

Notice of Meeting:

I hereby give notice that an ordinary meeting of Strategy & Policy Committee will be held on:

Date: Tuesday 29 September 2015
Time: 1:00pm
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Strategy & Policy Committee OPEN AGENDA

Membership

Chairperson	Cr A O'Leary
Deputy Chairperson	Cr A King
Members	Her Worship the Mayor J Hardaker Cr G Chesterman Cr M Forsyth Cr M Gallagher Cr K Green Cr D Macpherson Cr G Mallett Cr R Pascoe Cr L Tooman Cr E Wilson Cr P Yeung

Quorum: A majority of members (including vacancies)

Meeting Frequency: Six weekly

Brendan Stringer
Committee Advisor

22 September 2015
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Terms of Reference:

- To develop and recommend strategies, plans and policies to the Council that advance the Council's vision and goals, and comply with the purpose of the Local Government Act.
- To monitor implementation and effectiveness of strategies, plans and policies.
- Develop and recommend bylaws to the Council.
- Develop and approve submissions to government, local authorities and other organisations.

Power to act:

- Recommend all strategies, policies and plans.
- Approve all submissions made by Hamilton City Council to other Councils, central government and other bodies.
- Recommend reserve management plans.
- In relation to bylaws, approve for consultation and consider submissions.

Power to recommend:

- Bylaws to Council.
- Strategies, policies and plans.
- Reserve management plans.

Sub-committees:

This Committee will be supported in its work by the:

- Civil Defence and Emergency Management Sub-committee.
- Community Forum Sub-committee.
- Business and Investment Sub-committee.
- Hearings Sub-committee.

Matters may be referred to this Committee from the:

- Event Sponsorship Sub-committee.
- External Funding Sub-committee.
- Council Controlled Organisations (CCO) Sub-committee.

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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.

4 Public Forum

The public forum procedure does not apply for this Meeting.

Committee: Strategy & Policy Committee **Date:** 29 September 2015
Report Name: Local Alcohol Policy (LAP) - deliberations report **Author:** Kelvin Powell

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>City Safety Plan</i>
Financial status	<i>There is budget allocated within operating budgets for the development of the LAP and subsequent PLAP.</i>
Assessment of significance	<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. This report recommences the LAP development process. It provides a recap on the legislatively required public consultation process, key submission content and identifies a range of areas where changes to the draft LAP could be considered to inform Council deliberations and subsequent decision making.
3. Council direction is sought to allow the development of a Provisional Local Alcohol Policy (PLAP).

4. Executive Summary

5. Council developed a draft Local Alcohol Policy (LAP) as set out in the Sale and Supply of Alcohol Act (SSAA) 2012.
6. The Special Consultative Procedure was undertaken and included hearings held 28 March 2014.
7. Deliberations and decision making were deferred at this point until the Alcohol Regulatory Licensing Authority (ARLA) had made decisions on the Wellington and Tasman LAP appeals and some key issues were resolved.
8. This information is now available and the LAP development process can recommence.
9. This report summarises the submissions received on the draft Policy through the consultation process and identifies issues and a range of options for Council consideration. Analysis is provided to help inform Councils deliberations and subsequent decision making.
10. Direction is sought from Council to allow the development of a Provisional LAP.

11. Recommendations from Management

- a) That the report be received.
- b) That Council confirm a recommended option for each item in the 'Issues and Options report (Attachment 3) and that these changes to the draft LAP be reflected in the development of the Provisional Local Alcohol Policy.
- c) That in addition to these changes, the content of the policy be streamlined wherever possible and the language/content be simplified to reflect ARLA advice that a policy should be short and concise.
- d) That the Provisional Local Alcohol Policy (PLAP) be brought back to Strategy and Policy Committee for adoption on 3 November 2015.

12. Attachments

13. Attachment 1 - Submissions Analysis Report
14. Attachment 2 - Draft Local Alcohol Policy
15. Attachment 3 - Issues and Options for deliberations

16. Key Issues

17. Background
18. A draft LAP (Attachment 2) was developed using a Councillor Working Group over the last six months of the previous Council. It consisted of Her Worship the Mayor and Councillors O'Leary, Forsyth, Bos, Gallagher, and Westphal.
19. Council considered a draft LAP on [21 November 2013](#) and approved the draft LAP for consultation on [28 November 2013](#).
20. Public consultation opened on 14 January and closed on 17 February 2014.
21. In total 95 submissions were received with 36 submitters scheduled to be heard.
22. Hearings were held [28 March 2014](#). Council subsequently deferred until ARLA have heard the first 2 appeals before the Authority as these both raised fundamental issues which will have consequences for all draft LAPs.
23. A LAP update was provided to a Councillor briefing in September 2014 and later in May 2015.
24. It was agreed at the 12 May briefing meeting that the Councillor LAP working group would reconvene to begin progressing this work again.
25. Members of the working group met 22 July 2015 (Her Worship the Mayor and Councillors O'Leary, Tooman and Pascoe) and requested that deliberations recommence and be scheduled for a September Strategy and Policy Committee meeting.
26. Legislative requirements or legal issues
27. The Sale and Supply of Alcohol Act 2012 (SSAA) allows for Councils to develop a Local Alcohol Policy (s75).
28. LAPs are optional.
29. The purpose of a LAP is for local authorities, through alcohol licensing policies, to minimise alcohol-related harm in their community and ensure that the sale, supply and consumption of alcohol is undertaken safely and responsibly.

30. A LAP can only deal with matters relating to licensing:
- The location of licensed premises near certain types of facilities, such as in specific neighbourhoods or near schools for example.
 - The density of licensed premises by specifying whether further licences or types of licences should be issued for premises in the district or in a particular area.
 - ‘One-way door’ conditions for licensed premises that would allow patrons to leave premises but not enter or re-enter after a certain time.
 - Discretionary conditions in a licence.
 - Restrictions or extensions to the maximum trading hours set in the new Act which are 8am - 4am for on-licences (such as pubs and restaurants) and 7am - 11pm for off licences (such as bottle stores and supermarkets).
31. Once a LAP is in place, the District Licencing Committee (DLC) must consider the policy when they make decisions on licence applications.
32. The Act requires the use of the Special Consultative Procedure (SCP) for the draft LAP.
33. Then a provisional policy (PLAP) needs to be adopted and an appeal process commences.
34. High level summary of issues
35. The issue of alcohol related harm is emotive and as a result the feedback reflected polarised views. There are many individuals and community organisations who submitted in support of the policy and/or who are looking for a tougher policy. Equally, there are many submissions from the industry and licencees seeking fewer restrictions.
36. A list of the submitters with full copies of submissions was been made available on [Council’s website](#) on Friday 7 March 2014.
37. A Submissions Analysis Report is attached (Attachment 1). This outlines the submitter points in detail combined with a staff response.
38. This following table outlines the level of support for the draft policy.

	Support policy	Oppose policy	Not Stated
Individuals	21	5	5
Industry representatives	1	1	3
Off-licences + Clubs + Remote sellers	1	6	12
On-licences	6	1	17
Community representatives	7	2	5
Total (93)	36	15	42

39. In summary the key issues raised by submitters were as follows:
40. On-licence trading hours
- On-licences located outside of the central city advocated for longer trading hours. Some submitters identified their preferred maximum trading hours whereas others suggested the policy should reflect the national default hours (8am-4am the following day) and allow the District Licencing Committee (DLC) to apply discretion on a case by case basis.
 - A group of submitters questioned the reasoning for departing from the default hours outlined in the Act and the evidence and reasoning behind this decision. The issue highlights the debate about national consistency versus local issues.
 - A number of submitters challenged the proposed restrictions beyond their current trading hours when they lack the problems associated with longer hours.

- Some submitters recommended that licenced premises in industrial areas be recognized as different from suburban locations and have longer trading hours than premises located in the suburbs.
 - Individuals, community groups and health organisations supported the proposed hours or supported a small reduction for central city on-licences (E.g. commencing at 9am instead of 7am and closing at 1am or 2am instead of 3am).
 - One submitter requested an exemption for trading on New Year's and Christmas Eve.
41. Off-licence trading hours
- Many submitters supported the policy applying to all off-licences and did not support the notion of supermarkets being granted an exemption to trade longer.
 - Conversely, key supermarket corporates strongly disagreed with Council's approach to treat all off-licences the same way and advocated for longer trading hours for supermarkets. In particular, to commence trading in the sale of alcohol at 7am, not the proposed 9am in the draft policy. These submitters also sought the national default hours outlined in the Act. The issue highlights the debate about national consistency versus local issues.
 - Individuals, community groups and health organisations that submitted supported the proposed hours or a small reduction e.g. 9pm closing instead of 10pm.
42. Location restrictions (off licence)
- Many submitters did not understand the implications of clause 5.2.1 and what this means in the context of renewals and change of ownership where a 'new' licence is sought.
 - Submitters expressed concern in relation to the proposed Schedule 1 locking parts of the city with no premises and forcing new premises into existing areas possibly already with a concentration of existing premises. Some suggested that location restrictions will discourage the building of new supermarkets in locations in the city if they are unable to provide for the sale of alcohol.
43. Special licences
- Many submitters suggested that the provisions in the draft policy around special licences were too restrictive or needed further clarification.
44. Proximity and density issues
- A number of submitters advocated for a broadening of 'sensitive site' type categories, the introduction of a 100 metre buffer in terms of proximity to sensitive sites and some advocated for density measures to be considered e.g. a cap on the number of off-licences in the city. Note - the only proximity measure in the draft policy is prohibiting an off licence to locate directly bordering a school.
45. Other issues
- A number of submitters advocated for further consideration of one way door restrictions, some suggesting this be done as a monitored trial.
 - Several submitters requested additional notification of individual applications for licences to assist public involvement in the process.
- 46. Issues and Options**
47. An issues and options report is provided (Attachment 3).

48. This document identifies the key issues raised by submitters, the options Council has to consider in response, and information on the current practice (and the default position if applicable under the Act).
49. For each submission issue, a series of options are identified for Council consideration.
50. For each issue, a recommended option is identified.
51. In some instances, this recommendation is based on an ARLA decision, these are straight forward.
52. In other instances, the recommendations need to consider the purpose of the Act, the nature and level of alcohol-related harm in the district including evidence or lack of and the validity of submission points.

53. Next steps

54. Council needs to deliberate on the issues and confirm its recommendations.
55. The next step in the LAP development process is to adopt and notify the Provisional LAP. This is scheduled for the Strategy and Policy Committee meeting 3 November 2015.
56. Once notified, the policy is open to appeal for a period of 30 days. During this period any person or agency that made submissions on the draft LAP can appeal against any element of the provisional LAP. Appeals are made to the Alcohol Regulatory Licensing Authority.
57. The only ground on which an element of the provisional LAP can be appealed against is that it is unreasonable in light of the Sale and Supply of Alcohol Act 2012 (Act).
58. If no appeals are lodged, the policy is adopted 30 days after its public notification. If appeals are received, Council can adopt and implement the LAP once all appeals are resolved.

59. Financial and Resourcing Implications

60. The cost of developing a draft LAP and PLAP is already budgeted for by re-prioritising existing Strategy and Research Unit budgets.
61. Anticipated costs include legal input, map development, consultation and staff time.
62. Technical input for the development of the LAP/PLAP is to be sourced internally from Strategy and Research and City Safe staff.

63. Risk

64. Appeal
65. Experience around the country suggests that Council's Provisional LAP will likely be appealed to ARLA (all PLAPs that have gone provisional have been appealed with the exception of Ruapehu District Council).
66. Ten appeals have now been dealt with (Tauranga/Western BOP, Thames Coromandel, Wellington, Tasman, Hauraki, Waimakariri, Waitomo, Otorohonga, Waipa, Mata Mata-Piako) and another nine are still awaiting hearing dates.
67. This potential appeal risk has been mitigated by the LAP's robust approach to locations that is consistent with other similar harm related policies such as gambling and prostitution, no discretionary conditions and the use of evidence in developing the key policy principles.
68. Proposed maximum trading hours are likely to be a focus for retailers such as supermarkets who open up to two hours earlier (e.g. 7am) than the proposed 9am restriction for off licences.

- 69. Consent Order process (resubmitting a PLAP)
- 70. A practice note issued by ARLA, 19 March 2015, sets out a new process for Councils dealing with elements of their PLAP that have been reconsidered, either voluntarily (in an attempt to settle out of court) or required by ARLA from a hearing decision.
- 71. When the reconsidered LAP is referred back to ARLA submitters then have the opportunity join as a section 205 party (interested parties) which gives the right to appear and be heard.
- 72. This practice will be difficult for Councils such as Hamilton where a large number of submissions were received. It could result in a number of 'new' appellants/submitters coming on board and the process becoming significantly extended and costly.
- 73. Consultation
- 74. Legal advice suggests the 1 year hiatus between consultation and deliberations is not material to the decision making process as substantive views unlikely to have changed and no other changes have occurred to the operating environment. This 1 year hiatus does not need to be addressed nor require further consultation.

