



Statement of Proposal

Local Alcohol Policy

Summary of Proposal

Hutt City Council's Local Alcohol Policy came into effect in 2018 and is now due for a review. As part of this review, information was sought from the Police, Medical Officers of Health, and Hutt City Council's City Safety Manager and Licensing Inspectors. This draft policy is being consulted on between 26 July 2024 and 25 August 2024.

The proposal is to:

- maintain the caps for off-licensed alcohol retailers; and
- maintain trading hours.

The following tables describe what Council is proposing.

Proposals	Current settings		
Caps for off- licensed alcohol retailers (refer Appendix 1)	Maintain existing suburbs and/or caps (as below) or propose changes Naenae –4 Stokes Valley – 3 Taita – 3 Avalon – 1 Hutt Central – 11 Wainuiomata – 6 		
License types Off-license	Maintain current trading hours 7am to 10pm, Mon-Sun		
On-license: taverns, hotels,	7am to 3am, Mon to Sun		

nightclubs and function centres	
On-license: restaurants and cafes	7am to 1am, Mon to Sun
On-license: caterers	7am to 3am in Lower Hutt CBD or Jackson Street, Petone, Mon to Sun; and 7am to 1am outside Lower Hutt CBD and Jackson Street, Petone, Mon to Sun.
On-license: hotels	24 hours per day, Mon to Sun
Brothels	To match operating hours
Cinemas	7am to 3am, Mon to Sun

How to have your say

We want your feedback on the proposed Local Alcohol Policy.

You can provide feedback in multiple ways:

- Make an online submission at <u>hutt.city/alcohol.</u>
- Email your submission to <u>alcohol.feedback@huttcity.govt.nz</u> with 'Local Alcohol Policy' in the email subject line.
- Drop off a submission at the front counter at our office at 30 Laings Rd.

Timetable for consultation

The consultation is open from 26 July to 25 August 2024.

Questions to consider

- Are there any of the current suburbs with off-license caps that you think should have their caps removed or changed? Where and why?
- Are there any additional suburbs that should have a cap on the number of off-licenses? Where and why?
- Should we change our trading hours?
- Should we implement a sinking lid for all or some of the off-license capped areas?

Privacy Statement

We require your name, contact details and the suburb you live in as part of your feedback. All feedback will be published on our website with your name. All other personal or commercially sensitive information (including your email address and suburb) will be removed. Publishing feedback in full supports a transparent process and will assist in the public hearing process.

If you have specific reasons for not wanting your feedback publicly released, please contact <u>alcohol.feedback@huttcity.govt.nz</u>.

The feedback form asks for the suburb you live in to better understand how you are impacted by the changes happening in your suburb.

Public Hearings

The feedback form also asks if you want to present directly to Councillors at a hearing. If you state that you do want to present to Councillors, you will be contacted by council staff to arrange a time for you to speak.

Feedback will be considered by Council regardless of whether you wish to present your views at a hearing or not. Final decisions will be made in September 2024 and the Local Alcohol Policy will be adopted in December 2024.

Storing personal information

Council stores information with reasonable safeguards against loss and disclosure. Reasonable safeguards include physical and technological protections. Personal information is accessible to staff who have a legitimate reason to access it. Council has a code of conduct where unauthorised disclosure of confidential information or records in accordance with the provisions of the Public Records Act, which includes the authorised destruction of records once they are no longer required to be kept for legislative compliance or business purposes.

Access to your information

The information you provide will be accessible only by Council staff and is not shared with any third party. You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at <u>policy@huttcity.govt.nz</u>, or 04 570 6666, or 30 Laings Road, Lower Hutt 5010.

Statement of Proposal

What is a Local Alcohol Policy?

The Sale and Supply of Alcohol Act 2012 sets out the requirements and processes regarding local alcohol policies.

Local alcohol policies aim to minimise alcohol-related harm and to set requirements for licensing that are aligned with community views.

Local alcohol policies are not mandatory. Without a local alcohol policy, the national default settings would apply.

