

## Notice of Meeting:

I hereby give notice that an ordinary Meeting of Hamilton City Council will be held on:

**Date:** Wednesday 13 May 2015  
**Time:** 9.30am  
**Meeting Room:** Committee Room 1  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Business and Investment Subcommittee OPEN AGENDA

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### Membership

Chairperson Her Worship the Mayor J Hardaker  
Members Cr M Forsyth  
Cr A King  
Cr A O'Leary  
Cr R Pascoe

**Quorum:** Three members

**Meeting Frequency:** Quarterly – or as required

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Brendan Stringer  
Committee Advisor

**7 May 2015**  
Telephone: 07 838 6768  
Brendan.Stringer@hcc.govt.nz  
www.hamilton.govt.nz

## **Terms of Reference:**

- To enhance Hamilton's economic position.
- Promote investment and business attraction opportunities for Hamilton.
- Oversee implementation of the Economic Development Agenda.
- To receive information and provide advice in relation to potential major developments.
- Recommend funding for Hamilton & Waikato Tourism (HWT) and Hamilton Central Business Association (HCBA) and receive six monthly/quarterly and annual reports.
- Develop and recommend to the Strategy and Policy Committee the Central City Transformation Plan.
- Develop and recommend a strategy to optimize use of the Municipal Endowment Fund and the Domain Endowment Fund by 30 March 2014.

## **Special Notes:**

- The sub-committee may request expert advice through the Chief Executive when necessary.
- This sub-committee monitors Hamilton Properties Ltd.

## **Power to act:**

- Recommend funding for Hamilton & Waikato Tourism (HWT) and Hamilton Central Business Association (HCBA) to the Finance Committee or Council.
- Make operational decisions that are aligned to the outcomes of the Economic Development Agenda.

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**1 Apologies**

**2 Confirmation of Agenda**

The Committee to confirm the agenda.

**3 Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

**Committee:** Business and Investment  
Subcommittee

**Date:** 13 May 2015

**Report Name:** Business and Investment  
Subcommittee Open Minutes  
13 November 2014

**Author:** Brendan Stringer

<b>Status</b>	<i>Open</i>
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### Recommendation

That the Subcommittee confirm and adopt as a true and correct record the Open Minutes of the Business and Investment Subcommittee Meeting held on 13 November 2014.

### 1. Attachments

- Attachment 1 - Business and Investment Subcommittee Open Minutes 13 November 2014

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## Business and Investment Subcommittee

### OPEN MINUTES

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Minutes of a meeting of the Business and Investment Subcommittee held in Committee Room 1, Municipal Building, Garden Place, Hamilton on Thursday 13 November 2014 at 10:00am.

#### PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Members	Cr M Forsyth Cr A King Cr R Pascoe

In attendance	Cr Gallagher, General Manager Events and Economic Development, Chief Financial Officer, General Manager City Environments, Chief of Staff – Mayoral Office, Business Manager Economic Development, Communication Advisor, Unit Manager Strategy and Research.
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Committee Advisor	Mrs W Verschaeren
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#### 1. Apologies (Her Worship the Mayor Hardaker/Cr Pascoe)

That the apologies from Cr A O’Leary be received and accepted.

#### 2. Confirmation of Agenda

**Resolved:** (Her Worship the Mayor Hardaker/Cr Pascoe)

The Committee to confirm the Agenda.

#### 3. Declarations of Interest

No members of the Committee declared a Conflict of Interest.

**4. Business and Investment Subcommittee Minutes – Open – 20 August 2014**

**Resolved:** (Cr Pascoe/Her Worship the Mayor Hardaker)

That the Subcommittee confirm and adopt as a true and correct record the Open Minutes of the Business and Investment Subcommittee Meeting held 20 August 2014.

**Councillor Forsyth arrived at 10.05am after Item 4**

**5. Business and Investment Subcommittee Action List - Open - 13 November 2014**

**With regards to Item 6 – Meeting of 20 August 2014.**

It was noted that the Infometrics Roadshow, organised by Price Waterhouse Cooper (PWC), would happen on Thursday 20 November 2014; the Business Manager Economic Development would send out the invites to the Members of the Subcommittee and would provide PWC with a list of people to invite as soon as possible.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Pascoe)

That the Report be received.

## 6. Hamilton and Waikato Tourism - Year End Report

The General Manager Events and Economic Development spoke to the report and responded to questions from Elected Members.

It was highlighted that:

- a) The tourism sector in Hamilton and the Waikato region had grown in the last year.
- b) Hamilton City Council (HCC) was working closely together with Tourism Waikato to keep Hamilton, together with Waitomo and Hobbiton, high on the list of places to visit in the Waikato region.
- c) It was challenging to promote the centre of the North Island as an international tourism destination. Many tourists considered it to be a gateway from Auckland and they usually travelled directly from Auckland Airport to the South Island.
- d) To lift Hamilton's profile as a tourist destination, it would be appropriate to engage in discussions with Rotorua Council and other councils to include Hamilton in the central island experience for international tourists.
- e) Business and events tourism might be the best way to promote Hamilton as a tourist destination.
- f) The FIFA U-20 World Cup of 2015 and the ICC Cricket World Cup 2015 would also attract many tourists to Hamilton.
- g) Hamilton also needed to increase its available accommodation.
- h) Increasing cycling tracks in and around the city would be very valuable from a tourist point of view as it would provide an alternative way to visit key destinations in the city; linking to the cycle tracks in the area would also provide valuable business opportunities.
- i) HCC invested \$390,000 in Hamilton and Waikato Tourism which was a relatively small investment compared to other regions in New Zealand. Hamilton and Waikato Tourism would be seeking to increase Council's funding as part of the Long Term Plan.
- j) The Subcommittee requested staff to thank Kiri Goulter, CEO of Hamilton and Waikato Tourism, and her staff for a job well done.

**Resolved:** (Her Worship the Mayor Hardaker/Cr Forsyth)

That the Report be received.

**The Meeting adjourned for Morning Tea from 10.30 am to 10.45am**

**7. Resolution to Exclude the Public**

**Resolved:** (Her Worship the Mayor Hardaker/Cr King)

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Victoria on the River (VOTR) Site	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987 ) ) ) )	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1. to enable Council to carry out commercial activities without disadvantage Section 7 (2) (h)

**The Meeting went into Public Excluded session from 10.45am to 12.55pm**

**The Meeting closed at 12.55pm**

**Committee:** Business and Investment  
Subcommittee

**Date:** 13 May 2015

**Report Name:** Business and Investment  
Subcommittee Action List -  
Open - 13 May 2015

**Author:** Brendan Stringer

<b>Status</b>	<i>Open</i>
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### Recommendation

That the Report be received.