Signatory

Authoriser	Debra Stan-Barton, Planning Guidance Manager
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Draft Local Alcohol Policy SUBMISSIONS ANALYSIS REPORT

Submitter Number	Submitter Name and/or Organisation	Support /Oppose	Summary of Key Points	Staff Response
01	Kay Fleming	Yes	Supports the draft policy in principle.	Support for the draft policy is noted.
02	Jason Howarth	Yes	Supports the draft policy in principle. In particular supports Council not introducing a one-way door policy. Some clarification be required for what the Council consultation process would be to introduce one-way door policy.	Support for the draft policy is noted. Future introduction of a one-way door policy would require a full review process for the Local Alcohol Policy.
03	Maureen Mildon	Yes	Supports the draft policy in principle, but states that there is no definition of the term 'bottle store', and there should be restrictions on how many off-licenses should be allowed in suburban areas. The location restrictions for off-licenses are agreed with, but also there should be a cap on the number of off-license premises permitted in any area of Hamilton. The off-license hours should be restricted from 10am to 8pm, as there is no reason why they should be any more extensive. Alcohol is a drug and has serious health repercussions there is scant recognition of this by the liquor industry. On-license premises should not be able to sell liquor prior to 11am in the morning, and special licenses should be obtained for 'Champagne Breakfast' type events, as early morning drinking should be discouraged.	'Bottle store' is not a term used in the draft policy and does not therefore need to be defined. In proposing a 10pm closing Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. It is acknowledged that the proposed 10pm closing reflects a shortening of trading hours for some existing licenced premises. Nb. Council is required to standardise the maximum trading hours for off-licenses. The opening hours for on-licences (7am) recognise that any alcohol consumed is purchased in conjunction with food, thus minimising alcohol-related harm. This submission point should be considered in Council's deliberations.
04	The Cook Cafe and Bar	No	There needs to be a solid and robust policy that provides a framework for the Sale and Supply of Alcohol. Disappointed that the on-licence premise outlets are being targeted in an unfair fashion, as great premises are provided to meet a social need in a fast growing dynamic city. Council should be empowering these businesses rather than impeding them. There have been no issues with the existing licenced hours for the premises for the past eight years, and during consultation Council told us repeatedly that on-licence premise conditions would remain the same. For special licences, the District Licencing Committee should have discretion to consider the merits of the occasion and should determine the conditions and hours of the license granted.	Staff acknowledge that the Statement of Proposal contained an error. A message was sent to all stakeholders advising that the text should have read that "the hours for on-licence premises in the central city remain unchanged" within 2 days. The special licence provisions in the draft policy formalise what is current practise and are not any more restrictive. The DLC has discretion and will determine what is considered 'exceptional' on a case by case basis.
05	Earl Hopkins	Does not know	Submitter describes being in a car accident in 1978 and the impact this has had on him. Considers that licensed premises 'wreck society', it is 'stupidity' to allow licensed premises to remain open for such long hours and for as many days as allowed. As a general comment the submitter states: 'Why give society longer hours and therefore more weapon's to wreck theirs and other humans lives???'	Submitter's comments noted. No staff response necessary.
06	Hussain Kisan	Yes	Supports the draft policy in principle, and satisfied with the off-license location restrictions proposed. The proposed on-license hours are reasonable for on-licenses located around residential areas. As an example the submitter lives down the road from the Dinsdale shops where there are a few bars, and states that on some weekends it tends to get a bit noisy down on Killarney road when people leave the pubs/bar. The one-way door policy should be trialled.	Support for the draft policy is noted. In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.
07	Jamie Strange	Yes	Supports the draft policy in principle, but considers that there should be a sinking lid policy for off-	In Proposing to restrict the location of off-licenses to commercial centres as the key means of minimising alcohol-

Submitter Number	Submitter Name and/or Organisation	Support /Oppose	Summary of Key Points	Staff Response
			licenses as there are a disproportionate amount of off-licences in lower socioeconomic areas.	related harm, Council has tried to balance the rights of people to purchase alcohol, the rights of industry to sell, and minimising alcohol-related harm.
08	Dave Doggart	Yes	Supports the draft policy in principle, and considers that the trading hours for on-licensed premises are too broad. Would instead like to see those cut back to 2am closing at the latest with a one-way door restriction of 1am.	Support for the draft policy is noted. In proposing a 3am (central city) closing Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.
09	Joanna Pettersen	Yes	Supports the draft policy in principle, as anything that reduces the harm caused by alcohol in Hamilton is a positive move.	Support for the draft policy is noted.
10	Jennifer Harrison	Yes	Supports the draft policy in principle, and supports the approach to location restrictions for off-licences. It will remove off-licensed premises from locating near schools and other sensitive sites.	Support for the draft policy is noted.
11	Rodney Burr	No	Does not support the policy in principle. Would instead like to see supermarkets restricted to selling wine, and by the bottle only. Supermarkets should be prohibited from discounting alcohol or advertising it, and would like to see the sale of alcohol in suburban areas restricted to the shopping centres, with shops such as the corner dairy prohibited from selling alcohol.	What supermarkets can sell is covered by the legislation. Dairies are now prohibited by the legislation.
12	Paul Wood	Yes	Supports the draft policy in principle.	Support for the draft policy is noted.
13	Carol Davies	Yes	Supports the draft policy in principle and considers there are far too many outlets for purchasing alcohol. Would prefer alcohol purchases to be made at a bar/restaurant only. Would like to see the return of 'off-licences' (small shop attached to licensed premises for take home purchases). Supports the location restrictions on off-licenses, but in terms of off-license hours that they should be open evenings only and not during the whole day. For on-license hours, that they be 'sensible in relation to the purpose (e.g. dining hours would be shorter than night club hours)'. Supports the proposed location restrictions for off-licensed premises. Supports the proposed trading hours for off-licensed and on-licensed premises as the fewer hours they operate the greater chance that excessive alcohol consumption will be curbed. In respect of special licenses the fewer hours they operate, the more likely that excessive alcohol consumption will be curbed.	Support for the draft policy is noted. Submitter's preferences for location and hours of trade are noted but considered too restrictive.
14	Lori Silsbee	Yes	Supports the draft policy in principle. The submitter states: 'It seems a bit silly to tell a grocery store they can sell alcohol and then tell them they can't sell it during a certain period of time that they are open. It could result in stealing anyway. Perhaps they shouldn't be selling it?' Supports the proposed location restrictions for off-licensed premises. Supports the proposed trading hours for off-licensed and on-licensed premises as the fewer hours they operate the greater chance that excessive alcohol consumption will be curbed. In respect of special licenses the fewer hours they operate, the more likely that excessive alcohol consumption will be curbed.	Support for the draft policy is noted. No staff response necessary.
15	Cancelled submission (duplicate)	-	-	
16	Daikoku Hamilton	Yes	Supports the draft policy in principle, as there is a need to create a safe environment. A good idea to keep off-licences away from schools as proposed, but also a need to make under age people stay away from off-licenses, and schools or community should do something. For special licenses, the hours should be 12pm to reduce harm and fights.	Support for the draft policy is noted. The special licence provisions in the draft policy have been designed to minimise harm.
17	Henry The T Ford	Not stated	Did not indicate support or otherwise for the policy. Special licenses should not be issued.	The special licence provisions in the draft policy have been designed to minimise harm.

Submitter Number	Submitter Name and/or Organisation	Support /Oppose	Summary of Key Points	Staff Response
18	Hamilton Cosmopolitan Club	Yes	Under the draft policy the club will have its trading hours reduced for both types of licences and which the club has no real objection to. The point of concern is how the draft policy will affect the present New Year's Eve trading hours if that day falls between Sunday to Thursday inclusive. Presently the club licence has included into the trading hours considerations for both New Year's Eve and Christmas Eve. The club wishes Council to consider an amendment to section 5.1.1.(ii) to include an extra bullet point '- New Year's Eve 7:00am to 1:00am the following day'.	The policy as drafted did not consider the issue of Christmas Eve and New Years' Eve falling on a Sunday to Thursday. This submission point should be considered through deliberations.
19	Poverty Action Waikato	Yes	<p>We strongly support Council developing a Local Alcohol Policy as we would not wish to have any relaxation of the current restrictions on access to alcohol in Hamilton City. In terms of Section 5.2.1(i) support limiting new off-licence premises to areas of the city as displayed in Schedule 1. In terms of Section 5.2.1 (ii), in addition to schools and early childhood education centres we would like to see also included any premises occupied by a social welfare agency. In terms of Section 5.2.2, support more restrictive hours off-licence trading hours of 10am to 9pm. This advocacy is based on the advice and research of Alcohol Healthwatch.</p> <p>In terms of Section 5.1.1 (i) On-licence or club licence in the Central City Area, support a restriction of 10am to 2am the following day as the maximum trading hours, and for Section 5.1.1 (ii) On-licence or club licence outside of the Central City Area support a restriction of 10am. In terms of Section 5.3.1. (v) do not support the provision to grant a special licence to applicants who already hold an on or off licence to have greater hours than the maximum permitted for that type of licence.</p> <p>To enable communities to participate in expressing their concerns over new licence applications, there needs to be a greater method of communicating applications to the public in addition to the public notice section in local newspapers. We would support Council developing an opt-in email list where notifications are sent to interested parties.</p>	<p>The draft policy only provides for proximity restrictions for off-licences in relation to schools or early childcare facilities. This submission point should be considered through deliberations.</p> <p>In proposing maximum closing hours Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm.</p> <p>For individual licence applications the only avenue available is the objection process under sections 102 and 128. These are only available to a person who has "a greater interest in the application than the public generally".</p> <p>The Act provides for public notice to be given of licence applications (section 101). Council accepts the challenges for community organisations of finding notices in various newspapers. Council could investigate the possibility of listing all publically notified applications on the Council website.</p>
20	Colleen Ryan	Not stated	No comments in respect of the draft policy, with comments instead focusing on the Psychoactive Substances Policy.	No response necessary.
21	Teg Enterprises Limited	Not stated	The off-licence location restrictions are too restrictive. Hamilton has many areas of residential growth and there may be retail centres established to service those areas. Currently applying for an off-licence in a new retail centre at Horsham Downs Road that is outside of the Schedule 1 areas. Also most of the areas identified in Schedule 1 already have licenced premises within them, meaning that for new premises to service growth areas they must be located near to existing licenced premises, or that there are no new licenced premises to service the growth areas of the city. By limiting the issue of new off-licences to areas shown on Schedule 1, there is a risk that all new off-licenced premises establish in areas that already have them, and that this and this will be a factor under section 106 'amenity and good order of the locality', which will count against the issue of new licences. Schedule 1 also includes large areas of land owned by Council, such as Waikato Stadium and Claudelands Events Centre where there are no off-licenses. Council seems to be preserving the right to obtain off-licences for its own land while preventing new licences in other new retail areas. Difficult to understand why Waikato Hospital would apply for off-licences as it is shown in Schedule 1. Supports deletion of clause 5.2.1 and Schedule 1, or alternatively proposes a replacement wording.	<p>The restriction to commercial centres reflects community concerns about the location of of-licences and availability of alcohol in suburban areas. Schedule 1 will be reviewed each time the policy is reviewed to reflect changing circumstances. (This location is zoned Residential in the Proposed District Plan, but subject a submission seeking a zone change to a commercial zoning.)</p> <p>The expectation of Council is that section 106 is applied on a case by case basis by the District Licencing Committee.</p> <p>Schedule 1 is based on the district plan zones, including the Major Facilities Zone, in anticipation of these areas hosting event-related activities, and does not reflect any bias towards Council-owned land. The hospital was included as it is zoned Major Facilities Zone and is an anomaly.</p>

Submitter Number	Submitter Name and/or Organisation	Support /Oppose	Summary of Key Points	Staff Response
22	Anglican Action	Yes	<p>The impact that alcohol has in the lives of many people that Anglican Action works with is immense. Strongly supports Council in developing a Local Alcohol Policy as does not wish to see a relaxation of current restrictions in the city. In particular supports a restriction of 9am-3am within clause 5.1.1(i); 9am-11pm Sunday to Thursday, and 9am-1am the following day Friday and Saturday (clause 5.1.1(ii)); does not support the exemption for the casino (clause 5.1.1(iv)); wishes to see a broadening of the range of sites identified in clause 5.2.1(ii) to include public parks, social welfare agencies, place of worship and community hall. Supports a 9am-9pm restriction on maximum trading hours for off-licence premises (clause 5.2.2); and does not support the granting of special licences to applicants who already hold an on or off-licence to have greater hours (clause 5.3).</p> <p>Wants the policy to enable communities to participate in expressing concerns over new licence applications. Supports Council developing an opt-in email list where notification is sent to interested parties.</p>	<p>In proposing maximum closing hours Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. Submitter's preferences for hours of trade and the range of sites identified in Section 5.2.1(ii) are noted but considered too restrictive.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm.</p> <p>An exemption was required by legislation. s173 of the Gambling Act states that an on-licence granted under that Act for a licensed casino must be treated as authorising the sale of alcohol for consumption in the casino while the casino is lawfully operated</p> <p>For individual licence applications the only avenue available is the objection process under sections 102 and 128. These are only available to a person who has "a greater interest in the application than the public generally".</p> <p>The Act provides for public notice to be given of licence applications (section 101). Council accepts the challenges for community organisations of finding notices in various newspapers. Council could investigate the possibility of listing all publically notified applications on the Council website.</p>
23	Alan and Muriel Leadley	Yes	<p>Supports the draft policy in principle. Supports the restriction on off-licenses premises to commercial centres (Schedule 1). Current outlets should be encouraged to give up their licenses and should be monitored closely to ensure they comply with the hours and regulations of the policy. Supports the supermarket off-licence hours being restricted to 9am-10pm. Central city on-licence hours should be reduced to 9am-2am.</p>	<p>Support for the draft policy is noted.</p> <p>In proposing the central city on-licence hours, Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p>
24	Alcohol Compliance (formerly the Liquor Licensing Bureau Ltd)	Yes	<p>Supports the policy in principle subject to several amendments. Seems strange that the Hospital area is included. The draft policy could be structured as a guide. It would be more appropriate to state that off-licences can only be considered in areas in areas in Business Zones 1 to 6, Central City, and Rototuna Zones. Could be graded with less hours in some areas or just grocery stores. There should be provision for new development.</p> <p>There should be an exception clause added to the policy as follows: "Any application for a new licence or licence renewal for any premises which has a current licence at the date this policy came in to effect is exempt from the provisions of this policy relating to the location of licensed premises. The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current licence or any subsequent licence for the premises is surrendered or not renewed." This is important to protect existing legitimate businesses that have operated responsibly. They will know that if they break the law and are irresponsible after the LAP comes out then being out of zone is not going to weigh in their favour. Excluding existing use or the ability to sell a bona fide business would be an extreme financial penalty for doing nothing wrong.</p> <p>The off-licence hours proposed are reasonable but should be no exceptions. Supermarkets should not</p>	<p>Schedule 1 is based on the district plan zones, including the Major Facilities Zone, in anticipation of these areas hosting event-related activities. The hospital was included as it is zoned Major Facilities Zone and is an anomaly. Schedule 1 will be reviewed each time the policy is reviewed to reflect changing circumstances.</p> <p>The DLC must have regard to the policy pursuant to Act to guide their decision-making.</p> <p>The alcohol related harm data is not robust enough to form a basis for grading of hours in different parts of the city as sought by the submitter.</p> <p>Any renewal is exempt from the location restrictions as that only applies to new licenced premises, and not renewals as prescribed by the Act.</p>

