

# EASTERN BAY OF PLENTY LOCAL ALCOHOL POLICY



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## **1. INTRODUCTION**

This is the joint Local Alcohol Policy of the Kawerau, Ōpotiki and Whakatāne District Councils. It comes into effect on [date]. The policy applies to any licensing application made to a District Licensing Committee in the Eastern Bay of Plenty region.

The Sale and Supply of Alcohol Act 2012 (The Act) allows each territorial authority to develop a local alcohol policy (LAP) for the sale, supply and consumption of alcohol in its district. A LAP must be developed in consultation with local communities and key regulatory bodies such as the Police, licensing inspectors and Medical Officers of Health. It may have different conditions for different areas within a district.

A LAP provides the policy framework for licensing decisions to meet the object of the Act and the needs and views of communities. Additionally, a LAP has legal standing under the Act. For example:

- Licensing bodies must have regard to the applicable LAP in decisions about licence applications
- Any maximum trading hours and one way door restrictions in a LAP must be complied with, and
- Being contrary to a LAP is grounds for a licence application to be refused.

### **1.1 The Sale and Supply of Alcohol Act 2012**

The object of the Act is that:

1. The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and 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).

### **1.2 District Licensing Committees**

A District Licensing Committee is the committee(s) appointed by a territorial authority to deal with licensing matters for its district. Every territorial authority is required by the Act to establish one or more licensing committees. The functions of a District Licensing Committee (DLC) are:

- To consider and determine licence applications, renewals, variations, suspensions and cancellations
- To consider and determine new applications and renewals of manager's certificates
- To consider and determine applications for temporary authority
- To conduct inquiries and make reports to the licensing authority; and
- With the leave of licensing authority, to refer applications to the licensing authority.

Each DLC consists of three members appointed by a territorial authority for its district. The chairperson must be either an elected member of the Council or a Commissioner, and the two other members are appointed from a list of members established and maintained by the territorial authority. Two or more territorial authorities may have a combined list of DLC members.

### **1.3 Alcohol Regulatory Licensing Authority**

The Alcohol Regulatory and Licensing Authority is the national body formerly known as the Liquor Licensing Authority. The functions of the authority are:

- To consider all applications referred to it by the DLC which it has given leave to be referred
- To consider and determine appeals from decisions of a DLC
- To consider and determine appeals against elements of draft local alcohol policies, and
- To consider and determine applications by Inspectors and the Police for the variation, suspension or cancellation of licences and manager's certificates.

In addition, the Authority may issue practice directions for the guidance of District Licensing Committees that it considers are necessary or desirable.

### **1.4 Police, Medical Officers of Health and Inspectors**

The Licensing Committee, through its inspectors, administers alcohol licensing duties in conjunction with the Police and Medical Officers of Health and to a lesser extent with the Fire Service. The Police report generally on matters of suitability of applicants for licences and Manager's certificates. The Medical Officer of Health reports generally on the issue of public health and alcohol. Inspectors must act independently and report generally on the criteria for licences and manager's certificates to be considered by the Committee. All three monitor licensee compliance with the Act and their licences. Licensing inspectors, Police and Medical Officers of Health have a duty to collaborate and work together. Only the Police and the inspector may bring enforcement proceedings. The Fire Service has the right to seek a suspension of licence in the event of any failure to comply with an evacuation scheme under the Fire Service Act 1975.

### **1.5 Working with Stakeholders**

The Kawerau, Ōpotiki and Whakatāne District Councils consider that the harm caused by excessive or inappropriate alcohol use in the Eastern Bay of Plenty region can only be minimised with the involvement of all stakeholders. As well as the three territorial authorities, District Licensing Committees and other regulatory bodies, stakeholders include central government, industry representatives, licensees, licensee patrons and the wider community.