### 1. Attachments

2. Attachment 1 - Business and Investment Subcommittee Action List - Open - 13 May 2015

## Business and Investment Subcommittee - Action List - Open

Meeting Date	Item #	Action for Monitoring	GM Responsible	Comment	Status
15-Jul-14	6	The Hamilton Central Business Association to provide feedback on the Business Improvement District Policy to be reviewed by the Subcommittee at its meeting on 11 November 2014.	E&ED	In progress. A report item will go to the 13 November meeting. <b>Deferred to align with CCTP schedule</b>	<b>In progress</b>
20-Aug-14	6	Central City Transformation Plan would be finalised in November 2014. A first draft would be prepared and available for reviewing by the Subcommittee in September.	E&ED	In progress. <b>Currently under development</b>	<b>In progress</b>

**Committee:** Business and Investment  
Subcommittee

**Date:** 13 May 2015

**Report Name:** Hamilton Central Business  
Association (BID) 6 monthly  
report

**Author:** Sean Murray

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Economic Development Agenda Business Improvement District (BID) Policy</i>
<b>Financial status</b>	<i>There is budget allocated Amount \$280,000 per annum – targeted BID rating</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. This report introduces the six-monthly report from the Hamilton Central Business Association (HCBA) for the period 1 July to 31 December 2014.
3. As per the terms of reference, the Business and Investment Subcommittee receive the six-monthly reports from HCBA.

## 4. Recommendation from Management

5. That the Report be received.

## 6. Attachments

7. Attachment 1 - HCBA Six-Monthly Report 1 July to 31 December 2014

## 8. Management Comment

9. Highlights for the half year are detailed in the attached report and include:
  - Key Partnership with Council on LAPP, Central City Safety Plan, the 150<sup>th</sup> celebrations and various city infrastructure and parking issues.
  - CBD retail vacancy rate decrease and record levels of retail space refurbishment
  - Improving participation from HCBA members

## Signatory

Authoriser	Sean Murray, General Manager Events and Economic Development Group
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## **1.0 Introduction**

The Hamilton Central Business Association has completed another 6 months in operation with the year ending 30 June 2015.

One of the key challenges for HCBA continues to be to ensure it makes a positive contribution bearing in mind its own resources and membership mix. Managing expectations of key partners and members has been important for our own professional credibility and long-term sustainability.

In the past year the HCBA has strived to add value for members by providing a 'voice' for them to be heard in the business, political and public environment. HCBA has also been involved in a number of events and marketing initiatives in an effort to attract more people to central Hamilton thereby improving the business opportunities for HCBA members.

The HCBA recognises and appreciates the key partnership it has with Hamilton City Council in seeking to create a vibrant and thriving central city. We also recognise the significant investment by the council in the past six months in strengthening communication, assisting major property developments within the city and providing key relationships.

As part of our role and partnership with the council, HCBA has been pleased to be able to work with HCC on the Central City Safety Plan, the 150th celebrations ,LAP and various city infrastructure and parking issues.

As part of our six month report to council we are also pleased to report the Hamilton CBD retail vacancy rate decreased from 10.6% in June 2014 to 9.8% in December 2014.

We are also happy to report that 16 occupancies are currently under refurbishment more than double the number of 7 recorded in June 2014.

With the refurbishments removed from the mix Personal retailing remains the largest occupier of retail space in the CBD comprising around 23%, food retailing 22% and services 14% are the other major occupiers of space and the rest made up of Bars.

The revitalisation of Centre Place shopping mall is leading the way for a newer shopping experience although the uptake of vacant space in close proximity to the centre has been slow in areas like Ward Street particularly.

Cassabella Lane is now fully tenanted and Alexandra Street has seen a complete shift with many lease agreements signed off or under discussion.

HCBA continues to provide financial assistance and support for  
 Migrant Business Expo  
 Embassy Park Make over ( stage one completed Nov 2014)  
 Pop UP Stores  
 BOW City Burn event  
 Hamilton Fringe festival  
 Zeal  
 Recognise youth awards  
 ICC Cricket world Cup 2015  
 Fifa U18 world Cup 2015  
 Free lunch  
 Christmas in CBD  
 Summer events in Garden Place

There are a number of important topics we would like to highlight from the past 6 months and also in this report we focus briefly on some of the future priorities for HCBA in the next six months.

## 2.0 Past Highlights

### 2.1 Annual General Meeting

The HCBA's Annual General Meeting was held on the 11<sup>th</sup> October 2014 and was well attended. All formal matters that were required to be completed were carried out, including presentation of our annual accounts (Appendix A to this report) and the election by members of an executive committee. The executive is:

**Greg Wills** (Chair)- Centre Place  
**Dick Breukink**(Secretary) -Novotel and Ibis Tainui  
**Jaqui Cribb**- Phoenix Group  
**Kerrin Single**- Mediaworks Radio  
**Trevor Jones** (Finance)- Waikato Insurance Brokers  
**Michelle Baillie** -Sky City  
**Michael Ibbetson**-Rossellini and Shine  
**John Lawrence**- Lawrenson Group  
**Logan Hughes**-Agenda Restuarant

An election was not required to form the committee.

### 2.2 Business Awards

The 3<sup>rd</sup> Annual Hamilton Central Business Awards were held on 24<sup>th</sup> July 2014 . Over 80 businesses participated in what was a joint people's choice and mystery shopping voting system. Over 250 people attended the gala prize giving event held at Sky City and hosted by TV and radio show host Duncan Gardiner.

### 2.3 HCBA proposal to manage Garden place

HCBA appreciated the support of our proposal to manage Garden place at the workshop in October. We are currently preparing a business and marketing plan as the next stage.

This will be submitted to HCC early in the new year for consideration.

### 2.4 HCBA conducted a shopper's survey

During December 2012 we conducted a shopper's survey. These results which contained 4 key questions will be collated and shared with our members early in the new year.

#### **2.4 Website and social media development**

The further development of the HCBA website [www.hamiltoncentral.co.nz](http://www.hamiltoncentral.co.nz) during the year was a key piece of work. During the year we were able to lift the number of visitors from 7000 per month to around 10,000 per month.

We have also significantly increased our facebook likes and it has now become a valuable tool for our members to promote events and activities at an instant and immediate response level.

### **3.0 Future Focus**

#### **3.1 Strategic alliances**

The HCBA will maintain strategic alliances with a number of influential business groups around the city. We have become members of organisations such as, The Waikato Chamber of Commerce, The NZ Property Council (Waikato Branch) . We also have close association with groups such as Casabella Marketing Group, the Claudelands/Theatres Unit of HCC, Mystery Creek Fieldays, PINZ, Centre Place Management, Hamilton Waikato tourism and the Accor Group. We believe by being either active members or close associates of such group's organisations we are better able to achieve our goals and the aspirations that HCC has for the central city.