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			<p>have any extra hours as this will create an unfair advantage. Customers will adapt. Many of my clients have been reluctant to reduce hours as proposed over the last year but only because others had a competitive advantage. The general feeling expressed by clients is that 10pm is late enough if consistently applied, and that patrons after 10pm are usually problems anyway.</p> <p>In respect of on-licence hours, for the central city 3am is late enough if there is no one-way door policy. Would prefer 4am though with a one-way door policy from 2am. A set time for everyone will do nothing to stop the mayhem in the middle of town past 3am. With a one-way door policy from 2am and a later closing for proven responsible operators there will be much better flow and particularly the availability of taxis etc. The stronger enforcement laws regarding the liquor ban will sort out any of the other perceived problems. Suburban on-licence hours should be 1am across the board. There are some premises in the suburbs that would have no effect on neighbours but this penalises them. The DLC has the power to pull back licences to 11pm if they do directly affect/adjoin residential properties and also if there are noise complaints because amenity and good order is now a criteria that must be met.</p> <p>For special licences, do not think there should be a restriction on hours, or should be 3am. Every special licence is always taken on its merits regarding the type of event.</p> <p>For club hours, clubs are not supposed to be in operation competing with on-licences and do not need hours until 3am. Clubs are there to operate around their principle activity which of course can include related social activity. Considers that 1am for all clubs is appropriate, certainly for sports clubs.</p>	<p>Maximum trading hours in the policy set a maximum across the board for all premises.</p> <p>In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.</p> <p>Suburban on-licence maximum trading hours have been determined reflecting community concerns about the availability of alcohol in suburban areas and minimising alcohol-related harm.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm.</p>
25	Todd Nachowitz	No	<p>The policy does not take enough consideration of the harm caused by alcohol to the community, nor are the proposals sufficient to significantly reduce harm. Waikato District Health Board's May 2013 report on the impact of alcohol consumption on the health system outlines the degree of harm in terms of various diseases, risks to staff and the overall costs to the health system (particularly the emergency department) as a result of over-consumption of alcohol. Also the University of Waikato study regarding density of alcohol outlets and social harm, and also cites ACC data.</p> <p>There should be greater restrictions on off-licences within the commercial centres identified in Schedule 1 to also restrict the number of outlets, and the proximity to schools. Considers that only those commercial areas that are distant from residential areas should be included in Schedule 1. The policy should have a 100 metre separation from licensed premises to 'sensitive sites', and that these should include schools, early childhood centres, places of worship, marae, homework centres, community houses and sports halls. Further, the policy should treat broad areas differently so that areas which have a high density of outlets (such as Enderley) should have no new licenses granted. There should be no exceptions to these restrictions, and in particular specialty retailers should not have an exemption. Supports the maximum trading hours for off-licensed premises.</p> <p>Supports a one-way door policy operating from 1am. The policy should include a requirement for all applicants for a license to develop an alcohol risk management plan which identifies the specific risks arising from their premises. The plan should include the measures they will take to minimise such risks.</p>	<p>Council has all of the studies being referred to by the submitter. The submitter's comments are noted.</p> <p>The alcohol related harm data is not robust enough to form a basis for controlling density of premises in different parts of the city as sought by the submitter.</p> <p>This issue should be considered in deliberations.</p> <p>In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.</p>
26	Wikiwira Pokiha	Yes	<p>Supports the draft policy in principle, but considers that even more needs to be done. Agrees with the Schedule 1 restrictions to keep liquor licenses out of the residential areas as much as possible, as it will reduce easy access to alcohol. Agree with the shortening of the maximum trading hours for off-licenses, especially for the supermarkets as they sell a large proportion of alcohol and if they are making alcohol available at 7am then it is easier for people to continue drinking for days instead of just</p>	<p>Support for the draft policy is noted.</p>

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			occasions. It is good to cut down the hours that people can sell alcohol at bars and restaurants and other off-licenses. Support the changes to special licences. The draft policy is great as a start for Hamilton but we need more to change the drinking culture here in Hamilton.	
27	Adair Oosterbroek	Yes	Supports the draft policy in principle.	Support for the draft policy is noted.
28	The Beer Cellar	Not stated	The submitter is a remote seller who never sees customers as the business is operated online and with delivery by courier. Considers that the policy is too restrictive for remote sellers as remote sellers do not attract customers to premises, and it is too restrictive to limit remote sellers to particular parts of town. Remote sellers require large warehouse space only. The restriction in opening hours from 7am to 9am is problematic as there are certain times when there is a need to process orders early in the morning, and the customer does not receive the goods for several days.	There is already an exemption for location of premises under 5.2.1 for remote sellers. This acknowledges the submitters point about no customers to the premises. The hours indicated in 5.2.2 however do apply. Remote sellers may receive orders and process them at any time but dispatches must be within these hours. The hours between which remote sellers can dispatch goods aligns with over the counter sales at off-licenses. This is to prevent late night or early morning purchases and to reduce harm.
29	Population Health, Waikato DHB	Not stated	<p>Population Health commends Council on the development of the draft policy. The Medical Officer of Health has a statutory role in the development of the Local Alcohol Policy under the Sale and Supply of Alcohol Act 2012. Council has consulted at levels exceeding those required under the Act and is to be congratulated for its consultative procedures. Alcohol use is a significant cause of harm in Hamilton City. The effects of inappropriate or excessive alcohol consumption are seen throughout Waikato Hospital, both in terms of acute admissions to the Emergency Department, but also in terms of chronic conditions caused by long term alcohol consumption.</p> <p>Advocates trading hours of 9am-9pm for off-licenses and 10am-1am for on-licenses. Reduction in trading hours will lead to a reduction in alcohol related harm. Also supports a consistent policy for trading hours that applies to all alcohol operators, ensures all licences are treated equally and fairly throughout the day.</p> <p>Advocates for one-way door policies as a means of reducing alcohol related harm as a measure in conjunction with the other initiative.</p> <p>Advocates for a cap on the number of off-licensed premises in the city at the current level to avoid any increase in density of alcohol outlets.</p> <p>Advocates for inclusion of discretionary conditions in the policy to restrict visual impact of off-licenses as part of licencing conditions, particularly where near schools. Restrictions should include maximum area of advertising and a ban on product marketing where visible or accessible to children to young people.</p>	<p>In proposing the maximum trading hours for off-licenses and on-licenses in the city, Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.</p> <p>The alcohol related harm data is not robust enough to form a basis for a cap on the number of off-licensed premises in the city at current levels, as sought by the submitter.</p> <p>In developing the draft policy Council considered the merits of including discretionary conditions, including restrictions on advertising, to guide the DLC in decision making. However Council decided not to make this a feature of the policy at this stage.</p>
30	Foodstuffs North Island Limited	No	Wants the maximum trading hours for off-licenses to be extended to commence at 7am for supermarkets and grocery stores. There are no other forms of off-licence premises who have legitimate reasons for requiring licenced trading hours from 7am other than supermarkets and grocery stores. There are many reasons why customers would choose to shop early in the day and this measure will create inconvenience for those who do their shopping prior to 9am. The purchase of alcohol before 9am will not result in undue harm to the community as almost all purchasers of alcohol will be part of a wider shop of grocery items. The more restrictive hours are significantly shorter than the default hours in the legislation sanctioned by Parliament and there is no research that shows a	The maximum trading hours in the draft policy of commencing at 9am respond to a desire to minimise alcohol-related harm across the city (and prevent migration). The Act requires Council to consider alcohol-related harm, and is not concerned with operation inefficiencies of the submitter. It is noted that the requirements for single alcohol areas (sometimes referred to as 'roping off') will make restricted hours more achievable.

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			<p>small change in morning trading hours will result in a reduction in alcohol-related harm. More restricted morning hours will create operational inefficiencies when a renewal of licence is sought.</p> <p>The reason stated in the Council's Summary of Information of treating all operators in an equitable basis is not valid as there is a need to consider the likelihood of harm caused by different types of premises, and there will be an inequality between on-licences and off-licences given that the hours for on-licences are from 7am. The reason cited in Council's Summary of Information of preventing 'migration' is not considered relevant to off-licence morning trading hours.</p> <p>Wants the evening hours for off-licences to reflect the default hours from the legislation or to cover the submitter's stores existing licenced hours.</p> <p>Off-licence location restrictions should not apply to a liquor licence required when a business with an existing licence is sold to a new owner (i.e. an already licenced premise). The submitter considers there is a lack of clarity currently with Section 5.2.1, although acknowledges the section does refer to 'new' licences. The submitter states the clause is unclear in how it relates to applications for renewal of an existing licence. The submitter proposes an additional clause to clarify matters.</p> <p>The submitter states there is an onus on Council to demonstrate that the draft policy is reasonable in light of the object of the legislation. The Council Summary of Information does not refer to alcohol harm reduction but rather that the off-licence location restrictions are consistent with other harm-related activities such as gambling and prostitution. This is not a reasonable view of risk categorisation when considering sales of beer and wine at a supermarket.</p> <p>The Statement of Proposal also addresses a concern about the proximity of bottle stores to schools, but yet the draft policy treats all off-licences in the same manner. The off-licence location restrictions should not apply to supermarket and grocery stores, with the policy instead distinguishing them from other forms of off-licence. The legislation contains other tools for managing supermarkets and grocery stores such as the 'single alcohol area', advertising restrictions and 'amenity and good order' provisions, and therefore the policy does not need to apply the same proximity restrictions as for other off-licence premises.</p> <p>The exemptions for 'speciality retailers' are not supported by reasoning within the Statement of Proposal.</p> <p>The draft policy may inhibit the opening of further stores in the city due to the restrictions imposed.</p>	<p>The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.</p> <p>Council has chosen to restrict the location of off-licences (including supermarkets) to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>The draft policy does not limit the opening of further supermarkets in the city provided they meet the locational and other criteria of the policy.</p>
31	Kiwi Liquor	No	<p>Section 5.2.1(i) of the draft policy appears to indicate that if the owner of an existing off-licence business outside the schedule 1 areas wishes to sell the business that a new off-license will not be granted to a potential buyer. This destroys the value of such a business causing significant financial loss to the owner. In such circumstances a new off license should be granted to a potential buyer based on the existing use of the premises.</p> <p>Support the proposition that the operating hours for all off-licences (i.e. supermarkets and bottle stores) should be the same. Agree that this would prevent the problem of customer migration where customers would simply start visiting the select stores that are open late (or early) and the intention of the policy to minimise alcohol harm would be frustrated.</p>	<p>The draft policy refers to 'new licenced <u>premise</u>' as opposed to a 'new licence'. This means that If an existing business outside of the Schedule 1 applies for a renewal their licence or sells their business these policy provisions do not apply. The location restrictions only apply to new premises.</p> <p>Support for the proposed off-licence maximum trading hours is noted.</p>
32	Anjum Rahman	No	<p>The policy does not take enough consideration of the harm caused by alcohol to the community, and cites evidence by the DHB, University of Waikato and ACC. Alcohol consumption is a major factor in many family violence offences, and it is often young children and spouses who pay the price for</p>	<p>The evidence cited by the submitter is not new information though, Council has reviewed these reports.</p>

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			<p>overconsumption of alcohol.</p> <p>The impacts can include mental health effects, school attendance, poorer performance while at school, and longer term anti-social behaviour. There are not only issues related to harm, but also issues related to equity. Lower socio-economic neighbourhoods have a much higher number of outlets than higher socio-economic neighbourhoods. The draft policy does not take sufficient consideration of the range of harm outlined above, nor are the proposals sufficient to significantly reduce harm.</p> <p>Commercial centres that are in suburban areas should have much greater restrictions. For example, the Five Cross Roads shopping area already has two off-licensed and one on-licensed premises in that small area, and is close to various education facilities. Only those commercial areas that are distant from residential areas (such as the central city, Te Rapa and the Frankton Shopping Centre) should be included in Schedule 1. The policy should also treat broad areas differently, so that areas which have a high density of outlets (such as Enderley) should have no new licenses granted. There should be no exceptions to these restrictions, and in particular, specialty retailers should not have an exemption.</p> <p>Support the maximum trading hours for premises holding off-licenses as proposed. Disagree with the proposed trading hours for on-license or club license premises in the Central City Area, should be Monday to Sunday 9:00am to 2:00am the following day, as recommended by the NZ Police and the Waikato District Health Board. Disagree with the proposed trading hours for on-license or club license premises outside the Central City Area, should be 9am for all days of the week. Support the proposed closing hours of 1am the following day for Friday and Saturday, but would like the closing hours changed to 10pm for all other days of the week. Support the proposed trading hours for permitted outdoor dining areas. The policy must specifically state that there will be no exemption from the trading hours specified. Support the draft policy for special licenses.</p> <p>The policy makes no mention of limits based on sensitive areas. All other policies that deal with social harm (legal highs, gambling, and prostitution) have a restriction of 100 metres proximity to sensitive areas. This policy must also include similar restrictions, and 'sensitive areas' should include schools, early childhood education centres, places of worship, maraes, homework centres, community houses and sports halls. While such a policy can not affect existing premises, it should be applied to new ones.</p> <p>Other Councils have implemented a one-way door policy, agree with the Waikato District Health Board's proposal that there should be such a policy operating from 1am. The policy should include a requirement for all applicants for a license to develop an alcohol risk management plan which identifies the specific risks arising from their premises. The plan should include the measures they will take to minimise such risks.</p>	<p>Council has chosen to restrict the location of off-licenses to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. The submitter's comments on greater proximity restrictions will be considered.</p> <p>The alcohol related harm data is not robust enough to form a basis for setting the greater restrictions sought by the submitter.</p> <p>In proposing maximum trading hours for on-licenses, Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.</p>
33, 34, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49	Two Gun Saloon, Juggs, Frankton Hotel, The Dinsdale Office, The Hillcrest Tavern, Cock and Bull, Te Rapa Tavern, Homebase,	Not stated	<p>The submitter's premises have traded with licensed hours less restrictive than stated in the draft policy since 2011 without any identifiable issues and wants to continue to do so in order to meet community demand for such facilities. There are numerous licensed premises which already trade outside of these newly recommended guidelines and all trade responsibly and with minimal (if any) detrimental impact on the community.</p> <p>There are numerous instances where there is public demand to be open beyond the maximum trading hours (such as sporting events and public holidays), and if suburban operations are forced to close then those customers will simply take their business into the central city. The proposed hours will make businesses have to operate under unreasonable restrictions reducing the ability to trade profitably. Most suburban licenced premises are located within commercial or industrial areas and away from</p>	<p>In proposing a 10pm closing for off-licenses Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. It is acknowledged that the proposed 10pm closing reflects a shortening of trading hours for some existing licenced premises. <i>Nb. Council is required to standardise the maximum trading hours for off-licenses.</i> This submission point should be considered in deliberations.</p> <p>The location restrictions for off-licenses around commercial centres only apply to new premises, and there are a number</p>