## **2. POLICY OBJECTIVE**

The objective of this policy is to foster positive, responsible drinking behaviour and minimise alcohol-related harm in the Eastern Bay of Plenty region by:

1. Providing clarity for applicants and a framework for the District Licensing Committee when deciding on licensing applications in relation to:
  - The location of licensed premises
  - Whether further licences, or licences of a particular kind(s) should be issued
  - Maximum trading hours
  - One way door restrictions
  - Particular conditions
  - Discretionary conditions.
2. Enabling community views to be considered in decisions about the number and type of licensed premises and licence conditions imposed.
3. Informing applicants, regulatory bodies, the licensing authority, industry stakeholders and the wider community about the Councils' stance toward licensing matters.
4. Providing an efficient regulatory framework that is integrated with the District Plan and consents process.

## **3. POLICY APPROACH**

This policy aims to reduce alcohol related harm across the three districts, while balancing the economic benefits the alcohol industry provides the Eastern Bay of Plenty.

It does this by:

1. Not prescribing the number, type and density of licensed premises in restrictive measures, such as capping the density of licensed premises in particular areas; while,
2. Relying substantially on a requirement for licensed premises to develop and implement host responsibility policies, and on the provisions of the Act for amenity and good order (section 106) and consideration of neighbouring land uses (section 110(3)).

## **4. POLICY PRINCIPLES**

When using this policy, the following principles must be taken into account:

1. All District Licensing Committee considerations should have regard to the needs and views of local communities.
2. All District Licensing Committee processes regulating the sale and supply of alcohol should be transparent, consistent and objective.
3. All District Licensing Committee actions should promote the object and be consistent with the provisions of the Sale and Supply of Alcohol Act 2012.
4. All District Licensing Committee decisions will be based on evidence and will be considered objectively.

## 5. DEFINITIONS

**Alcohol** means a substance that is or contains a fermented, distilled, or spirituous liquor, which; in whatever form (such as frozen liquid, or a mixture of a frozen liquid and another substance or substances,) is found on analysis to contain 1.15% or more ethanol by weight, in a form that can be consumed by people.

**Alcohol-related harm** means—

(a) the harm caused by the excessive or inappropriate consumption of alcohol; and

(b) includes—

(i) 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

(ii) 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 subparagraph (i).

**Amenity and good order of the locality**, in relation to a licensing application, means the extent to which, and ways in which, the locality in which the premises concerned are situated (or, in the case of a conveyance, the localities where the conveyance is likely to travel) are pleasant and agreeable. This includes any building(s), immediate surroundings and any associated carpark on the premises. It does not refer to adjoining public thoroughfares.

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

(a) is a member of the club concerned; or

(b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or

(c) is an authorised visitor.

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

**Childcare centre** means a licensed and/or chartered early childhood centre which offers either all day or part day teacher-led services. They include church, workplace and childcare centres and can be run by either community or private owners.

**Children's playground** means an area of land on a reserve, such as a public children's play area and containing permanent children's play equipment or facilities.

**Eastern Bay of Plenty region** means the area comprised of the Kawerau District, the Ōpotiki District and the Whakatāne District, as identified in the Local Government Act 2002.

**Exempt person** means any person as defined as exempt in the Sale and Supply of Alcohol Act 2012.

**Licensing Authority** means the Alcohol Regulatory and Licensing Authority continued in existence by section 169(1) of the Act.

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

(a) has expressly agreed in writing to comply with the club's rules; and

(b) is recognised as a member of the club by those rules.

**Minibar** means a small refrigerator in a hotel room that is stocked with alcoholic and non-alcoholic beverages and snacks for guests.

**Prohibited person** means any person who is a minor or who is intoxicated.

**Reserve** means any area of land designated under the Reserves Act or zoned under the applicable District Plan.

**Sensitive Location** includes any location in close proximity (situated within 100 metre radius) to any:-

- Primary or secondary education establishment
- Childcare centre, or
- Children's playground.

## **6. POLICY STATEMENT**

### **6.1 Application and Scope**

This policy applies to any licensing application made to a District Licensing Committee in the Eastern Bay of Plenty region.

#### **6.1.1 *Transitional provisions***

The provisions of this policy relating to maximum trading hours do not come into effect until three months after the policy comes into effect.

#### **6.1.2 *Exceptions***

Any application for a new licence or licence renewal for any premises which had a current licence at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises (clause 6.2.5). The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current licence or any subsequent licence for the premises is surrendered or not renewed.