#### **3.1 Retail/Hospitality promotions**

HCBA now run monthly shoppers competitions this started with a December campaign for 2 lucky shoppers to win free car parking for a year. Over 300 hundred entries were received. Each month the prize package changes and shoppers need to spend \$25.00 in the city, keep the receipt and enter online. All information is on our web site.

The strategic plan to reward loyal shoppers and continue to grow our facebook and web site hits for future marketing and promotion.

#### **3.2 YouTube**

HCBA has intentions to establish its own You Tube channel in the next six months as another means of promoting the central city and individual businesses. We are currently uploading video clips of events and of noteworthy promotions onto our web site and facebook pages and wish to extend this out to our members. This will reach Hamilton residents and visitors to the city.

#### **3.3 Other event leverage**

HCBA believes there is greater opportunity to make the most of what we already have in terms of events associated with the city. HCBA GM is now a trustee on the Christmas tree and Christmas parade trust which has plans to review and enhance both events in the coming year. Developments with the lantern festival look promising with the major sponsor Sky city and Rotary club now involved. BOW now back in the city with the street parade.

**4.0 Recommendation**

The HCBA recommends that this report and its attachments are received by Hamilton City Council.

Greg Wills  
Chairman Hamilton Central Business Association

**Committee:** Business and Investment  
Subcommittee

**Date:** 13 May 2015

**Report Name:** Hamilton Alcohol Control  
Bylaw

**Author:** Brendan Stringer

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<b>Status</b>	<i>Open</i>
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This Report will be circulated prior to the Meeting.

## Resolution to Exclude the Public

### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Business and Investment Subcommittee Public Excluded Minutes 13 November 2014	) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Business and Investment Subcommittee Action List - Public Excluded - 13 May 2015	)	
C3. Property Development Sites - Update		
C4. Update on the Beggs Wiseman Building		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C4.	to enable Council to carry out negotiations to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)

**Committee:** Business and Investment Subcommittee

**Date:** 13 May 2015

**Report Name:** Hamilton Alcohol Control Bylaw - Draft bylaw and engagement plan

**Author:** Liz Hallsworth

<b>Report Status</b>	<i>Open</i>
<b>Strategy, Policy or Plan context</b>	<i>Central City Transformation Plan, Central City Safety Plan.</i>
<b>Financial status</b>	<i>The review of bylaw is covered with existing budgets.</i>
<b>Assessment of significance</b>	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

## 1. Purpose of the Report

2. To present a draft Hamilton Alcohol Control Bylaw (Attachment 1), following the review of the Hamilton City Public Places Liquor Control Bylaw 2010, and a draft communication and engagement plan for consideration (refer Attachments 2 and 5).
3. The Business and Investment subcommittees' feedback is sought.

## 4. Executive Summary

5. At its meeting on 8 April 2015, the Strategy and Policy Committee determined that a bylaw was the most appropriate mechanism to address issues associated with consumption and possession of alcohol in a public place (determination report - [Item 7](#)).
6. The Bylaw is required to be reviewed by September 2015, a period of 5 years since it was made.
7. The Draft Hamilton City Alcohol Control Bylaw prohibits or controls the consumption and possession of alcohol in specified public places.
8. Currently there are 24/7 bans in the Central City Area and Te Rapa area. A further 10pm to 6am ban applies city wide.
9. Due to the need to meet new legislative requirements, high level discussion has been held with NZ Police, Waikato DHB and early input from key stakeholders has been sought, including CitySafe staff. Please refer Attachment 3 – Data provided by the NZ Police.
10. Amendments to the Local Government Act 2002 require, before making a new/replacing or continuing a bylaw relating to consumption and possessions of alcohol in a public place, Council be satisfied that a high level of crime or disorder is caused or made worse by the consumption of alcohol in a public place and that the proposed / continued control is a reasonable restriction on people's rights in light of that evidence.

11. Based on this a 'no change approach' to the bylaw is recommended. Several updates are recommended to the bylaw in terms of;
  - Key terminology
  - Extending definition of 'public place' to align with legislation
  - Greater clarity around the ability for the police to issue an infringement fine in addition to the power of arrest
  - Clarification within the bylaw in terms of special license vs council ban area
12. These changes have been outlined, refer Attachment 4.
13. A report on the proposed bylaw will be developed, including the feedback from this subcommittee, and presented to 26 May Strategy and Policy Committee to go out for public engagement.

#### **14. Recommendations from Management**

15. That the report be received;
16. Draft Statement of Proposal Report with draft Bylaw be sent to the 26 May 2015 Strategy and Policy Committee for adoption for public consultation.

#### **17. Attachments**

18. Attachment 1 - Draft Hamilton City Alcohol Control Bylaw 2015
19. Attachment 2 - Draft engagement plan
20. Attachment 3 - Data provided by the NZ Police
21. Attachment 4 - Outline of changes to the bylaw
22. Attachment 5 - Draft communication plan

#### **Signatory**

Authoriser	Brian Croad, General Manager City Environments Group
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# Hamilton City Council BYLAWS



Approved By: Council	Date Adopted :
Date In Force:	Review Date:

## **DRAFT HAMILTON ALCOHOL CONTROL BYLAW 2015**

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002 and any amendments to that act.

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SCHEDULE 1: ALCOHOL BAN AREAS-----	5

# Hamilton City Council

## BYLAWS

### 1. TITLE

1.1. This bylaw is the Hamilton Alcohol Control Bylaw 2015.

### 2. PURPOSE

2.1. The purpose of this bylaw is to control the consumption and or possession of alcohol in public places in Hamilton City to reduce alcohol related harm and enhance safety.

2.2. The bylaw is made under the authority of the Local Government Act 2002 and applies to Hamilton City Council District.

