

Alcohol in the community

LOCAL ALCOHOL POLICIES: Overview

The Sale and Supply of Alcohol Act 2012 allows territorial authorities to develop local alcohol policies (LAPs). This factsheet provides general information about LAPs. It summarises what they are, the matters they can cover, how to develop a LAP and who can appeal.

A local alcohol policy (LAP) is a set of decisions made by a territorial authority in consultation with its community about the sale and supply of alcohol in its geographical area.

Once a LAP is in place, licensing bodies will have to consider the policy when they make decisions on licence applications.

LAPs are optional. Territorial authorities are not required to have a LAP.

Each territorial authority can only have one LAP. However, a LAP can have different conditions for different areas within the territorial authority's district.

Two or more territorial authorities may develop a joint LAP.

What a LAP can cover

Through local alcohol policies, communities will be able to:

- limit the location of licences in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches
- limit the density of licences by specifying whether new licences or types of licences should be issued in a particular area
- impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises

but not enter or re-enter after a certain time

- restrict or extend the maximum opening hours set in the new Act:
 - 8am - 4am for on-licences (such as pubs and restaurants)
 - 7am – 11pm for off-licences (such as bottle stores and supermarkets).

LAPs must be reasonable and consistent with the object of the Act. The first two bullet points above will not apply to special licences and LAPs cannot include policies on matters unrelated to licensing.

The effect of a LAP

Although some communities currently have alcohol policies, these are not legally enforceable. The new Act gives legal standing to LAPs that are developed according to its requirements.

Licensing bodies will have to consider LAPs when they make decisions about licence applications.

The Act aims, through LAPs, to give local

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- Consulting on a draft LAP
- Preparing a provisional LAP
- Development of regulations and fees

communities more input into licensing decisions. This means local outlets of national businesses (eg, supermarket chains) may have different opening hours or conditions depending on where they are located. For reasons of fairness, policies relating to the location and density will not apply to existing licences. However, the LAP will apply to new licences that are issued for existing premises (eg, if a bar has a new owner who is applying for a licence).

Developing a LAP

If a territorial authority decides to have a LAP it must:

1. develop a draft LAP in consultation with Police, licensing inspectors and Medical Officers of Health
2. consult the community on the draft policy using the special consultative procedure in the Local Government Act 2002
3. prepare a provisional policy based on consultation feedback
4. give public notice of the provisional policy. The LAP can be appealed at this stage.
5. adopt the provisional policy. A provisional policy becomes final 30 days after it is publicly notified (or after any appeals are resolved).
6. give public notice of the LAP's adoption and the date it will come into effect (as determined by council resolution).

When producing a draft policy, a territorial authority must consider a range of factors.

See fact sheet: Developing a local alcohol policy.

Appealing elements of a LAP

Only a person who made a submission on the draft local alcohol policy can appeal any element of the provisional policy. Police and Medical Officers of Health have statutory rights of appeal.

The appeal must be filed with the Alcohol Regulatory and Licensing Authority within

30 days of the public notification of the provisional policy.

The only ground for appealing an element of a provisional LAP is that it is unreasonable in light of the object of the Act. The Act's object 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.

The provisional LAP cannot come into effect until all appeals are resolved.

When LAPs can come into force

LAPs are optional. However, if a territorial authority wants to start developing a policy before 18 December 2013, then it may:

- complete steps 1 – 3 (ie, develop and publicly consult on a draft policy and prepare a provisional policy), **but**
- only complete steps 4 – 6 (ie, adoption of a LAP) on or after 18 December 2013.

The initial delay is because the public notice requirements and details of the appeals process must be set out in regulations. Those regulations come into force 18 December 2013.

This means the earliest a LAP can come into force is 17 January 2014. Trading hours conditions in LAPs come into force 3 months after the rest of the policy. This is to give licensees time to make staffing changes necessary to comply with the policy.

Changing or reviewing a LAP

If a territorial authority decides to change or replace its LAP, it must go through the same process it took to develop it.

If a territorial authority decides to revoke a LAP so that it no longer applies to the district, it must follow the special consultative procedure in the Local Government Act 2002.

A territorial authority must review its LAP every six years using the special consultative procedure in the Local Government Act 2002.