#### **6.1.3 *Relationship to the Act***

This policy does not include all the provisions that may apply to licence applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions such as manager's certificates, application processes and restrictions for supermarkets and dairies.



## **6.2 General Provisions for Applications for Licensed Premises**

### **6.2.1 Criteria for issue of licences**

In deciding whether to issue a licence the Committee will have regard to the following matters provided in section 105 of the Act:

- (a) the object of the Act
- (b) the suitability of the applicant
- (c) the local alcohol policy
- (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 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) 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

The provisions of section 28 of the Act relating to who can hold on-licences, off-licences and special licences also apply.

The Committee will also have regard to:

- Whether the premises has a current fire evacuation scheme
- Any objections to the application

The Committee will not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

### **6.2.2 Criteria for renewal of licences**

Applications for licence renewals should be received at least 20 working days before expiry of the current licence. When considering applications, the Committee will have regard to:

- The criteria contained in section 131(1) of the Act
- The management history of the applicant
- The adequacy and implementation of the host responsibility policy for the premises
- Any objections to the renewal

The Committee will not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.

### **6.2.3 Objection to licensing application**

Any person with a greater interest in any application than the public generally may object to the grant or the renewal of a licence. An objection must be in writing and must be filed within 15 working days after the first publication of the public notice advertising the application. The objection may only relate to the statutory criteria for the issue or renewal of a licence, as set out in 6.2.1 or 6.2.2 above.

### **6.2.4 Maximum trading hours**

The applicable maximum trading hours for licensed premises in the Eastern Bay of Plenty region are as shown in the First Schedule to this Policy.

Note that these are the maximum hours and this does not preclude a licence being issued subject to a condition or conditions to the effect that some more restrictive maximum trading hours must be observed.

### **6.2.5 Location**

#### **Broad areas**

The Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless a resource consent has been granted.

#### **Proximity to particular kinds of premises or facilities**

The Committee may, at its discretion, grant an on, off or club licence for any premises in any Sensitive Location where the applicant can demonstrate to the satisfaction of the Committee that no significant adverse effects will arise from the premises being situated within a Sensitive Location.

### **6.2.6 Host responsibility**

Host responsibility aims to reduce the incidence of intoxication and the risk of intoxicated individuals causing harm to themselves, to other people, or to property. It utilises a number of strategies aimed at creating safe drinking environments.

The Eastern Bay of Plenty District Councils consider that host responsibility is consistent with the object of the Act, fundamental to achieving the objective of this policy, and necessary to give effect to sections 51 – 54 of the Act. All licensed premises are therefore required to have written, operative host responsibility policies.

### **6.2.7 Amenity and good order**

In forming an opinion about whether the issue or renewal of a licence would affect the amenity and good order of a locality, the Committee will have regard to the matters contained in section 106 of the Act and any measures contained in the applicant's host responsibility policy to ensure that:

- the premises will be kept in a safe, clean and tidy order
- noise levels will be maintained within acceptable levels set by the applicable District Plan
- nuisance effects will be mitigated, and
- vandalism, including graffiti and litter will be removed.

### **6.2.8 Temporary authority**

A temporary authority is an order issued by the Committee authorising the applicant (or some suitable person nominated by the applicants) to carry on the sale and supply of alcohol for a period, not exceeding three months, stated in the order.

The Committee can only issue a temporary authority in relation to a premises which has a current licence. A further temporary authority application that is not accompanied by a full on-licence or off licence application for the premises will only be considered in exceptional circumstances.

## **6.3 On-licence Provisions**

An on-licence is a licence that allows the sale and supply of alcohol on a premises for consumption on the premises. The Committee may grant on-licences for any premises that comply with the applicable provisions of the Act and this policy.

### **6.3.1 Compulsory on-licence conditions**

The compulsory conditions set out in section 110(2) of the Act are required to be included in all on-licences. The conditions relate to:

- The days and hours during which alcohol may be sold and supplied
- Any variation of fees made subject to relevant regulations
- Where on the premises free drinking water is to be available to customers.