### 3. DEFINITIONS

3.1. In this bylaw except where inconsistent with the context:

<b>Alcohol</b>	Has the same meaning given by s5(1) of the Sale and Supply of Alcohol Act 2012. <i>Explanatory note: As at 1 December 2014, the definition of alcohol means a substance</i> (a) that— (i) is or contains a fermented, distilled, or spirituous liquor; and (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or (b) that— (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people
<b>Alcohol Ban Area</b>	Means a place specified in this bylaw, and in respect of which the prohibitions and controls in this bylaw will apply at any specified time day or an event. <i>Explanatory note1: alcohol ban areas are outlined in Schedule 1 of this bylaw and excludes any licensed premises.</i> <i>Explanatory note 2: As at 1 December 2014 under section 147(4) of the Local Government Act 2002, the prohibitions in clause 4 do not apply to alcohol in an unopened container in the following circumstances;</i> a) the transport of the alcohol from licensed premises next to a public place, if— (i) it was lawfully bought on those premises for consumption off those premises; and (ii) it is promptly removed from the public place; or (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or (d) the transport of the alcohol from premises next to a public place to a place outside the public place if— (i) the transport is undertaken by a resident of those premises; and (ii) the alcohol is promptly removed from the public place.
<b>Council</b>	Means Hamilton City Council.
<b>Event</b>	Means an organised activity involving large groups of people engaged in recreational, leisure or similar pursuits either as participants or spectators and includes sports meetings, carnivals, craft or trade fairs, displays and the like.
<b>Licensed Premises</b>	Has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012. <i>Explanatory note: As at 1 December 2014, the definition of licensed premises means any premises for which a licence is held.</i>

# Hamilton City Council

## BYLAWS

<b>Public Place</b>	Has the same meaning given by s147(1) of the Local Government Act 2002. <i>Explanatory note: As at 1 December 2014, the definition of public place -</i> <i>(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but</i> <i>(b) does not include licensed premises.</i>
<b>Special License</b>	Means the type of license detailed in section 22 of the Sale and Supply of Alcohol Act 2012.

3.2. Explanatory notes are for information purposes only. They do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time without a formal process.

3.3. Any reference to an act or regulation in this bylaw should be read as a reference to the act or regulation and any future amendments to, or replacements of the act or regulation.

#### 4. PERMANENT ALCOHOL BANS

4.1. No person may:

- a) bring alcohol into an alcohol ban area specified in Schedule 1; or
- b) consume alcohol in an alcohol ban area in Schedule 1, or in a vehicle within an alcohol ban area; or
- c) possess alcohol in an alcohol ban area specified in schedule 1, or in a vehicle within an alcohol ban area.

unless an exemption or special licence applies.

#### 5. EXEMPTIONS

5.1. Any person may apply to the Chief Executive of Hamilton City Council (or the Chief Executive's nominated representative) for any exemptions by prior written permission for any activity that would be in breach of any prohibition under this bylaw.

5.2. In considering such an application, a decision will be made in consultation with the New Zealand Police.

5.3. Where this is done, a minimum 7 days of public notice must be given prior to the start date of the activity that is granted an exemption.

5.4. Fees maybe prescribed for processing the requests for these exemptions.

#### 6. SPECIAL LICENCES

6.1. This bylaw does not limit any individual or organisation (corporate or otherwise) from obtaining a special licence pursuant to section 22 of the Sale and Supply of Alcohol Act 2012, for any event to be held in an alcohol ban area.

6.2. Clause 4 and 7.1 of this bylaw shall not apply to the consumption or possession of alcohol acquired pursuant to a special licence granted (by the District Licensing Committee) for a public event held within an alcohol ban area, when the alcohol is being consumed within the specified area as part of that public event.

#### 7. TEMPORARY ALCOHOL BANS

7.1. In addition to clause 4, Council may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as an alcohol ban area for a particular time period relating to a specified event or a particular time of the year.

# Hamilton City Council

## BYLAWS

7.2. Where this is done, a minimum 7 days of public notice must be given prior to the start date of the temporary ban.

7.3. The details of the alcohol ban area, and when the provisions of this bylaw shall apply will be made publically available.

### 8. AMENDING ALCOHOL BANS

8.1. Council may amend or revoke an alcohol ban in accordance with the Local Government Act 2002 (Subpart 1 of Part 6).

8.2. Council may make resolutions to amend the alcohol ban areas in accordance section 147B of the Local Government Act 2002.

### 9. SIGNAGE

9.1. The Council may display signs within the alcohol ban area to provide information to the public on the terms of the Bylaw.

9.2. The absence of signage is not a defence against breach of this bylaw.

### 10. POWERS OF THE POLICE

10.1. In an alcohol ban area, in accordance with sections 169 and 170 of the Local Government Act 2002, Police may:

- a) search a container in the possession of a person who is in or entering and alcohol ban area.
- b) search a vehicle that is in or entering an alcohol ban area.
- c) seize and remove alcohol and its container if the alcohol is in an alcohol ban area in breach of the Bylaw and ;
  - (i) arrest a person the Police finds committing an offence;
  - (ii) arrest a person who has refused to comply with a request by a member of the Police:
    - to leave the alcohol ban area, or
    - to surrender to a member of the Police the alcohol that, in breach of the Bylaw, is in the person's possession.

### 11. OFFENCES AND PENALTIES

11.1. Any person who does not comply with the provisions of this Bylaw commits an offence.

11.2. An offence under this bylaw is liable to a penalty under the Local Government Act 2002.

*Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of \$250 under the Local Government Act (Alcohol Ban Breaches) Regulations 2013.*

The COMMON SEAL of the HAMILTON CITY COUNCIL  
was hereunto affixed in the presence of:

Councillor: .....

Councillor: .....

Chief Executive: .....

