



Local Alcohol Policy

We'd like to hear your thoughts on proposed changes to how we manage the sale and supply of alcohol in our city

November 2024

porirua**city**

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Summary of the proposal

Porirua City is consulting on the review of its 2017 Local Alcohol Policy¹ (LAP) and new draft LAP in accordance with the Local Government Act 2002 (the LGA) and the Sale and Supply of Alcohol Act 2012 (the Act), which requires the policy to be reviewed every six years. This review involves analysing local demographics and alcohol-related harm, with input from our communities, the Police, licensing inspectors, and health officials.

Our research suggests that:

- Porirua has persistent issues relating to alcohol harm.
- There are higher risk factors and disproportionate alcohol harms in areas of high deprivation.
- The current policy had very little impact on reducing or preventing alcohol harm. Many of the suburbs that have high levels of alcohol harm (crime, victimisation, alcohol related health issues) also have high numbers of alcohol licences, in particular off-licences (premises which sell alcohol to take away and drink elsewhere).
- The evidence supports the view that Council should look at developing additional policy levers that could have a greater impact in reducing alcohol harm. Additionally, targeted approaches could ensure that those most vulnerable to alcohol harm are prioritised.

Council acknowledges that hazardous drinking² happens in all communities and that alcohol harm does not discriminate, it impacts all communities in some way and those impacts are often not due to people's own drinking but the hazardous and harmful drinking of others.

That said, the evidence suggests that there are disproportionate impacts on some communities more than others and for equity to be achieved as a community, policy options must look to find better ways to reduce the impacts of alcohol to better support those communities most vulnerable to alcohol harm. Council has responsibility to encourage the safe sale and supply of alcohol from our local businesses and the industry, this also means we have responsibility to identify which communities are most at risk of alcohol harm and consider whether these areas are suitable for alcohol licences.

The evidence also recognises that most people drink responsibly, and that the alcohol industry is a key part of the local economy. While changes to the availability of alcohol might be inconvenient to those who enjoy a casual drink socially, it is important to remember that any proposed changes are aimed at those who are most vulnerable to alcohol harm. With this in mind, we want to test some of the potential policy options with our community and hear what they think.

All options have been developed to support an equity-led and harm minimisation approach, to reflect the research and evidence, which looks like:

- a) Making alcohol less accessible in areas vulnerable to alcohol harm.
- b) Providing a wider range of discretionary conditions to tackle key issues identified or possible gaps in licensing.
- c) Taking a balanced approach between protecting those most vulnerable, with future growth and hospitality.

¹ https://storage.googleapis.com/pcc-wagtail-media/documents/Local_Alcohol_Policy_2017.pdf

² 'Hazardous drinking' refers to an established alcohol drinking pattern that carries a risk of harming the drinker's physical or mental health or having harmful social effects on the drinker or others. It is determined by using the World Health Organisation's AUDIT² checklist - a score of 8 or more indicates hazardous drinking.

The options focus more on off-licences (places you buy alcohol to take away and drink elsewhere – like bottle stores or retail shops), rather than on-licences (places you buy alcohol to drink on the premises – like bars and restaurants)

We are looking forward to testing these subjects with our community to hear what is important to them, and where they would like to see changes.

Have your say

Tukua mai o kōrero

Your feedback will help shape our final LAP and let us know if our community want to see changes in alcohol licensing for the Porirua City.

This is a big subject, so we will be taking feedback for the next three months. We'll be out and about at big and events to chat, and you can provide feedback online at any time. Check out our LAP engagement portal here [*link to EngagementHQ to be included for formal consultation*]:

Key dates

When	What
10 December 2024	Submissions open
7 March 2025	Submissions close
20 March 2025	Submitters present to Te Puna Kōrero
1 May 2025	Te Puna Korero deliberates and changes are agreed
29 May 2025	Local Alcohol Policy 2025 adopted

Making a submission

You can find copies of this proposal at all Porirua City libraries, and at our front counter at the main council building, 16 Cobham Court, Porirua.

You can have your say in a number of ways:

- Make an online (including video) submission at the public consultation section of our website poriruacity.govt.nz. You can also download a submission form here.
- By email to: submissions@poriruacity.govt.nz with "LAP" in the subject line
- By hand at:
 - our front counter at 16 Cobham Court, Porirua City
 - at any of our city libraries
- By post to: LAP consultation
Porirua City Council
PO Box 50218
Porirua City 5240

Your privacy

All submissions are public information. This supports our drive to be as transparent as possible, but if there are any personal details you don't want made public, please let us know.

Want to know more

If you have any questions, or would like a little more information, please email Senior Policy Advisor Jade Williams at Policyteam@poriruacity.govt.nz.

The proposal

What is a Local Alcohol Policy (LAP)?

Councils can develop a Local Alcohol Policy (LAP) to influence the location, number and trading hours of businesses licensed to sell alcohol. LAPs encourage the responsible sale, supply and consumption of alcohol and focus on reducing alcohol related harm. Decisions about alcohol are legislated by the Act.

A recent amendment to the Act has removed the ability for parties to appeal provisional policies to the Alcohol Regulatory and Licensing Committee, making it easier for communities to have a say in alcohol licensing decisions.

By having an LAP, communities can influence:

- where new alcohol licences can be established
- how many new alcohol licences are allowed
- when bars, restaurants and nightclubs can be open
- when bottle shops and supermarkets can sell alcohol
- when clubs (for example, sports clubs, RSAs) can sell alcohol.

LAPs can also set out discretionary conditions that can be applied to alcohol licences. This is to improve industry standards and promote safe and responsible sale and supply of alcohol.

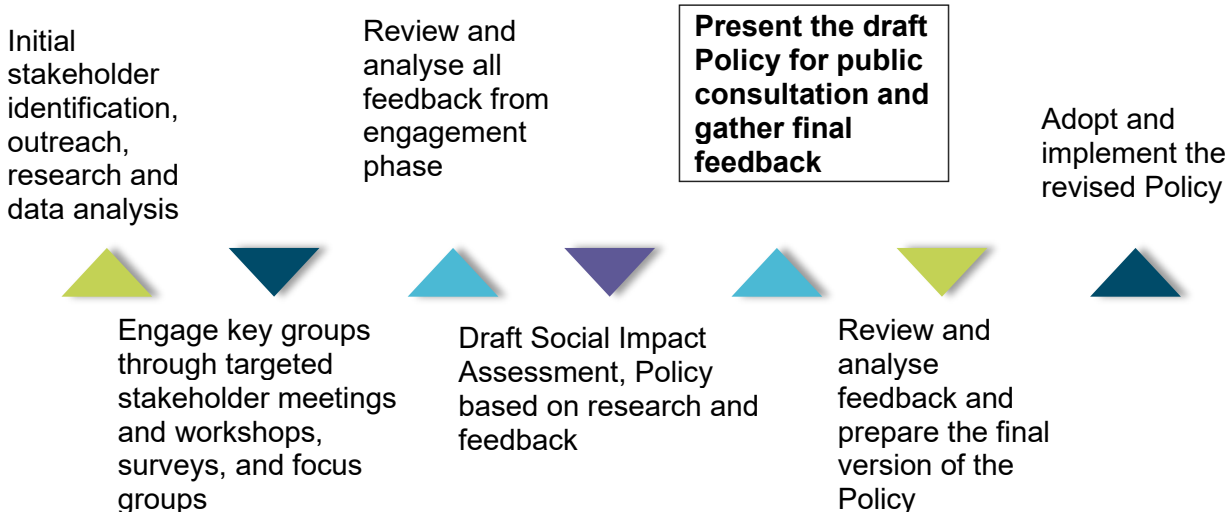
LAPs need to be considered by the relevant District Licensing Committee (DLC) and the Alcohol Regulatory and Licensing Authority (ARLA) when they make decisions on new licence applications.

Visit the [Sale and Supply Alcohol Act 2012](#) for more information.

The proposed policy options included in this document are based on an equity-led and harm minimisation approach to reflect the research and evidence.

How did we get here?

Porirua’s LAP came into force in 2017 and it is time for review. The Act provides guidance on what must be considered when undertaking this process. It involves extensive research (which we’ll get into later in the document), and a formal consultation process with our communities. Check out the graphic below which outlines where we’ve come from and the next steps.



The evidence

As part of our policy review, we wanted to find out more about the impacts of alcohol in our city. We specifically wanted to understand the people and places that were most vulnerable to alcohol related harm. In order to achieve this understanding council undertook pre-engagement which included public and targeted surveys and targeted community information gathering sessions. We also worked with Central Government agencies to gather and analyse data and completed desktop research looking at both national and international sources.

All of this research and evidence has helped us develop options for the community to provide feedback on. We've called this evidence our 'Social Impact Assessment' or 'SIA' for short. The full version can be accessed here <https://haveyoursay.porirua.govt.nz/>.

If you'd like a hardcopy, please let us know.

The evidence base is large, and covers a broad range of data, both specific to our communities in Porirua, and in a wider national and international context. We looked through literature and evidence in the following areas:

- Theories and evidence of impact of alcohol harm
- Evidence of policy levers and interventions to improve alcohol harm
- Presentations for alcohol-related injuries
- Hospital stays for long-term health issues due to alcohol
- Victimisations and incidences caused by alcohol
- Evidence collected from Porirua communities
- Impact of alcohol harm nationally and in Porirua
- Porirua demographics
- Health impacts
- Social impacts (crime)

We also looked at the evidence in relation to our current policy, including from key stakeholders and reporting agencies and asked questions such as:

- What worked and didn't work with the current LAP?
- What are community members' perspectives on alcohol harm?
- How will this evidence guide any changes we suggest?

Key findings

- We acknowledge that many people enjoy the social aspects of consuming alcohol which also benefits hospitality businesses. For most having a drink with dinner or at social events with little impacts to themselves or others around them. The evidence does also recognise that most people drink responsibly, and that the alcohol industry is a key part of the local economy. Porirua has a thriving hospitality industry, and the future growth of the city provides significant opportunity for Porirua to continue developing this area.
- There is a minority group in the community who do drink harmfully and/or hazardously. For these people, the impact of alcohol consumption is far-reaching in terms of health and social implications. We also know that these impacts extend to those around them, particularly partners and tamariki. Identifying these vulnerable groups is critical to fulfil Council obligations under the Act., especially in the minimisation of alcohol harm.

- Alcohol harm predominantly affects lower socio-economic groups and Māori with Porirua City having a high proportion of residents in the top decile of deprivation. Research indicates that alcohol advertising adversely influences young people, leading to worse outcomes the earlier they begin drinking.
- While it is positive to see signs of a decline in the proportion of people drinking (particularly the drop in harmful drinking), and the apparent decline in young people drinking, it is important that we continue to do what we can to reduce alcohol harm in Porirua.
- The current policy had very little impact on reducing or preventing alcohol harm. Some of the suburbs that have high levels of alcohol harm (crime, victimisation, alcohol related health issues) also have high numbers of alcohol licences, in particular off-licences.

What are we proposing?

All options have been considered by the Council for a LAP that will support an equity-led and harm minimisation approach, which reflects the relevant research and evidence. At a high level, this is to:

- Make alcohol less accessible in areas vulnerable to alcohol harm.
- Provide a wider range of discretionary conditions to tackle key issues identified or possible gaps in licensing.
- Take a balanced approach between protecting those most vulnerable, with future growth and hospitality.

Before we go into the options, it is important to understand that there are different licence types – all of which can have different rules.