Under section 110(3) of the Act, in deciding the days and hours during which alcohol may be sold and supplied, the Committee may have regard to the site of the premises in relation to neighbouring land use.

### **6.3.2 Host responsibility policy**

Every on-licence premises must develop a host responsibility policy containing provisions to encourage and actively inform staff and patrons about the following:

- The availability of non-alcoholic drinks and low-alcohol drinks
- Making drinking water freely available to customers
- The availability of a range of food on the premises at all times the licence is in operation
- Steps taken to ensure alcohol is not supplied to under age, intoxicated, or otherwise prohibited persons
- Undesignated, restricted and supervised areas
- Help with and information about alternative transport
- How host responsibility is promoted on the premises (e.g. by signage and staff service practices)
- Measures to protect the amenity and good order of the locality, and
- Any other matter aimed at encouraging responsible alcohol service and consumption.

Licensees are encouraged to develop individual policies rather than adopting a standard format.

### **6.3.3 Discretionary on-licence conditions**

The discretionary conditions in section 110(1) of the Act are deemed to be consistent with the objective of this policy. The Committee is encouraged to require any or all of those conditions to be included in all on-licences. The conditions relate to:

- Steps to ensure observance of the provisions of the Act relating to the sale or supply of alcohol to prohibited persons (for example, the provision of additional security staff after a particular hour, restrictions on the time and size or 'last orders' and queue management).
- Steps to be taken to ensure observance of the provisions of the Act relating to management of the premises concerned (for example, CCTV cameras, exterior lighting, minimum seating and restrictions on the use of outdoor areas after a particular time).
- People to whom alcohol may be sold or supplied (subject to the provisions of the Human Rights Act) (for example, training requirements for bar staff).

The Committee may include any other reasonable condition(s) not inconsistent with the object of the Act and the objective of this policy.

#### **6.3.4 *One way door restrictions***

This policy does not provide for a one way door restriction, however, the Committee may issue a licence that includes a one way door restriction as a condition using section 110 of the Act.

## **6.4 Off-licence Provisions**

An off-licence is a licence that allows the sale of alcohol from a premises for consumption somewhere else and the supply and consumption of alcohol samples on the premises during opening hours. The Committee may grant off-licences for any premises that comply with the Act and the applicable provisions of this policy.

### **6.4.1 Compulsory off-licence conditions**

The conditions set out in section 116(2) of the Act are required for all off-licences. The conditions relate to:

- The days and hours during which alcohol may be sold or supplied
- Any variation of fees made subject to relevant regulations
- Where on the premises free drinking water is to be available to customers while alcohol is being supplied free as a sample on the premises.

Under section 116(3) of the Act, in deciding the days and hours during which alcohol may be sold and supplied, the Committee may have regard to the site of the premises in relation to neighbouring land use.

### **6.4.2 Further compulsory condition for supermarkets and grocery stores**

The condition provided by section 112 of the Act requiring the description of one area within the premises as a permitted area for the display and promotion of alcohol is required for all off-licences for supermarkets and grocery stores.

### **6.4.3 Host responsibility policy**

Each off-licence premises must have a host responsibility policy appropriate to its particular situation. Host responsibility policies for off-licence premises would include requirements such as:

- The adequacy of measures to ensure that sales to minors or intoxicated persons do not occur
- Measures to ensure the amenity and good order of the locality are not affected by more than a minor extent
- Measures aimed at reducing alcohol abuse and alcohol-related harm, such as:-
  - The availability and promotion of non-alcoholic drinks and low-alcohol drinks
  - The availability of non-alcoholic or low alcohol cocktail recipes, and
  - The display of appropriate cautionary measures

### **6.4.4 Discretionary off-licence conditions**

The Committee is encouraged to require any or all of the discretionary conditions set out in section 116(1) of the Act, where applicable, to be included in all off-licences. The conditions relate to:

- Steps to ensure observance of the Act in relation to the sale or supply of alcohol to prohibited persons (for example, the display of safe drinking messages/material and the suitable designation of all bottle stores to ensure unaccompanied minors do not enter)
- People to whom alcohol may be sold or supplied (subject to the provisions of the Human Rights Act).