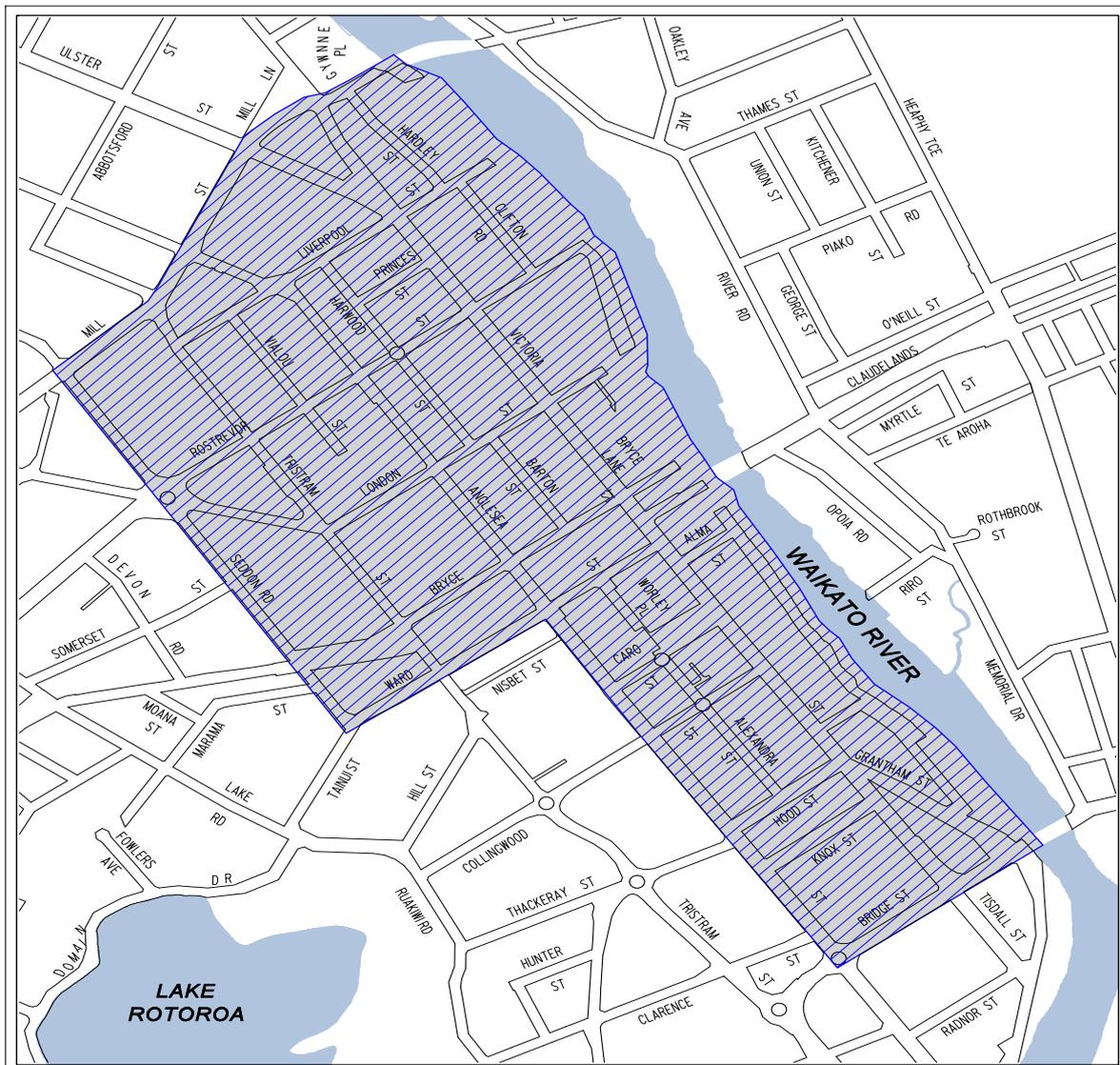
# Hamilton City Council BYLAWS

## SCHEDULE 1: ALCOHOL BAN AREAS

1. Between the hours of 10pm and 6am, all public places within the jurisdiction of Hamilton City Council are alcohol ban areas for the purposes of this bylaw.

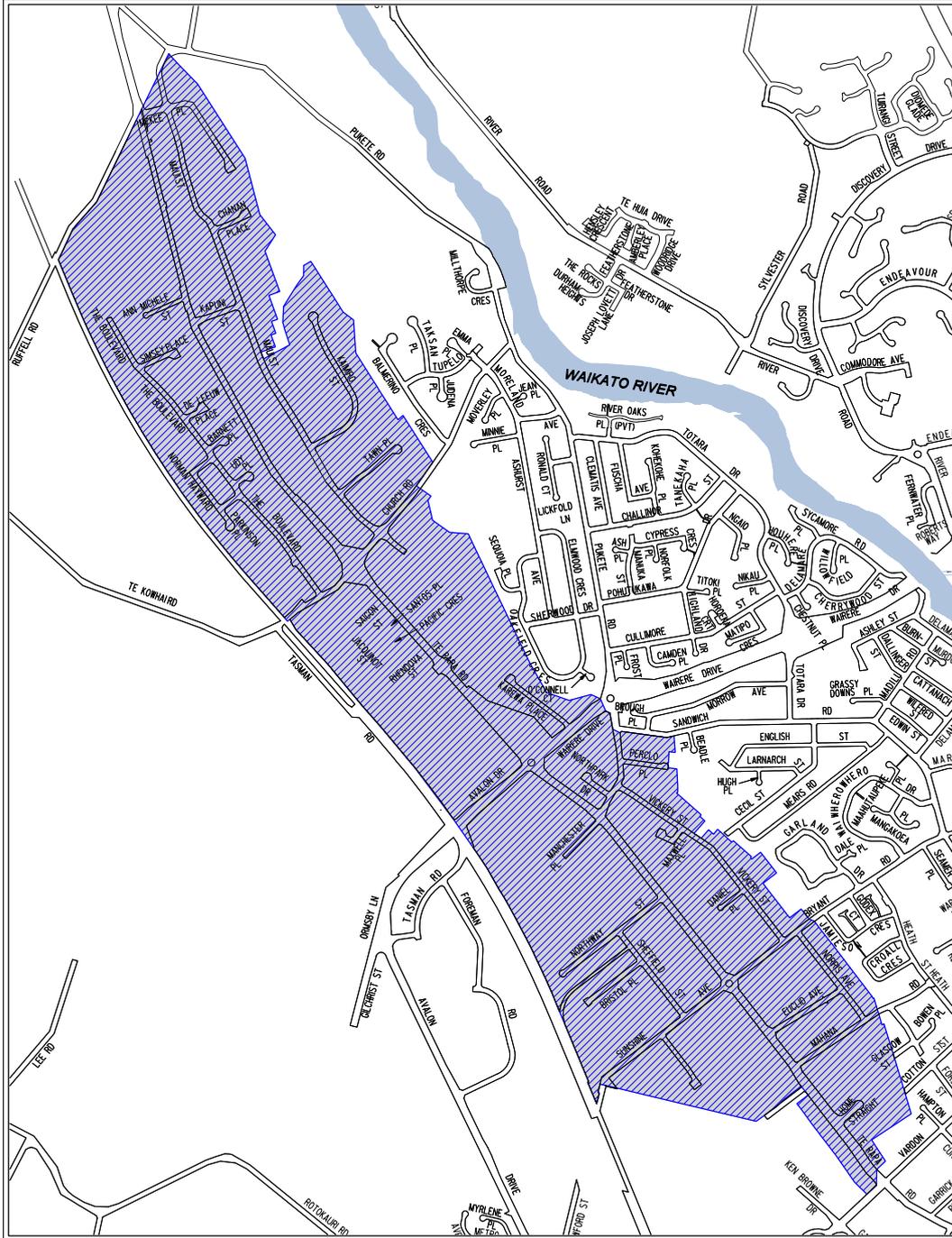
Outside of these hours, public places within the following areas of Hamilton City are alcohol ban areas:

2. As shown by the shaded area in the map below, the area bounded by, and inclusive of:
  - Mill Street from Seddon Road to the Waikato River
  - Seddon Road from Mill Street to Ward Street
  - Ward Street from Seddon Road to Anglesea Street
  - Anglesea Street from Ward Street to Bridge Street
  - Bridge Street from Anglesea Street to the Waikato River
  - The Waikato River between Mill Street and Bridge Street



# Hamilton City Council BYLAWS

3. As shown by the grey shaded area in the map below, the following parts of Te Rapa:



## DRAFT ENGAGEMENT PLAN FOR THE PROPOSED HAMILTON CITY ALCOHOL BYLAW 2015.

### KEY MESSAGES

The proposed Hamilton City Alcohol Control Bylaw 2015 prohibits and controls the possession and consumption of alcohol in the city.