Here are some definitions:

Off-licence

A licence for premises where the licensee can sell alcohol for consumption somewhere else e.g. bottle stores and supermarkets. This includes remote sale licences where alcohol can be purchased online and delivered.

On-licence

A licence for premises where the licensee can sell alcohol for consumption on the premises or can let people consume alcohol on the premise e.g. Cafes, bars and restaurants. On-licences also include Hotels, BYOs and catering businesses.

Club licence

A type of on-licensed premises that can sell and supply alcohol to customers who are members, invited guests or visitors to the club concerned, for example, RSAs and sports clubs.

Special Licence

A licence to sell or supply alcohol for consumption on or off the premises to people attending the event described in the licence.

Porirua has 82 alcohol licences. Twenty-one are for clubs, 29 are for off licences (where alcohol is taken off the premises) and 31 are for on licences (where alcohol is consumed on the premises). While the number of licences has declined slightly over the last five years (by 2), the number of

licences in areas of high deprivation has stayed the same. Thirty-four of the licences are in high deprivation areas and make up 47 per cent of all licences in Porirua³.

The options focus more on off-licences (places you buy alcohol to take away and drink elsewhere – like bottle stores or retail shops), rather than on-licences (places you buy alcohol to drink on the premises – like bars and restaurants).

Decisions about alcohol

The Sale and Supply of Alcohol Act 2012 requires each local authority to establish a District Licensing Committee (the DLC). The DLC must consider the LAP when making important decisions about alcohol in our city.

It is important to remember that the DLC assesses alcohol licence decisions on a case-by-case basis as well as considering the rules set out in on the LAP. For example, should an LAP outline priority areas that have greater restrictions on alcohol, they can still consider applications in these areas if there is a good reason to do so. This is relevant in new growth areas which may benefit from a new restaurant or supermarket, for example.

This DLC considers and determines applications for:

- New licences and manager's certificates
- Renewals of licences and manager's certificates
- The temporary authority to carry on the sale and supply of alcohol
- The variation of licences.

The Chairperson and Deputy Chairperson of the DLC are also elected members. Other members are members of the community.

If you'd like more information, you can read more about the DLC [here](#).

³ Data as at August 2024. SIA, Pages 14-19

Options for feedback

There are a number of tools that councils have in their kete to explore as part of their LAPs. Councils across the country have trialled different ways of doing this for their communities.

For the purposes of this document we have categorized each option under the licence type. Check out our handy summary table on page 17 which compares all options.

Focus area one: establishing priority areas

The LAP can establish specific priority areas in particular suburbs within the city that show higher instances of alcohol-related harm. If established, these areas can then have specific conditions to better manage the sale and supply of alcohol. Suburbs outside of these priority areas could then have less restrictions if this was deemed appropriate. Examples include reduced hours, tighter density provisions, sinking lid provisions and/or restrictions on the total number of alcohol premises.

Potential priority areas have been identified as suburbs who score⁴ highly in two or more of the following risk factors:

- High density of alcohol licences:
- Socioeconomic deprivation levels between 8-10⁵
- Evidence of high rates of victimisations from police data (these are higher than the rest of the city).

Where and how?

Priority areas have been identified using criteria that considers whether a suburb scores highly in two or more of the following risk factors:

- High density of alcohol licences
- Suburbs (identified by the SA2 suburbs) with socioeconomic deprivation levels between 8-10
- Evidence of high crime rates from police data (these are higher than the rest of the city)⁶

Based on the data available, the options Council and community can consider including in the LAP as priority areas are:

- a) Porirua City Central
- b) Tītahi Bay
- c) Ranui/ Mungavin⁷
- d) Cannons Creek
- e) Elsdon-Takapūwāhia

Why?

In Porirua, there are a significant proportion of people who are highly deprived and a significant proportion at the other end of the scale who experience low deprivation, with very few in the middle.

² The scoring is based on:

- 1 point for 100 or more victimisations per 1000 residents
- 1 point for deprivation level 8-10
- 1 point for 10 or more licences per area.

⁵ <https://www.ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/>

⁶ <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>

⁷ Mungavin is referred to as Cannons Creek East in the statistical areas 2 NZDep2018

Evidence shows that residents with high deprivation are more likely to experience poor outcomes across a range of health and wellbeing measures and are more likely to experience alcohol related harm.

What does this mean?

Introducing priority areas give Council the ability to introduce specific conditions on the sale and supply of alcohol in these areas, where there are greater risks for alcohol related harm.

Questions

- Do you agree with the proposed priority areas?
- Would you change any of these and why?
- Would you include any other areas and why?

Focus area two: sensitive sites

Sensitive sites are places where the target users have been identified as having a greater vulnerability than the public generally to alcohol related harm as an outcome from direct exposure to alcohol. For example, children and young people and people who are receiving treatment for drug and alcohol addictions.

Under the current policy settings, supermarkets do not have to meet these requirements.

Where and how?

There are several options for Council and the community to consider as part of sensitive sites that support a more targeted approach to alcohol harm reduction and closer alignment with our strategic priorities. These can apply to any new licenses or be targeted to specific areas.

The options are as follows:

Licence types	Preferred option: Current rules	Option 2	Option 3
All licence types	100m schools 100m people undergoing alcohol and drug use rehabilitation	Keep the same radius but extend to include: - Early childhood Centres (any centres registered with Ministry of Education and/ or Kohanga reo NZ) Supermarkets remain excluded.	Extend to 200m and include: - Schools - Rehabilitation centre - Early childhood - Pharmacies - GP offices - Maraes - Churches Add supermarkets to sensitive site provisions. There is also the option to include a mix of the preferred option (100m) and add other sites.

<p>Pros and cons</p>	<p>Pro: with the added updates to the Act all licence applications will be assessed against the current provisions meaning they current policy will have more influence as they are currently captured.</p> <p>Con: May not extend to other sites that our community consider significant and/or vulnerable to alcohol exposure and harm.</p>	<p>Pro: The addition of ECEs means we are providing more protection to children from the exposure to alcohol harm.</p> <p>Con: There is a large number of ECEs in Porirua which means it could be overly burdensome for current and new licencees to be reviewed against ECEs in Porirua. Private ECE establishments are able to open relatively easily across Porirua without much consideration of what licensed venues may be within close proximity. Meaning this may inadvertently disadvantage businesses.</p>	<p>Pro: The addition Of additional site where vulnerable people may attend, or sites that are of great cultural importance to our communities means we are providing more protection to these groups of people from the exposure to alcohol advertising and alcohol harm.</p> <p>Con: This could increase the number of sensitive sites significantly in Porirua which means it could be overly burdensome for current and new licencees to be reviewed against these provisions in Porirua. Meaning this may inadvertently disadvantage businesses.</p>
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Why?

The main purpose of introducing sensitive site provisions is to ensure the exposure of alcohol to vulnerable communities is managed appropriately. This is why the current sensitive site provisions focus is on school-age children and people accessing alcohol and drug treatment services.

The evidence gathered through the SIA indicate that the current sensitive site provisions are largely ineffective. This is particularly relevant as they cannot apply to any licences issued before the 2017 LAP was introduced. This means that some existing licences are exempt from those provisions.

However, following amendments to the Act in 2023⁸, by removing the reverse sensitivity clause⁹ (Clause 7.2(d) of the current LAP) the new sensitive site provisions will apply to all licence types and applications. This covers new licence applications and the renewal of licences, including licences issued prior to 2017

This is why the option to maintain the status quo is the recommended option, the current provisions will now be applied to all licence applications and will likely have greater effect on reducing alcohol exposure to tamariki and rangatahi.

Subsequently, any application lodged will be assessed against their proximity to sensitive sites and if required by the Alcohol Licensing Inspector, the applicant must complete the Impact

⁸ (the Sale and Supply of Alcohol (Community Participation) Act 2023)

⁹ Reverse sensitivity

Proximity to a sensitive site will not be considered for new licence applications for premises for which an existing licence is held at the date of the application, unless the nature of the application differs significantly from the current licence. This is to protect the pre-existing use rights in those premises.

Assessment addressing the impact of alcohol exposure and any proposed mitigation of the exposure, and provide reasons that:

- the users of the sensitive sites are unlikely to be directly exposed to the sale or supply of alcohol and its related activities; or
- any exposure can be mitigated by the applicant to a minor or less than minor exposure.

What does this mean?

This change means that all licences (excluding supermarkets) will be assessed by their distance from any of the above sensitive sites. It also means that no new licences may be granted where the proposed licence is in close proximity to a sensitive site; unless:

- the users of the sensitive site are unlikely to be directly exposed to the sale or supply of alcohol and its related activities; or
- any exposure can be mitigated by the applicant to a minor or less than minor exposure.

To demonstrate this, every application (excluding supermarkets) for an on, off or club licence, or to vary an existing licence in close proximity to a sensitive site, will require an impact assessment – this will determine the extent that the users of the sensitive site are likely to be exposed to alcohol promotion, consumption and consumers from the proposed licence premises. The assessment must address the impact of that exposure and any proposed mitigation of the exposure.

Questions

We'd like the community to share their thoughts and preferences with Council about where alcohol licenses should be placed in their neighbourhoods. They can also share their preference on how close licenced premises are to places of cultural and/or religious significance, or where there are places or groups vulnerable to alcohol exposure.

- Do you agree with the sensitive sites?
- Do you think supermarkets should be excluded or included in the sensitive site provisions?
- Is a 100-metre radius a sufficient measurement to decide proximity?
- Should marae and churches be considered sensitive sites?
- Are there other sensitive sites you would like Council to consider and if yes, why?

Off-licence options

The data suggests that off-licences in areas of high deprivation are more problematic for Porirua City than other types of licences.

Off-licences supply alcohol for people to drink in their homes and at private events, allowing unrestricted drinking at any time. In comparison, at an on-licence (bar or restaurant) can implement measures to reduce risk factors associated with hazardous drinking by introducing discretionary conditions that target hazardous drinking behaviours during the hours of sale set for these venues. However, off -licences lack such controls, leading to greater risks and harms, including family violence and addiction, which can affect others beyond the drinker.

Focus area one: maximum hours of trade

Licence types	Current LAP	Preferred option: Reduced hours applied City wide	Option 2: Reduced hours applied to priority areas only
Off-licence:	7am to 10pm	9am to 9pm	9am to 9pm

Remote licence delivery hours	At any time on any day (NZ post hours)	Purchase: Any time on any day Delivery: Between 9am-9pm ¹⁰ .	Purchase: Any time on any day Delivery: Between 9am-9pm
Pros and cons	<p>Pro: No disruption to the licenced businesses or public.</p> <p>Con: No impact on alcohol harm reduction.</p>	<p>Pro: Reducing hours of alcohol availability is likely to have a positive impacts on alcohol harm reduction for our communities across the city.</p> <p>Con: There may be an impact for licenced businesses. And the public may not like having to change their purchasing behaviours.</p>	<p>Pro: Reducing hours of alcohol availability is likely to have a positive impact on alcohol harm reduction for our vulnerable communities in the priority areas.</p> <p>Con: There may be an impact for licenced businesses, however this is likely to only be contained in the priority areas.</p> <p>This option would also not deter hazardous drinking behaviours as people can still travel to other parts of the city to purchase alcohol at later hours.</p>

¹⁰ Does not include the delivery of stocks/supply to the licensed venue.

Why?

