



te kaunihera ā-rohe o
matamata-piako
district council



Issues and Options Paper February 2023

**To Support the Review of Council's Local Alcohol
Policy**



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1 Introduction

This document is intended to provide information and background to support Council decision-making around the review of Matamata-Piako District Council's (Council) Local Alcohol Policy (LAP). It also provides information to those who may wish to make a submission to Council during the consultation period in March/April 2023.

This report analyses the various options available to Council in the review of its LAP. For detailed information relating to the relevant legislation, alcohol licensing process, licensed premises in the District and relevant research, please refer to the associated research paper available on Council's website at mpdc.govt.nz/haveyoursay.

There is evidence of harm occurring in the Matamata-Piako District (District) as a result of alcohol. Research shows that Māori, young people and those living in deprived areas suffer harm disproportionately. To further mitigate and prevent alcohol-related harm, Council has considered a range of policy measures for inclusion in its draft LAP for community consultation.

1.1 Contents of a Local Alcohol Policy

A LAP allows Council to have a policy relating to the sale, supply or consumption of alcohol within its District. Section 77(1) of the Sale and Supply of Alcohol Act 2012 (the Act) states that a LAP may include policies on any or all of the following matters relating to licensing (and no others):

- a) Location of licensed premises by reference to **broad areas**;
 - The Act does not define the term "broad areas." However, it can be taken as meaning a large general area such as a ward, or a class of area such as a town centre or by planning zone, e.g. residential areas.
- b) Location of licensed premises by reference to proximity to **premises** of a particular kind or kinds;
 - This refers to the location of other licensed premises and allows the provision of limits to be placed in relation to the location of other licensed premises in the area.
- c) Location of licensed premises by reference to proximity to **facilities** of a particular kind or kinds;
 - There is no definition for facilities in the Act. Therefore, this allows Council to restrict the location of licensed premises in relation to specified community facilities/sensitive sites.
- d) **Whether further licences** (or licences of a particular kind or kinds) **should be issued** for premises in the district concerned, or any part of the district;
 - This allows Council to control the number (density) of licences at a district or local level. Density policies can apply to any new on, off and club licences, but do not apply to existing licences or special licences.
- e) **Maximum trading hours**;
 - Section 43(1) states default national trading hours as below:
 - a) On-licences and club-licences: Between *8am on any day and 4am* the next day for the sale and supply of alcohol for consumption on premises;
 - b) Off-licences: Between *7am and 11pm* on any day for the sale of alcohol on premises for consumption elsewhere.
 - Sections 47 and 48 detail restricted sale and supply on Anzac Day morning, Good Friday, Easter Sunday and Christmas Day.
 - Section 47(A) provides for clubs affiliated with the Royal New Zealand Returned Services Association and other club-licensed premises of a similar nature who are involved in

Anzac Day commemorations to open from 4am to 1pm on Anzac Day.

- The Act allows Council to set its own maximum trading hours through LAPs. The LAP may extend or restrict the national default hours specified in the Act, and these may apply differently to different types of licences and/or areas of the District.
- f) The issue of licences, or licences of a particular kind or kinds, subject to **discretionary conditions**;
 - The Act details a range of mandatory requirements for licence holders, including:
 - o Ensuring that non-alcoholic and low-alcoholic drinks are available for as well as a reasonable range of food (on and club licences);
 - o A requirement to make drinking water freely available to customers;
 - o Compulsory conditions relating to display and promotion of alcohol in supermarkets and grocery stores;
 - o Rules about irresponsible promotion of alcohol, including restrictions on price discounts;
 - o Restrictions to prevent BYO alcohol at club licensed premises;
 - o Making information and advice to patrons available regarding transport.
 - Discretionary conditions are not defined, however in addition to the mandatory requirements contained in the Act, the District Licensing Committee (DLC) may issue any reasonable conditions not inconsistent with the Act.
 - The Act provides some direction on potential discretionary conditions for on-licences and club licences, off-licences and special licences.
- g) **One way door restrictions**
 - The Act allows Council to adopt a one-way door policy as part of its LAP. A one-way door policy sets a time where patrons are not permitted to enter or re-enter a licensed premise after a specified time.

Note that paragraphs (a) to (d) above do not apply to special licences, or premises for which a special licence is held or has been applied for.

The Act provides that there will be one LAP for the District. However, the policy may include different rules for different areas (e.g. policies based on ward boundaries, land use zones, or targeted policies for high-risk areas, etc.).

1.2 What is the purpose of a LAP?

The purpose of a LAP is to encourage the responsible sale, supply and consumption of alcohol in Council's geographical area. The LAP allows Council to tailor some alcohol licensing regulations to suit local circumstances.

When a LAP is in place, the DLC are required to have regard to it when making decisions about alcohol licensing applications. The LAP is intended as a reference document for the DLC to consult and take into consideration.

Pursuant to section 108 of the Act, a licence may be refused if, in the opinion of the DLC, the issue of the licence, or the consequences of the issue of the licence would be inconsistent with a relevant LAP.

Pursuant to section 133 of the Act, the DLC *must not* take into account any inconsistency between a relevant LAP and the renewal of a licence or the consequences of its renewal. However, the DLC may impose conditions on a licence if it is considered that the renewal of the licence or the consequences of the renewal of the licence without those conditions imposed on it would be

inconsistent with the LAP.

1.3 DLC Decision-making

The LAP is only one of several matters that the DLC must take into consideration when making decisions on alcohol licences. In deciding whether to issue a licence, the DLC must consider a wide range of criteria in accordance with the Act, and must have regard to the following matters:

- a) The object of the Act;
- b) The suitability of the applicant;
- c) Any relevant LAP;
- d) The days on which and the hours during which the applicant proposes to sell alcohol;
- e) The design and layout of any proposed premises;
- f) Whether the applicant is engaged in, or proposes on the premises to engage in, the sale of *goods* other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods;
- g) Whether the applicant is engaged in, or proposes on the premises to engage in, the provision of *services* other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services;
- h) Whether (in its opinion) the amenity and good order¹ of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;²
- i) 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 that:
 - i. They would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - ii. It is nevertheless desirable not to issue any further licences;
- j) Whether the applicant has appropriate systems, staff, and training to comply with the law;
- k) Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103 of the Act.

1.4 Licence Types

Within its LAP, Council is permitted to provide policy provisions for four types of licences under the Act (on, off, club and special licences). There are also sub-sets under each licence type (stated below). Different policy provisions may be specified for each different licence type and/or subset.

On-licences

On any premises an on-licence is held for, the licensee:

- a) Can sell and supply alcohol for consumption there; and
- b) Can let people consume alcohol.

On-Licences include:

- bars and clubs
- hotels and taverns

¹ Amenity and good order is defined in the Act as meaning "...the extent to which, and ways in which, the locality in which the premises concerned are situated is... pleasant and agreeable."

² In forming an opinion on the amenity and good order of a locality, the DLC must have regard to current and possible future noise levels, nuisance and vandalism.

- restaurants and cafes, including BYO restaurants

others, being:

- conveyances
- airport bars
- caterers

Club licences

On the premises a club licence is held for, the licensee can sell and supply alcohol to authorised customers for consumption there.

Club Licences include:

- sports clubs
- chartered clubs
- RSA's

Off-licences

On the premises an off-licence is held for, the licensee is able to sell alcohol for consumption elsewhere. The Act also makes provisions for the licensee to supply alcohol as a sample, free of charge, for consumption on the premises.

Off-Licences include:

- as part of a hotel or tavern, or as part of a club licence³
- bottle stores
- supermarkets
- grocery stores
- isolated premises, not part of the above list

others, being:

- non-food shops selling complementary goods
- auctioneers
- mail-order or internet outlets (remote sales)
- places which manufacture alcohol

Special licences

Special licences are for the purposes of events, with the Act defining two types of special licence: on-site special licence, and off-site special licence.

On-site special licences can extend the normal licensed hours of an on-licensed or club licensed

³ A club can only hold an off-licence if it has continuously held an off-licence since before the commencement of the Act.

premises for an event. Off-site special licences allow the holder to sell alcohol at an event for consumption elsewhere.