Local alcohol policies are able to:

- restrict or extend trading hours of premises;
- limit whether further licenses should be issued in the district or part of the district;
- limit the location of licenses in relation to premises and facilities, for example, public shopping areas;
- impose one-way door conditions; and
- provide for the issue of licenses subject to discretionary conditions.

Councils must follow the special consultative procedure in reviewing a Local Alcohol Policy every six years in accordance with section 83 of the Local Government Act 2002.

Council's Processes to date

The review of Hutt City Council's Local Alcohol Policy is in line with the requirements of the Sale and Supply of Alcohol Act 2012. The review process looks at the impact the Local Alcohol Policy has had since its introduction in 2016 and has included:

Consultation with	New Zealand Police	
stakeholders	Lower Hutt Licensing Inspectors	
	Medical Officers of Health	
	Hutt City Council City Safety Manager	
	Healthy Families	

	Mana Whenua partners	
Analysis of source data and information	Te Whatu Ora on alcohol related Emergency Department attendances and hospital admissions of Lower Hutt residents; New Zealand Police National Alcohol Harm Viewer database statistics on alcohol-related reports to Police and numbers of Police interventions in Lower Hutt over the past four years; Hutt City Council City Safety Manager report; and Report from the Area Prevention Manager of the New Zealand Police based in Lower Hutt.	
Consideration of key factors	 The objectives and policies of the District Plan (Appendix 4); The number of licenses of each kind held for premises in the district, and the location and opening hours of each of the premises (Appendix 5); The areas in which bylaws prohibiting alcohol in public places are in force (The Control of Alcohol in Public Places Bylaw is currently in development); The demography of the Lower Hutt residents (Appendix 6); The demography of people who visit the district as tourists or holiday makers (Hutt City Council does not collect this information); The overall health indicators of Lower Hutt residents; and The nature and severity of the alcohol-related problems arising in the district (Appendix 7). 	

Appendix 1: Draft Local Alcohol Policy

Draft Hutt City Local Alcohol Policy

Division	Strategy and Policy
Date created	July 2024
Publication date	Month Year
Review period	December 2030
Owner	Name

Name

Approved by

Version	Author	Date	Description
V 1.0	Name	Month Year	Insert brief description here
V 2.0	Name	Month Year	Insert brief description here

Statement of Proposal: Local Alcohol Policy 2024 / 26 July 2024 / Version 1.0

Introduction

1 Scope of the Policy

- 1.1 The Hutt City 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 (eg capped areas);
 - b. Location of licensed premises by reference to proximity to premises of a particular kind(s) (eg schools);
 - c. Location of licensed premises by reference to proximity to facilities of a particular kind(s) (eg hospitals);
 - d. Whether further licenses should be issued for premises in the district concerned or any stated part of the district;
 - e. Maximum trading hours;
 - f. Issuance of licenses 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 Authority (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 DLC.
- 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 the 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 the 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.

4 Definitions

Alcohol licenses

There are three types of licenses in the Lower Hutt District:

Off-license	Licensed for the sale of alcohol from the premises for consumption elsewhere, including off-site special licenses which allow for the sale and supply of alcohol for consumption elsewhere on the premise.
On-license	Licensed for the sale and supply of alcohol for consumption on the premises, including on-site special licenses which allow for the sale or supply of alcohol for consumption there to people attending an event described in the license.
Club license	Licensed for the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned

Other definitions

Discretionary conditions	 Optional conditions that the DLC or ARLA may apply to any license. These may include but are not limited to: External advertising signage dimensions, number and location in compliance with the signage requirements outlined in the District Plan; For premises in residential zones, reduced hours may be considered on the circumstances of each application; The installation and operation of CCTV cameras on the exterior of and within the premises; Provision of effective exterior lighting; and Restriction on the use of outdoor areas. 		
Licensing	A licensing inspector, appointed by the Chief Executive, monitors licensees'		
Inspector	compliance with the Sale and Supply of Alcohol Act 2012.		
One-way Door	In relation to a license, there is a requirement that during the hours stated in		
Restrictions	the restrictions:		

- a. No person is to be admitted (or re-admitted) into the premises unless they are an exempt person; and
- b. No person who has been admitted (or re-admitted) into the premises while the restriction applies to the license is to be sold or supplied alcohol.