A reduction in the hours of trade is aimed at minimising harm by assessing when alcohol is available to purchase in relation to incidents related to alcohol- harm. The evidence in the SIA outlines that those purchasing alcohol at an off-licence after 10pm are twice as likely to drink heavily than those purchasing alcohol before 10pm¹¹. The same study found that drinkers who bought alcohol after 2am from on-licences were 2.9 times more likely to drink high amounts of alcohol compared to those who purchased before 2am. They were also twice as likely to drink frequently. Police survey results¹² also showed that local police officers are seeing alcohol related harm the most between the hours of 7pm-11pm and that police supported a reduction in off-licence hours with 68% percent of survey participants recommending 9am-9pm as the hours of sale for off-licences.

For off-licences, there are certain times of the day where alcohol has higher sales. A recent survey of Porirua licence holders shows that most alcohol purchases happen between 5pm and 8pm. The hours of the highest trade are not necessarily the hours where the most vulnerable are purchasing their alcohol, nor the hours where the most anti-social behaviour is occurring.

The SIA provides sufficient evidence to reasonably suggest exploring the reduction of hours of alcohol sales.

What does this mean?

This means alcohol can only be sold and delivered between 9am and 9pm from bottle stores, supermarkets and grocery stores across the city. The preferred option applies the hours city-wide, because if the hours are not consistent across the city with off-licences, hazardous drinking is less likely to be addressed with late night purchases still able to be made from stores in other parts of the city, or by delivery.

Potential reductions in hours could be restricted to licence type. For example, one option is to look at reducing off-licences across the city or specifically applying reduced hours just to the priority areas.

Questions

- Do you agree with the new hours of sale for off-licences ?
- What hours would you suggest Council should consider?

Focus area two: introduction of a sinking lid

Density provisions aim to manage the number of alcohol licences in a particular area or population. They can include restrictions on any new licences, or particular types of new licences, for example off licences or on licences.

A Sinking lid is a ban on any new off-licences, it provides Council and communities assurance that overtime licences will decrease. It can be applied to specific licences only or all licence types and it can be applied city wide or again within the priority areas.

A cap maintains a total number of licences allowed in a city. It means new licences can only be established when a current business/licence has closed or ended. A cap can be targeted at all licence types or a particular licence type or targeted to only priority areas or across the city.

¹¹[https://www.actionpoint.org.nz/local_alcohol_policy_case_for_change#:~:text=Closing%20Hours%20\(off%2Dlicences\),licence%20before%2010pm%20%5B8%5D](https://www.actionpoint.org.nz/local_alcohol_policy_case_for_change#:~:text=Closing%20Hours%20(off%2Dlicences),licence%20before%2010pm%20%5B8%5D).

¹² Page 55 of the SIA. 25 local police officers took part in the survey.

Unlike a sinking lid, a cap is not a ban on new licences being issued. Instead it allows new businesses to replace closing licences at the same venue/location. A cap will keep the approved number of licences for the life of the policy or until decisions are made to change these capped number.

There are two relevant examples of sinking lids in NZ. Hastings/Napier and Western Bay of Plenty District Council have bans on new bottle stores being established in some suburbs.

Auckland City Council's LAP has a temporary two-year freeze on any new licences in their priority areas and city centre. They also have a rebuttable presumption against the issuing of new off-licences in neighbourhood centres. This means that no new off-licences will be granted unless they meet a high threshold.

Licence types	Current LAP	Preferred Option: Sinking lid for off-licences applied to priority areas only	Option 2: A Cap on the total number of off-licences										
Off-licence:	No current provisions	a) Sinking lid applied to priority areas only – Which would mean no new off-licences in priority areas.	<p>a) City wide cap- No more than the current number of licences across the entire city. Which is a total of 29 off licences and 2 remote licences.</p> <p>b) Priority area cap - No more than the current number of off licences in each of the priority areas as below.</p> <table border="1"> <tr> <td>Porirua Central</td> <td>6</td> </tr> <tr> <td>Titahi Bay</td> <td>3</td> </tr> <tr> <td>Ranui/Mungavin</td> <td>0</td> </tr> <tr> <td>Cannons Creek</td> <td>1</td> </tr> <tr> <td>Elsdon-Takapuwahia</td> <td>1</td> </tr> </table>	Porirua Central	6	Titahi Bay	3	Ranui/Mungavin	0	Cannons Creek	1	Elsdon-Takapuwahia	1
Porirua Central	6												
Titahi Bay	3												
Ranui/Mungavin	0												
Cannons Creek	1												
Elsdon-Takapuwahia	1												
Pros and Cons	<p>Pro: Industry and hospitality growth</p> <p>Con: Not providing enough protection for vulnerable communities</p>	<p>Pro: Provides greater protection to our vulnerable communities and likely to have positive impacts on alcohol harm reduction over time.</p> <p>Con: Impacts are likely to be seen over years. Also does not prevent access and harm across the city.</p> <p>A city wide sinking lid could limit the opportunity for economic growth in hospitality industry.</p>	<p>Pro: All options provide some protection to the city against an excessive increase in licence numbers.</p> <p>Con: A Cap maintains the current numbers in vulnerable communities, alcohol harm is not likely to be impacted. And a city wide cap has the risk of licences being relocated to areas of high vulnerability to alcohol e.g. High deprivation.</p>										

		A rebuttable presumption ¹³ clause may counteract this for a city wide option (and may not be needed for a priority areas only option, as licence applicants can still look at establishing in other parts of the city).	
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What does this mean?

This option means that DLC will likely not issue any new off-licence applications for bottle stores, supermarkets, or grocery stores within the priority areas. Unlike a cap, this option does not allow new businesses to take over existing licences.

The primary aim of a sinking lid to reduce the number of off-licences over time. Given that forty-seven per cent of all alcohol licences in Porirua are currently located in areas of high deprivation, there is rationale to explore targeted restrictions that seek to actively limit the accessibility and availability of alcohol in these areas.

This option also provides communities with reassurances that new off-licences are unlikely to be approved. Evidence shows that many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process. If Council is taking a more targeted approach to reducing alcohol harm, then including this option means that these communities do not need to worry about new bottles stores popping up in their neighbourhoods and exacerbating alcohol harm in their communities.

This option would have an impact on businesses whose primary purpose it is to sell alcohol. This option means that if any of the current off-licences operating in the priority areas were to change ownership, they may not be granted a new licence¹⁴. There are currently 11 off-licences in total located within priority areas.

Why?

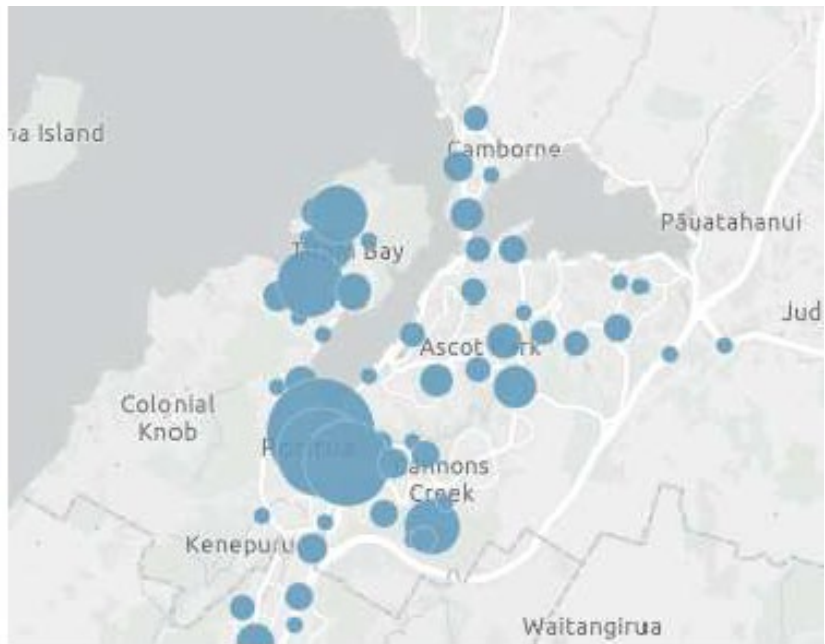
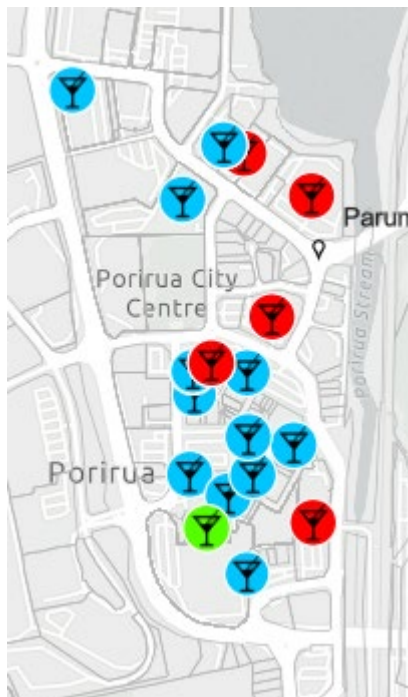
The evidence provided by Police suggests that there are higher instances of alcohol related crime in priority areas, in particular the City Centre which has a high density of licences as well as high rates of victimisations. Data received from Police indicated that crime in the CBD was a significant concern and also highlights the prevalence of anti-social behaviour.¹⁵

The maps below show the prevalence of licences and alcohol related incidence from Police Data.

¹³ A rebuttable presumption is taken to be true unless it is contested and disproved by evidence satisfying the requisite standard of proof (Practical Law. © 2024 Thomson Reuters). In this circumstance the presumption is against the issuing of any new licences unless the applicant can prove otherwise. However, the DLC have opportunities to consider new licences where there is sufficient evidence and cause to do so i.e. new restaurant.

¹⁴ The DLC assess applications on a case-by-case basis. As per other options, the DLC could agree to grant a new licence if there was evidence to suggest that the impact of alcohol related harm could be reasonably mitigated.

¹⁵ SIA, pg 30



A sinking lid also provides greater protection to our vulnerable communities and is likely to have positive impacts on alcohol harm reduction over time. Many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process. If Council is taking a more targeted approach to reducing alcohol harm, then including this option means that these communities do not need to worry about new bottles stores popping up in their neighbourhoods and exacerbating alcohol harm in their communities.

Limiting large numbers of alcohol licences in particular areas can help reduce excessive alcohol consumption and related harms, such as violence, crime, and alcohol-involved traffic crashes.

Questions

- Do you agree with introducing a sinking lid option of new off licences in the priority areas?
- What is your preferred option?
- Are there any other options you would like Council to consider?
- Should on-licences also have a density provision?

Focus area three: discretionary conditions

Discretionary conditions are conditions aimed at managing specific concerns and risks associated with a particular licence. Discretionary conditions can provide the DLC with conditions to apply for specific case by case concerns. This can include:

- The history of the area, location of the licence
- Licensee and management history
- The vulnerability of the community

We think that our existing conditions are good, but based on the evidence we are considering adding additional ones.

What does this mean?

There are many new conditions that are available for Council and communities to consider:

- a) Restrict the use of buy now pay later options i.e. Laybuy® or Afterpay®.

There is evidence which suggests that buy now/pay later schemes can promote impulse spending.¹⁶ In addition, these payment options can make alcohol more accessible for those more vulnerable to alcohol harm. To counteract this, councils can include a prohibition on use of buy now pay later services to buy alcohol from both on and off-licences. This condition is promoted in the Waikato District Council Provisional Local Alcohol Policy.¹⁷ In Porirua, there are current licenced premises that are using these payment services located within vulnerable communities.

- b) Introduce tighter restrictions on alcohol advertising for off-licences

Research shows that tamariki and rangatahi are more vulnerable to the influences of alcohol advertising. This is especially important given our strategic priorities and our city's demographic.