1.5 Impact on Existing and any Potential New Licensed Premises

Any changes to Council's LAP will affect all new licence applications. Location policies will not apply to existing licences. However, under the Act the LAP would apply if a licensed venue has a new owner who is applying for a licence. The draft LAP therefore excludes location policies from applying to ownership changes. Where a venue relocates, the current holder of the liquor licence must apply for a new licence.

When considering the renewal of a licence, the DLC must *not* take into account any inconsistency between a relevant LAP and the renewal of the licence or the consequences of its renewal. This means that when a licence is renewed it will not be affected by provisions relating to:

- the number and density of outlets, or
- the proximity of outlets to other facilities.

However, conditions may be imposed on the licence if it is considered that the renewal of the licence, or the consequences of the renewal of the licence without those conditions imposed on it would be inconsistent with the LAP.

If changes are made to maximum trading hours, Council must give three months' notice to allow licence holders sufficient time to comply.

1.6 Community Impact

The LAP is an important policy for Council and the community. It offers an opportunity to positively impact alcohol-related harm and disorder in our neighbourhoods and may help to improve the amenity and good order, making our communities safer and more pleasant places to live, work and visit. Council also recognises the importance of the wider hospitality industry as an important contributor to our economy, and the key role these venues play in making our towns an attractive and vibrant place to socialise.

The table below summarises the potential impact of the LAP on the four community wellbeings:

Community Interest /impacts	Potential Benefits	Potential Costs
Social	<ul style="list-style-type: none">• Reduce alcohol-related harm including effects on health, road crashes and family violence• Contribute to a safer district• Increase amenity and good order around licensed premises• Improve amenity and good order in our district• May reduce pre-loading behaviour• Protect young and vulnerable people from exposure to alcohol promotion.	<ul style="list-style-type: none">• Reduce opportunities for entertainment and socialising at late night venues (bars, restaurants etc.)• Create a negative perception of the District as a uninteresting place to live and visit• Reduce the convenience of extended opening hours to purchase alcohol including the hours at which people can do a 'full shop' at supermarkets.

Community Interest /impacts	Potential Benefits	Potential Costs
Cultural	<ul style="list-style-type: none"> • Reduce negative drinking culture • Reduce the culture of fear /negative perceptions of safety in our communities • Enable special licences for one-off events • The District has vibrant entertainment options for locals and tourists. 	<ul style="list-style-type: none"> • Contributes to minimising alcohol-related harm for vulnerable ethnic groups (e.g. Māori) • Visitor expectations around access to alcohol may not be met
Environmental	<ul style="list-style-type: none"> • Reduce the amount of glass, bottles and other litter. 	<ul style="list-style-type: none"> • None.
Economic	<ul style="list-style-type: none"> • Increase perceptions of safety and therefore positively impact on tourism and domestic spend • Reduce cost of managing alcohol-related disorder and incidence/treatment of alcohol-related harm. 	<ul style="list-style-type: none"> • Negatively impact on business turnover/profits within the hospitality and retail sector and have an economic impact on the district as a result • Costs to businesses of implementation and enforcement • Reduce (and compress) trading hours for sale of alcohol.

1.7 Research on Effective Policy

Studies of historical and current policies relating to alcohol across multiple countries have found that when alcohol is less available, less convenient to purchase, or less accessible, alcohol consumption and alcohol-related harms decrease.⁴

Council's research report identified Māori, young people, and those living in deprived areas as being most affected by alcohol-related harm. Therefore, further measures in the LAP may be appropriate to protect these groups and help to reduce harm in our communities:

Action Point (an organisation dedicated to reducing and preventing alcohol-related harm in New Zealand through effective health promotion), note the evidence supports the following as key elements of an effective LAP:

What	How	Why
Trading Hours	Restrict trading hours of all off-licensed premises to at least 9am – 9pm.	<p>Reduces availability and accessibility of alcohol.</p> <p>Reduces violence and other crime, road and other injuries.</p>

⁴ Österberg. (2013). Chapter 44: Control of Alcohol availability: Historical and current policies and their effects. In Boyle, Boffetta, Lowenfels, Burns, Brawley, Zatonski and Rehm (Eds.), Alcohol: Science, Policy and Public Health, Oxford University Press: 361-368

What	How	Why
	Restrict trading hours of on-licensed premises to at least 10.00am – 2am.	Reduces levels of intoxication, binge drinking and 'pre-loading'.
Outlet Density	<p>Reduce the number of licences in an area:</p> <ol style="list-style-type: none"> Introduce a cap on new licenses Allow a 'sinking' lid to be adopted in areas with existing problems/over-supply. <p>This is particularly important in high-risk areas/suburbs.</p>	<p>Reduces accessibility and availability.</p> <p>Reduces pressure for price competition.</p> <p>Offers protection for young people from exposure to alcohol promotion, helping to reduce the risk of early onset of drinking and problems developing.</p>
Location specific controls	<p>Create a buffer/exclusion zone around schools and other identified sensitive sites such as churches, Marae, treatment services, youth/community facilities. For example:</p> <ol style="list-style-type: none"> 100m limit for off-licences 100m limit for on-licences or appropriate conditions. <p>Alternative:</p> <p>Require all identified sensitive sites to be notified of all licence applications and renewals, and provide sensitive sites with the power to veto licence application within a threshold or require specific conditions to apply.</p> <p>Limit the proximity of licensed premises in relation to other licensed premises.</p>	<p>Reduces accessibility and availability.</p> <p>Offers protective factors for young and other vulnerable people from exposure to alcohol promotion.</p>
One-way doors	Require all premises operating after 12am/midnight to prohibit new patrons from entering the premises two hours before closing.	<p>Slows migration of patrons during risky late night periods.</p> <p>Reduces alcohol-related problems associated with late night premises.</p>
Discretionary Conditions	<p>Require a risk management plan to be implemented by all premises operating beyond 12am/midnight;</p> <ul style="list-style-type: none"> Security 	Minimise risks and pre-empt problems.

What	How	Why
	<ul style="list-style-type: none"> • Lighting and other design factors • CCTV • Limit patron numbers • Licensee responsibility for cleaning litter, vomit and broken glass within 50 metres of premises <p>These would be signed off by licensing authorities and compliance monitored and enforced.</p> <p>Limits to size, number and alcohol volume of drinks allowed to be sold after set times, e.g.</p> <ul style="list-style-type: none"> • No shots or straight spirits/liqueurs to be served during last hour of trading • Prohibiting the sale of certain products <p>Costs of implementing these interventions are to be met directly by the premises or through licensing fees that reflect the cost.</p> <p>Licensing Committees may wish to impose conditions on off-licences such as:</p> <ul style="list-style-type: none"> • No singles sales of: <ul style="list-style-type: none"> ○ Beer or ready to drink spirits (RTDs) in bottles, cans, or containers of less than 440mls in volume may occur except for craft beer; and ○ Shots or pre mixed shots • No sales to persons wearing school uniform. • RTDs will not be displayed at the principal entrance to the store, or within 3 metres of the front windows. • External advertising of the premises or alcohol brands/products to be minimised. 	

What	How	Why
	<ul style="list-style-type: none"> • Advertising limited to one sign identifying the trading name of the premises. • Windows to be clear and free from brand advertising and no portable signage such as flags or sandwich boards. 	
Conditions of Special Licences and event holders.	<p>All events that have a sole or significant focus on alcohol consumption such as wine/beer festivals must be designated R18 events and promoted and managed accordingly.</p> <p>All R18 events and any special licences operating beyond midnight are required to have and implement a risk management plan as above.</p>	Minimise risks and pre-empt problems.

2 Options for Consideration

A LAP can only include policies on matters of licensing as described in section 77(1) of the Act. The options that have been considered as part of the LAP review have been detailed by licence type (e.g. on, off, club and special licence) below.

During development of its draft LAP, Council consulted with the Police, Medical Officers of Health Council's Licensing Inspectors and key stakeholders to gauge their opinions to assist Council in its decision-making.