5 Policy Statement

5.1 Maximum trading hours

The national default maximum trading hours are:

- Off-licenses: between 7:00am and 11:00pm on any day; and
- On-licenses: between 8:00am on any day and 4:00am on the next day.

There are restrictions on the sale and supply of alcohol on Anzac Day morning and Christmas Day. [The Government has introduced a Bill to repeal Good Friday and Easter Sunday as restricted trading days which includes the restriction on the sale and supply of alcohol. This Bill has been referred to Select Committee.] Note: This will be updated.

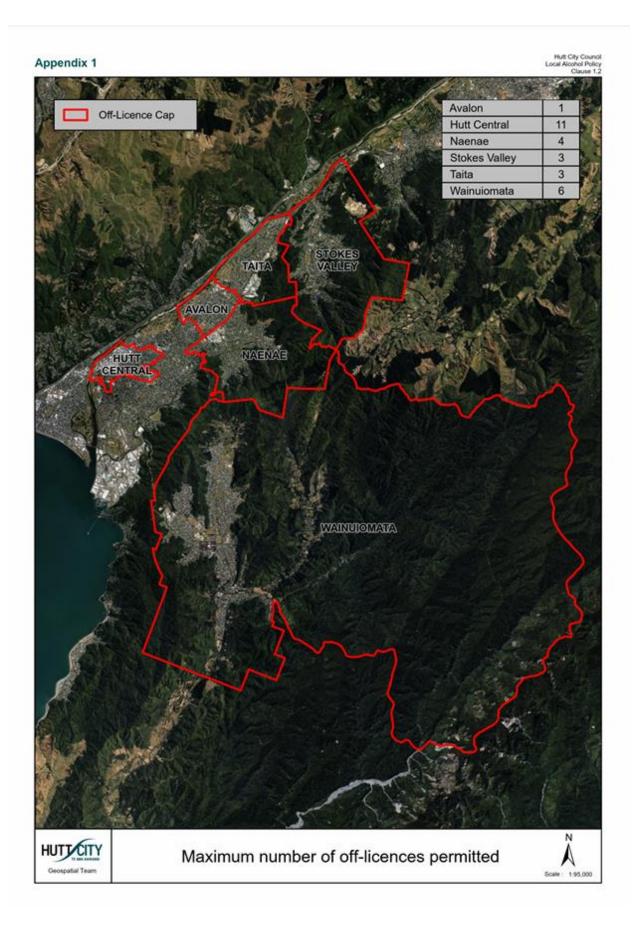
The table below outlines current license types and relevant information such as trading hours and capped areas.

Type of license	Maximum trading hours	License areas and cap numbers
Off-license (refer Appendix 1)	7:00am to 10:00pm	 Naenae (4) Stokes Valley (3) Taita (3) Avalon (1) Hutt Central (11) Wainuiomata (6)
On-license:	7:00am to 3:00am the	Lower Hutt CBD and Jackson Street, Petone
Taverns,	following day.	(from Te Puni Street to Cuba Street).
Hotels,	One-year probation period	
Nightclubs	with closing at 1:00am for new	
and	licensees.	
Function		
Centres		

	7:00am to 1:00am the following day For existing licenses to trade up to 3am, they are permitted to continue their trading hours	Outside Lower Hutt CBD and Jackson Street, Petone
	as long as all criteria as outlined in Section	
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 event is catered in Lower Hutt CBD and 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	to match operating hours	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 Application of the policy

- 6.1 Information about <u>Alcohol Licenses</u> 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.



Appendix 4: Objectives and Policies of the District Plan

City of Lower Hutt District Plan Objectives and Policies

Legislative requirements

Sale and Supply of Alcohol Act 2012 s78(2)(a)

(2) When producing a draft policy, a territorial authority must have regard to –

(a) The objectives and policies of its district plan

Sale and Supply of Alcohol Act 2012 s93

(1) A local alcohol policy may contain a policy more restrictive than the relevant district plan.

(2) A local alcohol policy does not authorise anything forbidden by the relevant district plan.