- c) Introducing a single sale condition¹⁸ for off-licences

Single sale conditions could prohibit the sale of beer, mead, wine, cider and/or ready to drink products under a certain volume. There are also conditions that can restrict the size or volume of products from being sold.

- d) Introduce tighter restrictions on remote sellers and on demand delivery of alcohol

These restrictions are aimed at ensuring remote sellers follow the law and good practice for the sale and supply of alcohol. Council could consider the recommendations made to the Manurewa Local Board by Communities Against Alcohol and the Equal Justice Project which include:

- i. Rigorous background checks and mandatory compliance audits, especially for those with a history of violations.
- ii. Mandatory age checks for anyone who looks under 25¹⁹ upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.

What does this mean?

This means the DLC has the ability to consider and apply a wider range of discretionary conditions for each off-licence application (new or renewal) where there are specific concerns and/or reasoning to apply the conditions.

Why?

Discretionary conditions can provide the DLC with a targeted set of conditions that may be applied for specific case by case concerns. This can include:

- The history of the area, location of the licence
- Licensee and management history
- The vulnerability of the community

¹⁶ O'Brien L, Ramsay I, Ali P. Innovation, Disruption and Consumer Harm in the Buy Now Pay Later Industry: An Empirical Study. University of New South Wales Law Journal. 2024; 47:2, 2024 (forthcoming), Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4635958

¹⁷ Waikato District Council 2022: Provisional Local Alcohol Policy: Retrieved From: [Microsoft Word - Provisional Local Alcohol Policy 2022 \(hdp-au-prod-app-waik-shape-files.s3.ap-southeast-2.amazonaws.com\)](https://www.waikato.govt.nz/assets/Uploads/Provisional-Local-Alcohol-Policy-2022.pdf)

¹⁸ Same as above

¹⁹ https://www.restaurantnz.co.nz/wp-content/uploads/2017/05/The-Bar_Code_Oct-2016_LR.pdf

Upon reviewing the evidence of harm and examples of discretionary conditions set by other councils, we identified that Council could reasonably consider including additional discretionary conditions to provide the DLC options to ensure they are able to provide more protections for vulnerable communities in Porirua. The conditions proposed consider the following:

- There is evidence that buy now/pay later schemes (e.g. “Layby®” or “Afterpay®”) are seen to promote impulse spending. And the use of these payment options can make alcohol more accessible for those more vulnerable to alcohol harm. Council does have the ability to restrict the use of these pay services through discretionary conditions (refer to pages 37 and 62 of the SIA).
- The no external advertising outside of the storefronts is included as it will provide greater protections to vulnerable groups (children in particular) from being exposed to alcohol advertising (refer to pages 43,44, 74,84 and 85 of the SIA).
- Single sale conditions prohibit the sale of beer, cider and/or ready to drink products under a certain volume and are considered more accessible and likely to contribute to hazardous drinking due to the lower price.
- The mandatory age checks upon the delivery of alcohol ensures that the supplier and customer are both following the law in regards to underage drinking (refer to page 42 of the SIA).

Questions

- Do you agree with the additional conditions being proposed?
- Are there any additional conditions you would like Council to consider?

On-licence options

Focus area one: hours of trade

On-licences in priority areas are associated with higher levels of excessive alcohol consumption and related harms, such as violence, crime, and alcohol-involved traffic crashes²⁰.

The SIA provides sufficient evidence that on-licenced venues in Porirua are associated to higher levels of crime and disorderly behaviour (often in our city centre or where there is a high density of on-licences). This evidence suggests exploring the reduction of hours of alcohol sales for on-licences. Reductions in the hours of sale for on-licences has shown to have direct reductions in alcohol related crimes, in particular violent assaults.

²⁰ Refer to pages 45, 55 and 56 of the SIA.

Licence types	Current LAP	Preferred Option: Reduced hours applied to the priority areas only	Option 2: Reduced hours applied across the City
On-licence including club licences	8am to 2am the following day	10am to 12am the following day. Reduction of 4 hours in total Hotels: Any time	10am – 12am the following day Reduction of 4 hours in total
Pros and Cons	<p>Pro: No disruption to the licenced businesses or public.</p> <p>Con: No impact on alcohol harm reduction.</p>	<p>Pro: Reducing hours of alcohol availability is likely to have a positive impact on alcohol harm reduction for our most vulnerable communities.</p> <p>Con: There may be an impact for licenced businesses. And the public may not like having to change their purchasing behaviours.</p> <p>This option also has the unintended consequence of influencing people to travel to other parts of the city to purchase alcohol and drink on site at venues that have later hours.</p>	<p>Pro: Reducing hours of alcohol availability is likely to have a positive impact on alcohol harm reduction for our communities across the city.</p> <p>Con: There may be an impact for licenced businesses however this is likely to only be contained in the priority areas.</p>

What does this mean?

This means alcohol licences (bars, restaraunts, cafes, clubs and taverns) within the priority areas would only be able to sell alcohol between 10am and midnight. Hotels would stay the same as this would include hotel mini bars if included.

The biggest impact from this option will be seen with on-licence venues within the City Centre where most of our on-licence venues are located. This could mean businesses in the priority areas may experience a decrease in profits from alcohol sales due to the reduction in hours of sale.

Why?

A reduction in the hours of trade is aimed at minimising harm by looking at when alcohol is available to purchase, in relation to incidences of alcohol-related harm. On-licences in priority areas have higher levels of excessive alcohol consumption and related harms, such as violence, crime, and alcohol-involved traffic crashes. Police survey results²¹ supported a reduction in on-licence hours, the survey showed that 56% of survey participants recommend 10am-1am (the next day) as hours of sale for on-licences.

The reduction in the early morning hours is to provide some protection to the exposure of alcohol to vulnerable young people traveling to and from school in the morning hours. The city centre in Porirua is one of the main transport hubs where children pass through daily while travelling to and from school. As the City centre has more than average alcohol licence numbers, both on an off licences, these young people are more likely to be exposed to alcohol advertising and at times alcohol related disorderly behaviour (refer to SIA section Alcohol harm in Porirua pages 25-32).

Questions

- Do you agree with the new hours of sale?
- What hours would you suggest Council should consider?

Focus area two: discretionary conditions for on-licences

Council is consulting on adding new conditions to the current list of discretionary conditions, the new conditions for on licences are detailed below.

No changes are being suggested to the current conditions included in the current policy, however these are still subject to community feedback and are attached as appendix 1.

Licence types	Option 1: Current Policy	Preferred Option
On licence	See appendix 1	No suggested changes.
Club licences	All on-licence conditions in appendix 1 apply to club licences.	Certified manager to be onsite after 9pm. All nominated responsible persons should have obtained serve wise training ²² (Free online programme).
Pros and Cons	<p>Pro: Provides the DLC with additional options to apply where suitable and risks have been identified.</p> <p>Con: Does not expand the options for the DLC to consider a club specific discretionary condition.</p>	<p>Pro: Provides the DLC with additional options to apply where suitable and risks have been identified.</p> <p>Con: Where applied may be seen as burdensome by some Clubs.</p>

²¹ Page 55 of the SIA.

²² <https://servewise.alcohol.org.nz/login/index.php>

What does this mean?

We are only recommending changes to club licences. This means the DLC has the ability to consider and apply a wider range of discretionary conditions for each on-licence application (new or renewal) where there are specific concerns and/or reasoning to apply the conditions.

Why?

Upon reviewing the evidence of harm and concerns raised by Police included in the SIA, it was identified that Council could reasonably consider including additional discretionary conditions to club licences provide the DLC with the ability to:

- apply conditions to ensure volunteers, staff and other community members who support community clubs are trained on how to serve alcohol responsibly. And,
- certified managers or persons are onsite when harm is most likely later in the evenings.

Questions

- Do you agree with the additional Conditions for club licences?
- Are there any additional conditions you would like Council to consider?

Special Licences

Special licences are largely used by our communities and hospitality industry to hold community events, cultural events, concerts and other public gatherings.

Special licences are assessed on a case-by-case basis and discretionary conditions are applied by the DLC to suit the specific concerns or risks associated to the event seeking a licence.

At this stage no changes are suggested to current special licence conditions. However, the Council is keen to hear from our community on their experiences and opinions on special licenced events.

Questions

- Do you agree with no changes to special licences?
- If not what changes to special licences would you like to see and why?

Tools and how and where they can be applied

Council can choose to make changes to certain areas of the city that are more vulnerable to alcohol harm, or to the whole city – or they can choose to do a mixture of both. The table below provides a summary of what is proposed, and indicates what might apply to only specific areas. We want to hear your feedback on whether we've got the balance right.

General changes (non licence specific)			
Tools	Current rules	Recommended options	Rationale
Priority Areas	No current priority areas	Establishment of the following priority areas: Porirua Central Titahi Bay Rānui /Mungavin Cannons Creek Elsdon- Takapūwāhia	Establishing priority areas allows council to target policy options to the area's most vulnerable to alcohol harm. <u>Further reading</u> Social Impact Assessment <i>Section 2: Porirua and alcohol</i> (pages 26-30) <i>Section 5: Literature review on alcohol harm</i> (pages 42-49) <i>Section 6: Summary of findings</i> (page 49) <i>Report from the Medical Officer of Health: Porirua Hospital Admission & Alcohol Data</i> (pages 79-81)
Sensitive Site provisions	a. A school (which does not include early childcare or kindergartens). b. A drug and/or alcohol treatment service provider.	Status quo The draft LAP has been updated to ensure it is in line with the recent legislation ²³	No additional changes are recommended at this time. New legislation is a sufficient enough change that is likely to have a positive impact on assessing the proximity of all alcohol licences to vulnerable groups. <u>Further reading</u> <i>Map of sensitive sites – 100m and 200m buffer zones including early childhood education facilities</i> (page 41)

Off-licences			
Tools	Current rules	Recommended options	Rationale
Hours of trade	7am to 10pm for physical stores Any time of day for deliveries	9am 9pm for physical stores and deliveries ²⁴ .	<p>Reducing the hours of trade could minimise harm by restricting when alcohol is available to purchase in relation to alcohol-related incidents.</p> <p>Reducing morning hours could provide some protection to the exposure of alcohol to vulnerable young people traveling to and from school and closely aligns with our strategic priority of <i>keeping rangatahi and tamariki at the heart of our city</i>.</p> <p><u>Further reading</u></p> <p>Social Impact Assessment</p> <p><i>Reducing accessibility to alcohol</i> (page 58)</p> <p>Section 7: <i>What could the future look like for Porirua?</i> (pages 52-55)</p>
Number of licences - 'sinking lid'	No restrictions.	<p>No new off-licenses in priority areas only. These are:</p> <ul style="list-style-type: none"> a) Porirua Central b) Titahi Bay c) Rānui/Mungavin d) Cannons Creek e) Elsdon-Takapūwāhia 	<p>Provides communities with reassurances that new off-licenses are unlikely to be approved. Evidence shows that many communities already go through the process of objecting to licences they believe cause harm in their communities. Despite new legislation making this easier, it is still an onerous process.</p> <p>Evidence provided by Police also suggests that there are higher instances of alcohol related crime in priority areas. An example is Porirua Central, which has a high density of licences as well as high rates of victimisations. Data received from Police indicated that crime in the CBD was a significant concern and also highlights the prevalence of anti-social behaviour.</p>

²⁴ Does not include the delivery of stocks/supply to the licensed venue.