2.1 General Considerations

Council considered the following options in the review of its LAP:

1. Revoke the current LAP and rely on the default provisions in the Act. This option was rejected as key stakeholders continue to be supportive of Council having a LAP to minimise alcohol-related harm and to provide for local regulation. Additionally, there would be no guidance to the DLC on the licensing environment Council is seeking.
2. Adopt a more restrictive approach than the current LAP in relation to hours, density, and location of licensed premises.
3. Adopt a more permissive approach than the current LAP in relation to hours, density, and location of licensed premises.

Overall, it is considered that the current LAP is working well. Therefore, Council has chosen to make only minor changes to its draft LAP and has included a mixture of more restrictive policies (e.g. proposed change in opening time for off-licences (apart from grocery stores) from 7:00am to 9:00am), and a more permissive approach (e.g. proposed change in closing time for supermarkets and grocery stores from 9:00pm to 11:00pm). The reasons for taking this overall approach is as follows:

- Council acknowledges that the majority of those who drink, do so responsibly and should have access to alcohol at a convenient time;
- Council acknowledges the views of the community, Police and public health opinions in relation to alcohol-related harm caused by the sale and supply of alcohol. Therefore, Council proposes to increase the distance from off-licensed premises to sensitive sites (such as schools and playgrounds) from 50 metres to 100 metres.

The following describes the reasonable practicable options available to Council for each policy provision allowable for inclusion in the draft LAP under section 77 of the Act.

2.2 Location of Licensed Premises by Broad Areas

Key Question

Should there be restrictions to where new licences can be located? And if so, where?

Council considered if any policies are required to determine where new licences should be located. This was considered in the context of a growing District with new residential areas in development (for example Lockerbie Estate in Morrinsville).

The community survey and preliminary stakeholder consultation identified support for restrictions on the location of licensed premises, particularly standalone bottle stores. These sorts of premises are perceived by the community to contribute disproportionately to alcohol related harm e.g. through the selling of Ready-to drinks (RTDs) and high volume alcohol products and because of the perceived large number of local standalone bottle stores in the District.

On-Licences

In the current LAP, there are no policies relating to the location of on-licences. This means that the location of on-licences is currently determined by the District Plan with cafes, restaurants and bars permitted in the Business Zone and discretionary in all other zones.

Summary of stakeholder opinion:

- NZ Police recommend that licensed premises be restricted to one area (Business Zones) as this allows easier monitoring and response.
- Survey respondents did not want on-licensed premises being located in residential areas.
- Te Whatu Ora - Waikato recommended Council continue with the status quo (no policy).
- Licensing inspector noted that planning restrictions would limit the locality and place other restrictions.

Council decided to include a clause so that the location of on-licences is regulated within the policy. The clause provides direction to the DLC that on-licences should be located in areas marked 'Business Zone' under the District Plan.

Club Licences

The current LAP states that club licences should be located at, or in close proximity to the sports grounds or other facilities used by the club, (if relevant).

Summary of stakeholder opinion:

- NZ Police recommend that licensed premises be restricted to one area (Business Zones) as this allows easier monitoring and response.
- Survey respondents did not want club-licensed premises being located in residential areas.

Council decided to continue with this policy provision as is as it is still relevant. Generally club licensed venues are considered low risk, given the responsibilities that licensees have under the Act, including the sale of alcohol to club members and guests only. Therefore, it was determined that no further controls were required above what is in the current LAP.

Off-Licences

The current LAP has the same policy provisions for all off-licences. New licences *should* be limited to the Business Zone unless authorised elsewhere by resource consent. The policy makes it clear that Council's preference is for off-licences to be located in the Business Zone, however where an application is made to locate outside of the Business Zone, applicants must demonstrate that regard has been given to the Crime Prevention Through Environmental Design criteria and that operation of the premises will not impact upon the amenity and good order of the neighbourhood.

Summary of stakeholder opinion:

- NZ Police recommend that licensed premises be restricted to one area (Business Zones) as this allows easier monitoring and response.
- Survey respondents did not want off-licensed premises being located in rural or residential areas.

The District Plan does not distinguish between licensed and unlicensed 'places of assembly' activities such as Restaurants, pubs and sports stadiums. There is also the potential for bottle stores to locate in non-business zones in some circumstances, by taking over the 'existing use rights' of a previous (unlicensed) retail premise or by resource consent. Therefore, Council determined that additional restrictions are still required and justified to prevent the location of off-

licensed premises outside appropriately zoned land.

This option provides direction to the DLC that Council's preference is for off-licences to be located in Business Zones or locations authorised by resource consent, however flexibility remains if required, and reflects the preferences of the community.

The following table describes the options that Council considered for policy provisions relating to the location of licensed premises by broad area:

Option	On-Licences	Off-Licences	Club Licences	Special Licences
1.	<p>Retain the current LAP stance – no policies by reference to particular areas. <i>(This means that restrictions on licence location will be limited and controlled though planning regulations (e.g. District Plan zoning rules). This option relies on the default provisions of the Act i.e. section 105(1)(h) that the DLC must consider if “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 issue of the licence”).</i></p> <p><i>Under this option, location would be dealt with where the DLC considers this necessary or through the other policy options such as density, hours and discretionary conditions.</i></p>	<p>Preferred Option</p> <p>Retain the current LAP stance – preference for off-licensed premises to be located in areas marked 'Business Zone' of the District Plan unless authorised elsewhere by resource consent. Where an application is received to locate outside of the Business Zone, the applicant must demonstrate that regard has been given to the Crime Prevention through Environmental Design criteria and operation of the premises will not impact on the amenity and good order of the neighborhood. <i>(This option supports the Police preference to keep venues in one area to allow for proactive monitoring and response).</i></p>	<p>Preferred Option</p> <p>Retain the current LAP stance – club-licensed premises not currently holding a licence should be located at, or in close proximity to the sports grounds or other facilities used by the club, if relevant.</p>	N/A
2.	<p>Preferred Option</p> <p>Restrict on-licences to areas marked 'Business Zone' under the District</p>	<p>Off-licences being licensed for the first time shall be located in areas marked 'Business Zone' of the District Plan (Supermarkets and</p>	<p>Restrict club-licences to particular areas, (e.g. particular planning zones, suburbs or areas,</p>	

Option	On-Licences	Off-Licences	Club Licences	Special Licences
	Plan or other specified areas (e.g. particular planning zones, suburbs or areas, etc.). <i>(This option could take into consideration socio-economic, high-risk areas, demographic information or other characteristics).</i>	Grocery Stores exempt). <i>(This option provides an exception for new supermarkets and grocery stores to be located in areas other than the Business Zone).</i>	etc.). <i>(This option takes into consideration socio-economic, high-risk areas, demographic information or other characteristics).</i>	
3.		Off-licences being licensed for the first time shall be located in areas marked 'Business Zone' of the District Plan (applies to all off-licences). <i>(This option provides stronger direction to the DLC and ensures all types of off-licences are located in the Business Zones).</i>		
4.		Restrict off-licences to other particular areas, (e.g. particular planning zones, suburbs or areas, etc.). (Supermarkets and Grocery Stores exempt). <i>(This option considers socio-economic, high-risk areas, demographic information or other characteristics).</i>		
5.		Restrict off-licences to other particular areas, (e.g. particular planning zones, suburbs or areas, etc.). (Applies to all off-licences). <i>(This option considers socio-economic, high-risk areas, demographic information or other characteristics).</i>		

2.3 Location of Licenced Premises by Proximity to Premises

Key Question

Should there be restrictions on the proximity of any types of licensed premises to other licensed premises?

This policy provision refers to the location of other licensed premises and allows limits to be placed in relation to the location of other licensed premises in the relevant area.

ActionPoint state that the more places to buy alcohol in an area, the more hazardous drinking is likely to occur, therefore leading to more alcohol-related harm (including violence, assaults, drink driving and child maltreatment). High concentration of alcohol outlets is also associated with heavy drinking amongst young people.