The Committee may include any other reasonable conditions not inconsistent with the object of the Act and the objective of this policy.

## **6.5 Club Licence Provisions**

A club licence is a licence that allows the sale and supply of alcohol to authorised customers for consumption on the club premises to which the licence applies. The Committee may grant club licences for any premises that comply with the applicable provisions of the Act and this policy.

### **6.5.1 Compulsory club licence conditions**

The compulsory conditions set out in section 110(2) of the Act are required to be included in club licences. The conditions relate to:

- The days and hours during which alcohol may be sold and supplied
- Any variation of fees made subject to relevant regulations
- Where on the premises free drinking water is to be available to customers.

Under section 110(3) of the Act, in deciding the days and hours during which alcohol may be sold and supplied, the Committee may have regard to the site of the premises in relation to neighbouring land use.

### **6.5.2 Host responsibility policy**

Every club licence premises must develop a host responsibility policy containing provisions to encourage and actively inform staff and patrons about the following:

- The provision of non-alcoholic and low-alcohol drinks
- Making drinking water freely available to customers
- The availability of food on the premises at all times the licence is in operation
- Steps taken to ensure alcohol is not supplied to under age, intoxicated, or otherwise prohibited persons
- Undesignated, restricted and supervised areas
- Help with and information about alternative transport
- How host responsibility is promoted on the premises (e.g. by signage and staff service practices)
- Measures to protect the amenity and good order of the locality, and
- Any other matter aimed at encouraging responsible alcohol service and consumption.

Licensees are encouraged to develop individual policies rather than adopting a standard format.

### **6.5.3 Discretionary club licence conditions**

The discretionary conditions in section 110(1) of the Act are deemed to be consistent with the objective of this policy. The Committee is encouraged to require any or all of those conditions to be included in all club licences. The conditions relate to:

- Steps to ensure observance of the provisions of the Act relating to the sale or supply of alcohol to prohibited persons (for example, the provision of additional security staff after a particular hour, restrictions on the time and size or 'last orders' and queue management).
- Steps to be taken to ensure observance of the provisions of the Act relating to management of the premises concerned (for example, CCTV cameras, exterior lighting, minimum seating and restrictions on the use of outdoor areas after a particular time).
- People to whom alcohol may be sold or supplied (subject to the provisions of the Human Rights Act).
- The requirement for a duty manager to be on the premises at all times.

The Committee may include any other reasonable conditions not inconsistent with the object of the Act and the objective of this policy.

**6.5.4 One way door restrictions**

This policy does not provide for a one way door restriction, however, the Committee may issue a licence that includes a one way door restriction as a condition using section 110 of the Act.



## 6.6 Special Licence Provisions

A special licence is a licence that allows either:

- The sale and supply of alcohol on a premises designated by the licence, for consumption by people attending an event at the premises described in the licence; or
- The sale and supply of alcohol on a premises for which an on licence or a club licence is held, at a time when the sale of alcohol on the premises would otherwise be unlawful, for consumption by people attending an event at those premises described in the licence.

### 6.6.1 Requirement to be an 'event'

For the purposes of a special licence, an 'event' is an occasion or closely related series of occasions that occurs within 12 months after the licence is issued.

The Committee may grant a special licence where the application relates to an event that complies with the applicable provisions of the Act and this policy.

The Committee will not grant any special licence for any event where it considers a club licence or a variation to an existing licence would be more appropriate.

### 6.6.2 Criteria for issue of special licences

In deciding whether to issue a special licence, the Committee will have regard to the matters set out in section 144 of the Act as listed in clause 6.2.1 (a) – (c), (h) and (j) of policy and the following:

- (a) the nature of the particular event for which the licence is sought and, in particular,—
  - (i) whether the applicant is engaged in, or proposes at the event to engage the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and
  - (ii) whether the applicant is engaged in, or proposes at the event 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:
- (b) the days on which and the hours during which the applicant proposes to sell alcohol
- (c) the design and layout of the premises concerned
- (d) any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas
- (e) any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed
- (f) the applicant's proposals relating to—
  - (i) the sale and supply of non-alcoholic drinks and food; and
  - (ii) the sale and supply of low-alcohol drinks; and
  - (iii) the provision of help with or information about alternative forms of transport from the premises:

The licensing committee must not take into account any prejudicial effect that the issue of the special licence may have on the business conducted pursuant to any other licence.