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	Sports Bar, Five Crossroads, Sports Bar and Cafe, Eastside Tavern, Foundation Bar Kitchen and Lounge, Homestead Bar and Eatery, Still Working, The Riv Bar and Bistro		<p>housing. There is already ample facility for the District Licencing Committee to place tighter restrictions on businesses operating irresponsibly or unreasonably. An alternative to Section 5.1.1 is proposed that makes allowance for on-licence premises in an 'Industrial Zone'.</p> <p>The policy needs to address alcohol related harm in a balanced, well researched and logical way that targets the actual problem. The location, density and opening hours of liquor outlets are not the real issues. Pre-loading, side-loading and post-loading of readily available and cheap alcohol is the real challenge and should be the focus of the policy.</p>	that are operating in a more residential context. The DLC will still consider individual circumstances during decision-making.
35	Hamish Milne	Yes	<p>Supports the draft policy in principle. The restriction to commercial centres is a good start, although it fails to also recognise areas of high social deprivation that have higher density of outlets and experience disproportionate harm. Support the blanket trading hours being applied to all off-licenses, and support an earlier closing time of 9pm. The LAP is primarily about reducing harm to those most affected, not protecting convenience for those less affected by alcohol harm. Support earlier closing for on-licences of 2am, and support a one-way door, one hour before closing.</p>	<p>Support for the policy is noted.</p> <p>The alcohol related harm data is not robust enough to form a basis for density controls in areas of high deprivation as sought by the submitter.</p> <p>In setting the maximum trading hours in the policy Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.</p>
36	Blackbull liquor	No	<p>Does not support the policy in principle. There should be special provision in the LAP for the off-licenses already existing in out of business areas to get there renewals and grant of license in case of sale of those businesses as long as they are meeting the requirements. If Schedule 1 is retained, then it should be redrawn to include shopping centres with existing off-licences and it should delete Waikato Hospital and other sites where off-licences are unlikely e.g. Claudelands Events Centre, Wintec and Waikato Stadium.</p> <p>Keep the opportunity open for new off-licenses in new developments of the city.</p> <p>The hours for off-licences do not matter as long as the trading hours for all the off-licenses including all supermarkets are the same, there should not be any difference between bottle stores and supermarkets.</p>	<p>The draft policy refers to 'new licenced <u>premise</u>' as opposed to a 'new licence'. This means that If an existing business outside of the Schedule 1 applies for a renewal their licence or sells their business these policy provisions do not apply. The location restrictions only apply to new premises.</p> <p>Schedule 1 is based on the district plan zones, including the Major Facilities Zone, in anticipation of these areas hosting event-related activities. The hospital was included as it is zoned Major Facilities Zone and is an anomaly.</p>
38	Lion Beer Spirits and Wine NZ	Not stated	<p>The submitter operates the Liquor King alcohol retail chain and operates in Hamilton at Te Rapa Road, Horsham Downs Road and Clyde Street. Agree with the principle that the retail of alcohol should be controlled to ensure that alcohol-related harm should be minimised, but believe that the responsibilities placed on retailers need to be reasonable and balanced with the right to operate in a sustainable commercial way. Licensing restrictions need to be supported by robust evidence that they</p>	<p>The submitters support for the majority of the draft policy is noted.</p> <p>Council has chosen to restrict the location of off-licences to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of</p>

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			<p>will materially contribute to minimising harm. Likewise, the obligations placed on retailers need to be reasonably and rationally balanced with the expectations and incentives placed on consumers to ensure their own responsible behaviour when they drink alcohol. We encourage territorial authorities to consider adopting measures outside of the LAP that can help to reflect community expectation around safe and responsible drinking and impose harsh penalties for anti-social behaviour. A vibrant alcohol retail market can complement a vibrant and sociable community, with the help of a well-considered LAP that incentivises best-practice alcohol retailing by responsible operators.</p> <p>The following principles should apply for off-licenced outlets: Trading hours should be determined in such a way as to balance three objectives - harm minimisation, reasonable public access and convenience, and commercial viability. Overseas experience shows shorter opening hours fail to significantly reduce alcohol misuse and have serious, unintended consequences for those operating in the night time economy. People buying alcohol up until 10pm tend to have legitimate and reasonable motivations and are generally engaged in sociable behaviour. In this regard we believe 10pm is the closing time most likely to achieve the three outcomes of harm minimisation, public convenience and commercial viability. On balance the matter of consistency should be the most important factor in determining trading hours. All off-licences should be required to operate with the same trading hours, irrespective of their location or store-type. This ensures that consumers are discouraged from travelling from one area to another to buy alcohol. It also ensures that one type of outlet is not commercially advantaged over another. Where trading hours are stipulated, it should be possible for outlets to apply for a special licence to extend their trading hours during special events or occasions. Such licence applications need to be considered in a fair and equitable way. Consistency in trading hours between neighbouring territorial authority areas should be a priority to ensure that consumers are discouraged from travelling from one area to another to buy alcohol.</p> <p>In operating off-licensed bottle stores there are a number of characteristics about location that ensure the commercial viability and safe operation of retail alcohol stores:</p> <ul style="list-style-type: none"> - Proximity to other complementary businesses with similar opening hours and consumer demand; - Proximity to arterial routes linking to densely populated residential areas, with good traffic flow at peak times; - Neighbourhood socio-demographic characteristics that can reduce the likelihood of the store being a target for criminal activity that will put staff and customers at risk. <p>Discretionary conditions can usefully allow licensing and enforcement agencies to exercise a degree of flexibility in their management of licenced outlets and alcohol harm. However, we suggest that there are some important factors in enabling and allowing for discretionary conditions:</p> <ul style="list-style-type: none"> - There must be evidence to support that such conditions are justified in terms of their harm minimisation benefit; and - There must be consideration given to the commercial equity of any such conditions – to ensure a 'level playing field' is maintained for all alcohol retail outlets, as far as is reasonable. <p>Support the goals and objectives of the draft policy. To ensure they are achieved we agree with the schedule 1 location restrictions, and agree with the intention to prohibit the issuing of off-licences to any new premise that directly borders a school or childcare facility (however not convinced this needs to be an explicit provision of the LAP). The 'good order and amenity' provisions (Section 106 of the Act)</p>	<p>people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>In proposing the maximum trading hours in the draft policy Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>Achieving consistency with other territorial authorities has been sought as far as possible, but the draft policy also reflects the specific characteristics of the city.</p> <p>In developing the draft policy Council considered the merits of including discretionary conditions to guide the DLC in decision making. However Council decided not to make this a feature of the policy at this stage.</p> <p>The expectation of Council is that section 106 is applied on a case by case basis by the District Licencing Committee.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm.</p>

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			<p>enable District Licensing Committees to take into account factors such as the proximity of community facilities and so forth, when considering licence applications. This precludes the requirement for an arbitrary proposal such as this.</p> <p>Also agree with the 10pm closing time for off-licences, agree that the same hours should apply to all off-licences, agree that the provision should be made for outlets to apply to extend trading hours through special licences, for the purposes of particular events. Under such a provision all special licence applications should be considered under the same criteria.</p>	
50	Shona McClinchy	Yes	<p>Supports the draft policy in principle. Considers that restricting new off-licenses to commercial centres to be sensible. Reduced hours for off-licenses as proposed is favoured. For on-license hours, central city trading hours should cease at 2am, and on-license or club licence trading hours outside central city should cease at 12 midnight. The residential neighbours peace should be the priority, to avoid 'noise, yahoos, doors slamming, beat of music.'</p> <p>For special licenses, 12 midnight cease of trading is supported.</p>	<p>Support for the policy is noted.</p> <p>Submitter's preferences for location and hours of trade are noted but considered too restrictive.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm.</p>
51	New Zealand Retailers Association Inc.	No	<p>Submitter stated that any decisions on future liquor policy in Hamilton must be based on a robust evidence based discussion around the perceived harm arising from alcohol as well as the inappropriate behaviour that arises through over indulgence in alcohol consumption. Concerned that the restrictions set out in the LAP represent more of a "knee-jerk" reaction to a popular social issue, than a reasoned and logical attempt at solving an identified problem. Particularly concerned with the robustness of the evidence that the Council now seeks to rely upon as justifying the proposed restrictions. The Council appears to rely heavily on the results of community surveys and some stakeholder meetings, which do not provide any real basis. In putting forward the draft LAP, the Council has failed to properly consider the implications of the proposed restrictions for the alcohol market, and the flow-on effect for the wider community. The proposed restrictions on trading hours will not only undermine competition within the district, thus interfering with free market processes and the profitability of individual businesses, but they are also unlikely to have any significant impact on consumer purchasing behaviours.</p> <p>In respect of Section 5.2.1 off-licence location restrictions, there will be traders who are in the process of obtaining, or already obtained resource consent for a particular site, and any decision to restrict off-licence premises to particular zones in Hamilton may render investment in particular sites as no longer having any real commercial value. The proposed areas will also effectively penalise anyone seeking to offer consumers within other suburban and/or residential areas with a convenient alternative to having to travel to a specific designated areas to purchase alcohol from an off-licence retailer. In effect, the small-scale local bottle store may well cease to exist as a viable business, simply because of its geographical location. Restrictions on the location of licensed premises will also mean that current off-licence outlets that are already established and are operating outside of those identified areas will likely be unable to renew their licences.</p> <p>It is more appropriate for a Committee to approach the determination of any applications on a "case-by-case" basis, with reference to the criteria set out in the Act, taking into account effects on the amenity and good order of the particular area involved, rather than imposing blanket rules.</p> <p>In respect of Section 5.2.2, promotes the adoption of the national set of default off-licence trading hours of 7am to 11pm as provided for in the Act and are of the view that it is unnecessary and inappropriate for further trading-hour restrictions of 9am to 10pm to be imposed under the LAP.</p>	<p>Council has chosen to restrict the location of off-licences to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>The submitter's comments regarding market impacts from location restrictions for off-licensed premises are noted and will be considered by Council.</p> <p>The District Licensing Committee will still consider applications on a case-by-case basis as sought by the submitter. Whilst the DLC has to have regard to the policy, this does not prevent specific circumstances relating to a particular licenced premise being considered.</p> <p>The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.</p>

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			Council has not produced any evidence to demonstrate that the reduced hours of 9am to 10pm outlined in the draft policy will be effective in minimising alcohol related harm in Hamilton. There is no evidence to suggest that the purchasing behaviour of those most likely to 'pre-load' is related to the hours at which alcohol is available. We suggest that there will be no impact on the volume of alcohol purchased from an off-licence premise whether it closes at 9pm or 11pm.	
52	Kylie Bryant	Yes	<p>Supports the draft policy in principle. Supports the policy intent to restrict where new licenses will be granted, especially in relation to the Fairfield and Enderley areas. Have concerns however how many licenses can be granted in those proposed areas as this is not restricted. Proposes that no new off licenses should be granted if they propose to open within a 200 metre distance of another off-licence. There is large area in Avalon that is proposed that is too large an area and too close to the Crawshaw and Nawton areas which are high deprivation areas. Access in these areas needs to be minimal to reduce harm alcohol has in these communities.</p> <p>The submitter describes the Davies Corner bottle store that opened several years ago and how teenagers frequently approach adults asking them to buy alcohol for them. The Council needs to help by having a firm policy.</p> <p>Support the opening hours of all types of off-licenses including supermarkets and superettes to be 9am to 10pm. Children are making their way to school before 9 am and to reduce risk of them being harmed due to the easy access of alcohol to those who may be still intoxicated from the evening before and looking to purchase more. Local bottle stores will not be affected by this change in hours as I have not seen any that trade prior to 9am. Superettes and supermarkets are no different to any other off license and should be treated accordingly. The formula is basic: trading hours reduction = Harm Reduction as per the evidence in Thomas Barbors 2010 edition of 'Alcohol - no ordinary commodity'.</p> <p>Support the proposal for on-license hours in Section 5.1.1, but do not support the 5.1.1 (iv) statement that the Hamilton casino should be exempt.</p> <p>Council should restrict the way off-licenses advertise the alcohol they sell. Shop windows full of product banners and posters should not be allowed in areas close to schools and any areas of high youth traffic. Alcohol is a type of drug and should be treated as such. Also having children after school walking past sandwich boards and having flashing lights to get them looking into the store and making alcohol a 'normal' thing to have around you.</p>	<p>Council has chosen to restrict the location of off-licenses to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. The alcohol related harm data is not robust enough to form a basis for restricting density of premises within particular centres as sought by the submitter.</p> <p>Schedule 1 is based on the district plan zones, including the Major Facilities Zone, in anticipation of these areas hosting event-related activities. The 'area in Avalon' referred to within Schedule 1 is the racecourse, as it is zoned Major Facilities Zone.</p> <p>Council was required to provide an exemption for the casino in the policy pursuant to other legislation.</p> <p>In developing the draft policy Council considered the merits of including discretionary conditions to guide the DLC in decision making, including restrictions of advertising. However Council decided not to make this a feature of the policy at this stage.</p>
53	The Waikato / Bay of Plenty Cancer Society	Yes	<p>There is now growing international acknowledgment of the relationship between alcohol and the development of some cancers. A vast array of epidemiological evidence is available to support the correlation between alcohol and cancer.</p> <p>Supports the maximum trading hours for on-licence premises in the central city and outside of the central city as they will reduce opening hours. It is widely evidenced that a key factor in reducing alcohol harm is to reduce consumption via reduced availability of alcohol. Therefore measures to reduce the hours in which is alcohol is available to purchase at on license premises is likely to reduce the amount of alcohol consumed and ultimately will begin to support societal change where people are more aware of alcohol health harms and are making positive change to reduce their alcohol intake and thus reduce their risk in developing one of the seven identified cancers. Restrictions placed on licensed premises in suburban centres may well have the positive effect of encouraging people to access 'later' night time venues in the city at an earlier time and have less time 'preloading'.</p>	<p>The submitter's support for the maximum trading hours is noted.</p> <p>The submitter's comments regarding density controls and greater proximity restrictions are noted and will be considered. Council has chosen to restrict the location of off-licenses to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>The alcohol related harm data is not robust enough to form a basis for proximity controls and buffer zones sought by the</p>