This policy provision could be used to mitigate the proliferation and clustering of licences or certain kinds of licences in one area, which may lead to unwanted consequences including high levels of alcohol-related harm and disorder (noted above), and potentially leading to outlets competing on price, and decreasing the amenity and good order of the community.

On-Licences

The current LAP has provisions for the DLC to have regard to the proximity of proposed on-licences to other licensed premises where it consider this relevant.

Summary of stakeholder opinion:

- Te Whatu Ora Waikato recommended Council continue with the status quo.
- When asked should Council restrict new places that sell alcohol from opening near other licensed premises, 48% of respondents said there should be no restrictions. Of those who thought restrictions should be in place, 67% supported restrictions for new places that sell alcohol to existing on-licensed premises.

Council determined that the current provisions remain relevant and decided not to include any further restrictions relating to other licensed premises. Council noted the controlled environment that on-licences operate within, and as such there is limited justification to enforce further restrictions.

Club Licences

The current LAP has no provisions for clubs relating to the proximity to other licensed premises.

Summary of stakeholder opinion:

- When asked should Council restrict new places that sell alcohol from opening near other licensed premises, 48% of respondents did not think location to other licensed premises should be restricted. Of those who thought restrictions should be in place, 53% supported restrictions from other club-licensed premises. The majority thought 50 metres was right for our community.

Due to the controlled environment that club-licences operate within including the restriction to only supply alcohol to members, affiliates and their guests, Council determined there is limited justification to include restrictions for club-licensed premises relating to the proximity to other licensed premises.

Off-Licences

The current LAP states that the DLC will have regard to the proximity of a proposed premises to other off-licensed premises within a 50 metre radius where it considers this relevant.

Summary of stakeholder opinion:

- Te Whatu Ora recommended increasing the minimum distance from 50 metres.
- When asked should Council restrict new places that sell alcohol from opening near other licensed premises, 48% of respondents did not think location to other licensed premises should be restricted. Of those who thought restrictions should be in place, 77% supported restrictions from other off-licensed premises. The majority thought 50 metres was right for our community.

Council determined there is justification to enforce further restriction regarding the proximity of off-licensed premises to other licensed premises. Therefore, the minimum distance has been increased from 50 metres to 100 metres. This provides direction to the DLC to have regard to the location of other licensed premises to prevent the clustering of licences in one area.

The following table describes the options that Council considered for policy provisions relating to the location of licensed premises by proximity to premises:

Option	On-Licences	Off-Licences	Club Licences	Special Licences
1.	Preferred Option Retain the current LAP stance – the DLC will have regard to other licensed premises where it considers this relevant. <i>(This means that the DLC will be able to assess this on a case-by-case basis, determining the number of licensed premises close by and if there should be restrictions, for example if there is a particular high density of a certain type of licence in a locality).</i>	Retain the current LAP stance – the DLC will have regard to the proximity of a proposed premises to other off-licensed premises within a 50 metre radius where it considers this relevant. <i>(This means that the DLC will be able to continue to assess proximity on a case-by-case basis, determining the number of licensed premises close by and if there should be restrictions, for example if there is a particular high density of a certain type of licence in a locality).</i>	Preferred Option Retain the current LAP stance – no policies by reference to proximity to premises of a particular kind or kinds <i>(This option reflects the nature and purpose of clubs as low risk when it comes to density).</i>	N/A
2.	Restrict other licensed premises to within a specified distance. <i>(This will provide the DLC with an instruction regarding the proximity of a new on-licensed premise to any existing licensed premises. Council could set a specific distance).</i>	Preferred Option Retain the current stance but update the minimum distance from other off-licensed premises. <i>(This option continues to allow for the DLC to assess proximity on a case-by-case basis, however increases the proximity distance to a</i>	The DLC will have regard to the proximity of that proposed premises to other licensed premises where it considers this relevant. <i>(This means that the DLC will be able to assess this on a case-by-</i>	

Option	On-Licences	Off-Licences	Club Licences	Special Licences
		<i>100 metre radius).</i>	<i>case basis).</i>	
3.		Restrict other licensed premises to within a certain distance (supermarkets and grocery stores exempt). <i>(This option recognises the unique provisions of the Act for different types of off-licences).</i>	Restrict other licensed premises to within a certain distance. <i>(This option provides the DLC with an instruction regarding the proximity of a new club licence to existing licensed premises. Council could set a specific distance).</i>	

2.4 Location of Licenced Premises by Proximity to Facilities

Key Question

Should there be restrictions on the proximity of any types of licensed premises to sensitive sites? If so, what form should restrictions take? (e.g. prohibited within a certain distance, restricted opening hours) and what facilities should be considered sensitive sites?

The purpose of policies based on the proximity of licensed premises to facilities would be to protect sensitive sites and/or parts of the community from alcohol-related harm.

The survey of community views and preliminary consultation indicates that the location of licensed premises close to sensitive community facilities is a matter of community concern.

Council has included the following in its definition of sensitive sites:

- Public Parks and Reserves,
- Education Facilities,
- Places of Worship,
- Playgrounds,
- Libraries,
- Marae.

On-Licences

The current LAP contains no policies for on-licences relating to the proximity to facilities of a particular kind.

Summary of stakeholder opinion:

- Te Whatu Ora Waikato recommended Council continue with the status quo.
- The most common restriction that people voted for in the survey was to include proximity restrictions relating to playgrounds.

Council does not feel that restrictions for on-licences in relation to certain facilities is required. The Act provides a controlled environment for on-licences with particular rules around host responsibility, therefore Council determined that the default provisions of the Act are sufficient to achieve the policy objective of promoting the safe and responsible sale and supply of alcohol. Sections 105 and 106 of the Act require the DLC to consider a wide range of effects in deciding on the issue or renewal of a licence, including the effects on the amenity and good order of the locality and that “the purposes for which land near the premises concerned ” are considered.

Club Licences

The current policy states that the DLC will have regard to the proximity of any proposed club licensed premises to any primary or secondary school, early childcare facility or place of worship.

Summary of stakeholder opinion:

- The most common facility that respondents thought should be restricted to within proximity of club-licences was playgrounds, followed by schools/Early Childcare Centres/Kura. The majority (44.5%) thought the 50 metre distance was right for our community.

Due to the controlled environment that club-licences operate within including the restriction to only supply alcohol to members, affiliates and their guests, Council determined there is limited justification to include further restrictions (e.g. to specify a distance) for club-licensed premises relating to the proximity to sensitive sites/community facilities.

Off-Licences

The current policy specifies a buffer zone (outside of the Business Zone) of 50 metres to sensitive sites including education facilities, places of worship, Council administered playgrounds, public parks, car parks or reserves.

Having no restrictions would rely on the default criteria of the Act, which includes a requirement for the DLC to consider the effects on the amenity and good order of the locality before issuing or renewing a licence.

Summary of stakeholder opinion:

- NZ Police recommend to update the minimum distance to 100 metres to keep our vulnerable people safe from any adverse behaviours.
- Te Whatu Ora – Waikato recommend that Council create limits in the policy rather than leave discretion to the DLC and to significantly increase the distance from 50 metres.
- The community survey indicated strong support to include restrictions near to playgrounds and education facilities. The majority thought 50 metres was right for our community.

Council responded to community concerns and feedback from community agencies and propose to include a clause in the draft LAP stating that off-licences must not be located within a 100 metre radius of a sensitive site. This provision recognises community concerns about the impact and proliferation of off-licences (such as bottle stores) in the community and the potential impact this has on the normalisation of alcohol in our society. Increasing the distance to sensitive sites allows for some protection for those who may be more vulnerable to the effects of alcohol related harm.

It is proposed that supermarkets and grocery stores will be exempt from this clause due to the specific requirements for these types of off-licences in the Act, including the kinds of alcohol sold, display of alcohol, and the requirement to keep alcohol to one area of the store. Supermarkets and grocery stores also sell a wide range of goods.