Sale and Supply of Alcohol Act 2012 s100

An application for a licence -

•••

(f) except in the case of an application relating to a conveyance, must be accompanied by a certificate by the territorial authority that the proposed use of the premises meets requirements of the Resource Management Act 1991 and of the building code.

The City of Lower Hutt District Plan is the key regulatory document controlling land use and subdivision in the city. It contains policy guidance and rules on the urban development of the city, the locations of land uses, and the management of amenity values. The District Plan assigns all land in the city to one of 19 different "activity areas", with different management approaches. Some of these areas contain sub-areas.

The District Plan is regularly reviewed and altered to meet the changing needs of the city. The table below summarises the relevant objectives and policies from the district plan at the time the Local Alcohol Policy was last reviewed, both those that apply city-wide and those that apply to particular activity areas.

Area	References	Summary of relevant objectives and policies that may be
		relevant to liquor licencing
City wide	1.10.2	Set out how amenity values should change and be
		enhanced and identifies the general character and amenity
		values planned for each activity area.
City wide	1.10.4	Promotes commercial centres as community focal points,
		by encouraging commercial activities within centres and
		managing or restricting commercial activities outside
		centres.
City wide	1.10.10	Protects heritage values and recognises that given the
		constraints on developing heritage buildings, and the ability
		to support retention of heritage buildings, it is appropriate
		for heritage buildings to host a wider range of activities than
		would otherwise be anticipated in that activity area.
Hill Residential	4D 1	Provides for home occupations and other non-residential
Activity Area		activities if effects on nature, traffic, noise, character, and
		other effects are managed.
Landscape	4E 1	Limits non-residential activities in order to protect amenity
Protection		values and visual backdrop of the city.
Residential		
Activity Area		
Medium Density	4F 2, 4F 3	Non-residential activities are managed to be compatible
Residential		with planned amenity values and limit adverse effects.
Activity Area		
High Density	4G 2, 4G 3	Non-residential activities are managed to be compatible
Residential		with planned amenity values and limit adverse effects.
Activity Area		
Central	5A 1	Promote a viable and vibrant central area that is the
Commercial		commercial, civic, and community focus of Lower Hutt,
Activity Area		accommodating a wide range of activities.

		Manage effects of activities on nearby residential activity
		areas including visual and privacy impacts.
		Manage residential activities to make sure they are not
		incompatible with other activities in the Central Commercial
		area.
		Free courses the classical management of a singular management
		Encourage the development of a riverside promenade.
		Promote active frontages to streets and other public open
		space.
Petone	5B 1.1.1	Manage effects of activities on nearby residential activity
Commercial		areas, including traffic effects.
Activity Area 1		
Petone	5B 1.1.2A, 5B	Provide for a range of commercial and large-format retail
Commercial	1.1.3	activities.
Activity Area 2		
Activity Area 2		Manage smaller scale retail activities to not detract from
		-
		the vibrancy of retail activities in Petone Commercial
		Activity Area 1.
		Restrict late-night activities that may be incompatible with
		residential activities or impact amenity values.
		Manage effects of activities on nearby residential activity
		areas, including noise, odour, and traffic effects.
		Enhance the relationship of buildings with public open
		space.
Suburban Mixed	5E 2, 5E 3	Commercial activities serve the local community and
Use Activity		, provide good community access to goods and services.
Areq		
		Development minimises adverse effects on the amenity
		values of neighbouring residential activity areas, taking into
		account the planned amenity values for the areas.
General	6A 1	Provide for commercial activities that provide a local service
Business		for the work force in the area.
Activity Area		
		Provide for retail activities that do not undermine
		commercial centres.