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			<p>Supports the proposed outdoor dining hours 9am to 1am. This helps to redefine our cafés/restaurants as places which prioritise eating and social hubs for conversation. By providing a balance of social entertainment in the city centre including restaurants and outdoor dining, Council will encourage a more diverse profile range of visitors and not solely those seeking 'late night' entertainment.</p> <p>Supports the restricted maximum trading hours for off-licences. Reducing the hours that alcohol can be purchased at supermarkets is a positive step as it helps to create understanding that alcohol should not be regarded as 'an ordinary commodity' this will be supported by the restrictions placed on supermarkets through the wider regulations outlined in the Sale and Supply Act 2012.</p> <p>Does not support the location restrictions for off-licence premises as the draft LAP does not specify any measures to tackle the concentration of bottle stores or taverns within neighbourhoods and offers no specific geographic boundary for location near to key community services which could be called 'sensitive' sites. The definition of 'sensitive sites' has been restricted to just schools and early childhood centres, and not widened to include other areas where youth and families may be, such as churches and after school care programmes etc. When considering the issue of availability of alcohol and reduction of alcohol-related harm, density of outlets and geographical location are critical points to consider. Would welcome measures which seek to restrict outlets in 'sensitive' locations, and create 'buffer zones' such as to within 100 metres of day care facilities, schools and churches areas where young children may be present.</p> <p>Promotes the use of discretionary conditions for controlling signs and billboards outside bottle stores. Promotional billboards and displays should be reduced/strictly regulated or eliminated. Discretionary conditions could include restriction of advertising signage dimensions, number and location of signs and we would urge Council to use the policy as a way to make a strong statement about reducing excessive marketing of alcohol within communities, particularly in areas of high socio-economic deprivation. Also recommend that there is signage alerting people (from a public health harm perspective) about alcohol related harm, wherever alcohol is sold or consumed. These signs should be produced by Public Health or an independent source.</p> <p>In respect of special licences, large scale events should be considered from a risk management perspective and ample input from members of the community should be sought on whether these events meet 'public amenity and good order'. Would also urge specific attention be targeted at Ready To Drink alcoholic beverages which have more appeal for younger members of the community. Efforts should be made to restrict sale of these solely to the lower alcohol strength RTDs and to once again restrict marketing of these products.</p>	<p>submitter.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm.</p> <p>In developing the draft policy Council considered the merits of including discretionary conditions to guide the DLC in decision making, including in respect of advertising. However Council decided not to make this a feature of the policy at this stage.</p> <p>The legislation does not allow Council to target specific types of alcohol in the policy as sought by the submitter.</p>
54	Black Bull Liquor	No	Off-licence premises that are outside the Schedule 1 locations should still be able to obtain renewals and if they want to sell the business those new licences should be granted if the premises have been operated responsibly. Keep the opportunity for new off licence premises in new commercial developments.	The draft policy refers to 'new licenced <u>premise</u> ' as opposed to a 'new licence'. This means that If an existing business outside of the Schedule 1 applies for a renewal their licence or sells their business these policy provisions do not apply. The location restrictions only apply to new premises.
55	D. Pauline Way	No	Does not support the policy in principle. Far too many outlets for the purchase of alcohol already. It should be removed from supermarkets altogether and no more liquor shops opened.	The opposition to the policy is noted.
56	Janine Cornor	Not stated	Does not indicate support or otherwise for the policy in principle. Supports the proposal to restrict new off-licenses to commercial centres. Encourage Council to revisit the idea of the one-way door policy after 1am, and request that a specific review date be set (12 or 24 months perhaps) in order to	In developing a draft policy Council considered the merits of a one way door policy at great length. However Council

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			ascertain whether the reduced hours of sale have reduced harm in the community and to assess Australia's experience as to whether one-way door policies are helpful. In respect of off-licence hours, this does not matter as long all off-licence premises have the same trading hours allowed, and in particular supermarkets and liquor stores should have the same hours.	decided not to make this a feature of the policy at this stage. The submitter's comment about off-licences all being treated the same way is noted.
57	New World Glenview	No	The submitter opposes the reduction in trading hours for supermarket off-licences to 9am-10pm, should be 7am-10pm. Considers it unnecessary to impose a blanket restriction across all off-licence holders. Does not consider that the purchase of alcohol between 7am-9am results in harm, as alcohol is invariably purchased during this time alongside other food items. This section of the policy will not reduce alcohol-related harm. There are considerable differences between supermarkets/grocery stores and 'bottle stores' and Council needs to consider these. The off-licence trading hours are significantly shorter than the default trading hours in the Act which has the sanction of Parliament.	In proposing a 9am opening for off-licensed premises, Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.
58	St. Andrews Liquor	Not stated	The reasons for this proposal are good and sound. In respect of off-licence location restrictions, moving liquor shops out of high population commercial area would bring trouble makers to residential communities which usually have lower security level. In order to ensure less alcohol fall into wrong hands, should put higher risk to not only the retailers but also consumers, such as underage or intoxicated people.	Support for the policy is noted.
59	Chris Greer	Yes	Supports the draft policy in principle, and considers the alcohol policy is a good start. The negative impact of alcohol is widely known and accepted, it is time for Hamilton City to lead the country in this initiative and go further. In respect of off-licence location, agree in general with the policy, however there needs to also be implementation of a density requirement, specifically the number of outlets allowed in any specific shopping area. In respect of off-licence hours, the reduction in sales hours is a positive step, but does not go far enough in its limitations.	Support for the policy is noted. The alcohol related harm data is not robust enough to form a basis for the density control in specific shopping areas as sought by the submitter.
60	SHAMA	No	The policy is not looking at the underlying effects of alcohol, especially on women and children who are often the victims of alcohol abuse. As social workers from SHAMA (Hamilton Ethnic Women's Centre Trust), we are involved everyday with women we support who are abused by intoxicated partners. For most forms of family violence, alcohol abuse is strongly correlated. A growing body of literature shows that children who have been exposed to alcoholic and domestic violence are more likely than their peers to experience a wide range of difficulties. In respect of off-licence location restrictions, commercial centres with no restrictions that sell alcohol within residential environments poses risk to public. Alcohol consumers are more than likely to consume more alcohol and affect the public with their anti-social behaviour. Mostly commercial centres need to have stores that mainly sell food products and may sell alcohol if they have an off-licence. There should be no exceptions to these restrictions. Support the maximum trading hours for premises holding off licence as proposed 9 am to 10 pm. Totally disagree with the proposed hours for on-licence premises in the central city area, should instead be Monday to Sunday from 10am to 3pm, Fridays and Saturdays be 10am to 12 midnight rather than until 3am. Fully support trading hours to be open for those dining. Focussing on reducing trading hours can have a huge impact on the reduction of consumption. Fully support the draft policy for special licences. The policy should look at increases in alcoholic beverage taxes to be included as part of a	Council has chosen to restrict the location of off-licences to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. Submitter's preferences for location and hours of trade are noted but considered too restrictive. Alcoholic beverage taxes are not a matter that can be included within a policy.

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			comprehensive programme aimed at alcohol retailers to follow the guidelines and legislation for selling alcohol.	
61	Progressive Enterprises	No	<p>The submitter is an operator of supermarkets and grocery stores. The Act sets in place a default national licensing approach and allows councils to tackle local issues. The purpose of a LAP is therefore to respond to local concerns backed up by evidence of actual alcohol related harm in its community, not to re-examine the national issues which were widely considered and evaluated and led to the Act. Decisions on LAPs are also made under the Local Government Act 2002 ('LGA'), and under the LGA Councils need to assess matters such as the benefits and costs of each option in terms of the present and future interests of the district or region. To make these decisions it is therefore critical to have a sound evidence base. As background information, on any day 18% of customers purchase beer or wine, so 82% of customer purchases do not contain beer or wine; 16% of customers buy beer and wine at the same time as they purchase a selection of general groceries; and 1.7% of purchases in our supermarkets contain beer or wine only. This data shows that supermarkets are not a significant destination for young adults to buy beer and wine between 7am and 9am. Supermarkets are not a significant destination for young adults (18-25 year olds) to buy beer or wine on Thursday, Friday and Saturday nights between 9pm and 11pm.</p> <p>The data provided to the Council by the Waikato DHB confirms that 18-24 year olds are the key age group that suffers from alcohol-related harm in the Hamilton district. Accordingly, it is not clear why the Council believes that imposing blanket licence restrictions across all supermarkets 7 days a week will have a material effect on young adult behaviours.</p> <p>Local alcohol policies can have significant economic impacts which are relevant when considering the benefits and costs of a draft LAP, and we encourage the Council to consider the likely effectiveness of the draft LAP and its impact on the community. A LAP sets maximum hours for licensed premises, but within this, decisions can still be made on individual circumstances to approve hours on a case by case basis, as they do currently. Also current case law supports differential hours between supermarkets and bottle stores, particularly in the morning; and supermarkets fulfil different customer needs to bottle stores. Trading hours for supermarkets have changed over the years to reflect the changing nature of the average New Zealand household, where both parents frequently work and activities are factored around a longer day. We believe these changes were reflected by Parliament in setting national default licence hours for wine and beer sales from 7am to 11pm and we support that decision. There have been extensive changes that the Act requires in supermarkets from 18 December 2013, including reduced maximum off-licence hours from 24 hours per day to 16 hours per day (7am to 11pm). Until those changes have been implemented and have had time to be effective, it is our strong belief that a further restriction to maximum off-licence hours cannot be justified.</p> <p>Draft LAP controls for density, proximity and location may be appropriate for licensed premises such as bars, bottle stores and restaurants. For supermarkets, these controls are more appropriately addressed in the district plan. The draft LAP should not control these matters. The draft LAP will significantly undermine the District Plan's retail strategy as it will prevent new (or relocated) supermarkets from establishing in areas where the district plan expects they might. LAPs need to promote a decision-making framework that is integrated with the RMA's district plan and resource consenting process as well as the building consent process. The Council has not provided an assessment of the objectives and policies of the District Plan, and how the restrictions contained in the draft LAP might impact on the city's ability to achieve those objectives and policies. The Council has failed to comply with its statutory</p>	<p>Council notes the provision of a large amount of data provided by the submitter, and welcomes the opportunity to question the submitter regarding this during the hearing.</p> <p>The Waikato DHB data and report suggest this age group is "a key" group, rather than "the key" group. While young people are more prevalent than other age groups in alcohol related Emergency Department (ED) admissions, ED admissions are only part of the issue. Chronic conditions related to excessive or inappropriate alcohol consumption is also a major concern. The information showing the impact that alcohol consumption has on a number of chronic conditions, including many cancers is well documented by the DHB and cancer society. Alcohol also has a major bearing on other social issues that affect older demographics, such as relationship breakdowns, family violence and work absences.</p> <p>The maximum trading hours in the draft policy of commencing at 9am respond to a desire to minimise alcohol-related harm across the city (and prevent migration). The Act requires Council to consider alcohol-related harm, and is not concerned with operation inefficiencies of the submitter. It is noted that the requirements for single alcohol areas (sometimes referred to as 'roping off') will make restricted hours more achievable.</p> <p>The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.</p> <p>Council has chosen to restrict the location of off-licences (including supermarkets) to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>The draft policy does not limit the opening of further supermarkets in the city provided they meet the locational</p>