The following table describes the options that Council considered for policy provisions relating to the location of licensed premises by proximity to facilities:

Option	On-Licences	Off-Licences	Club Licences	Special Licences
1.	Preferred Option Retain the current LAP stance – no policies by reference to proximity to facilities of a particular kind or kinds (<i>Having no policy in this area means that restrictions on licence location relating to sensitive sites will be limited and controlled though planning</i>)	Retain the current LAP stance – Other than premises located in the Business Zone, the boundary shall be a minimum of 50 metres from any primary or secondary school, early childhood education centre, place of worship, Council administered playground, public park, car park, or reserve unless it can be demonstrated to the	Retain the current LAP stance – The DLC will have regard to the proximity of that proposed premises to any primary or secondary school, early childhood education centre, place of worship, or Council administered playground.	N/A

Option	On-Licences	Off-Licences	Club Licences	Special Licences
	<i>regulations (e.g. District Plan zoning rules). This option relies on the default provisions of the Act i.e. section 105(1)(h) that the DLC must consider if “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 issue of the licence” and that “the purposes for which land near the premises concerned are considered).</i>	<i>DLC that the hours, signage or operation of the premises as they relate to alcohol sales will not have a material impact on those facilities and/or persons using those facilities. (For any off-licensed premises located outside of the Business Zone, there is a minimum distance of 50 metres from sensitive sites. There is no restrictions for venues located within the Business Zone).</i>		
2.	<i>The DLC will have regard to the proximity of sensitive sites where it considers this relevant. (The DLC will be able to assess proximity on a case-by-case basis, determining the nature of sensitive sites close by and if there should be restrictions, for example if the proposed licence is in close proximity to a school or on a popular route for children to walk past to and from school).</i>	<i>The DLC will have regard to the proximity of sensitive sites where it considers this relevant. (This means that the DLC will be able to continue to assess this on a case-by-case basis, determining the sensitive sites close by and if there should be restrictions).</i>	Preferred Option <i>Retain the current stance - The DLC will have regard to the proximity of sensitive sites where it considers this relevant. However include a definition of sensitive sites rather than within the policy wording. (This option allows the Council to specify a definition of sensitive sites).</i>	
3.		Preferred Option <i>Set a specified distance (100 metres) from sensitive sites (supermarkets and grocery stores exempt). (This provides further</i>	<i>Set a specified distance from sensitive sites. (Given the potential location of new club-licences in different zones within the District</i>	

Option	On-Licences	Off-Licences	Club Licences	Special Licences
		<i>guidance to the DLC and definitive rules for applicants. This option recognises the unique provisions of the Act for different types of off-licences. This option includes all zones, not just the Business Zone as per the current LAP).</i>	<i>Plan (according to the location of any facilities/sports grounds used by the club), this may be difficult to enforce).</i>	
4.		Set a specified distance from sensitive sites (applies to all off-licences). <i>(This provides further guidance to the DLC and definitive rules for applicants and will apply to all zones, not just the Business Zone as per the current LAP).</i>	Set restricted opening hours within a certain distance from sensitive sites. <i>(This policy option may be appropriate if an education facility is nearby, thus reducing exposure to alcohol).</i>	

2.5 Further Issuing of Licences in the District

Key Question

Is there a need to restrict the number of licensed premises in the District?

This policy provision allows Council to control the number (density) of licences at a district or local level.

On-Licences

The current LAP does not restrict the issuing of further on-licences in the District (provided the other policy criteria are met).

Summary of stakeholder opinion:

- NZ Police recommended applications for new licences should be taken with a strong stance of declining.
- Te Whatu Ora Waikato recommended Council continue with the status quo (no restrictions).
- Licensing Inspector's opinion is that there is no need to limit the number of on-licences.
- The majority of survey respondents thought there were about the right number of on-licences in the District.

Council is proposing to continue with the current policy provision not to restrict the number of further on-licences. This recognises the controlled environment that on-licences operate in and the provisions in the Act relating to host responsibility, including (amongst others) the requirement to provide free drinking water and to have food available as well as not to serve intoxicated persons. The importance of a range of entertainment options to be available in our community was also noted.

Additionally, when deciding whether or not to issue a licence, the DLC must consider a wide range of criteria, including whether the issue of an additional licence will reduce to a more than minor extent the amenity and good order of the locality and, whether it is desirable not to issue any further licences. (In s105(1)(h) the DLC must consider if "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 issue of the licence").

Club Licences

The current LAP does not restrict the issuing of further club licences in the District (provided the other policy criteria are met).

Summary of stakeholder opinion:

- NZ Police recommended applications for new licences should be taken with a strong stance of declining.
- The majority of survey respondents thought there were about the right number of club-licences in the District.

Council concluded there is no indication that measures should be included in the LAP to restrict the number of club-licensed premises. This is due to the unique environment that club licensed premises operate in, and the importance of many of these clubs and activities to the social fabric of our communities.

Off-Licences

The current LAP contains a presumption that new off-licences will not be issued in the District if, in the opinion of the DLC, 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 issue of the licence.

Summary of stakeholder opinion:

- NZ Police recommend that there be no more off-licences and to limit the number to prevent the outlets from growing out of control.
- Te Whatu Ora – Waikato provided an example of using a cap to restrict the number of bottle stores.
- Licensing Inspector recommended the inclusion of a cap on bottle stores.
- The majority of people who responded to the survey think there are too many bottle stores in the District.

Preliminary stakeholder consultation identified a view that there are too many off-licences (and particularly bottle stores) in our towns. Standalone bottle stores are perceived by the community to contribute disproportionately to alcohol related harm in our communities e.g. through the selling of higher strength alcohol and ready-to drinks (RTDs), the uncontrolled drinking environment, and the perceived large number of such premises.

Research identified there is strong evidence of the relationship between alcohol outlet density and a range of alcohol-related harms. This is based on the availability theory whereby greater licence density leads to greater consumption of alcohol and in turn, to greater levels of alcohol-related harm. Reducing the amount of alcohol outlets would likely reduce exposure to alcohol signage and marketing and potentially increase the price of alcohol, given there are less outlets to compete in a specific area and may reduce the risk of price competition.

There is also evidence of a correlation between increased density of standalone bottle stores and areas of higher social deprivation, which results in a higher incidence of alcohol-related harm.

Council considers that the default provisions of the Act are insufficient to respond to the level of alcohol-related harm in the community and the community feedback on the number of outlets in our community and is proposing to maintain the current clause in the policy. Council determined that location provisions (including increasing the distance from sensitive sites) was a better way to manage alcohol-related harms rather than a cap on the number of off-licences.

Additionally, Council noted that the DLC must consider a wide range of criteria, including whether the issue of an additional license will reduce to a more than minor extent the amenity and good order of the locality and, whether it is desirable not to issue any further licenses. (In s105(1)(h) the Committee must consider if “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 issue of the licence”).

The following table describes the options that Council considered for policy provisions relating to the further issuing of licences in the District:

Option	On-Licences	Off-Licences	Club Licences	Special Licences
1.	Preferred Option Retain the current LAP stance – no limit to the number of on-licensed premises in the District. <i>(There will be no restrictions on the number of on-licensed premises within the District, however the</i>	Preferred Option Retain the current LAP stance – there is a presumption that new off-licences will not be issued if, in the opinion of the DLC, the amenity and good order of the locality would be likely to be reduced, to more than	Preferred Option Retain the current LAP stance – no limit to the number of club-licensed premises in the District, <i>(There will be no restrictions on the number of club-licensed premises within the District,</i>	N/A

