

Date: Monday, 21 July 2014
Time: 11.00am
Meeting Room: Council Chambers
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Disability Strategic Advisory Panel

OPEN MINUTE ITEM ATTACHMENTS

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5	Draft Auckland Council Local Alcohol Policy for feedback	
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Slide 1: Auckland Council Draft Local Alcohol Policy
Presentation to Disability Strategic Advisory Panel – July 2014

Slide 2: Overview

Diagram:

- Sale and Supply of Alcohol Act 2012 introduced.
- Object/Purpose of the Act is that the sale, supply and consumption of alcohol is undertaken safely and responsibly, and that alcohol-related harm is minimised.
- Act enables councils to create their own Local Alcohol Policies, which can be appealed if they are unreasonable in light of the object of the Act.

Slide 3: Scope – What can the LAP cover?

Diagram: Local Alcohol Policy can cover:

- Location, including Broad Areas and Proximity,
- Density,
- Hours, including one-way doors, and
- Discretionary conditions.

Slide 4: Effect of LAP – What effect will the LAP have?

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

Slide 5: Policy development process

Diagram:

- 2011 – research commenced
- May 2013 – Issues and Options paper, feedback sought
- September 2013 – Staff position paper, feedback sought

- **Now – draft LAP, public consultation**
- Late 2014: Provisional LAP, appeals
- Sometime 2015: Final LAP

Slide 6: Policy Areas – Location by reference to broad areas

Draft LAP: Section 2

Slide 7: Broad Areas – Overview

Diagram:

- Broad Area A: Central City
- Broad Area B: Rest of Auckland (Unitary Plan zoning also considered)
- Priority Overlay: sits over both Broad Area A and B

Slide 8: Broad Areas A

Map: Broad Area A includes the City Centre area between the two motorways (State Highway 1 and State Highway 16), the business zones in Newton (the block between Symonds Street and Newton Road, and the shops fronting the top of New North Road and Mount Eden Road), and parts of Ponsonby (most of the block between Hopetoun and Ponsonby Road, and the shops fronting Ponsonby Road).

Slide 9: Priority Overlay – regional overview

Suburbs included in the Priority Overlay are:

- Avondale
- Glen Eden
- Glen Innes
- Henderson
- Mangere
- Mangere East
- Manukau
- Manurewa
- Mt Wellington
- Onehunga

- Oranga
- Otahuhu
- Otara
- Panmure
- Papakura
- Papatoetoe
- Pt Chevalier
- Pukekohe
- Wellsford
- Weymouth

Map at Part B: Appendix A (p.72)

Slide 10: Off-licences – Draft LAP: Section 5

Slide 11: Location and Density – Summary of proposal

Intended outcomes

- Greater control
- Broad Area A and Priority Overlay: Much harder to establish new off-licences
- Broad Area B: Strict rules for neighbourhood centres, Direct premises to larger centres

Proposed rules

Three key tools:

1. Temporary freeze
2. Presumption against new off-licences
3. Environmental and Cumulative Impacts Assessment

Slide 12: Location and Density – Details of Proposal (Tool 1)

1. Temporary freeze

- LAP recommends that DLC and ARLA should refuse to issue any new off-licences
 - New licences defined as a premises that has not had a licence in last 12 months to allow for sale of business
- 2 years from adoption of final policy
- Applied in Broad Area A and Priority Overlay

Slide 13: Location and Density – Details of Proposal (Tool 2)

2. Rebuttable presumption

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

Slide 14: Location and Density – Details of Proposal (Tool 3)

3. Environmental and cumulative impact assessments

- Covers environmental risks, cumulative impacts of additional premises and individual risks associated with premises
- Direct consideration of sensitive sites
- Triggered by location and risk of premises
- Link to Risk Profiles in Fees Regulations

Slide 15: Location and Density – Details of Proposal (Tool 3)

Diagram:

- Requirement for ECIA triggered
- Council prepares ECIA report
 - *DLC to “take into account”:*
 - (a) Existing licence environment
 - (b) Sensitive sites
 - (c) Transport options available (on-licences only)
 - (d) Surrounding land uses
 - (e) Policy statements regarding the broad area
 - (f) Amenity
 - (g) Existing levels of alcohol-related harm
 - (h) Nature of the application
 - (i) Steps applicant will take to minimise alcohol-related harm
- Licence (or trial extension) issued, licence issued subject to additional conditions, licence (or trial extension) not issued

Slide 16: Location and Density – Details of Proposal (Tool 3)

Diagram:

1. Assessment area: 500m radius from proposed site
2. Premises on other side of impassable physical barrier not included
3. Licences by type marked on the ECIA map
4. Sensitive sites marked on the ECIA map

Slide 17: Location and Density – Recap of proposed rules: off-licences

Table:

- Broad Area A and Priority Overlay
 - First 24 months: temporary freeze
 - After 24 months: Presumption against new off-licences, ECIA required to rebut
- Broad Area B at all times
 - Neighbourhood centres: Presumption against new off-licences, ECIA required to rebut
 - Rest of Area B: ECIA required unless premises are very low risk

Slide 18: Maximum Hours

Current rules

- No more 24 hour trading
- **7am – 11pm** maximum
- 12% of Auckland supermarkets open after 10pm
- Most bottle stores licensed after 10pm

Proposed rule

- **9am to 10pm** region-wide for **all types** of off-licences

Intended outcomes

- Reduce inappropriate consumption
- Reduction in hours from default
- Respond to feedback from statutory stakeholders

