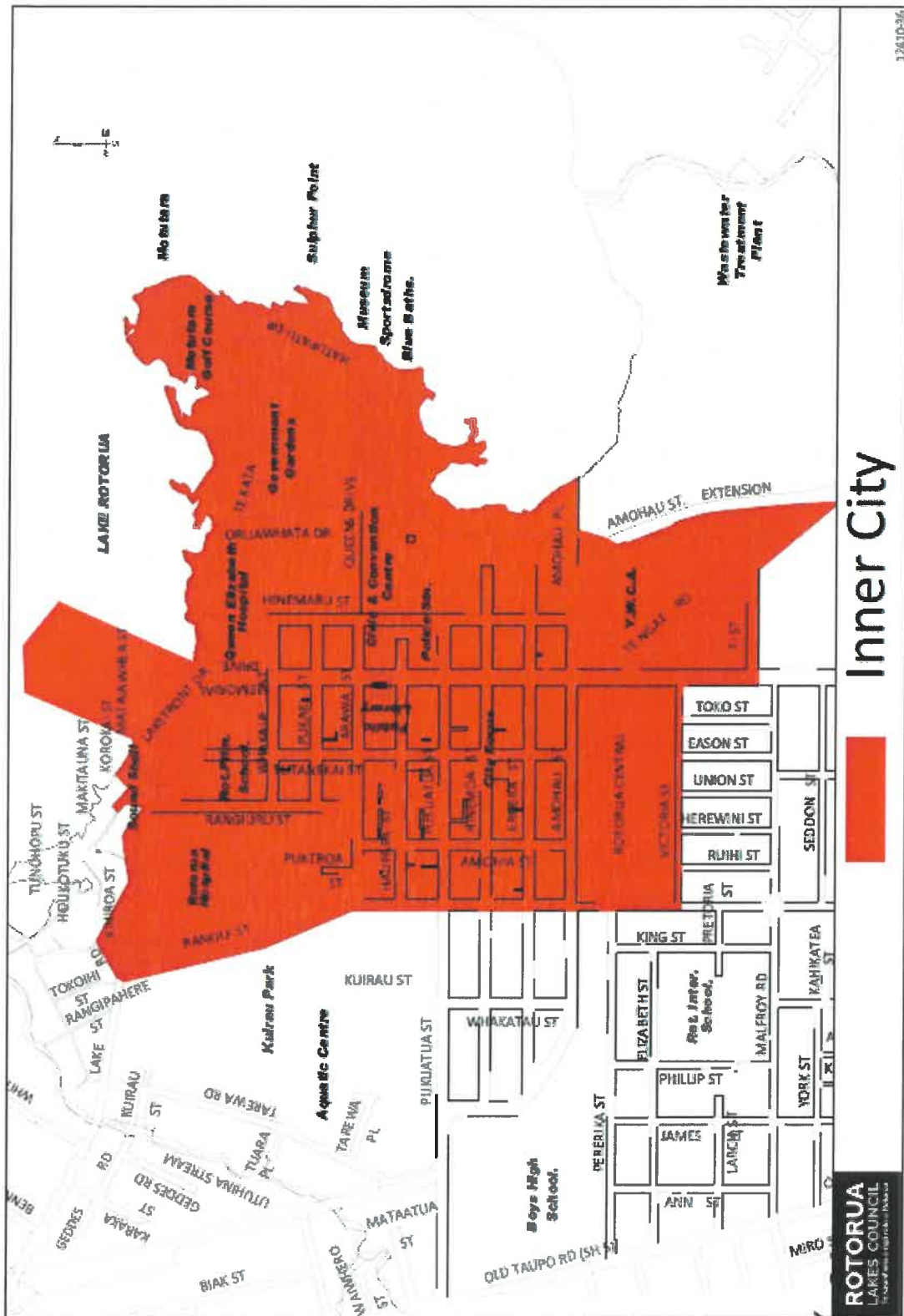
**THE COMMON SEAL** of the  
**ROTORUA DISTRICT COUNCIL**  
(operating as Rotorua Lakes Council)  
was hereto affixed in the presence of:

  
MAYOR

  
CHIEF EXECUTIVE



APPENDIX – INNER CITY



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