Option	On-Licences	Off-Licences	Club Licences	Special Licences
	<i>provisions of the Act regarding the range of issues that the DLC must have regard to will apply).</i>	a minor extent, by the effects of the issue of the licence.	<i>however the provisions of the Act regarding the range of issues that the DLC must have regard to will apply).</i>	
2.	There is a presumption that new on-licences will not be issued if, in the opinion of the DLC, 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 issue of the licence. <i>(This option provides further guidance to the DLC in the declining of a licence on grounds of amenity and good order).</i>	Restrict standalone bottle stores via a cap. <i>(The cap could be based on current numbers or could include another number to allow for growth).</i>	There is a presumption that new club-licences will not be issued if, in the opinion of the DLC, 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 issue of the licence. <i>(This option provides further guidance to the DLC in the declining of licences on grounds of amenity and good order).</i>	
3.		Restrict standalone bottle stores via deprivation level. <i>(This option could set a deprivation level whereby licences would not be able to be located).</i>		
4.		Restrict standalone bottle stores via a population ratio. <i>(This could include a ratio per standalone bottle store as per the current population or could include room for growth as the population increases).</i>		
5.		Restrict all off-licences via a cap <i>(This would apply to all off-licences, not just standalone bottle</i>		

Option	On-Licences	Off-Licences	Club Licences	Special Licences
		<i>stores).</i>		
6.		Restrict all off-licences via deprivation level. <i>(This would apply to all off-licences, not just standalone bottle stores).</i>		
7.		Set maximum off-licence numbers via a population ratio. <i>(This would apply to all off-licences, not just standalone bottle stores).</i>		

2.6 Maximum Trading Hours

Key Question

What maximum trading hours should the LAP specify, and should they be different according to particular planning zones, suburbs or areas, etc.?

The Act allows Council to extend or restrict the maximum trading hours contained in the Act which are:

On and club licences: 8am to 4am

Off-licences: 7am to 11pm

The maximum trading hours for a licensed premises are the more restrictive of:

- The relevant maximum hours as per the LAP, or
- Any maximum hours specified as a specific condition of the licence.

Restrictions to the trading hours of licensed premises can have an impact on alcohol-related harm and disorder. Te Whatu Ora – Waikato provided evidence of an increase in alcohol-related harm in the later hours and the availability theory suggests that the greater availability of alcohol (either by location or time), the greater the consumption of alcohol which in turn leads to more alcohol-related harm.

Whilst maximum trading hours can be used as a guideline, Council is proposing to add the following clause to encourage the DLC to set maximum trading hours for each licence as appropriate:

‘The Council’s policy position on maximum trading hours is not intended to set an expectation that the DLC should issue every licence with the full extent of the maximum trading hours. Therefore, the DLC may issue licences with more restrictive hours than the maximum trading hours specified in this LAP’.

On-Licences

The current LAP states maximum trading hours of 7:00am to 1:00am with NZ Police, Te Whatu Ora – Waikato and Council Licensing Inspectors all recommending a change to the opening hours, however, no changes were recommended to the time that on-licensed premises can stay open until (currently 1:00am).

Council determined that the policy measure needs to find an appropriate balance between providing for the social and economic benefits of a late night economy in the District, whilst also addressing aspects of alcohol-related harm, including a potential increase in alcohol-related harm and injury, and increased crime and disorder associated with late night, irresponsible consumption of alcohol.

Summary of stakeholder opinion:

- NZ Police recommended updating the opening time from 7am to **9am**.
- Te Whatu Ora Waikato recommended updating the opening time from 7am to **8am**.
- Licensing Inspector recommended updating the opening time from 7am to **10am**.
- A slight majority of respondents to the survey (48%) thought the current maximum trading hours are right for our community.

Council has considered the recommendations received and proposes to continue with the status quo – to allow on-licences to open at 7:00am and close at 1:00am the following day. The policy wording has been updated to make it clear that this does not set an expectation that the DLC should issue every licence with the full extent of the maximum hours and may issue licences with more restrictive hours than the maximum trading hours specified. Consideration was also given to

on-licensed premises who may wish to serve alcohol at gatherings from 7:00am (an example of this would be a business breakfast or a major sporting event).

Club Licences

The current LAP states maximum trading hours of 7:00am to 1:00am with NZ Police, Te Whatu Ora – Waikato and Council Licensing Inspectors all recommending a change to the opening hours, however, no changes were recommended to the time that club-licensed premises can stay open until (currently 1:00am).

Summary of stakeholder opinion:

- NZ Police recommended updating the opening time from 7am to **9am**.
- Te Whatu Ora Waikato recommended updating the opening time from 7am to **8am**.
- Licensing Inspector recommended updating the opening time from 7am to **10am**.
- A slight majority of survey respondents (48%) thought the current maximum trading hours are right for our community.

Council has considered the recommendations received and proposes to continue with the status quo – to allow club licences to open at 7:00am and close at 1:00am the following day. The policy wording has been updated to make it clear that this does not set an expectation that the DLC should issue every licence with the full extent of the maximum hours and may issue licences with more restrictive hours than the maximum trading hours specified. Consideration was also given to club-licensed premises who may wish to serve alcohol at gatherings from 7:00am (an example of this would be a business breakfast or a major sporting event).

The Act allows RSA's to trade from 4:00 on Anzac Day, however the current LAP specifies an opening time of 5:00am. Council is proposing to align the opening time on Anzac Day with the provision specified in the Act.

Off-Licences

Much alcohol-related harm relates to the drinking of alcohol purchased from off-licensed premises in uncontrolled (unlicensed) environments. Reducing the hours of availability can be an effective measure to reduce alcohol-related harm and access to the cheaper alcohol sold by off-licences is especially significant for 'price sensitive' younger drinkers.

The majority of respondents to the community survey thought that the current hours were right for the community, however community consultation undertaken in the three main towns thought off-licensed premises were allowed to open too early. Licence holders however, appreciated the ability to be able to trade from 7:00am to allow for the convenience of their customers.

Summary of stakeholder opinion:

- NZ Police recommended updating the opening time from 7am to **9am**.
- Licensing Inspector recommended updating the opening time from 7am to **10am** (bottle stores).
- Te Whatu Ora - Waikato recommended continuing with the status quo (7am to 9pm).
- A slight majority of respondents to the survey thought the current maximum trading hours are right for our community.

In its draft policy, Council has included different maximum trading hours depending on the type of off-licensed premises. Action Point (communities targeting alcohol harm) state that around 75% of alcohol in New Zealand is sold from off-licences (43% from bottle stores and 32% from supermarkets and grocery stores).

Council proposes to update the maximum trading hours to the following:

- Supermarkets and Grocery Stores - Monday to Sunday: 7:00am to 11:00pm the same day.
- All other off-licensed premises – Monday to Sunday: 9:00am to 9:00pm the same day.

Council is proposing to extend the maximum trading hours for supermarkets and grocery stores to allow them to close at 11:00pm (currently 9:00pm). This is to provide supermarkets with the option to sell alcohol later (if they decide to trade later) which provides a level of convenience for customers so they can do their 'full shop' and supermarkets would not have the inconvenience of removing alcohol for sale after 9:00pm.

Council is also proposing to update the opening time from 7:00am to 9:00am for all other off-licensed premises as an appropriate policy measure to support the object of the Act to minimise harm. Often, standalone bottle stores sell higher strength alcohol and RTDs. Furthermore, supermarkets and grocery stores are subject to further controls regarding the sale of alcohol, e.g. a separate area for the location of alcohol and restrictions on advertising. Additionally, many supermarkets have introduced an ID 25+ policy.

Council acknowledges that most off-licences have policies to ensure they are upholding their responsibilities under the Act. However, the proposed change to the opening hours for off-licences (excluding supermarkets and grocery stores) reflects an attempt by Council to restrict the spontaneous purchasing of alcohol to consume elsewhere and prevent alcohol nuisance in public areas.

Special Licences

The current LAP states that the maximum trading hours will be set by the DLC on a case-by-case basis with regard taken to the nature of the event or series of events. There is a guideline provided of 7:00am to 1:00am.

Summary of stakeholder opinion

- Licensing Inspector recommended updating the guideline from 7:00am to **11:00am**.
- NZ Police had no comment regarding hours, however they noted they would like to be involved in assessing applications.

Council is proposing to continue to allow the DLC to set hours for special licences on a case-by-case basis. It was determined that a guideline was not required as each event is different and the hours are determined by the nature of the event and on the advice received.