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			<p>obligations to have regard to the objectives and policies of the district plan.</p> <p>Council must carefully reflect on the purpose and object of the Act; the need for persuasive evidence; determination of relevant matters from those that are not; the requirement to not act for trade competition purposes; and the obligation to only interfere with the objectives of other statutory instruments, to the least extent possible (the Commerce Act 1986 cited as an example).</p> <p>The proposed restrictions are not based on sound research and rely on incorrect information. The Council has not assessed the merits of each policy mechanism proposed for addressing alcohol-related issues in Hamilton. Throughout the Council's Research Report there is insufficient account of the differences between supermarkets and bottle stores, and the community's views about each of them. The Council's Research Report fails to have regard to the purpose of the Act of creating a reasonable licensing system or the obligations under the LGA of creating good quality regulation. There has been no cost benefit analysis undertaken. The material relied on by the Council when developing the draft LAP glossed over the impact of the mandatory changes imposed by the Act. The Council's Research Report relies on incorrect and/or inconsistent data which could mislead the assessment of options and community views about those options. The Council's data does not correlate with or justify the restrictions imposed on supermarkets in the draft LAP. It is incorrect for the Council to describe its approach to the draft LAP policy restrictions as 'conservative'.</p> <p>The draft LAP proposes no reduction to the national default maximum licence hours for on-licensees within the central area. There are therefore disproportionate controls for supermarkets and off-licences generally compared to on-licences. Similarly, the draft LAP proposes restricting off-licence hours to between 9am and 10pm on all days of the week across the city, yet the only evidence of harm relates to late Friday and Saturday nights in the central city. There are also several operational impacts on supermarkets.</p> <p>The submitter seeks the following changes to the draft policy:</p> <p>(a) The maximum possible licence opening hours for supermarkets and grocery stores should be the new reduced national default hours of 7am (Policy 5.2.2).</p> <p>(b) The maximum possible licence closing hours for supermarkets and grocery stores should be the new reduced national default hours of 11pm (Policy 5.2.2).</p> <p>(c) The restriction on the location of off-licence premises, by reference to broad areas and facilities of a particular kind, should be amended so that it does not apply to supermarkets and grocery stores (Policy 5.2.1).</p> <p>(d) Either the policy principles of the draft LAP should be removed because they conflict with section 77 of the Act, or additional policy principles should be included (a possible wording is suggested).</p> <p>(e) Supermarkets and grocery stores should have different licensed hours to bottle stores.</p> <p>Opposes principle 2 of Section 4 of the draft policy as being outside of the matters within section 77 of the Act. Proposes three additional 'objectives' in response.</p>	<p>and other criteria of the policy.</p> <p>The focus of district plan provisions is on protection of amenity and not alcohol related harm. It is unlikely that the Local Alcohol Policy will undermine the ability to achieve objectives and policies within the Proposed District Plan.</p>
62	SKYCITY Hamilton Limited	Yes	<p>The submitter considers that the principles stated in Section 4 of the draft policy strike a reasonable balance between the interests of hospitality industry stakeholders in creating a vibrant hospitality sector and their ability to sell alcohol, and Council's role under the Act to craft a policy that responds to local alcohol licensing circumstances and the Act's object.</p>	<p>The submission is broadly supportive of the draft policy, subject to several points as noted.</p> <p>The wording change to Section 5.1.1(iv) and Section 5.1.1(iii) proposed by the submitter is considered a worthwhile</p>

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			<p>Supports the non-introduction of a one-way door policy. Considers that one-way door restrictions would be especially inappropriate in the context of large-scale casino venues given the common licensee, number and range of outlets within associated buildings, and high levels of host responsibility and site-wide security and surveillance presence.</p> <p>Supports licensed hours for central city on-licences being 7am to 3am the following day.</p> <p>Supports the statement in the draft policy acknowledging the existing legislative exemption to trading hours that exists for Casino premises pursuant to section 173 of the Gambling Act 2003 (and in s46(2) of the Act). The submitter seeks a wording change to 5.1.1(iv).</p> <p>Generally supports the proposed trading hours and potential restrictions on outdoor trading areas (noting the error in the draft policy). Skycity's outdoor trading areas near the Victoria Street footpath are on private land and not Council-owned land. Seeks a wording change to 5.1.1(iii) (outdoor dining area) to reflect circumstances where the outdoor dining is on private land.</p> <p>Application requirements being imposed on all special licences are considered onerous and unnecessary for every special licence, and the broad restrictions on the hours that such licences can be obtained for, neither of which appear to be properly justified Council in the circumstances. Changes sought to the special licence provisions in Section 5.3.</p>	<p>amendment to the policy. The special licence provisions in the draft policy have been designed to minimise harm. The DLC will still retain the discretion of whether to grant special licences or not.</p>
63	Super Liquor Holdings Ltd	Not stated	<p>Seek the inclusion of a definition of the term 'new licence' and proposes a wording. Supports the location restrictions in clause 5.2.1 but clarity is required to ensure it does not affect existing off-licensed premises.</p> <p>Supports the maximum trading hours for all off-licences in clause 5.2.2. All off-licensed premises should be treated equally. A supermarket cannot be put at a commercial advantage in terms of location. The policy needs to reflect a fair playing field for all operators and Council has taken a consistent and appropriate approach.</p>	<p>The draft policy refers to 'new licenced <u>premise</u>' as opposed to a 'new licence'. This means that If an existing business outside of the Schedule 1 applies for a renewal their licence or sells their business these policy provisions do not apply. The location restrictions only apply to new premises.</p> <p>A explanatory note could be considered to provide this clarity</p>
64	The Mill Retail Holdings Ltd	Not stated	<p>Seek the inclusion of a definition of the term 'new licence' and proposes a wording. Supports the location restrictions in clause 5.2.1 but clarity is required to ensure it does not affect existing off-licensed premises.</p> <p>Supports the maximum trading hours for all off-licences in clause 5.2.2. All off-licensed premises should be treated equally. A supermarket cannot be put at a commercial advantage in terms of location. The policy needs to reflect a fair playing field for all operators and Council has taken a consistent and appropriate approach.</p>	<p>The draft policy refers to 'new licenced <u>premise</u>' as opposed to a 'new licence'. This means that If an existing business outside of the Schedule 1 applies for a renewal their licence or sells their business these policy provisions do not apply. The location restrictions only apply to new premises.</p> <p>A explanatory note could be considered to provide this clarity</p> <p>Support for the proposed off-licence maximum trading hours is noted.</p>
65	Alternatives to Violence Project Maori Focus	Yes	<p>Support limiting the on-licence hours outside of the central city from midnight to 11pm Sunday to Thursday.</p> <p>Support limiting the off-licence hours from 7am-1am to make them 9am-10pm. Many parties decide they need more alcohol after 10pm as they have run out of drinks. This will stop them getting into their cars and driving while under the influence of alcohol.</p> <p>Cannot see why on-licence businesses need to open at 7am. Champagne breakfasts usually start at about 10am. The only ones wanting a 7am start are those with pokie machines so that they would get maximum patronage.</p>	<p>Submitter's preferences for hours of trade are noted but considered too restrictive. In proposing the maximum trading hours in the draft policy, Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p>

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66	Alcohol Healthwatch	Not stated	<p>Supports the objective of the policy, but does not support the second principle as it is not valid, and is irrelevant in terms of the role of a local alcohol policy under the legislation.</p> <p>The submitter does not support the proposed maximum trading hours for on-licenses due to them being an extension to the default hours stated in the legislation and contradictory to the object of the Act. The submitter considers that of the mechanisms available reducing trading hours will have the greatest impact on reducing harm, and states more restrictive opening hours based on a differentiation between central city and suburban/rural, and between types of on-licenses. The submitter is concerned there are no restrictions on the total number of outlets in the city given the strength of evidence of harm-reduction through this mechanism. Supports introduction of a 'regional cap' on outlets and a localised 'sinking lid' policy for high risk/stress areas in the city.</p> <p>The submitter supports proposed location restrictions on new off-licence premises, but considers the policy should also address clustering of premises and proximity of premises to sensitive sites. Discretionary conditions could also be used to prohibit alcohol advertising within a specified distance of sensitive sites also. The section to not allow off-licenses to establish bordering a school or early childcare facility is supported. There are other facilities that should also be considered as 'sensitive sites', and notification of new or renewal applications should be widely notified to community, sensitive sites, and other businesses within a specified buffer zone. The policy should not rely on the 'good order and amenity' clause in the Act.</p> <p>The submitter supports the proposed hours for off-licenses, and supports that all off-licence types are treated consistently in reflection that all licence types contribute to alcohol-related harm. The submitter would prefer the hours be strengthened further to 10am-9pm, and considers there is no evidence that off-licence outlets require being able to sell alcohol outside the hours of 10am-9pm.</p> <p>The submitter states that events that require special licences often are harmful and the special licence criteria are supported. The number of events per licensee/applicant per year should be reduced to 12. The submitter does not support trading hours for special licences extending beyond the maximum default hours from the Act, and support the hours proposed in the policy for special licences.</p> <p>The submitter supports the monitoring and implementation clause in the policy as evaluation of effectiveness is important to better inform subsequent policies. A monitoring and reporting framework is required.</p> <p>The submitter does not support the lack of discretionary conditions in the policy as these provide the District Licencing Committee with guidance. A suite of discretionary conditions should be included for all licence types, and specific discretionary conditions to restrict advertising near sensitive sites.</p> <p>The submitter considers the one-way door policy could be useful to manage the time difference for on-licenses in the central city and outside the central city. If implemented they should be for two hours, and be monitoring to evaluate effectiveness.</p>	<p>The second principle in the draft policy does not derive directly from the Act, but is a matter that Council gave some consideration to in formulating the draft policy. Council wished to acknowledgment the importance of central city bars and restaurants in providing a vibrant city.</p> <p>In proposing the maximum trading hours for on-licenses, Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>Council has chosen to restrict the location of off-licenses to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. The alcohol related harm data is not robust enough to form a basis for the density controls and 'caps' in different parts of the city as sought by the submitter.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm.</p> <p>In developing the draft policy Council considered the merits of including discretionary conditions to guide the DLC in decision making. However Council decided not to make this a feature of the policy at this stage.</p> <p>In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.</p>
67	Glasstone Retail Ltd trading as Pak n Save Mill St	Not stated	<p>The submitter opposes the reduction in trading hours for supermarket off-licenses to 9am-10pm, should be 7am-10pm. Considers it unnecessary to impose a blanket restriction across all off-licence holders.</p> <p>Does not consider that the purchase of alcohol between 7am-9am results is harm, as alcohol is invariably purchased during this time alongside other food items. This section of the policy will not reduce alcohol-related harm. There are considerable differences between supermarkets/grocery stores</p>	<p>The maximum trading hours in the draft policy of commencing at 9am respond to a desire to minimise alcohol-related harm across the city (and prevent migration). The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket'</p>

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			<p>and 'bottle stores' and Council needs to consider these. The off-licence trading hours are significantly shorter than the default trading hours in the Act which has the sanction of Parliament.</p> <p>Concerned that the draft policy contains a number of restrictions where off-licences can be located, including near to schools and childcare centres. The submitter's supermarket is directly across the road from a school. The policy needs to be clear on how these restrictions apply to existing licenced stores which are then sold requiring a new licence to be obtained.</p>	<p>approach.</p> <p>Section 5.2.1(ii) is considered clear as it only applies to applications for off-licences "issued in respect of any new premises", and therefore will not apply to the submitter's premises. Whilst the sale of the business in future might require a new licence be applied for, the premises will not be new.</p>
68	Liquorland Limited	Not stated	<p>Does not support the proposal to impose location restrictions on off-licence premises. This provides an unfair competitive advantage to some stores based on geographical location, without necessarily driving an improvement in overall alcohol retailing responsibility. This policy could also lead to clustering. Section 5.2 will also make it difficult for owners to sell premises outside of Schedule 1 locations as each new owner would need a new off-licence.</p> <p>Supports Council's proposal not to impose strict proximity restrictions beyond directly bordering a school or early childcare facility. Considers that should not be subject to default restrictions on establishing close to particular facilities or premises.</p> <p>Schedule 1 provides for off-licences in areas where there will be no demand such as Waikato Hospital and Claudelands Events Centre, yet does not allow for premises in growing parts of the city such as Rototuna.</p> <p>Licence applications should be based on individual merits rather than being subject to location based restrictions.</p> <p>Do not support the proposed trading hours for off-licences as considers that the default hours within the legislation have the sanction of Parliament and are appropriate. Also that there is no firm evidence that supports an argument that by restricting off-licence hours that alcohol harm is reduced. Support consistent hours across the entire city and for all types of off-licences.</p>	<p>Schedule 1 is based on the district plan zones, including the Major Facilities Zone, in anticipation of these areas hosting event-related activities. The hospital was included as it is zoned Major Facilities Zone and is an anomaly.</p> <p>The DLC must have regard to the policy, but specific circumstances can still be considered during licencing application processes.</p> <p>The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.</p>
69	Health Promotion Agency	Yes	<p>HPA has the statutory function of giving advice and making recommendations on the sale, supply, consumption, misuse and harm from alcohol. Since 2012 HPA assumed the functions of the former Alcohol Advisory Council of New Zealand and Health Sponsorship Council and some functions of the Ministry of Health. The draft policy is easy to read and understand. A clear and concise policy will not only be easier for the community and licensees to understand but also more useful for the District Licensing Committee.</p> <p>HPA supports a reduction in trading hours for licensed premises. International research indicates there is a relationship between the hours of sale of alcohol and alcohol-related harm, by showing both an increase in harm when trading hours are increased and a decrease in harm when trading hours are reduced. This means that limiting trading hours for the sale of alcohol is a key policy lever for reducing alcohol-related harm.</p> <p>We encourage territorial authorities to set trading hours that are appropriate for the community and allow for community say through good engagement and consultation on the development of the policy. We were surprised to see on-licence trading hours (including club) extended beyond the national default hours of 8am to 4am. We do not support trading hours beyond the national default unless there are special circumstances. The HPA does not see any benefits to having on-licence trading hours earlier than 8am in this instance.</p>	<p>The opening hours for on-licences (7am) recognise that any alcohol consumed is purchased in conjunction with food, thus minimising alcohol-related harm. Council will consider this submission point in deliberations.</p> <p>In developing the draft policy Council considered the merits of including discretionary conditions to guide the DLC in decision making. However Council decided not to make this a feature of the policy at this stage.</p> <p>Issues around outlet density were considered during development of the draft policy. The alcohol related harm data was not considered robust enough to form a basis density controls in different parts of the city as sought by the submitter.</p>