- The Alcohol Control Bylaw aims to reduce alcohol-related harm, crime and disorder and provide a safe city environment.
- Hamilton City Council has worked closely with the New Zealand Police and Waikato DHB to review the Bylaw.
- It is a legislative requirement that the bylaw is reviewed five years after being made.
- The Alcohol Control Bylaw sets out alcohol ban areas in Hamilton; it is different to the Local Alcohol Policy which regulates the sale of alcohol.
- The proposed bylaw is not different in principal to the current bylaw. Council has only proposed to update wording to the bylaw to reflect changes to the Local Government Act 2002 and the Sale and Supply of Alcohol Act 2012.
  - Key terminology
  - Extending definition of 'public place' to align with legislation
  - Greater clarity around the ability for the police to issue an infringement fine in addition to the power of arrest
  - Clarification within the bylaw in terms of special license vs council ban area

STAKEHOLDER	ENGAGEMENT METHOD
<b>Feedback from targeted key stakeholders</b>	Targeted letter seeking feedback
<b>Advisory groups</b>	Attendance at scheduled meetings as required.
<b>Community</b>	Online Feedback Form ( also available in hardcopy) over four weeks (suggested dates are 1 -26 June 2015) <i>NB: No formal submission process and no hearings</i>

### LIST OF TARGETED KEY STAKEHOLDERS

ORGANISATIONS	
1.	ACC
2.	Hamilton Central Business Association
3.	Community Houses and Centres
4.	Hospitality NZ
5.	NZ Fire Services
6.	Older People's Advisory Group
7.	NZ Police
8.	Population Health (Waikato District Health Board)
9.	Safety in CBD Group
10.	Te Runanga O Kirikiriroa / THawk
11.	Waikato University
12.	Wintec
13.	Younger People's Advisory Group

## INFORMATION PROVIDED BY THE NEW ZEALAND POLICE

Figure below maps the trends in recorded violence (blue line), disorders in public places (red line) and breached of the liquor bans (green line) over the period spanning 1998 to 2014 in Hamilton City.



### Introduction of bylaw in 2003 (CBD area ban from Thursday 6:00pm to Sunday 7:00am)

- Enforcement of the bylaw by Police leads to the recording of liquor ban breach offences by the Police. This contributes to a significant decline in violence and disorder in public places.

Bylaw was **reviewed in 2005** and the hours of ban in CBD were extended to 24/7.

- The use of the breach of liquor ban offence by Police is considered a vital component of the policing tool box. Using Prevention First methodology, by intervening at low level offending Police can keep people out of the criminal justice system while reducing the seriousness of harm caused through excess alcohol consumption, in terms of both offending and victimisation.
- Levels of public place violence and disorder can fluctuate depending on the range of methods used in policing the CBD. For example, increasing the numbers of police staff in the CBD at “hot times” can increase the numbers of offences detected, but reduce the seriousness of those offences.

**2007 bylaw** introduced a 24/7 ban in Te Rapa area in addition to the existing 24/7 CBD ban.

- The addition of Te Rapa area was mainly a response to the identified issue of illegal street racer activity in the area.
- Effective enforcement of the Te Rapa liquor ban area provided another opportunity for Police to address community concerns regarding illegal street racer activity.

Liquor ban enforcement in conjunction with a range of other police responses led to a significant decline of those issues in the Te Rapa area.

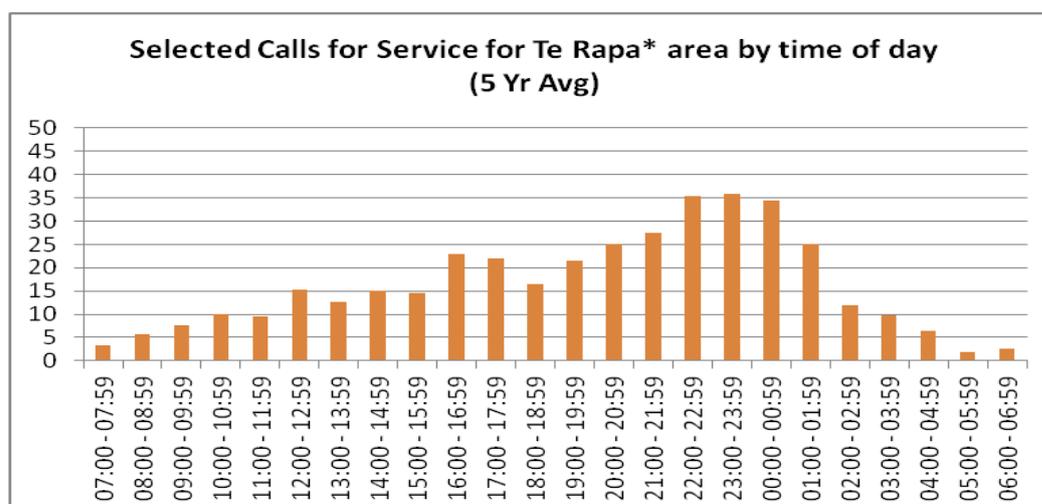
- Illegal street racer activity fluctuates across time and space. Enforcement in some areas can lead to displacement of illegal activity to other locations; the very nature of vehicular-based offending is that it is mobile. While illegal street racer activity in Te Rapa had been minimal over the last few years, recent indications are that there may need to be a refocus on the Te Rapa area again.
- The average number of violence and disorder calls for service in Te Rapa (by hour band for the last five years – see graph below). The hot times **are between 10pm and midnight**. This is earlier than in the CBD, which allows Police the opportunity to manage different parts of city over time.