		Manage effects on the amenity values of the environment			
		and neighbouring areas, including noise, odour, and traffic.			
Special	6B 1	Manage non-industrial activities to avoid unacceptable			
Business		risks from the industrial activities in the area.			
Activity Area					
		Manage effects on the amenity values of the environment			
		and neighbouring areas, including noise, odour, and traffic.			
Avalon Business	6C 1	Manage effects on the character and amenity values of the			
Activity Area		environment and neighbouring areas.			
		Avoid adverse effects on the ability of the area to provide			
		for the film and television sector.			
Extraction	6D 1	This activity area does not anticipate licenced premises			
Activity Area		and has no relevant objectives or policies.			
General	7A 1	Manage adverse impacts on the character of the land and			
Recreation	/81				
		amenity values of the area and neighbouring residential			
Activity Area	(1) -	areas.			
Special	7B (i) 1	Activities should be compatible with recreation activities			
Recreation		and the coastal environment.			
Activity Area (i)					
– Petone		Ensure public access to the area and the coastal marine			
Foreshore		area.			
Special	7B (ii) 1	Provide for activities that support, enhance, or complement			
Recreation		the marina.			
Activity Area (ii)					
– Seaview		Ensure public access to the area and the coastal marine			
Marina		area.			
Special	7B (iii) 1	Provide for activities that support, enhance, or complement			
Recreation		the campground.			
Activity Area (i)					
– Hutt Park					
Visitor					
Accommodatio					
n					
River Recreation	7C 1	Manage activities that would impact the natural and			
Activity Area		ecological qualities of the river and its margins.			
		Manage adverse impacts on the amenity values of the area			
		and neighbouring residential areas.			
		and heighbouring residential areas.			

		Ensure public geoges to god globa the river			
Dreeive	7D 1	Ensure public access to and along the river.			
Passive		Ensure activities are consistent with the natural and			
Recreation		undeveloped character of the area.			
Activity Area					
Rural	8A 1	Provide for small businesses that serve the entire city where			
Residential		a rural environment is appropriate.			
Activity Area					
		Manage adverse impacts on rural residential character and			
		amenity.			
		Allow for ancillary facilities that support recreational			
		activities.			
General Rural	8B1	Maintain and enhance the character and amenity values of			
Activity Area		rural areas.			
		Allow for ancillary facilities that support recreational			
		activities.			
Community	9A 1	Manage adverse impacts on the amenity values of the area			
Health Activity		and neighbouring residential and recreation areas.			
Area					
Community Iwi	10A 1	Manage adverse impacts on the amenity values of the area			
Activity Area		and neighbouring residential and business areas.			
		Note: Community Iwi Activity Area sites also apply the			
		provisions of an underlying base activity area, which is the			
		Medium Density Residential, High Density Residential,			
		General Business, or General Recreation Activity Area.			
City wide	14A 3, 14A 4	Manage adverse effects on the safety and efficiency of the			
		transport network from land use and on-site transport			
		facilities.			
City wide	14B 1	Manage adverse effects of signs, including on amenity and			
		transport.			
City wide	14C 1	Manage adverse effects of noise on health and amenity			
		values.			
City wide	14F 1	Encourage the retention of heritage buildings through			
		providing for a wider range of activities, while managing			
		adverse effects on character and amenity values.			

City wide	14H 1	Avoid, reduce, or not increase the risk to people and				
		property from natural hazards and coastal hazards, by				
		managing land use and development and requiring				
		mitigation measures.				
City wide	14J 1	Encourage a diverse range of temporary events while				
		managing adverse effects.				

In general, the District Plan implements these objectives and policies itself through appropriate rules. Applications for a liquor licence do not need to revisit these issues, such as whether a commercial activity in general, or of a particular size, is appropriate in the proposed location. Some specific activity areas do require a resource consent for licenced premises, but this does not remove the requirement for a liquor licence.

Based on the approach of the District Plan, alcohol licence applications should only need to consider those resource management issues that are particular to the sale and supply of alcohol or are exacerbated by it. Licences will not generally need to reconsider issues already managed for all commercial activities under the district plan, such as the viability of centres, privacy, traffic, signage, natural hazard management, or reverse sensitivity. Decision-makers may want to consider those issues that are different for on-licensed or offlicenced premises to other hospitality or retail activities respectively, such as managing noise or operating hours. Decision-makers should also consider other district plan objectives and policies that can be further advanced through the liquor licensing process, such as encouraging the retention of heritage buildings by providing for adaptive reuse of the buildings that might not otherwise be enabled.