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			<p>We support the proposed trading hours for off-licences.</p> <p>We believe that the LAP should provide some guidance to the DLC on the use of discretionary conditions. HPA believes that licence conditions can be an effective measure to assist councils to ensure that the objective of the Sale and Supply of Alcohol Act 2012 can be achieved. Several examples were provided.</p> <p>We note that outlet density was not considered within the draft policy and cites some relevant research. This research suggests that the nature of the relationships between alcohol outlet density and social harms are context sensitive and vary by geographic location by outlet type.</p>	
70	Hospitality New Zealand	Yes	<p>The submitter considers that the regulatory response should be proportionate to the risk of harm and avoid penalising those who consume alcohol in moderation and outlets that sell alcohol responsibly. There are important differences between the highly regulated on-licence environment and the manner in which off-licence alcohol purchases are consumed. The policy should focus on 'pre-loading' consumption and the impact of alcohol sales by supermarkets and bottle stores, and also on abusive and anti-social drinking behaviour.</p> <p>The submitter proposes a different wording for Section 5.1.1 to clarify meaning, as club licences are subject to section 46 of the Act, but not section 47. Club licence holders could argue that as they are not subject to both 46 and 47 then they are not subject to any of the criteria contained within 5.1.1. Recommend that the Section 5.1.1 be reworded to read "Maximum trading hours for premises holding on-licences (subject to sections 46 and/or 47 of the Act)"</p> <p>Supports the maximum trading hours for on-licence premises for the central city, but does not support the hours for premises outside of the central city (5.1.1(ii)). To have these more restrictive hours imposed would place these businesses under unreasonable restrictions reducing the ability to trade profitably. The District Licensing Committee can place tighter restrictions where there are specific issues. The submitter proposes an alternative wording that includes on-licence premises within the Industrial Zone. Considers that on-licence premises outside of the central city should have trading hours until 3am in industrial areas, and 1am elsewhere.</p> <p>We acknowledge the recent Council advice that the maximum hours as listed in Section 5.1.1 (iii) for Outdoor Dining has been amended to read 9am to 1am. We believe this is entirely appropriate as it is a continuation of the current criteria which has operated without problem in recent years.</p> <p>Considers that all off-licence premises should be treated equally and supports the proposed hours. If some off-licence holders were given longer hours than others it would simply move retail trade from one business to another and do nothing to reduce the harm from the excessive or inappropriate consumption of alcohol within the community.</p> <p>The term 'exceptional circumstances' should be defined in the policy in respect of special licences. We seek a definition for this so that applicants are fully aware of the applicable criteria before lodging an application. It is also important that this be defined so that the District Licensing Committee has a clear guideline so that applications can be properly considered.</p>	<p>The wording change proposed for Section 5.1.1 is not considered necessary.</p> <p>Council has chosen to set on-licence maximum trading hours based on a distinction between 'central city area' and 'outside the central city area'. Widening that to also include provision for 'industrial zones' has not been considered.</p> <p>In proposing the maximum trading hours for on-licensed premises outside the central city Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm. The special licence provisions in the draft policy formalise what is current practise and are not any more restrictive. The DLC has discretion and will determine what is considered 'exceptional' on a case by case basis.</p>
71	Kelsey Wilson	Yes	<p>Supports the draft policy in principle. People should not be buying alcohol while children are on their way to school, and considers the 9 am opening hours suitable. I live in Fairfield and catch the bus at five crossroads, but as my bus stop in the morning is in front of a liquor store, I do not feel safe if it is open before 9 am.</p>	<p>Support for the policy is noted.</p>

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72	Super Liquor	Not stated	<p>Supports off-licence location restrictions, but also the number of licences should be restricted. Seek the inclusion of a definition of the term 'new licence' and proposes a wording.</p> <p>Supports the location restrictions in Section 5.2.1 but clarity is required to ensure it does not affect existing off-licenced premises.</p> <p>Supports the maximum trading hours for all off-licences in clause 5.2.2. All off-licenced premises should be treated equally. A supermarket should not be put at a commercial advantage in terms of location. The policy needs to reflect a fair playing field for all operators and Council has taken a consistent and appropriate approach.</p>	<p>The alcohol related harm data is not robust enough to form a basis for restricting the number of licences through a 'cap' or similar as sought by the submitter. Council has chosen to restrict the location of off-licences to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>The draft policy refers to 'new licenced <u>premise</u>' as opposed to a 'new licence'. This means that If an existing business outside of the Schedule 1 applies for a renewal their licence or sells their business these policy provisions do not apply. The location restrictions only apply to new premises.</p>
73	Mr Brady	Yes	Supports the draft policy in principle. Supports the off-license location restrictions. Support the 9am-10pm trading hours. I have a son that walks to school in Fairfield and would prefer he did not have to walk past open off license premises.	Support for the policy is noted.
74	Hineumu Neha	Yes	Supports the draft policy in principle. Supports the off-license locations restrictions in Schedule 1. Off-license hours should be 9am to 10pm maximum. Supports the on-license hours proposed. Would like to thank the Council for putting a policy in place that supports the 'cap' of licenses in residential areas. Making alcohol less accessible in my community will go a long way to helping the community.	Support for the policy is noted.
75	Mardon Road Action and Poets Corner Residents Group	Not stated	<p>Does not indicate support or otherwise for the policy in principle. Location restrictions for new off-licenses are supported, but for existing off-licence premises there should be no renewals for premises currently operating outside the Central City area and the Suburban Area that existed before Schedule 1 or their predecessors (specifically liquor outlets). This is to ensure they relocate to the appropriate commercial hub and/or retail centre accordingly. Wish to support the Policy with consideration given to include all or part of what we have stated above or under the District Licensing Committee criteria.</p> <p>Does not consider that the 'location of premises holding off-licences' (5.2.1) goes far enough, particularly in an area like Five Cross Roads or Hamilton East where there are multiple education facilities, and with a high youth and elderly population. As an example there are plans for a new early childhood centre, new homes built for families; a housing village built for more elderly, a new marae complex, and a full health and fitness centre, all being established in the Tennyson Road/Five Cross Roads area within a located identified as a 'suburban area' (schedule 1).</p> <p>Concerned there is no limit to the number of premises or the issue of new licences in any one area. We acknowledge the requirement that 'provided other policy requirements are met' however, this policy needs to have regard to a broader range of matters before it allows the issuing or renewing of a liquor licence and, whether such amenities and good order of the locality might be reduced. The 'harmony of the environment' and the number of premises for which licences of the kind concerned are already held' are crucial aspects.</p> <p>Support any restrictions on who can hold a licence and restrictions on issues of licences.</p> <p>Clarification required on the definition of 'off-licence', being 'on the premises an off-licence is held for, the license can sell alcohol for consumption elsewhere.'</p>	<p>The scope of the draft policy applies to any applications for liquor licences from the date the policy comes into force, and any applications for renewal of existing licences. The policy cannot prohibit renewal of existing licences as sought by the submitter.</p> <p>Council has chosen to restrict the location of off-licences to commercial centres as the key means of minimising alcohol-related harm. Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm. The alcohol related harm data is not robust enough to form a basis for limiting the number of premises in particular parts of the city as sought by the submitter.</p> <p>It is unclear what clarification of the definition the submitter wishes. The definition is considered clear.</p>

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76	Pukete Four Square	Not stated	<p>The submitter opposes the reduction in trading hours for supermarket off-licences to 9am-10pm, should be 7am-10pm. Considers it unnecessary to impose a blanket restriction across all off-licence holders. As I run a full service grocery store, a lot of my customers come to my store in between their full supermarket shops to stock up on items that they need. It would be an inconvenience if a customer was doing a grocery shop and was unable to purchase alcohol as part of this. A lot of people also come into my store early in the morning to purchase groceries when they are going away for holiday or on day trips. Sometimes customers will purchase alcohol as part of these shops. Not concerned primarily about missing out on alcohol sales between the hours of 7am to 9am (as they are relatively small), but am concerned about inconveniencing customers. Does not consider that the purchase of alcohol between 7am-9am results in harm, as alcohol is invariably purchased during this time alongside other food items. This clause of the policy will not reduce alcohol-related harm. There are considerable differences between supermarkets/grocery stores and 'bottle stores' and Council needs to consider these. The off-licence trading hours are significantly shorter than the default trading hours in the Act which has the sanction of Parliament.</p> <p>Concerned that the draft policy contains a number of restrictions where off-licences can be located, including near to schools and childcare centres. The submitter's grocery store is directly across the road from a school. The policy needs to be clear on how these restrictions apply to existing licenced stores which are then sold requiring a new licence to be obtained.</p>	<p>The maximum trading hours in the draft policy of commencing at 9am respond to a desire to minimise alcohol-related harm across the city (and prevent migration). The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.</p> <p>Section 5.2.1(ii) is considered clear as it only applies to applications for off-licences "issued in respect of any new premises", and therefore will not apply to the submitter's premises. Whilst the sale of the business in future might require a new licence be applied for, the premises will not be new.</p>
77	Basil Wood	No	<p>Does not support the policy in principle. In respect of on-license hours, I have enjoyed having a choice of local, responsible bars and restaurants for six years. It has enabled my family to support local school fund raising events, celebrate family events, watch rugby and other sports in a convivial atmosphere, experience wine tastings, meals and degustation evenings, or enjoy a quiet drink after a movie. The LAP now proposes to limit or reduce the activity of these responsible establishments, and threaten their viability by reducing the allowable hours of operation, beyond that which is required by Supply of Alcohol Act 2012.</p> <p>The statement in the LAP Summary of Information and SOP regarding there being no change to trading hours for on-licences is blatantly false, as the LAP is proposing to reduce hours to 11pm on week days for local bars and restaurants. This is a significant change that will have impact on how we enjoy our chosen local on weekdays. The proposed LAP is an unjustifiably repressive policy. It is entirely unreasonable that Council, with no evidence of wrongdoing by responsible hosts, should penalise local establishments, employers, employees and patrons.</p> <p>Council claims to treat "all operators on an equitable basis and to prevent issues of migration." This is false as the LAP proposes one rule for the central city and another for all other locally based establishments and patrons. The Sale and Supply of Alcohol Act 2012 is itself sufficient to help "reduce harm caused by excessive or inappropriate consumption of alcohol" and does not require Councils to adopt a LAP to solve a problem that cannot be shown to exist. Irresponsible hosts can still be dealt with under existing law. Furthermore, forcing all establishments to close at the same time will make it impossible to taxi home. Council should instead adopt an overriding policy of not meddling in the business of responsible hosts and patrons.</p>	<p>The submitter's points are noted and will be considered by Council.</p> <p>Staff acknowledge that the Statement of Proposal contained an error. An error message was sent to all stakeholders advising that the text should have read that "the hours for on-licence premises in the central city remain unchanged." The maximum trading hours for licenced premises outside of the central city are being restricted.</p>
78	Stiletto's Nightclubs Limited	Yes	<p>Seeks a change to the policy allow for on-licence trading hours until 4am for entertainment premises. The legislation allows maximum trading hours of between 8am and 4am the following day. The policy does not recognise that some on-licence premises are there for entertainment purposes, and are not premises that are used 'principally or exclusively for the sale, supply, or consumption of alcohol.' Sale</p>	<p>The submitter's comments about differentiating 'entertainment premises' from other forms of on-licences will be considered by Council. In proposing a 3am (central city) closing Council has tried to balance the rights of people to</p>

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			<p>of alcohol is ancillary to the purpose of these venues.</p> <p>The policy should differentiate between on-licences for bars and nightclubs and entertainment venues, and a definition is proposed. There are advantages to varying closing times for different types of on-licence venues.</p>	<p>purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p>
79	New World Hillcrest	Not stated	<p>The submitter opposes the reduction in trading hours for supermarket off-licences to 9am-10pm, should be 7am-10pm. Considers it unnecessary to impose a blanket restriction across all off-licence holders when the District Licensing Committee has the ability to impose specific conditions for each application. Does not consider that the purchase of alcohol between 7am-9am results in harm, as alcohol is invariably purchased during this time alongside other food items. This clause of the policy will not reduce alcohol-related harm. There are considerable differences between supermarkets/grocery stores and 'bottle stores' and Council needs to consider these. The off-licence trading hours are significantly shorter than the default trading hours in the Act which has the sanction of Parliament.</p> <p>Concerned that the draft policy contains a number of restrictions where off-licences can be located, including near to schools and childcare centres. The submitter's supermarket borders a school yet the main entrances are 300 metres away. The policy needs to be clear on how these restrictions apply to existing licenced stores which are then sold requiring a new licence to be obtained.</p>	<p>The maximum trading hours in the draft policy of commencing at 9am respond to a desire to minimise alcohol-related harm across the city (and prevent migration). The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.</p> <p>Section 5.2.1(ii) is considered clear as it only applies to applications for off-licences "issued in respect of any new premises", and therefore will not apply to the submitter's premises. Whilst the sale of the business in future might require a new licence be applied for, the premises will not be new.</p>
80	Kereama Paraha	Not stated	<p>A resident of the Fairfield/Enderley areas and considers alcohol as being a major cause of harm in that community. There is a lack of understanding within the community about how to safely manage alcohol. Supports the policy seeking to reduce the numbers of off-licence and trading hours to 9am to 10pm. Would like to see a reduction in the number of off-licence outlets within the Fairfield/Enderley areas as the amount of current outlets is far too high. Would like to see more effort from off and on licenses premises to promote and provide education around safe use of alcohol to reduce harm, could be achieved through public health services and outlets working together. Applicants for licenses should have to fulfil these criteria.</p>	<p>The alcohol related harm data is not robust enough to form a basis for reducing the number of off-licence outlets in specific parts of the city as sought by the submitter.</p>
81	Te Whanau Roopu o Aoteroa Komiti Maaori	No	<p>Does not support the policy in principle, but provides no reasons.</p>	<p>Opposition to the policy is noted.</p>
82	New World Rototuna	Not stated	<p>The submitter opposes the reduction in trading hours for supermarket off-licences to 9am-10pm, should be 7am-10pm. Considers it unnecessary to impose a blanket restriction across all off-licence holders when the District Licensing Committee has the ability to impose specific conditions for each application. Does not consider that the purchase of alcohol between 7am-9am results in harm, as alcohol is invariably purchased during this time alongside other food items. This clause of the policy will not reduce alcohol-related harm. There are considerable differences between supermarkets/grocery stores and 'bottle stores' and Council needs to consider these. The off-licence trading hours are significantly shorter than the default trading hours in the Act which has the sanction of Parliament.</p> <p>Concerned that the draft policy contains a number of restrictions where off-licences can be located, including near to schools and childcare centres. The submitter's supermarket has an early childcare</p>	<p>The maximum trading hours in the draft policy of commencing at 9am respond to a desire to minimise alcohol-related harm across the city (and prevent migration). The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.</p> <p>Section 5.2.1(ii) only applies to applications for off-licences "issued in respect of any new premises", and therefore will not apply to the submitter's premises.</p>