**2010 review** of the bylaw included the introduction of an additional citywide ban (10pm to 6am).

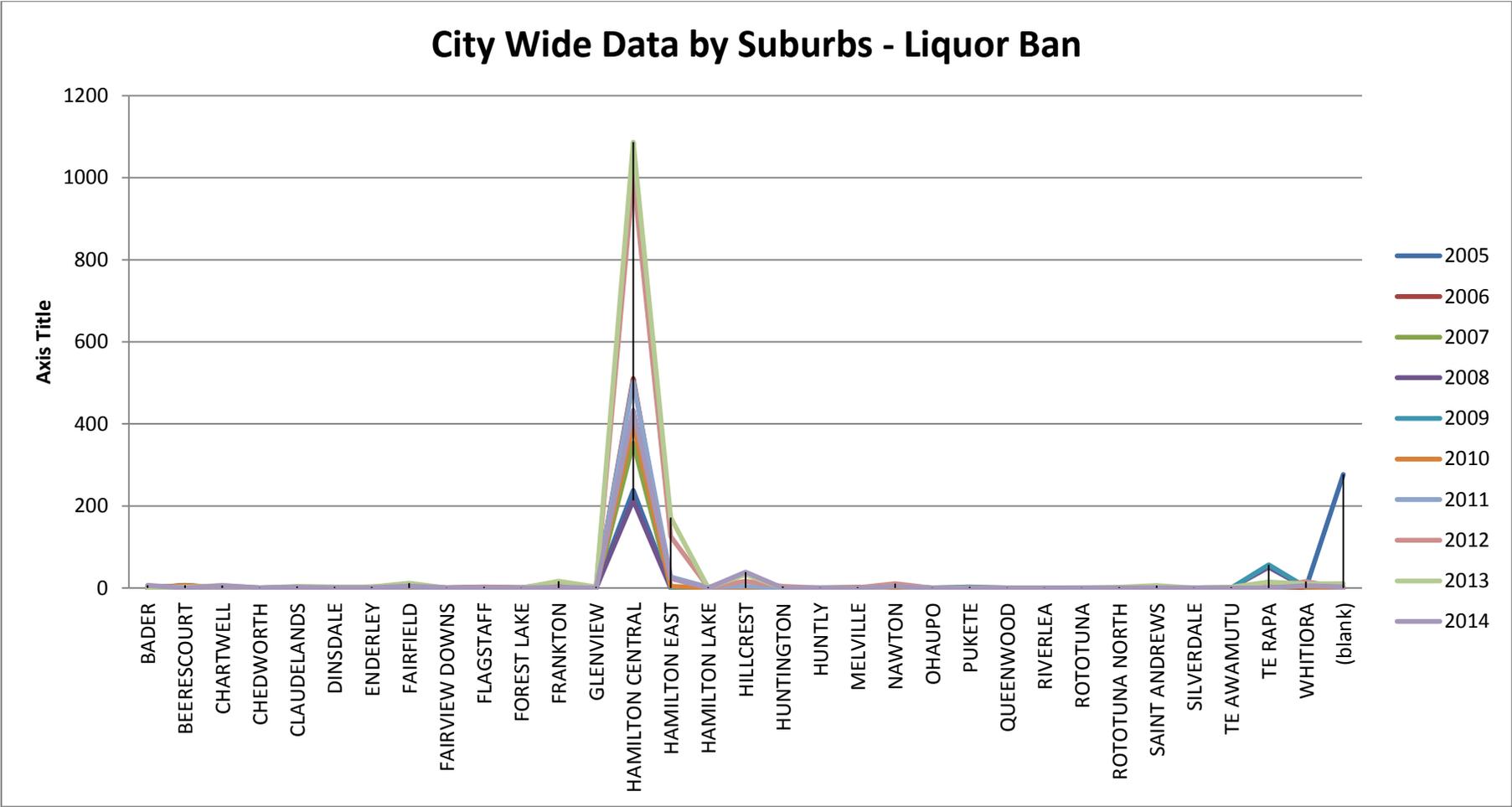
- The response was mainly to address the issue of out of control residential parties in the suburbs and people walking into the CBD consuming alcohol after pre-loading in residential areas.
- Police state that this ban has proven to be an effective tool in addressing nuisance and violence behaviour in residential areas.
- Please note that from 2011 onwards there is an increase in disorder in public places and a marked increase in liquor ban breaches. This was driven in large part by changes in Police tactics (including the introduction of specialist policing teams and a zero tolerance approach to initiate a culture change).
- Some of the increase in public place disorder may be linked to the Psychoactive Substances Act 2012 coming into force and the opening of legal high shops in Hamilton. The period of extra enforcement shows a significant decrease in violence in public places.
- Local Government Act was amended in 2012 providing the NZ Police with the ability to deal with liquor ban breaches by way of infringements, rather than arrest. There is some indication that use of infringements has proven to be a more effective tactic.

## Te Rapa

Graph below shows the number of calls for services (violence and disorder) in Te Rapa by hour band for the last five years. The ‘hot’ times **are between 10pm and midnight**.



### City Wide Data by Suburbs - Liquor Ban



## Outline of changes to the Bylaw

Issue Addressed	Current Bylaw	Proposed Bylaw	Reasons / Notes
<b>Name of the bylaw</b>	The Hamilton City Public Places Liquor Control Bylaw	Hamilton City Alcohol Control Bylaw	Liquor is now referred to as 'alcohol' in legislation – alignment with legislation.
<b>Purpose of bylaw</b>	<ul style="list-style-type: none"> <li>Control of consumption/possession of liquor in public places</li> <li>Protecting public from nuisance; promoting and maintenance of public health and safety</li> <li>Minimise potential for offensive behaviour.</li> </ul>	<ul style="list-style-type: none"> <li>Control of consumption/possession of alcohol in public places</li> <li>Reduce alcohol related harm and enhance safety</li> </ul>	Streamlined wording and more specific purpose as the bylaw only addresses issues in relation to alcohol and alcohol related nuisance behaviour.
<b>Definition</b>	Event, liquor, specified public place, territorial authority.	Alcohol Ban Area (replaces Specified public place) Public Places – updated definition to reflect legislative change. Other definitions include, Alcohol, Event, Council, Licensed premises and special licenses.	Definitions updated to reflect legislative changes, and provide more user friendly language.
<b>Control of Liquor</b>	Section 7.0 – control of liquor This section creates liquor bans.	Section 4.0 - permanent alcohol bans Section remains the same with the addition of 'unless an exemption or special license applies'	Section heading renamed to provide better clarity. Additional wording included to provide the clarity for where operators hold a special license to serve alcohol within an alcohol ban area.
<b>Amending ban areas</b>	Section 8.0 – Council may add, amend, delete a specified public place This section addresses council's ability to amend ban areas and introduce temporary ban areas.	Section 7: Temporary alcohol bans This section addresses the ability of council to create temporary bans and uses the same wording as the current bylaw Section 8 – amending alcohol bans This section states that council may amend, revoke an alcohol bylaw in accordance with the LGA The sections also specifically state the council's ability to make resolutions.	

