

Hutt City Council Local Alcohol Policy

Division	Strategy and Policy
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Version	Author	Date	Description
V 1.0	Angela Gordon	November 2024	Sets alcohol licensing criteria considered appropriate for when, where, and how alcohol is sold throughout Lower Hutt.



Introduction

Clauses 1 to 3 and 9 are for information purposes only and do not part of the Local Alcohol Policy. These clauses may be amended by officers from time to time if legislation or processes change.

1 Scope of the Policy

- 1.1 The Hutt City Council Local Alcohol Policy (LAP) was developed pursuant to the Sale and Supply of Alcohol Act 2012 (the Act). The Act enables Council to develop a local alcohol policy for its district within set requirements and scope.
- 1.2 A local alcohol policy may only address the following licensing matters:
 - a. Location of licensed premises by reference to broad areas;
 - b. Location of licensed premises by reference to proximity to premises of a particular kind(s);
 - c. Location of licensed premises by reference to proximity to facilities of a particular kind(s);
 - d. Whether further licenses (or licences of a particular kind(s)) should be issued for premises in the district concerned, or any stated part of the district;
 - e. Maximum trading hours;
 - f. The issue of licenses, or licences of a particular kind(s), subject to discretionary conditions; and
 - g. One-way door restrictions.
- 1.3 This LAP has been developed to set alcohol licensing criteria considered appropriate for when, where, and how alcohol is sold throughout Lower Hutt.
- 1.4 The Act also intends the LAP to guide the District Licensing Committee (DLC) and the Alcohol Regulatory and Licensing Committee (ARLA) in their decision-making regarding licensing matters, as well as to provide a guide for those applying for an alcohol license in Lower Hutt.

2 Sale and Supply of Alcohol Act 2012

The object of the Act

2.1 The object of the Act is that:

- 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.

2.2 Harm is defined very widely and includes any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.

Licensing

2.3 An alcohol license is required to sell alcohol to the public. Applications for alcohol licenses must be filed with the District Licensing Committee.

2.4 Each territorial authority must appoint one or more licensing committees to deal with licensing matters for its district. Decisions on alcohol license applications may be escalated to ARLA if required.

3 Goals and objectives of the LAP

3.1 The goals of Hutt City's LAP are to:

- contribute to Hutt City being a safe and vibrant place to work, live and play;
- reflect local communities' character, amenity, values and preferences;
- encourage licensed premises to foster positive, responsible drinking behaviour; and
- minimise alcohol-related harm in Lower Hutt.

3.2 The objectives of Hutt City's LAP are to:

- regulate the trading hours of all types of alcohol licenses;
- regulate the location of off-licensed premises (ie capped numbers);

- ensure licensed premises take appropriate measures to minimise alcohol-related harm; and
- provide clear guidance to the DLC.

3.3 The development of this LAP has been underpinned by the following three principles:

- Appropriate balance – The LAP will provide the appropriate balance between economic activity, social wellbeing and having consideration to minimising alcohol-related harm;
- Recognising diversity – The LAP will recognise our diverse communities and distinct characteristic of our district; and
- Simplicity – The LAP will be simple to understand and implement and will not duplicate or overlap other regulatory tools.

Operative Policy

4 Definitions

4.1 Unless the context requires another meaning, terms and expression used but not defined in the LAP that are defined in the Sale and Supply of Alcohol Act 2012, have the same meaning as in that Act.

5 Maximum Trading Hours

5.1 The following table sets out the maximum trading times for different types of licences and any further qualifications or restrictions on these.

Type of license	Maximum trading hours	Area or further restrictions
Off-license	7:00am to 10:00pm	
On-license: Taverns, Hotels, Nightclubs and Function Centres	7:00am to 3:00am the following day One-year probation period with closing at 1:00am for new licensees. However, on renewal (after the probation period of 12 months) these applicants may apply to	Area: Lower Hutt CBD and Jackson Street, Petone (from Te Puni Street to Cuba Street)

	<p>extend their licences to 3.00am closing as long as all criteria as outlined in Section 105 of the Sale and Supply of Alcohol Act 2012 is met.</p>	
	<p>7:00am to 1:00am the following day</p> <p>After an initial period of 12 months new licensees will be subject to an assessment of their managerial and host responsibility management for their premises. Subject to satisfactory performance a 3-year licence may be issued.</p> <p>Existing licenses able to trade up to 3am are permitted to continue their trading hours as long as all criteria as outlined in Section 105 of the Sale and Supply of Alcohol Act 2012 are met</p>	<p>Outside Lower Hutt CBD and Jackson Street, Petone</p>
On-licenses: Restaurants and cafes	7:00am to 1:00am the following day	Subject to provisions of the District Plan
On-license: Caterers	7:00am to 3:00am the following day	If the event is catered in Lower Hutt CBD or Jackson Street, Petone
	7:00am to 1:00am the following day	If event is catered outside the Lower Hutt CBD and Jackson Street, Petone
On-license: Hotel and mini bars	24 hours a day	
Brothels	Hours of business activity	Licensed on the condition that their on-licenses are linked to the business activity of a brothel.
Cinemas	7:00am to 3:00am the following day	Licensed on the condition that their on-licenses are linked to the business activity of a cinema.