The following table describes the options that Council considered for policy provisions relating to the maximum trading hours for licensed premises in the District:

Option	On-Licences	Off-Licences	Club Licences	Special Licences
1.	Preferred Option Retain the current LAP stance – 7:00am to 1:00am the following day.	Retain the current LAP stance – 7:00am to 9:00pm the same day.	Preferred Option Retain the current LAP stance – 7:00am to 1:00am the following day.	Retain the current LAP stance – Set by the DLC on a case-by-case basis with regard taken to the nature of the event or series of events. A special licence will only be issued with hours

Option	On-Licences	Off-Licences	Club Licences	Special Licences
				greater than 7:00am to 1:00am the following day in exceptional circumstances where a unique event is to be held as determined by the DLC. Additionally, where the applicant already holds an on, off or club licence with the maximum hours permitted for that type of licence under the LAP, a special licence with greater hours will only be issued in exceptional circumstances as determined by the DLC.
2..	Update the maximum trading hours to another specified time. <i>(Council could choose to extend or restrict the current maximum trading hours as stated in the policy).</i>	<p>Preferred Option</p> <ul style="list-style-type: none"> Supermarkets and Grocery Stores - Monday to Sunday: 7:00am to 11:00pm the same day. All other off-licensed premises – Monday to Sunday: 9:00am to 9:00pm the same day. <p>Update to another specified time.</p>	Update the maximum trading hours to another specified time. <i>(Council could choose to extend or restrict the current maximum trading hours as stated in the policy).</i>	<p>Preferred Option</p> <p>Maximum trading hours will be set on a case-by-case (no guideline set).</p>
3.	Specify certain hours for different days (e.g. weekends, public	Specify different hours which apply to specific areas of the District.	Certain hours should apply to specific areas/premises. <i>(This means that</i>	Maximum trading hours will be set on a case-by-case (with a guideline specified).

Option	On-Licences	Off-Licences	Club Licences	Special Licences
	holidays). ⁵ <i>(This option could allow for extended hours for occasions such as New Year's Eve).</i>		<i>trading hours set in the LAP could vary based on:</i> <ul style="list-style-type: none"> <i>location of the premises</i> <i>the premise type (sports club, RSA etc.)</i> <i>The risk rating of the premises.</i> 	
4.		Specify certain hours for different days (e.g. weekends, public holidays). ⁶ <i>(This option could allow for extended hours for occasions such as New Year's Eve).</i>	Specify certain hours for different days (e.g. weekends, public holidays). ⁷ <i>(This option could allow for extended hours for occasions such as New Year's Eve).</i>	Specify hours for events held on different days (e.g. weekends, public holidays). <i>(This option could allow for extended hours for occasions such as New Year's Eve).</i>

⁵ Note that section 47 of the Act applies trading restrictions for on-licensed premises on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day.

⁶ Note that section 48 of the Act applies trading restrictions for off-licensed premises on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day.

⁷ Note that section 47A of the Act allows clubs affiliated with the Royal New Zealand Returned Services Association to trade from 4am to 1pm on Anzac Day.

2.7 Discretionary Conditions

Discretionary conditions relate to the management of licensed premises and address such matters as ensuring the safety of patrons, the maintenance of amenity, and measures designed to support safe drinking.

The Act contains mandatory conditions that must be applied to a licence including:

- A requirement to make drinking water freely available to customers;
- Compulsory conditions relating to display and promotion of alcohol in supermarkets and grocery stores;
- Rules about irresponsible promotion of alcohol, including restrictions on price discounts;
- Restrictions to prevent 'bring your own' alcohol at club licensed premises.

In addition to the mandatory conditions, the DLC may also impose any other reasonable condition on any licence that is not inconsistent with the Act. The Act provides guidance on further conditions that may be applied (section 110(1) of the Act):

- Prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons and the management of the premises are observed;
- Prescribing the people or kinds of person to whom alcohol may be sold or supplied;
- Imposing a one-way door restriction;
- Requiring a manager to be on duty under a BYO-restaurant on-licence.

Council's LAP currently provides additional guidance to the DLC for appropriate conditions that may be applied to a licence. Preliminary consultation demonstrates support for the continued inclusion of discretionary conditions as effective and reasonable measures contributing to the object of the Act. It is considered that the current discretionary conditions provide effective guidance for the DLC's decision making.

Council considered a wide range of additional conditions that could be applied to a licence including the following:

- Conditions prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed;
- Designation of the premises as a supervised or restricted area;
- Restrictions on the sale and strength of beverages after a particular time;
- Alcohol-related incident recording and reporting requirements, including requirement to notify the Police of any violent incidents that occur on the premises;
- Requirement for security personnel to be present, for example at certain times and/or during certain events;
- Requirement to secure any outdoor areas to prevent unauthorised access;
- Requirement for certain areas to be monitored at all times;
- Restriction of hours for outdoor areas as appropriate to minimise impacts on the amenity of nearby properties.

Council determined that the current provisions are meeting the needs of the community and the Act, with the inclusion of a discretionary condition to restrict the types of alcohol sold (off-licences) for example to restrict single sales.

Summary of stakeholder opinion:

- Te Whatu Ora Waikato noted that if Council choose to implement a one-way door policy, then this can be removed as a discretionary condition. They also recommend that Council add discretionary conditions around the display of certain alcohol product types, the sale of alcoholic and non-alcoholic products that pose a high risk of harm, and the remote sale of alcohol.

- Licensing Inspector recommended including discretionary conditions around types of alcohol to be sold and the ability to limit single sales.
- NZ Police agree with the current conditions, in particular CPTED criteria.

On-Licences

The following are mandatory conditions that must be applied to an on-licence:

- Stating the days and hours during which alcohol may be sold;
- Stating the fees payable for licensing the premises;
- Stating (directly or by description) a place or places on the premises at which drinking water is freely available to customers, while the premises are open for business;
- For hotels or taverns, a designation that all or part/s of the premises are a restricted or supervised area.

The DLC may also impose any other reasonable condition on any licence that is not inconsistent with the Act. The Act provides guidance on further conditions that may be applied (section 110(1) of the Act):

- Conditions prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons and the management of the premises are observed;
- Conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied;
- Conditions imposing a one-way door restriction;
- Requiring a manager to be on duty under a BYO-restaurant on-licence.

Council's LAP currently provides additional guidance to the DLC for appropriate conditions that may be applied to a licence. Preliminary consultation demonstrates support for discretionary conditions as effective and reasonable measures contributing to the object of the Act. It is considered that the inclusion of discretionary conditions will continue to meet the Council's objectives for the LAP; in particular, that the LAP provides effective guidance for the DLC's decision making. Therefore, Council is not proposing any changes to the discretionary conditions for on-licences.

Club Licences

The following are mandatory conditions that must be applied to a club-licence:

- Stating the days and hours during which alcohol may be sold;
- Stating the fees payable for licensing the premises;
- Stating (directly or by description) a place or places on the premises at which drinking water is freely available to customers, while the premises are open for business.

The DLC may also impose any other reasonable condition on any licence that is not inconsistent with the Act. The Act provides guidance on further conditions that may be applied (section 110(1) of the Act):

- Conditions prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons and the management of the premises are observed;
- Conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied;

- Conditions imposing a one-way door restriction;
- Conditions requiring a manager to be on duty.

Council's LAP currently provides additional guidance to the DLC for appropriate conditions that may be applied to a licence. Preliminary consultation demonstrates support for discretionary conditions as effective and reasonable measures contributing to the object of the Act. It is considered that the inclusion of discretionary conditions will continue to meet the Council's objectives for the LAP; in particular, that the LAP provides effective guidance for the DLC's decision making. Therefore, Council is not proposing any changes to the discretionary conditions for club licences.

Off-Licences

The following are mandatory conditions that must be applied to an off-licence:

- Stating the days and hours during which alcohol may be sold or delivered;
- Stating the fees payable for licensing the premises;
- Stating (directly or by description) a place or places on the premises at which drinking water is freely available to customers, while alcohol is being supplied free as a sample on the premises;
- For supermarkets and grocery stores - designating single alcohol area relating to the display and promotion of alcohol.