Slide 19: Discretionary Conditions – Summary of Proposal: Off-licences

Position in draft LAP

Recommended for all off-licences:

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

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

- Clean public areas
- CCTV
- Exterior lighting

Slide 20: Application of LAP – Examples: off-licences

Table:

- Application: Licence for grocers on K Road open until 9pm:
 - Density rule: temporary freeze
 - Outcome: licence not granted
- Application: Supermarket in Flat Bush centre open until 10pm
 - Density rule: ECIA required
 - Outcome: Conditions applied: Single sales, etc.
- Application: Bottle store cnr. New North Rd and Alberton Ave:
 - Density rule: Presumption against (ECIA req.)
 - Outcome: licence not granted
- Application: Bottle store in Ōtāhuhu open until 10pm
 - Density rule: Temp freeze (Priority Overlay)
 - Outcome: licence not granted

Slide 21: On-licences – Draft LAP: Section 4

Slide 22: Location and Density – Summary of proposal

Intended outcomes

- Greater control
 - Broad Area A and Metropolitan centres

- Easier to establish lower risk on-licences than higher risk
- Broad Area B
 - Direct premises to larger centres and away from residential areas
- Priority Overlay
 - Strict rules

Proposed rule

- Environmental and Cumulative Impact Assessment
 - For high risk on-licences in Broad Area A and Metropolitan Centres
 - For medium and high risk on-licences in Broad Area B
 - For nearly all on-licences in Neighbourhood Centres
 - For all on-licences in Priority Overlay

Slide 23: Maximum Hours – Current and proposed rules

Current rules

- No more 24 hour trading
- National default maximum hours started in Dec 2013
- On-licences: **8am to 4am** maximum

Proposed rules

- Broad Area A: **9am to 3am**
- Broad Area B: **9am to 1am**
- Priority Overlay: same as underlying BA; DLC encouraged to restrict further
- **Extensions** up to two hours possible (except in Priority Overlay)

Slide 24: Maximum Hours – details of Proposal: Trial extended hours

- **Trial extensions** for best practice on-licences
 - **Broad Area A and B:** Up to 2 hours (morning or evening), preferred in centres and not in residential areas
 - **Priority Overlay:** No extensions
- Strict application process for extensions:
 - ECIA
 - Reasons why standard hours not adequate
 - Risk management plan

- Trial basis in first instance (12 months)
- Includes process for revoking extensions

Slide 25: Discretionary Conditions – Summary of Proposal: On-licences

Recommended for all on-licences:

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

Conditions recommended on case-by-case basis:

- Restrictions on drinks prior to closing
- Queue management
- Manager for BYO restaurant
- Clean public areas
- CCTV
- Exterior lighting
- etc.

Slide 26: Application of LAP – Examples: off-licences

Table:

- Application: Newmarket restaurant open until 11pm
 - Density rule: NA (Medium risk in metro centre)
 - Outcome: Conditions applied: Manager on-site, etc.
- Application: Māngere bar open until 1am
 - Density rule: ECIA required (Priority Overlay)
 - Outcome: Licence may not be granted, OR conditions applied: midnight closing, etc.
- Application: Trial extension for Albert St venue – applying to 4:30am
 - Density rule: ECIA required
 - Outcome: Security, CCTV, monitoring of outside areas, restrictions on drinks in last two hours, etc.
- Application: Trial extension for restaurant on Abbots Way – applying to 2:30am
 - Density rule: Extension should not be granted (neighbourhood centre)

- Outcome: Extension not granted (residential area, ECIA shows significant impacts from extension)

Slide 27: Club licences – Draft LAP: Section 6

Slide 28: Maximum Hours – Summary of proposal

- Intended outcomes: Reduce inappropriate consumption
- Proposed rules: Club licences: 9am to 1am region-wide

No **location and density controls** recommended over and above requirements under the Act.

Slide 29: Discretionary Conditions – Summary of Proposal: Club licences

- Recommended for all club licences:
 - Prohibited persons
 - Host responsibility
 - Display of information about safe transport
 - Register of alcohol-related incidents
 - Manager for busy periods
 - Designation
- Recommended on case-by-case basis:
 - Restrictions on drinks prior to closing
 - Clean public areas

Slide 30: Special licences – Hours and Discretionary Conditions

Draft LAP: Section 7

Slide 31: Special licence policy package

- Act only allows LAP to cover hours and conditions
- **Hours:** set on case by case basis by considering
- Hours in area or on licence
- Risks associated with the event

- Nature of event / predominance of alcohol
- Target audience, including age
- Number of patrons
- Nature and location of premises
- Applicant's proposals to manage event / minimise risk

Slide 32: Special licence policy package

Conditions

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

Chairperson's report for DSAP – July 2014

There is not much to report this month as since the last meeting my partner became seriously ill and has today just come out of intensive care. Invitations to attend events have been coming with only two days notice and I can't attend on such short notice. I did however manage to attend the Inclusive Engagement Expo briefly run by council for council and it was great to see so many disability organisations take part and educate.

Don has also been out of action for the last month and I wish him well as I am sure we all do. Due to a hearing taking place the week of the DSAP meeting I am unable to attend however Colleen as vice chairperson will do a fantastic job. I look forward to seeing you all at the August meeting.

This is my report for July 2014.

Dr Huhana Hickey

17 July 2014