			<p><u>Further reading</u></p> <p>Social Impact Assessment</p> <p><i>Section 2: Porirua and alcohol</i> (pages 26-30)</p>
Discretionary conditions for off-licences	Listed in point 120 in report.	<p>No use of buy now pay later options (e.g. “Laybuy®” or “Afterpay®”) in bottle stores.</p> <p>No external advertising other than business name.</p> <p>There will be no single sales of alcohol in containers less than 330mls. This restriction does not apply to individual handcrafted beers in single bottles/cans or multi-serve sizes of 330ml or higher.</p> <p>Mandatory age checks upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.</p>	<p>Discretionary conditions can provide the DLC with conditions to apply for specific case by case concerns. This can include:</p> <ul style="list-style-type: none"> • The history of the area, location of the licence • Licensee and management history • The vulnerability of the community <p>Based on evidence, including additional discretionary conditions could support greater protections for vulnerable communities in Porirua.</p> <p><u>Supporting information</u></p> <p>Social Impact Assessment</p> <p><i>Section 5: Literature review on alcohol harm</i> (pages 42-46)</p>
On-licences (including club licences and special licences)			
Tools	Current rules	Recommended options	Rationale
Special licences	At any time on any day – applications assessed on merits	No suggested changes as these are already managed on a case-by-case basis.	Special licences are largely used by our communities and hospitality industry to hold community events, cultural events, concerts, and other public gatherings. Should general policy principles be adopted and applied to these decisions, the LAP will allow for flexibility in how they are managed.
Hours of trade	8am to 2am the following day	<p>Priority area hours: 10am – 12am the following day.</p> <p>For club licences ANZAC Day hours are (between 4 am and 1 pm).</p> <p>The rest of the city: 8am to 2am the following day.</p>	<p>A reduction in the hours of trade is aimed at minimising harm by assessing when alcohol is available to purchase in relation to incidences of alcohol-related harm.</p> <p>On-licences in priority areas are associated with higher levels of excessive alcohol consumption and</p>

		For RSA club licences ANZAC Day hours are (between 4 am and 1 pm) ²⁵ .	related harms, such as violence, crime, and alcohol-involved traffic crashes. <u>Further reading</u> Social Impact Assessment <i>Reducing accessibility to alcohol</i> (page 58) Section 7: <i>What could the future look like for Porirua?</i> (pages 52-55)
Discretionary conditions for club licences	Listed in point 123 in report.	Certified manager to be onsite after 9pm. All nominated responsible persons should have obtained serve wise training (free online programme).	Evidence shows there are some concerns with club licensing and hazardous drinking behaviours leading to alcohol harm. The options provided give the DLC specific options targeted to reduce risks with hazardous drinking at clubs. <u>Further reading</u> Social Impact Assessment Alcohol and Sports Clubs (page 32)

²⁵ As provided under section 47A of the Act.

APPENDIX 1: DRAFT LOCAL ALCOHOL POLICY 2025

Draft local alcohol policy 2025

Date adopted by Council:	N/A
Date considered by Committee:	To be completed by Democratic Services
Minute Reference:	To be completed by Democratic Services
Previous Policy Reference(s):	Local alcohol policy 2017
Statutory Requirement:	Sale and Supply of Alcohol 2012
Business Unit/Author:	Policy and Planning Regulatory Services
Next Review Date:	Every 6 years or as required This Policy does not cease to have effect because it is due for review or being reviewed.

1 INTRODUCTION

The local alcohol policy or LAP (the LAP) provides guidance to the Council's district licensing committee (the DLC) when deciding whether to issue a licence to sell and/or supply alcohol. The policy is an important tool to assist the DLC and the Alcohol Regulatory Licensing Authority (the licensing authority) in making decisions that are appropriate for Porirua and achieving the object of the Sale and Supply of Alcohol Act 2012 (the Act).

2 PURPOSE

The purpose of the LAP is to:

- a) promote the safe and responsible sale, supply and consumption of alcohol by putting in place a system of control that is applicable to the Porirua region;
- b) reflect the views of our communities regarding the appropriate location, total number of premises, trading hours and conditions that apply to licensed premises;
- c) provide certainty and clarity for applicants and the public as to whether a proposed licence application meets the criteria in the LAP; and
- d) provide instruction to the DLC and the Alcohol Regulatory and Licensing Authority, which they must have regard to when making decisions on all licensing matters for each district.

3 POLICY OBJECTIVES

The objectives of the LAP are to:

- a) reflect the views of local communities as to the appropriate location, hours and conditions that should apply to licensed premises within their communities
- b) reduce alcohol-related harm in Porirua City

- c) prioritise harm reduction for the vulnerable communities more susceptible to alcohol related harm
- d) provide effective guidance and allow flexibility for the decisions of the district licensing committee and the licensing authority.

4 SCOPE OF POLICY

A local alcohol policy may only address the following licensing matters:

- a) Location of licensed premises by reference to broad areas (eg. priority 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 alcohol treatment facilities);
- 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.

This LAP has been developed to set alcohol licensing criteria considered appropriate for when, where, and how alcohol is sold throughout Porirua City, with a particular focus on areas of the city that show higher instances of alcohol-related harm.

The LAP applies to all applications for alcohol licences, including renewals of licences issued under previous versions of the LAP, from the date the LAP comes into force.

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 this LAP.

Pursuant to section 133 of the Act, the DLC or the licensing authority may—

- a) decline to renew a licence if it considers that renewing the licence would be inconsistent with any policy set out in the relevant local alcohol policy relating to a matter specified in section 77(1)(a) to (d):
- b) impose conditions on any licence it renews if it considers that the renewal of the licence, or the consequences of the renewal of the licence, without those conditions would be inconsistent with the relevant local alcohol policy.

When the LAP has been adopted, any conditions in the LAP that relate to a modification of existing maximum trading hours, or a modification of a one-way door restriction cannot come into force straight away. The date to bring that part of the LAP into force may be stated by resolution, but it cannot be a date that is earlier than the day that is three months after the day that public notice of the LAP is given. The rest of the LAP or amendments may be brought into effect on any day stated by resolution.

What are the types of licences

There are four types of licences:

Off licence (including remote licences)	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, for example, bottle stores and supermarkets. Remote off licences are able to deliver alcohol off site to customers.
On licence	Licensed for the sale and supply of alcohol for consumption on the premises, for example bars, restaurants and taverns.
Club licence	Licensed for the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned, for example, RSAs and sports clubs
Special licence	Licences for one off events. Applications are assessed case by case

5 STATUTORY FRAMEWORK

The Sale and Supply of Alcohol Act 2012 (the Act) puts in place a system of control over the sale and supply of alcohol to achieve the objectives of the Act.

The objectives of the Act are to encourage the safe and responsible sale, supply and consumption of alcohol and to minimise the harm caused by the excessive or inappropriate consumption of alcohol.

Section 75 of the Act allows Councils to have a local alcohol policy relating to the sale, supply, and/or consumption of alcohol within its district. The contents, development, adoption and review of that policy must comply with the provisions of part 2, subpart 2 of the Act.

The local alcohol policy must be consistent with the general law of New Zealand and the Council's district plan.

The Council must not produce a draft local alcohol policy without having consulted the NZ Police, the Medical Officer of Health and the public.

6 POLICY COMMENCEMENT

The LAP comes into force on [insert date] as specified in the [insert resolution number] of the Porirua City Council, and as publicly notified on [insert date], in accordance with section 90 of the Act.

Clauses xxx come into force on [insert date: note that this must be no sooner than 3 months from the public notice date] as specified in the [insert resolution number] of the Porirua City Council, and as publicly notified on [insert date], in accordance with section 90 of the Act.

7 POLICY CONTENT

7.1 Priority Areas

Priority areas are suburbs within Porirua City that have been selected based on having higher risk factors and instances of alcohol-related harm. The LAP provides specific conditions that can be applied to these areas to manage the supply of alcohol more tightly. Priority areas have been identified by a criteria that considers evidence that the suburbs score²⁶ highly in two or more of the following risk factors:

1. High density of alcohol licences
2. Suburbs (identified by the SA2 suburbs) socioeconomic deprivation levels between 8-10²⁷
3. Evidence of high rates of victimisations from police data (these are higher than the rest of the city)²⁸.

The priority areas in the LAP are (Maps attached as appendix 1):

- a) Porirua Central
- b) Titahi Bay
- c) Rānui/Mungavin²⁹
- d) Cannons Creek
- e) Elsdon-Takapuwāhia

²⁶ The scoring is based on:

- 1 point for 100 or more victimisations per 1000 residents
- 1 point for deprivation level 8-10
- 1 point for 10 or more licences per area.

²⁷ <https://www.ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/>

²⁸ <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>

²⁹ Mungavin is referred to as Cannons Creek East in the statistical areas 2 NZDep2018, It is referred to as Mungavin here to avoid confusion.

7.2 Policies that apply to Priority areas only

7.2.1 Maximum trading hours for new and existing licences within the priority areas

Licence types	
On licence and Club licences within priority areas. Policies related to On-licenses also apply to: <ul style="list-style-type: none"> • Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act), and; • Caterers (endorsed under section 38 of the Act). 	10am – 12am the following day
RSA Club licences	10am – 12am the following except 4am to 1pm on ANZAC day ³⁰
On-Licence Hotel	At any time on any day to guests, in hotel room ³¹

7.2.2 Density provisions for priority areas - Sinking Lid

7.2.3 From the date this LAP comes into force, off-licenses will not be issued for any premises in a priority area.

7.3 City wide policy provisions

7.3.1 Maximum trading hours for new and existing licences

The following hours apply to off licence

Licence types	Hours of trade
Off licence City wide including priority areas	9am-9pm
Remote off-licences City wide including priority areas	Purchases can be made anytime of the day. Delivery must be made within the hours of 9am to 9pm. (Does not include the delivery of stocks/supply to the licensed venue).
On licence³² and Club licence excludes those within priority areas On-licence hotel RSA Club licences within priority areas	8am to 2am the following day At any time on any day to guests, in hotel room 8am to 2am the following day except 4am to 1pm on ANZAC day

³⁰ As provided under section 47A of the Act.

³¹ As provided under section 46(3)subsection (1) (a)and(b)

³² Includes Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act) and Caterers (endorsed under section 38 of the Act).

Special licences	At any time on any day – applications assessed on merits
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7.3.2 Proximity to Sensitive Sites

Sensitive sites in this LAP are sites where the target users have been identified as having a greater vulnerability than the public generally to alcohol related harm as an outcome from direct exposure to premises that sell or supply alcohol.

Sensitive sites in Porirua are exclusively:

- a) A school as defined by section 2 of the Education Act 1989,
- b) Premises that are registered with the Alcohol and Drug Association of New Zealand as the location of a drug and/or alcohol treatment service provider.

Except for supermarkets, no new licences may be granted where the proposed licence is in close proximity (100 metre radius) to a sensitive site; unless:

- the users of the sensitive site are unlikely to be directly exposed to the sale or supply of alcohol and its related activities; or
- any exposure can be mitigated by the applicant to a minor or less than minor exposure.

Every application (including renewals) or a new on, off or club licence, or to vary an existing licence in close proximity (100 metre radius) to a sensitive site, will require an impact assessment to determine the extent that the users of the sensitive site are likely to be exposed to alcohol promotion, consumption and consumers from the proposed licence premises. The assessment must address the impact of that exposure and any proposed mitigation of the exposure.