<b>Criteria for adding or modifying alcohol bans</b>	Section 8.0 outlines council criteria for adding or modifying a ban area	Proposed bylaw does not address this issue	The criteria for adding or amending a ban area (including temporary bans) are outlined in the Local Government Act. Stating within the bylaw is not thought to add value to the bylaw.
<b>Breach</b>	Section 9 outlines breach	Section 11 outlines offences and penalties	Proposed bylaw looks at offences and penalties together as it reads better in this bylaw and makes the bylaw more user friendly to the general public.
<b>Exceptions</b>	Section 10 outlines exceptions made to licensed and other premises.	Proposed bylaw does not address this issue.	LGA very clear that a public place cannot be included as a public place
<b>Special Licenses</b>	Section 11 states that the bylaw does not limit any one acquiring a special license.	Section 6 of the proposed bylaw addresses the issue of special license and states that the ban conditions would not apply if the operator has a special license.	Intention of the current bylaw was that the special licensees, should not have to go through the licensing process and an additional council process to operate under a special license. The council waiver/exemption is more meant for BYO events where the operators need to hold an event within a ban area.
<b>Dispensation</b>	Section 12 outlines the CE dispensation.	Section 5 of the proposed bylaw addresses the issue of council waiver.	
<b>Powers of the Police</b>	Section 13 outlines the powers of the police as state in the LGA	Section 10 outlines the powers of the police	Proposed bylaw streamlines the wording and aligns with the LGA
<b>Penalties</b>	Section 14 outlines the penalties.	Section 11 outlines the penalties along with the offences.	LGA has granted the NZ Police additional powers of an infringement fine.
<b>Schedule</b>	Schedule 1 outlines the ban areas	No change from the current bylaw	
<b>Other changes</b>		Explanatory notes have been inserted where appropriate and provide greater clarity. Clause 3.2 states that the explanatory notes are not part of the bylaw Clause 3.3 states that references to acts, regulations should be read as reference to the act/regulation and any future amendments to or replacement of the act or regulation. included in a clarifying clause about signage.	Clause 3.3 has been inserted to address the issue where legislation referred to in the act have been amended or replaced.



## Review of the Public Places Liquor Control Bylaw DRAFT April 2015

### Communication goal/objectives

- Communicate the proposed changes to the Public Places Liquor Control Bylaw to key stakeholders and the public.
- Find out what key stakeholders and the general public think about the proposed changes to the bylaw.
- If adopted - educate stakeholders on the changes.

### Audiences

Internal audiences	Key Stakeholders	General external audiences
Elected Members	ACC	Hamilton residents
Senior Leadership Team	Hamilton Central Business Association	Media local
City Safe team	Community Houses and Centers	
	Hospitality NZ	
	NZ Fire Services	
	Older People's Advisory Group	
	NZ Police	
	Population Health (Waikato District Health Board)	
	Safety in CBD Group	
	Te Runanga O Kirikiriroa	
	Waikato University	
	Wintec	
	Younger People's Advisory Group	

### Key messages

- The Public Places Liquor Control Bylaw aims to reduce alcohol-related harm, crime and disorder and provide a safe city environment.
- The Public Places Liquor Control Bylaw sets out liquor ban areas in Hamilton; it is different to the Local Alcohol Policy which regulates the sale of alcohol.
- The Council is proposing some changes to the Public Places Liquor control Bylaw.
- Hamilton City Council has worked closely with the Waikato DHB and the police to review the Public Places Liquor Control Bylaw 2010.
- The Council wants to know what you think about the proposed changes to the Liquor control bylaw.
- You can have your say on the proposed Public Places Liquor Control Bylaw 2015 until from XXX until XXX
- The Public Places Liquor Control Bylaw sets out liquor ban areas in Hamilton; it is different to the Local Alcohol Policy which regulates the sale of alcohol.

### Communication risks

Identify what risks we need to overcome during the communication process.

Risk	Mitigation
Key stakeholders and the public don't know about the consultation.	Direct communication to key stakeholders Engage key stakeholders to get their input into the draft bylaw
The bylaw may be confused with the Local Alcohol policy.	Clearly communicate purpose of the Public Places Liquor Control Bylaw. Ensure website clearly shows purpose of each of these.
Questions may be raised around enforcement of the bylaw and whether the bylaw is necessary.	Communicate examples of how the bylaw is effective and how it is enforced.
People don't understand the purpose of the proposed bylaw and think that it is just another way for the Council to fine people.	Clearly communicate purpose of bylaw and provide examples of when it has been effective.

### Strengths and opportunities

- Key stakeholders have already been clearly identified and some have already been engaged.
- Opportunity to promote the Council's commitment to making our city safer. (*Citysafe, Hamilton City Safety Plan*)
- Opportunity to remind the public of the Liquor Ban areas.

### Communication phases

Communication will predominately be with key stakeholder groups. As key stakeholders have been offered the opportunity to provide input into the draft bylaw there will be no public hearings or drop-in information sessions.

- Prior to the Council meeting
- Post Council meeting
- Consultation period
- Post consultation period
- Launch of bylaw –if adopted
- Promotion

## Tactics

Tactic	Context	Responsibility	Timing	Completed
<b>Pre Strategy and Policy Meeting 24 Feb early engagement</b>				
Meetings with key stakeholders	<ul style="list-style-type: none"> <li>To get their input into the draft bylaw</li> </ul>	Strategy and Research	TBC	
<b>Post Strategy and Policy meeting</b>				
Media advisory	<ul style="list-style-type: none"> <li>Communicating proposed changes to the bylaw</li> <li>Start of consultation and how to have your say.</li> </ul>	Communication Advisor	TBC	
Public notice	<ul style="list-style-type: none"> <li>Start of consultation and how to have your say.</li> </ul>	Strategy and Research/ Communication Advisor to proof	TBC	
Letter/email to key stakeholders	<ul style="list-style-type: none"> <li>Inviting them to make a submission with link to Citizen Space page</li> </ul>	Strategy and Research/ Communication Advisor	TBC	
City news story		Communication Advisor	TBC	
Bylaw fact sheet	<ul style="list-style-type: none"> <li>Create a factsheet using the factsheet template, upload to Citizen Space</li> </ul>	Communication Advisor	TBC	
Website Citizen space online submission form	<ul style="list-style-type: none"> <li>Create landing page</li> <li>Create Citizen Space page</li> <li>Upload factsheet, draft bylaw and Statement of proposal</li> </ul>	Strategy and research/ Communication Advisor	TBC	
Hard Copy Submission forms	To libraries and HCC reception	Strategy and research	TBC	
Social media strategy and posts		Communication Coordinator	TBC	
Internal	<ul style="list-style-type: none"> <li>Daily Mail</li> <li>Velocity</li> <li>Key messages and Q&amp;As for call Centre</li> <li>Executive update</li> </ul>	Communication Advisor	TBC	
Media advisory	<ul style="list-style-type: none"> <li>Reminder that consultation period is coming to an end - link to submission page</li> </ul>	Communication Advisor	TBC	
<b>Post consultation</b>				

Email to submitters and key stakeholder groups	<ul style="list-style-type: none"> <li>• With outcome of the consultation</li> </ul>	Communication Advisor	TBC	
Media advisory	<ul style="list-style-type: none"> <li>• With outcome of the consultation</li> </ul>	Communication Advisor	TBC	
Post adoption of bylaw – to be developed				