Under the provisions of the Act, a new licenced premise will need to either be provided for as a permitted activity in the plan or have a resource consent authorising the use of that land as a licenced premise. The Local Alcohol Policy does not authorise any activity to occur without a resource consent that would otherwise be required. Conversely, a resource consent also does not guarantee that a liquor licence will be granted.

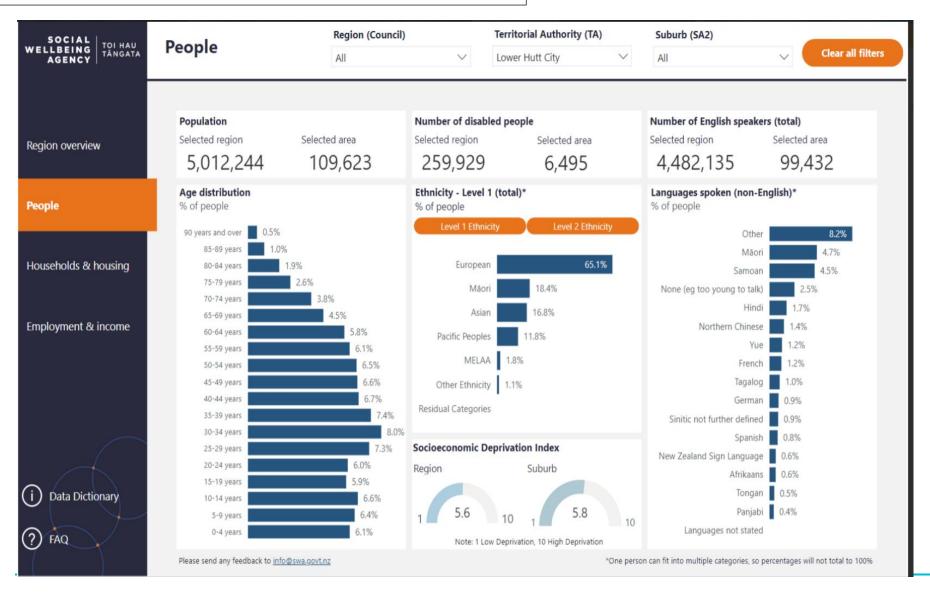
Annual alcohol licensing report numbers reported to ARLA									
Financial year	On-license applications	Off-license applications	Club license applications	Renewals	Manager's certificates	Annual reported license numbers			
2018-2019	received: 2 refused: 0	received: 5 refused: 0	received: 2 refused: 0	issued: 99 refused: 0	received: 130 refused: 0 withdrawn: 2	numbers not reported			
2019-2020	received: 53 refused: 0	received: 22 refused: 0	received: 7 refused: 0	issued: 169 refused: 0	received: 254 refused: 0	numbers not reported			
2020-2021	received: 46 refused: 0	received: 26 refused: 0	received: 13 refused: 0	issued: 62 refused: 0	received: 255 refused: 1 withdrawn: 2	As at 30 June 2021 on-license: 101 off-license: 76 club license: 44			
2021-2022	received: 53 refused: 0	received: 28 refused: 0	received: 23 refused: 0	licenses issued: 68 refused: 0 manager's certificates issued: 168 refused: 0	received: 280 refused: 0 withdrawn: 1	As at June 2022 on-license: 115 off-license: 62 club license: 38			
2022-2023	received: 46 refused: 0	received: 31 refused: 0	received: 4 refused: 0	licenses issued: 58 refused: 1 manager's certificates issued: 130 refused: 0	received: 282 refused: 0 withdrawn: 5	As at 30 June 2023 on-license: 98 off-license: 59 club license: 37			