6 Off-Licence Capped Areas

6.1 The table below sets out the maximum number of off-licences permitted in each area outlined in Appendix 1.

Area	Number of permitted off-licence premises
Naenae	4
Stokes Valley	3
Taita	3
Avalon	1
Hutt Central	11
Wainuiomata	6

7 One-Way Door Restrictions

7.1 In respect of one-way door restrictions, the legal power to establish such restrictions across the entire City lies with the District Licensing Committee (DLC). The Police and Licensing Inspectors may lodge with the DLC an application to establish a one-way door restriction on a case-by-case basis. The DLC will hear the application and make a decision. The Police and Licensing Inspectors will have the ongoing responsibility to monitor and report as appropriate to the DLC and enforce such restrictions.

8 Discretionary Conditions

8.1 Section 77(1)(f) of the Act enables Council to include “the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions” in its LAP.

ON-LICENCES

8.2 The following discretionary conditions relating to On-Licences are indicative of the types of discretionary conditions the DLC may consider when issuing a licence:

- more restrictive trading hours taking into account neighbouring land use (Section 116(3) of Sale and Supply of Alcohol Act 2012);
- the licensee will ensure the operation of closed circuit television of a quality and at a location that will assist in the identification of alcohol-related offending;
- no glass drinking vessels permitted in any outside area past (specify hour);
- the licensee must ensure at all times a minimum of XX security staff are employed on the premises after (specify hour);
- the licensee must ensure at (all times/or specify times) security staff are positioned at the principal entrance and exit to the premises;
- the licensee is required to notify the Police of any violent incidents that occur on the premises;
- the licensee is required to maintain a register of incidents available for inspection by enforcement authorities at any time during trading hours;
- prior to closing the premises, the licensee will ensure all litter is removed from outside premises;
- at (specify hour) the licensee will remove all temporary outside furniture;
- a minimum of XX qualified duty managers on the premises between (insert trading hours);
- the licensee must at all times comply with the conditions set out in the Noise Management Plan for the premises particularly adequate control of amplified equipment used outside of the premises;

- the licensee will ensure that at all times a queue is formed. A dedicated staff member is required to manage the queue and ensure it does not impede the general public or use of the pavement;
- outside areas are to be monitored at all times;
- high visibility vests to be worn by staff operating at the principal entrance and/or outside the premises;
- licensee is required to provide effective exterior lighting; and
- a one-way door applies from (insert trading hours).

OFF-LICENCES

8.3 The following discretionary conditions relating to Off-Licences are:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter the premises; and
- Whether “buy now, pay later” is an inappropriate method of payment for the sale and supply of alcohol purchased either remotely or on premises. For the purposes of this condition “buy now, pay later” is where a person is able to receive goods and services immediately, paid for by a third party ‘buy now, pay later’ provider such as Afterpay or Laybuy. The person then pays back the provider in instalments over a specified period without paying interest. Buy now, pay later does not apply to payments made by a credit card or trade accounts.

SPECIAL LICENCES

8.4 The following discretionary conditions relating to Special Licences are as follows:

- No glassware is to be taken outside the club/building or where the event is on a grass or artificial grass surface;
- Plastic containers or cans must be used for any event (except when it is being served and remains within the club/building);
- Areas must be clearly defined, cordoned off/demarcated where liquor is being sold/consumed outside of the club/building e.g. beer tent. Where appropriate, people are to remain within the defined area;

- Any applicant for a Special Licence must adhere to Hutt City Council policies or bylaws regarding the use of public land;
- Hutt City Council Control of Liquor in Public Places Bylaw bans the possession and consumption of liquor in specific places during particular hours; and
- The responsible use of liquor at events where liquor is permitted is to be promoted by the event organiser. In that regard:
 - Security may be required and duties of such staff should include (but not limited to): checking ID's, ensuring BYO alcohol is not brought into event, monitoring and clearing up immediate environs to remove nuisances arising from event;
 - Licensees who wish to apply for a special licence for functions on sacrosanct days must prove the function is bona fide by providing guest lists, copies of invitations/tickets, and /or promotional material. A special licence must be for a legitimate occasion(s) or events(s) or social gathering(s) and not merely for an extension of hours;
 - Special licences for conveyances where the conveyance returns within a 24-hour period will only allow sale and consumption of liquor on one leg of the journey i.e. only on the outward or the return trip; and
 - In general, a maximum of 12 events (where one event can be for no longer than 24 hours) per 12-month period will be considered for a special licence. However, a maximum of 24 events may be permitted annually for small social gatherings of 20 persons or less with a maximum duration of 4 hours per event (where one event can be for no longer than 24 hours).

LICENSED OUTDOOR AREAS

8.5 The following discretionary conditions relating to licensed outdoor areas are as follows:

- Holders of an On-licence can apply to use the area outside their premises on Council owned footpaths for dining and the consumption of liquor. Applicants must obtain a Street Encroachment Licence from the Hutt City Council;

- Holders of an On-licence can apply to use an outdoor area directly adjacent to their premises on private land or on Council owned footpaths for dining and the consumption of liquor. If applying for the use of council-owned land, applicants must obtain a Street Encroachment Licence from Council;
- Hours for outdoor areas outside CBD and Jackson Street are limited to 10am to 11pm; and
- Outside areas within CBD and Jackson Street: To 11.00pm but with a Noise Management Plan may be extended to 12.00 midnight.

9 Licence Applications

9.1 Information about [Alcohol Licenses](#) can be found on the Hutt City Council web site. This section includes information about:

- How to apply for a license;
- How to renew your license;
- How to apply for a manager's certificate;
- How to change the condition of your alcohol business;
- How to object to an alcohol license;
- How to find out about recent alcohol license public notices; and
- How to find out about alcohol licensing decisions.

Avalon



Hutt Central