### **6.6.3 Compulsory special licence conditions**

The compulsory conditions set out in section 147 of the Act are required to be included in special licences. The conditions relate to:

- The days and hours during which alcohol may be sold or delivered
- Place(s) on the premises at which drinking water is to be freely available while the event is taking place

Under section 147(4) of the Act, in deciding the days and hours during which alcohol may be sold and supplied, the Committee may have regard to the site of the premises in relation to neighbouring land use.

### **6.6.4 Host responsibility**

To reflect the Eastern Bay of Plenty District Councils' commitment to host responsibility, the Committee will have particular regard to sections 147 (1) (d) – (g) of the Act relating to the provision of food, non-alcoholic drinks and low-alcohol drinks and assistance or information about alternative transport, and section 142(1)(e) relating to amenity and good order, when considering special licence applications.

### **6.6.5 Discretionary special licence conditions**

The discretionary conditions in section 147 of the Act are deemed to be consistent with the objectives of this policy. The Committee is encouraged to require any or all of those conditions to be included in special licences. The conditions relate to:

- Steps to ensure observance of the provisions of the Act relating to the sale or supply of alcohol to prohibited persons
- People to whom alcohol may be sold or supplied (subject to the provisions of the Human Rights Act)
- For premises where the principal business is not the manufacture or sale of alcohol, the kind or kinds of alcohol that may be sold or delivered on or from the premises
- The provision of food for consumption and the availability of low alcohol and non-alcoholic beverages
- Assistance or information about alternative forms of transport from the premises
- Excluding the public from the premises concerned
- The sale and supply of alcohol on the premises in containers of certain descriptions
- Filing of returns relating to alcohol sold pursuant to the licence.

The Committee may include other conditions in sections 110 and 116 of the Act, and any other reasonable condition(s) not inconsistent with the object of the Act and the objective of this policy.

### **6.6.6 Suitability of the venue**

In considering whether to grant a special licence, the Committee may request a report from the NZ Fire Service about the suitability of the venue where the event is to be held.

## **7. POLICY REVIEW**

The three territorial authorities will monitor the policy to ensure it is operating to full effect.

An evaluation will be conducted 18 months after the policy comes into effect. If the evaluation results in an assessment that changes may be needed, the policy will be reviewed.

If the evaluation does not indicate the need for any changes, a review will be initiated in 2017.

## **8. REFERENCES AND RELEVANT LEGISLATION**

Sale and Supply of Alcohol Act 2012

Building Act 2004

Food Act 1981 and Food Hygiene Regulations 1974

Resource Management Act 1991

District plans in the Eastern BOP region: Kawerau, Ōpotiki and Whakatāne

Human Rights Act 1993

## FIRST SCHEDULE: Maximum Trading Hours

The maximum trading hours that apply in each District are as shown in the table below.

**Table 2: Maximum trading hours by licence type and district**

	<b>Kawerau</b>	<b>Ōpotiki</b>	<b>Whakatāne</b>
	hours	hours	hours
<b>On-licence</b>	0900 - 0100	0900 - 0100	0800 - 0200 0800 - 2300 (Winery)
<b>Off-licence</b>	0800 - 2200	0700 - 2200	0700 - 2300
<b>Club Licence</b>	0900 - 0100	1000 – 0100	0700 - 0200 0700 - midnight (Sports club)
<b>Special Licence</b>	Case by case	Case by case	Case by case

### **Notes:**

- The hours set out in Table 2 are the maximum hours and the Committee may issue any licence subject to more restrictive trading hours.
- Minibars are exempt from the above maximum trading hours and can operate 24 hours a day, 7 days a week.