Appendix 5: Annual alcohol licensing numbers





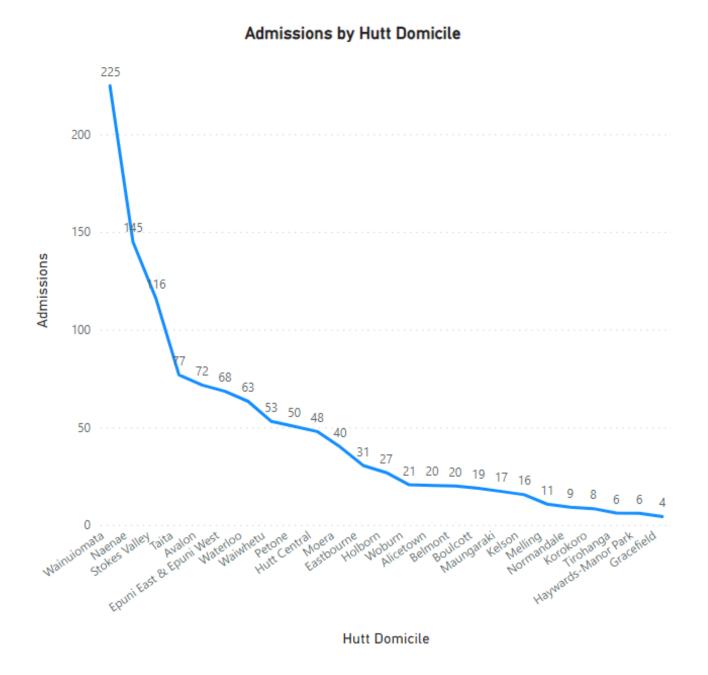
Appendix 6: Demography of Lower Hutt Residents as at 4 June 2024



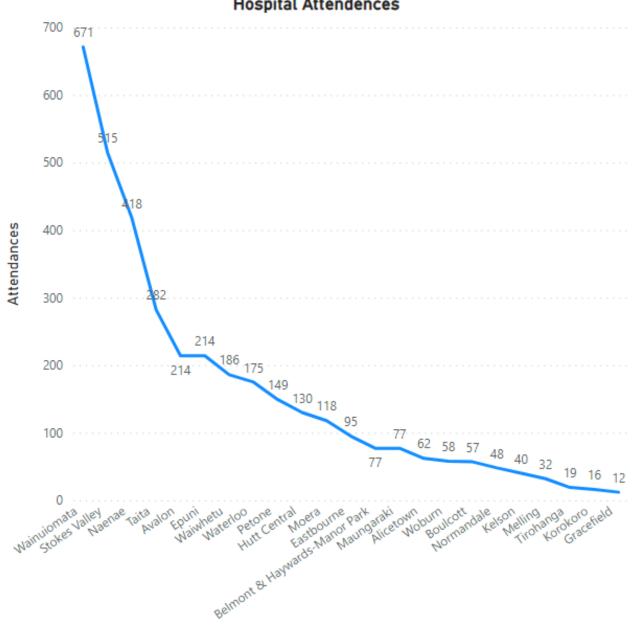




Appendix 7: Nature and severity of alcohol-related health problems arising in the district (2020-2023)

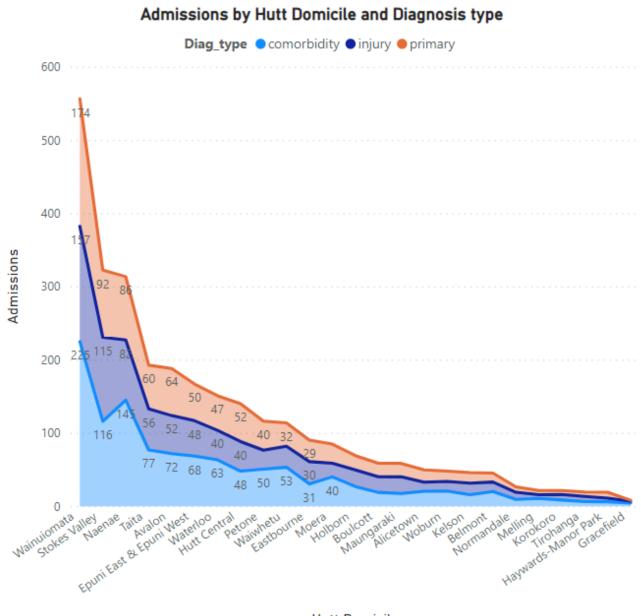


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Hospital Attendences

Hutt Domicile



Hutt Domicile