7.4 Discretionary conditions

Discretionary conditions may be applied to a licence to mitigate an identified or potential harm. In using its discretion to apply conditions, the DLC and the licensing authority will be guided by the following principles:

- **connection** – whether there is a connection between an identified foreseeable harm to be addressed and the proposed licensing activity
- **impact** – whether there is evidence to support that the proposed condition will make the drinking environment safer and minimise harm
- **reasonableness** – whether it is within the capabilities of the applicant or licensee to satisfy this condition, any condition must be a proportionate response to an expressly identified harm or potential harm.

Licence type	Conditions
7.4.1 Off-licences	<ul style="list-style-type: none"> • All bottle stores must have supervised designation (minors must be accompanied) • Alcohol product advertising is limited to less than 50% of the total shop front area; or • No external Alcohol product alcohol advertising or other advertising other than the business name and signage. • Requiring the licensee to ensure litter (this includes, but is not limited to, vomit and alcohol-related rubbish) is removed from any areas the licensee has outside the licensed premises (including any carparks, external walkways and landscaping). • Restriction on the use of buy now pay later options (e.g. “Laybuy®” or “Afterpay®”) in bottle stores • No single sales of alcohol in containers less than 330mls. This restriction does not apply to individual handcrafted beers in single bottles/cans or multi-serve sizes of 330ml or higher. • Alcohol may only be sold in the original form it was received i.e. packs of 4, 6, 12, 18, or 24. • Mandatory age checks upon the purchase and delivery of alcohol to ensure customers are of legal age to purchase alcohol.
7.4.2 On-licences	<ul style="list-style-type: none"> • Restriction on the use of outdoor areas after 10pm outside the City Centre • Restriction of loudspeaker, amplifier, relay or other audio equipment after 10 pm outside the City Centre • Provision of effective exterior lighting • Provision of additional security (staff) after 11pm • The installation and operation of CCTV cameras on the exterior of, and within premises • No serving in glass containers at specified times • Requiring the licensee to ensure litter (this includes, but is not limited to, vomit and alcohol-related rubbish) is removed from any areas the licensee has outside the licensed premises (including any carparks, external walkways and landscaping). • One-way door restriction • Patron number to security personnel ratio • Patron number to bar manager ratio • Provision of transport for patrons
7.4.3 Club licences	<ul style="list-style-type: none"> • Restriction on the use of outdoor areas after 10pm outside the City Centre • Restriction of loudspeaker, amplifier, relay or other audio equipment after 10 pm outside the City Centre • Provision of effective exterior lighting • Provision of additional security (staff) after 11pm • The installation and operation of CCTV cameras on the exterior of, and within premises

	<ul style="list-style-type: none"> • No serving in glass containers at specified times • Requiring the licensee to ensure litter (this includes, but is not limited to, vomit and alcohol-related rubbish) is removed from any areas the licensee has outside the licensed premises (including any carparks, external walkways and landscaping). • One-way door restriction • Patron number to security personnel ratio • Patron number to bar manager ratio • Provision of transport for patrons • Certified manager to be onsite after 9pm. • All nominated responsible persons should have obtained serve wise training³³ (Free online programme)
<p>7.4.4 Special licences</p>	<p>The following special licence discretionary conditions should be considered for both onsite and off-site special licences:</p> <ul style="list-style-type: none"> • Number of 'nominated persons' or certified Duty Managers to be present • Specify locations for Managers to be present (e.g. at point of sale, anywhere else on site that their presence would be beneficial) • Limit on number of drinks to be sold in one transaction • Drink containers to be opened at point of sale • No high alcohol doubles or shots to be sold • Specify security staff number required and their location • Patron number to security ratio • Specify event staff to wear high visibility clothing • Specify containers alcohol may be sold in • Condition to ensure Police reserve rights to require earlier cessation of licence hours by request to the licensee and reduce number of sales and slowing of service • Limits on promotion of alcohol • Require one-way door restriction • Noise limits from an event • Lighting requirements • Consideration of having specific 'licensed area' within an overall 'event area' - this will help restrict movement of patrons with alcohol inside the event and be easier to monitor for event staff, and Police and Alcohol Licensing Inspectors.

³³ <https://servewise.alcohol.org.nz/login/index.php>

8 POLICY MONITORING AND REVIEW

Decisions by the DLC that are inconsistent with this LAP will be monitored by the Secretary for the DLC and reported annually to the Council.

Monitoring of compliance by licensees with the maximum licence hours and licence conditions is the responsibility of the Council's Licensing Inspectorate and the NZ Police.

A monitoring framework will be developed to monitor the impact of the LAP. A three yearly monitoring report/activity will be conducted and will include:

- Application of the policies included in the LAP by the DLC
- Alcohol harm statistics for Porirua
- Economic contribution of alcohol industry to the local Porirua economy
- Community participation in alcohol licensing
- Community feedback (including licensees) through a public survey
- whether there is a need to adjust or amend the LAP earlier.

9 APPEAL/ COMPLIANCE PROCESS

Appeals on the decisions of the DLC are made to the licensing authority in accordance with the Act. A subsequent right of appeal exists under the Act to the High Court.

10 DEFINITIONS

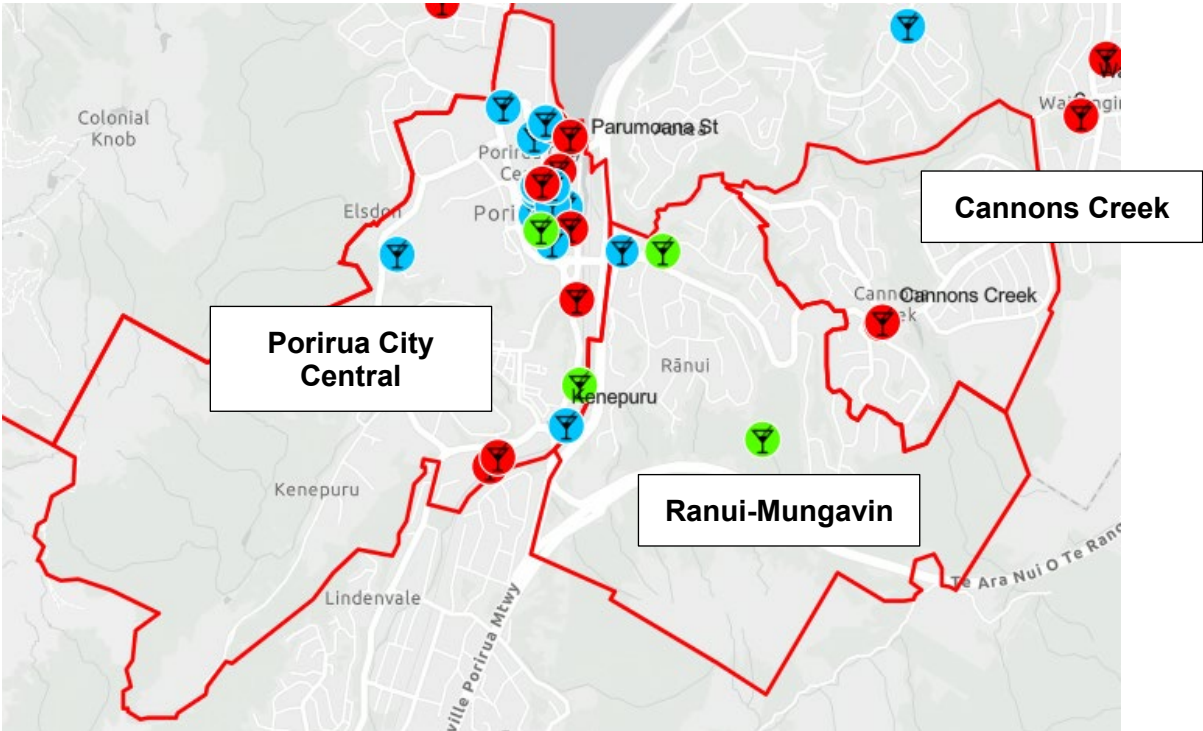
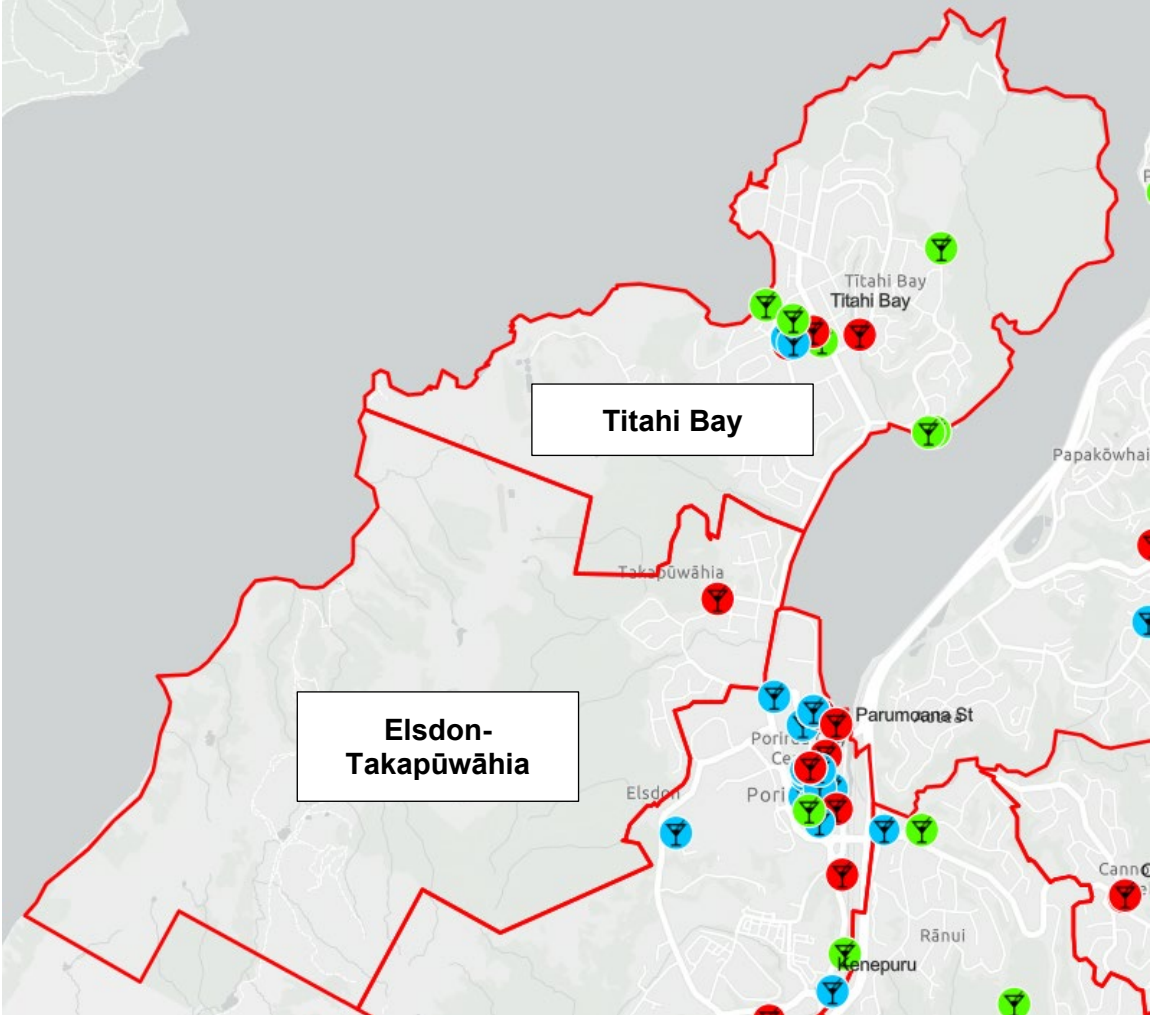
Act, the	means the Sale and Supply of Alcohol Act 2012
Alcohol-related harm	means the harm caused by the excessive or inappropriate consumption of alcohol; and includes— <ul style="list-style-type: none">(i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly 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)
Alcohol Regulatory and Licensing Authority (ARLA)	is the licensing authority and national body that hears appeals from district licensing committee decisions and appeals of LAPs
Amendment Act, the	Means the Sale and Supply of Alcohol (Community Participation) Act 2023
Bottle store	means off-licensed premises being retail premises where (in the opinion of the licensing authority or licensing committee concerned) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol

Close proximity	within 100 metres in a straight line from boundary to boundary
Club	means a body that <ul style="list-style-type: none"> (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or (b) is a body corporate whose object is not (or none of whose objects is) gain; or holds a permanent club charter (refer section 5 of the Act)
Club-RSA	means a club licence where the club is a member of the Royal New Zealand Returned & Services Association.
District Licensing Committee (DLC)	means District Licensing Committee at Porirua. The DLC members are appointed by the Council but it acts independently
District Plan	means the operative Porirua City District Plan
Harm, alcohol related	has the same meaning as contained in section 5 of the Act
Hotel	means premises used or intended to be used in the course of business principally for providing to the public: <ul style="list-style-type: none"> (a) lodging; and alcohol, meals, and refreshments for consumption on the premises (refer section 5 of the Act)
LGA, the	The Local Government Act 2002
Maximum trading hours	(b) Means the maximum trading hours for the purpose of section 45 of the Sale and Supply of Alcohol Act 2012
Off licence	means a licence for premises where the licensee can sell alcohol for consumption somewhere else
Off-remote	means an off-licence to conduct remote sales under the Act. Remote sale, in relation to alcohol, means a sale pursuant to a contract that— <ul style="list-style-type: none"> (a) has been entered into (using the Internet, by telephone or mail order, or in any other way) between— (i) a seller who holds an off-licence; and (ii) a person (whether the buyer or a person acting on the buyer's behalf) who is at a distance from the premises where the seller entered into the contract; and contains a term providing for the alcohol to be delivered to the buyer (or to a person or place nominated by the buyer) by or on behalf of the seller

On licence	(b) means a licence for premises where the licensee can sell alcohol for consumption on the premises or can let people consume alcohol on the premises. For the avoidance of doubt, on-licences includes club licences per section 21 of the Act.
On-conveyance	means an on-licence for a vehicle (e.g. bus tours, ferries, trains)
One-way door restriction	means, in relation to a licence, a requirement that, during the hours stated in the restriction: <p>(a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol (refer section 5 of the Act)</p>
On-hotel	(b) means an on-licence for a hotel and relates to sales to lodgers only
Opposed application	means an application where: <ul style="list-style-type: none"> • a report has been filed in opposition by the Medical Officer of Health, Police or Council Inspector; or an objection has been filed by a person with a greater interest than the public generally
Priority Areas	Means the areas/suburbs identified in clause 7.1.
Special licence	means a licence granted for an event or series of events and can be for either on-site consumption or off-site consumption. A full definition is contained in section 22 of the Act

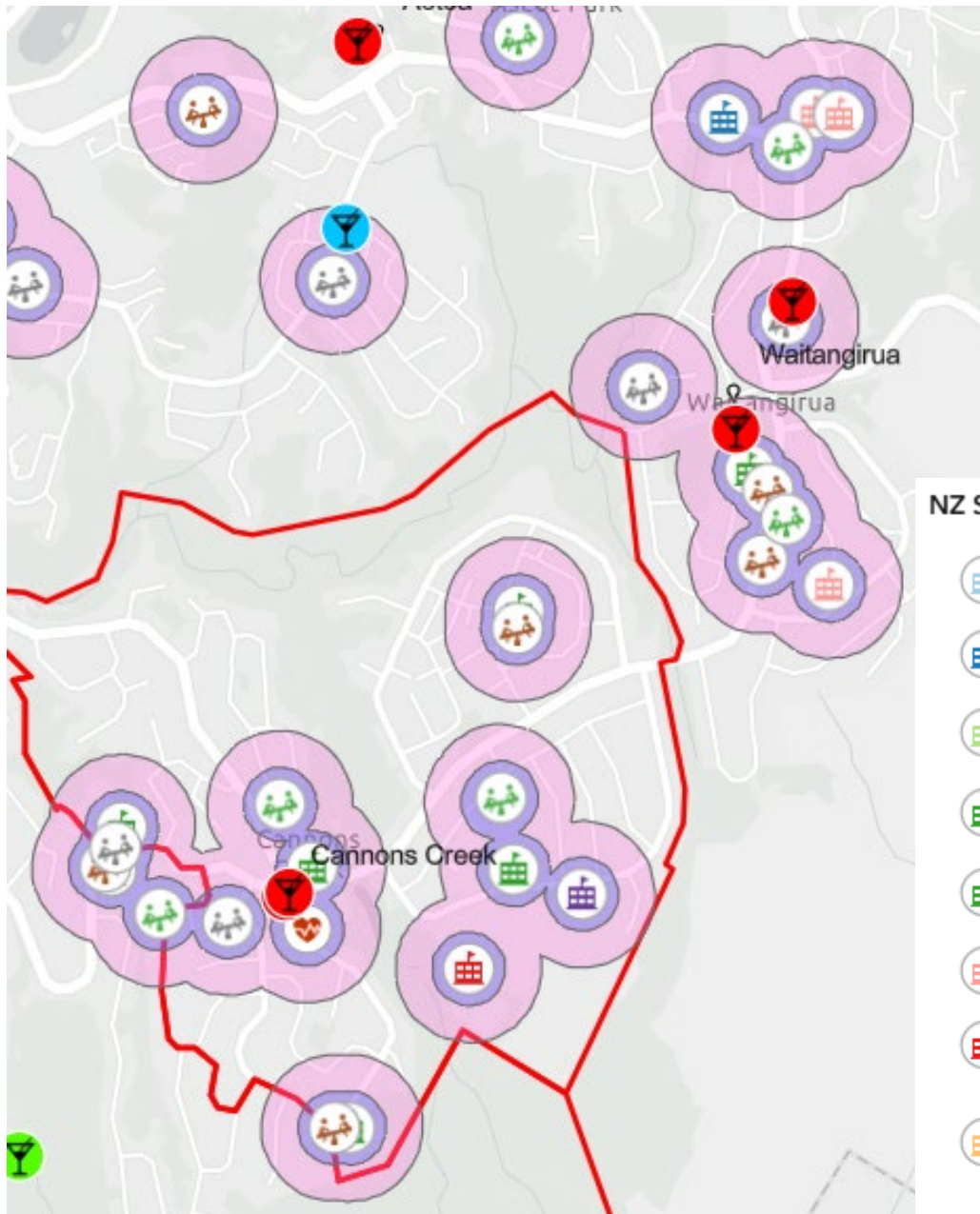
APPENDIX 2: MAPS

Priority Areas



Sensitive Sites

The maps below show the 100m and 200m buffer zones around sensitive sites, including early childhood education facilities.



NZ Schools Directory

- Activity Centre
- Composite
- Composite (Year 1-10)
- Contributing
- Correspondence School
- Full Primary
- Intermediate
- Restricted Composite (Year 7-10)
- Secondary (Year 11-15)
- Secondary (Year 7-10)
- Secondary (Year 7-15)
- Secondary (Year 9-15)
- Special School
- Teen Parent Unit
- others

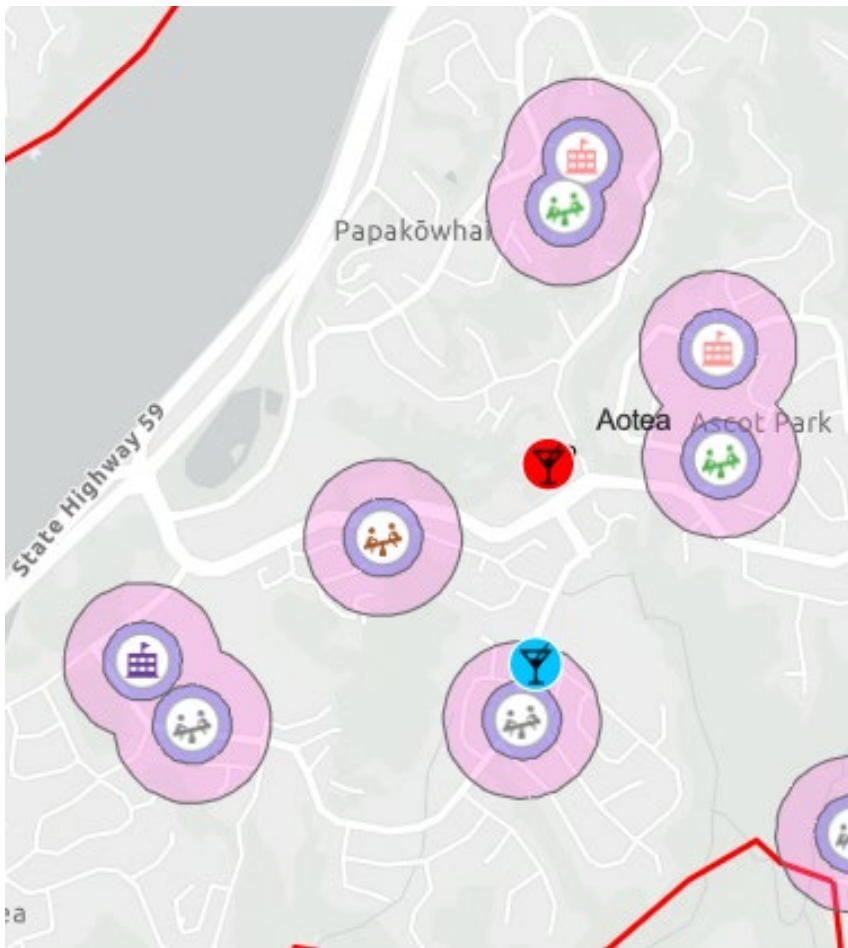
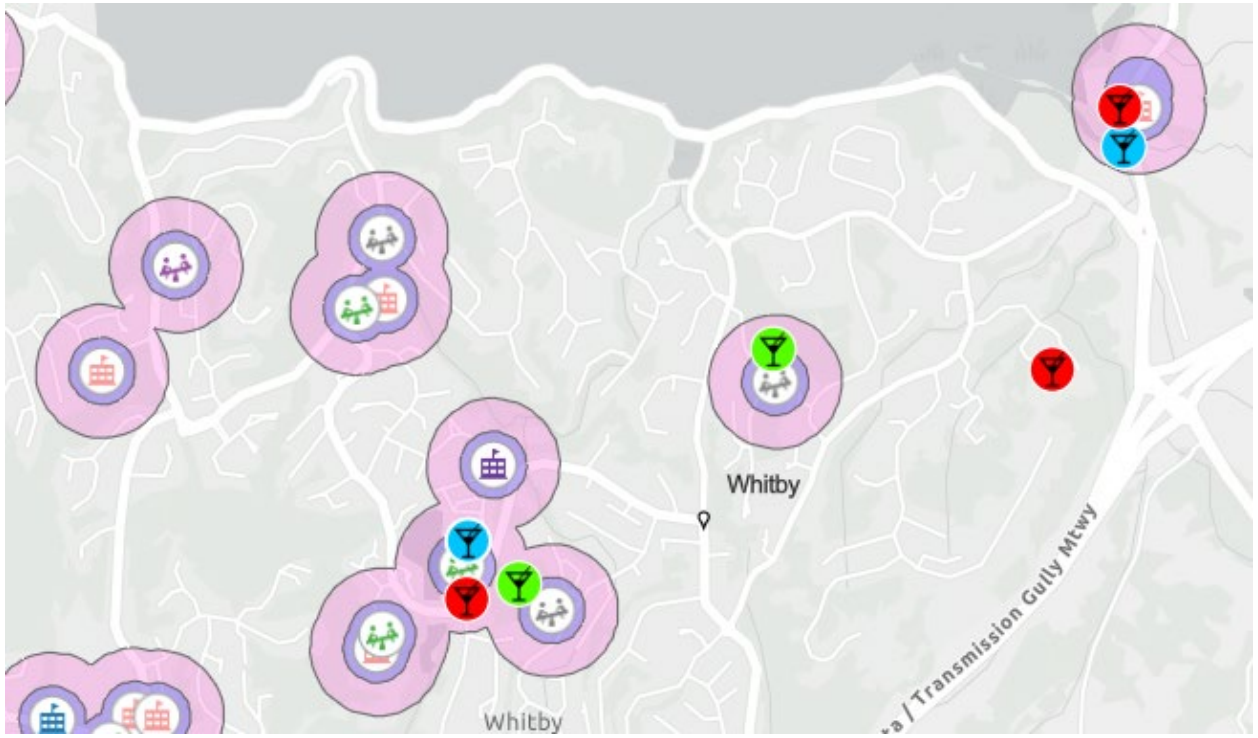
- CLUB
- OFF
- ON