The DLC may also impose any other reasonable condition on any licence that is not inconsistent with the Act. The Act provides guidance on further conditions that may be applied (section 116(1) of the Act):

- Conditions prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed;
- Conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied;
- Where the principal business is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered from the premises.

Council's LAP currently provides additional guidance to the DLC for appropriate conditions that may be applied to a licence. Preliminary consultation demonstrates support for discretionary conditions as effective and reasonable measures contributing to the object of the Act. It is considered that the inclusion of discretionary conditions will continue to meet the Council's objectives for the LAP; in particular, that the LAP provides effective guidance for the DLC's decision making.

The following additional discretionary condition has been included in the draft LAP in response to recommendations from Te Whatu Ora – Waikato and Council Licensing Inspectors:

- Restrictions on the types of alcohol to be sold, for example to limit single sales.

Special Licences

The following are mandatory conditions that must be applied to a special licence:

- Stating the days on which and the hours during which alcohol may be sold or delivered;
- Stating (directly or by description) a place or places on the premises at which drinking water is to be freely available to customers while the event (or any of the events) described in it is taking place.

In deciding the conditions relating to the days on which and the hours during which alcohol may be sold or delivered, the DLC may have regard to the site of the premises in relation to neighbouring land use.

Discretionary conditions for special licences relate to the management of the event and address such matters as ensuring the safety of patrons, the maintenance of amenity and measures designed to support a safe drinking environment. The DLC may issue a special licence subject to conditions of any or all of the following kinds:

- Conditions prescribing steps to be taken by the licensee to ensure that the provisions of the Act relating to the sale of alcohol to prohibited persons are observed;
- Conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied;
- Where the principal business is not the manufacture or sale of alcohol, conditions relating to the kind or kinds of alcohol that may be sold or delivered from the premises;
- Conditions requiring the provision of food for consumption on the premises concerned;
- Conditions requiring low-alcohol beverages to be available for sale and supply;
- Conditions requiring non-alcoholic beverages to be available for sale and supply;
- Conditions requiring assistance with or information about alternative forms of transport from the premises concerned to be available;
- Conditions requiring the exclusion of the public from the premises concerned;
- Conditions requiring alcohol to be sold and supplied on the premises only in/or not in certain containers;
- Conditions requiring the filing of returns relating to alcohol sold pursuant to the licence.

Council's LAP currently provides additional guidance to the DLC for appropriate conditions that may be applied to a licence. Preliminary consultation demonstrates support for discretionary conditions as effective and reasonable measures contributing to the object of the Act. It is considered that the inclusion of discretionary conditions will better meet the Council's objectives for the LAP; in particular, that the LAP provides effective guidance for the DLC's decision-making.

No specific concerns were raised by the Police or Te Whatu Ora – Waikato and the Licensing Inspector noted that special licences as a rule do not create any problems.

Council is proposing to update the maximum number of events under special licence from no more than 15 events to no more than 18 events in any six-month period. This provides for applicants to have a series of linked events and is in response to the recent applications Council has received for special licences, e.g. a series of theatre performances with several different events across the year.

Council proposes to add a policy note for the DLC to carefully consider where the number of events under special licence exceeds the provision within the LAP and to consider whether it is more appropriate for the applicant to apply for an on-licence, off-licence or club licence, or the variation of an existing on-licence, off-licence or club licence.

The following table describes the options that Council considered for policy provisions relating to the discretionary conditions for licensed premises in the District:

Options	On-Licences	Off-Licences	Club Licences	Special Licences
1.	Preferred Option Retain status quo.	Retain status quo.	Preferred Option Retain status quo.	Preferred Option – with increase of the maximum

				<p>number of events under special licence in any six-month period to be increased to 18.</p> <p>Retain status quo.</p>
2.	Do not include discretionary conditions.	Do not include discretionary conditions.	Do not include discretionary conditions.	Do not include discretionary conditions.
3.	Update the discretionary conditions to provide additional guidance for the DLC and licence holders/applicants.	<p>Preferred Option – include a discretionary condition regarding the types of alcohol to be sold, e.g. limit single sales.</p> <p>Update the discretionary conditions to provide additional guidance for the DLC and licence holders/applicants.</p>	Update the discretionary conditions to provide additional guidance for the DLC and licence holders/applicants.	Update the discretionary conditions to provide further guidance for the DLC and licence holders/applicants.

2.8 One-way Door Restrictions

Key Question

For each type of on-licensed and club-licensed premises as well as special licences, should one-way door restrictions apply? If so, where should such restrictions apply (e.g. particular planning zones, suburbs or areas, etc.)? And what form should one-way door restrictions take (e.g. a set time before closing or a defined time regardless of when closing occurs)?

The Act allows Council to adopt a one-way door policy as part of its LAP. A one-way door policy specifies a time where patrons will not be allowed to be admitted or readmitted into licensed premises. A one-way door policy is designed to spread out migration between venues and to reduce the risk of alcohol-related disorder and offences. This does not apply to off-licensed premises.

The current policy states that a one-way door restriction can be included as part of the discretionary conditions of a licence.

The Police recommended that Council implement a mandatory one-way door policy for on-licensed premises in Matamata to apply from 12 Midnight to close. This was due to disorder occurring late at night from persons migrating between premises after already consuming alcohol. Te Whatu Ora - Waikato also recommended adding a one-way door policy from 12 Midnight to close for all on-licences.

The community survey also indicated support for the use of one-way door restrictions.

A one-way door restriction may be a valuable tool in facilitating the gradual dispersal of patrons from late night venues rather than this occurring at the same time, causing groups of patrons to leave all at once. The provision of a one-way door policy could be helpful in achieving the goals and objectives of the LAP. It may contribute to the safety of the District and in particular, to the safety of our towns with late night bars and pubs.

Council acknowledges the concern received and the recommendation to include a mandatory one-way door policy. Whilst Council has not included a one-way door policy as a mandatory condition, it has included strong direction to the DLC to carefully consider this as a discretionary condition. Council also noted that a mandatory one-way door restriction will increase costs for holders of on-licences, and may be difficult to enforce.

Additionally, the effectiveness of one-way door policies is not strongly proven. One negative unintended consequence may be that it brings the largely young, and potentially unruly, drinkers into the central business areas (where most of the licensed premises are) earlier at a time when the earlier-evening patrons of cafes and restaurants are still enjoying hospitality or making their way home. This could reduce some patrons' sense of safety and enjoyment of our towns.

The following table describes the options that Council considered for policy provisions relating to the inclusion of a one-way door policy for licensed premises in the District:

Options	On-Licences	Off-Licences	Club Licences	Special Licences
1.	Preferred Option – with stronger direction to the DLC to consider the inclusion of a one-way door policy. Retain the current LAP	N/A	Preferred Option Retain the current LAP stance – the DLC may apply a one-way door restriction to any licence as part of its	Preferred Option Retain the current LAP stance – the DLC may apply a one-way door

	stance – the DLC may apply a one-way door restriction to any licence as part of its discretionary conditions. <i>(This allows the DLC to include a one-way door policy if any particular issues/concerns are identified).</i>		discretionary conditions. <i>(This allows the DLC to include a one-way door policy if any particular issues/concerns are identified).</i>	restriction to any licence as part of its discretionary conditions. <i>(This allows the DLC to include a one-way door policy if any particular issues/concerns are identified).</i>
2.	Include a mandatory one-way door policy for on-licences in the Matamata Business Zone from 12 Midnight to close. <i>(If included in the final LAP, this provision will come into effect three months after the rest of the policy to allow businesses to implement this change).</i>		Include a mandatory one-way door policy for club-licences in a particular area or more broadly. <i>(This option could take into consideration socio-economic, high-risk areas, demographic information, crime/disorder statistics, or other characteristics).</i>	Include a mandatory one-way door policy for special licences <i>(This option may specify particular event criteria).</i>
3.	Include a mandatory one-way door policy for on-licences in other specified areas.			