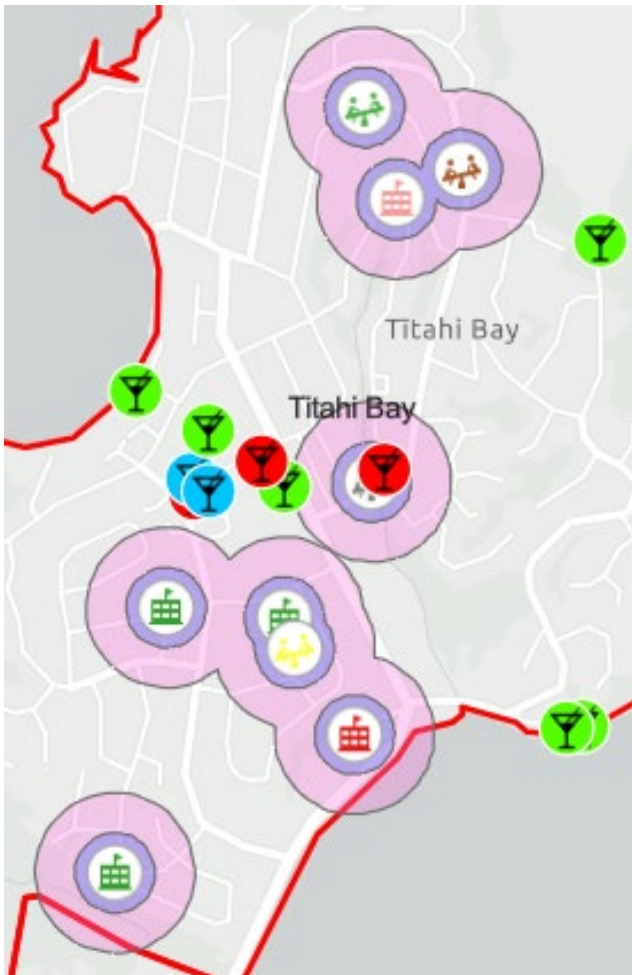
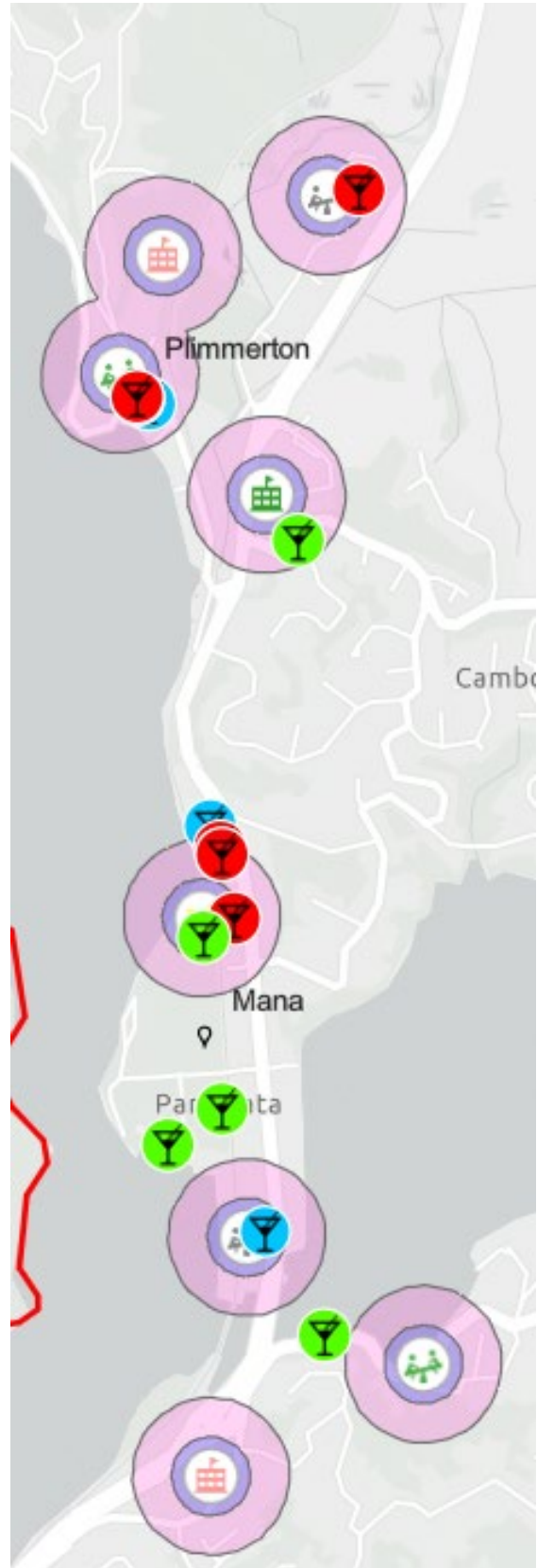
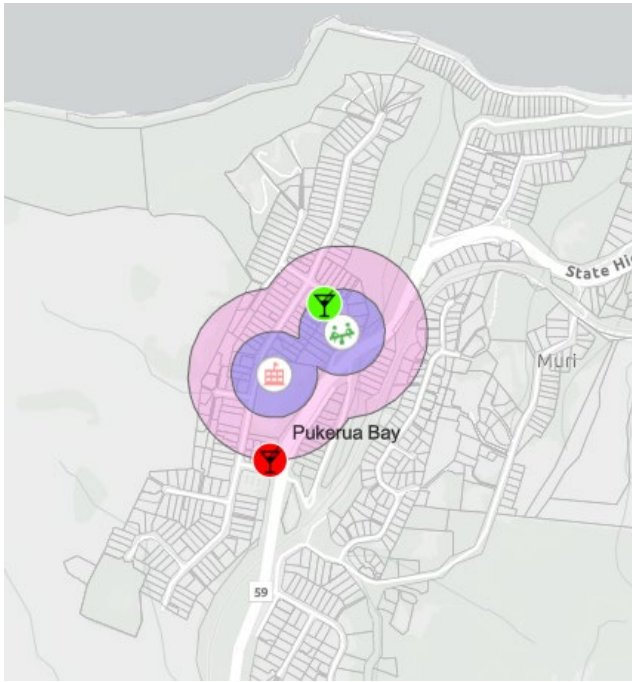
Sensitive Sites Buffers

- distance
- 100m
 - 200m

NZ Early Childhood Services Directory

- Casual-Education and Care
- Education and Care Service
- Free Kindergarten
- Homebased Network
- Hospital Based
- Playcentre
- Te Kōhanga Reo
- others





Submission form

We'd love your feedback on the new Draft Local Alcohol Policy to assist our Council in their decision-making.

Privacy

All submissions are public information. We do not publish contact details or demographic information. We collect demographic information to help us understand what areas of the community we are reaching.

Your details

We'd like to know a little more about you

First name		Last name	
Organisation			
Physical address			
Suburb			
Email			
Age (please circle)	(15 or under) (16-25) (26-35) (36-45) (46-55) (56-65) (66-75) (76+)		
Ethnicity			
Gender (please circle)			

Please withhold my name from being published.

Please note, your name must be public if you are presenting your submission in person, or you are representing an organisation. Contact details or demographic data will not be made public.

Are you submitting on behalf of a group, such as an organisation, club, business, or residents' association? *Please note, this is not your place of work, please ensure you have permission to make a submission on behalf of the group.*

If yes, please provide the name of the group:

Presenting your submission in person

Would you like to present your submission to Council? The hearing date for this consultation is on 20 March 2025

Yes No

If yes, please provide a phone number so we can get in touch:

Please select your preferred option and provide some reasons why:

GENERAL

Focus area one: Establishing priority areas:

Do you agree with the proposed priority areas on pages 8 and 9?

Yes No Partially

Comments

Would you change any of these and why?

Yes No Partially

Comments

Would you include any other areas and why?

Yes No Partially

Comments

Focus area two: Sensitive sites

Do you agree with the proposed sensitive sites?

Yes No Partially

Comments

Do you think supermarkets should be excluded or included in the sensitive site provisions? If applicable, why?

Yes No Partially

Comments

Is a 100-metre radius a sufficient measurement to decide proximity? If not, why?

Yes No Partially

Comments

Should early childhood centres, marae and churches be considered sensitive sites? Why?

Yes No Partially

Comments

Are there other sensitive sites you would like Council to consider and if yes, why?

Yes No Partially

Comments

OFF-LICENCE CONDITIONS

Focus area one: hours of trade

Do you agree with the proposed new hours of sale for off-licences ?

Yes No Partially

Comments

What hours would you suggest Council should consider?

Yes No Partially

Comments

Focus area two: introduction of a sinking lid

Do you agree with introducing a sinking lid option for new off-licences in the proposed priority areas?

Yes No Partially

Comments

What is your preferred option?

Comments

Are there any other options you would like Council to consider?

Yes No Partially

Comments

Should on-licences also have a density provision (sinking lid or cap)?

Yes No Partially

Comments

Focus area three: Discretionary conditions for off licences

Do you agree with the proposed additional discretionary conditions?

Yes No Partially

Comments

Are there any additional conditions you would like Council to consider?

Yes No Partially

Comments

ON-LICENCE OPTIONS

Focus area one: hours of trade:

Do you agree with the proposed new hours of sale?

Yes No Partially

Comments

(if applicable) What hours would you suggest Council should consider?

Focus area two: discretionary conditions for club licences

Do you agree with the additional proposed discretionary conditions for club licences?

Yes No Partially

Comments

(if applicable) Are there any additional on-licence or club conditions you would like Council to consider?

SPECIAL LICENCES OPTIONS:

Do you agree with no changes to special licence conditions?

Yes No Partially

If not what changes to special licences would you like to see and why?