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			centre in the same group of shops and the submitter states that determining how section 5.2.1 should be applied in this situation is uncertain. The policy needs to be clear on how these restrictions apply to existing licenced stores which are then sold requiring a new licence to be obtained.	
83	Te Whanau Roopu o Aoteroa Komiti Maaori		<p>Does not support the policy in principle. Submission states that page 14 is missing from the SOP.</p> <p>The matter regarding 'renewal of licenses' has not been addressed in the draft policy. The total number of off-license premises needs limiting on a per 100,000 of population basis within the city.</p> <p>Notification of license applications and renewal applications needs to be very clear to the community, with full page notices in free papers and posted on the website, as well as the current requirements being reasonable.</p>	<p>Opposition to the policy is noted. Page 14 of the SOP is intentionally blank apart from the heading 'Schedule 1'.</p> <p>The alcohol related harm data is not robust enough to form a basis for a population cap on premises as sought by the submitter.</p> <p>The Act provides for public notice to be given of licence applications (section 101). Council accepts the challenges for community organisations of finding notices in various newspapers. Council could investigate the possibility of listing all publically notified applications on the Council website.</p>
84	House and Grand Central	Yes	<p>In general supports the draft policy with the exception to the blanket changes to on-licence trading hours in all areas outside of the central city. 11pm on all days between Sunday and Thursday is too early and will adversely affect trade in some outlets outside the central city. Wants the policy to set closing times in suburban areas to 1am seven days per week, with the District Licencing Committee having discretion to set closing times as they see appropriate. The closing time for venues in industrial areas should be 3am, with the District Licencing Committee having discretion to set closing times as they see appropriate. Proposes an alternative clause 5.1.1.</p> <p>There needs to be some clarification of the term 'exceptional' in regards to assessment and granting of special licences, or it should be removed altogether or replaced with the term 'special'. Supports the decision to not include a one-way door policy given the lack of conclusive evidence regarding effectiveness.</p>	<p>Council has chosen to set on-licence maximum trading hours based on a distinction between 'central city area' and 'outside the central city area'. Widening that to also include provision for 'industrial zones' has not been considered.</p> <p>The special licence provisions in the draft policy formalise what is current practise and are not any more restrictive. The DLC has discretion and will determine what is considered 'exceptional' on a case by case basis. The special licence provisions in the draft policy have been designed to minimise harm.</p>
85	Route 66 Bar	Not stated	<p>Supports the maximum hours of trade in Section 5.1.1(i) for the central city area.</p> <p>Support the maximum hours of trade for off-licences of between 9am and 10pm. This will reduce excessive alcohol consumption as the hours open to the public are less. All off-licence premises should have the same hours as this then helps to reduce excessive alcohol consumption by preventing the consumer from going to any one store that is able to open longer.</p> <p>For special licences, using the word 'exceptional' implies a different standard to the term 'special'. The reference to 'exceptional' should be change to 'special'. Special licences issued for areas that are not holding liquor licenses would only be until 1am. This means that if we were to hold a large event in our area we would have to apply for one licence for a special event until 1am, and a second licence for the same events in the currently licenced premises for up to 4am on the same date. This would be unacceptable to divide areas up and close events part way through.</p> <p>Clause 5.3.1(vi) should be deleted and the District Licencing Committee should continue to issue the special licences up to the time that is appropriate.</p>	<p>The submitter's support for the proposed maximum trading hours is noted.</p> <p>The special licence provisions in the draft policy formalise what is current practise and are not any more restrictive. The DLC has discretion and will determine what is considered 'exceptional' on a case by case basis.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm. The DLC retain discretion over the issuing of special licences.</p>
86	Switch Bar	Not stated	<p>Supports the maximum hours of trade in Section 5.1.1(i) for the central city area.</p> <p>Support the maximum hours of trade for off-licences of between 9am and 10pm. This will reduce excessive alcohol consumption as the hours open to the public are less. All off-licence premises should</p>	<p>The submitter's support for the proposed maximum trading hours is noted.</p> <p>The special licence provisions in the draft policy formalise</p>

Submitter Number	Submitter Name and/or Organisation	Support /Oppose	Summary of Key Points	Staff Response
			<p>have the same hours as this then helps to reduce excessive alcohol consumption by preventing the consumer from going to any one store that is able to open longer.</p> <p>For special licences, using the word 'exceptional' implies a different standard to the term 'special'. The reference to 'exceptional' should be change to 'special'. Special licences issued for areas that are not holding liquor licenses would only be until 1am. This means that if we were to hold a large event in our area we would have to apply for one licence for a special event until 1am, and a second licence for the same events in the currently licenced premises for up to 4am on the same date. This would be unacceptable to divide areas up and close events part way through.</p> <p>Clause 5.3.1(vi) should be deleted and the District Licensing Committee should continue to issue the special licences up to the time that is appropriate.</p>	<p>what is current practise and are not any more restrictive. The DLC has discretion and will determine what is considered 'exceptional' on a case by case basis.</p> <p>The special licence provisions in the draft policy have been designed to minimise harm. The DLC retain discretion over the issuing of special licences.</p>
87	Good George Brewing and Dining Hall	Yes	<p>Supports many aspects of the draft Policy, including the decision not to include a one-way door policy. Concerned with the trading hours for on-licence premises outside the central city which are more restrictive than the submitter's existing licence, but with no identifiable issues. Considers that there is no evidence that reducing hours at the submitter's venue will reduce alcohol-related harm. Considers 11pm closing time to be unreasonable for the submitter's venue, and considers restricting hours for such a food-focused venue is not the intended result of the changes to the legislation. Giving the District Licencing Committee discretion over a range of hours is a common sense approach and should be allowed. An alternative clause 5.1 is proposed with longer trading hours and an exception for premises within the Industrial Zone.</p> <p>The submitter considers the term 'exceptional circumstances' should be defined in the policy.</p>	<p>In setting on-licence maximum trading hours Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>Council has chosen to set on-licence maximum trading hours based on a distinction between 'central city area' and 'outside the central city area'. Widening that to also include provision for 'industrial zones' has not been considered.</p> <p>The special licence provisions in the draft policy formalise what is current practise and are not any more restrictive. The DLC has discretion and will determine what is considered 'exceptional' on a case by case basis. The special licence provisions in the draft policy have been designed to minimise harm.</p>
88	Smith and McKenzie Restaurant	Yes	<p>Supports many aspects of the draft Policy, including the decision not to include a one-way door policy. Concerned with the trading hours for on-licence premises outside the central city which are more restrictive than the submitters existing licence with no identifiable issues. Considers that there is no evidence that reducing hours at the submitter's venue will reduce alcohol-related harm. Considers 11pm closing time to be unreasonable for the submitter's venue, and considers restricting hours for such a food-focused venue is not the intended result of the changes to the legislation. Giving the District Licencing Committee discretion over a range of hours is a common sense approach and should be allowed. An alternative Section 5.1 is proposed with longer trading hours and an exception for premises within the Industrial Zone.</p>	<p>In setting on-licence maximum trading hours Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>Council has chosen to set on-licence maximum trading hours based on a distinction between 'central city area' and 'outside the central city area'. Widening that to also include provision for 'industrial zones' has not been considered.</p>
89	New World Te Rapa	Not stated	<p>The submitter opposes the reduction in trading hours for supermarket off-licences to 9am-10pm, should be 7am-10pm. Considers it unnecessary to impose a blanket restriction across all off-licence holders when the District Licensing Committee has the ability to impose specific conditions for each application. Does not consider that the purchase of alcohol between 7am-9am results in harm, as alcohol is invariably purchased during this time alongside other food items. This section of the policy will not reduce alcohol-related harm. There are considerable differences between supermarkets/grocery stores and 'bottle stores' and Council needs to consider these. The off-licence trading hours are significantly shorter than the default trading hours in the Act which has the sanction</p>	<p>The maximum trading hours in the draft policy of commencing at 9am respond to a desire to minimise alcohol-related harm across the city (and prevent migration). The submitter's comments regarding default hours from the Act are noted, however the draft policy is Council's opportunity to develop a local response as opposed to a national 'blanket' approach.</p> <p>Section 5.2.1(ii) only applies to applications for off-licences</p>

Submitter Number	Submitter Name and/or Organisation	Support /Oppose	Summary of Key Points	Staff Response
			of Parliament. Opposes that new off-licences must be located in the retail centres only, as existing off-licences in non-retail centres must be able to be renewed, including when the business is sold and a 'new' off-licence must be considered for the new owner.	"issued in respect of any new premises". Whilst the sale of the business in future might require a new licence to be applied for, the premise itself will not be new.
90	Altitude Nightclub	Not stated	<p>The LAP must be written to allow for Hamilton to be able to develop its entertainment offering while maintaining safe and responsible drinking practises. Supports the maximum trading hours for on-licences for the central city area, but does not support the maximum trading hours for on-licence premises outside of the central city as many premises already operate beyond those hours without identifiable issues. Proposes an alternative for premises within the 'Industrial Zone'.</p> <p>The hospitality industry is already quite marginal and any imposition of more restrictive trading conditions would likely lead to business being unprofitable and forced to close. We would like to see the District Licensing Committee have the right to issue licences and licence renewals allowing for the more reasonable trading hours where they consider it appropriate. Does not support the maximum hours of 10pm for outdoor dining, and considers 1am to be appropriate.</p> <p>Supports the maximum trading hours for off-licence premises, and support these hours being applied to all types of off-licences.</p> <p>Section 5.3.1 (iv) and (i) refers to exceptional circumstances required, rather than special circumstances as is used in the Act. 'Special' circumstances have already been clarified by the courts in decisions under the previous act. Using a different term could imply that 'exceptional' is a higher standard than 'Special'. All references to 'exceptional' should be changed to 'special'.</p> <p>Section 5.3.1 (iv) Special licences can only be issued to 1am for premises that are not already licenced. In our situation we have licenced and unlicensed areas. When we hold a large special event like Soundscape, this would mean that half of the event could apply for a special licence to up to 1am and the other could apply up to 4am. This would not be acceptable. Submit that 5.3.1 (iv) be deleted and allow the DLC to issue special licences up to the time that is appropriate. (i.e. as per 5.3.1 (i))</p>	<p>In setting on-licence maximum trading hours Council has tried to balance the rights of people to purchase alcohol, and the rights of industry to sell, and minimising alcohol-related harm.</p> <p>Council has chosen to set on-licence maximum trading hours based on a distinction between 'central city area' and 'outside the central city area'. Widening that to also include provision for 'industrial zones' has not been considered. The special licence provisions in the draft policy formalise what is current practise and are not any more restrictive. The DLC has discretion and will determine what is considered 'exceptional' on a case by case basis. The special licence provisions in the draft policy have been designed to minimise harm.</p>
91	Distilled Spirits Association of New Zealand	Not stated	The submitter is supportive of the high level intent of the policy, but considers harm minimisation will only be achieved through a long term evidence-based programme combining good policies and regulations with targeted educational interventions aimed at understanding and then changing harmful drinking behaviours. There is a complex array of socio-cultural factors involved and it is not clear whether the draft policy will reduce harmful drinking. How will Council support behaviour modification for the minority of drinkers who drink to excess on a regular basis, and how will success of the policy be measured? Strongly believe that an integrated approach which links well thought out and introduced regulatory interventions with targeted educative/behaviour modifying programmes is necessary to properly address drinking issues. Provisions for on and off licences should apply equitably and consistently across all licence types and categories. This equitable treatment not only applies to premises but to alcoholic beverages themselves as it is our belief that the impacts of alcohol are the same whether it come in the form of wine, beer, cider or spirits. Harmonisation across territorial authority boundaries is important too.	<p>Submission is broadly supportive of the draft policy.</p> <p>Achieving consistency with other territorial authorities has been sought as far as possible, but the draft policy also reflects the specific characteristics of the city.</p>
92	Social and Ecumenical Action Group	Yes	The city is right to seek a balance between 'individual responsibility' on the one hand and provision of appropriately-controlled drinking environments and access to alcohol on the other. We are greatly concerned about the level of alcohol-related harm that we see in our community and believe it	<p>The submission is broadly supportive of the draft policy.</p> <p>The submitter proposes extra wording be added to the definition of 'off-licence' referring to section 36 of the Sale</p>

Submitter Number	Submitter Name and/or Organisation	Support /Oppose	Summary of Key Points	Staff Response
	(St Andrews Presbyterian Church)		<p>warrants an approach that offers greater protection and promotion of public health and community safety. This Local Alcohol Policy could help to change attitudes and behaviours. At the same time, in the granting of liquor licences we do not think it is appropriate for the rights and enjoyment of responsible drinkers to be overly-curtailed. In our view there is room for some improvements in the draft Hamilton City LAP.</p> <p>Agree that for off-licences it is important to restrict off-licences to "retail centres" as scheduled.</p> <p>In the definition for off-licences (p.8) the text should be expanded to read: "On the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else. Pursuant to section 36 of The Sale and Supply of Alcohol Act 2012 no off-licences may be issued for petrol stations, certain garages, dairies, convenience stores, conveyances, or shops within shops."</p> <p>Agree with 9am to 10pm maximum, as in 5.2.2 (i).</p> <p>The Statement of Proposal (p. 4) says that this change in 5.2.2 (i) "will affect the morning trading hours of supermarkets who currently open at 7 or 8am". But we think the LAP could make it clear that it is permissible for signage in supermarkets to say alcohol will not be sold until 9am, with the supermarket still able to open its doors earlier. This would overcome inconvenience to other grocery buyers who wish to shop before 9am and for whom the supermarket could still be open.</p> <p>For on-licences in the central city, agree with the time-shift to maximum hours of 7am to 3am next morning. This will allow champagne breakfasts in Hamilton. However, strongly prefer that the LAP instigate a one-way door policy to apply from 2am. Pre-loading elsewhere makes alcohol consumption more problematic in longer evening hours of opening.</p> <p>Premises should be required to stop selling alcohol unless the premises make provision to minimise the impact of alcohol e.g. a requirement to make food available until 12 midnight.</p> <p>In section 5.1.1 (iv) the Hamilton casino should not be exempt from these maximum hours. The casino is different from the other exempted premises as it does not offer accommodation. It is reasonable for hotels and other cited accommodation establishments to be permitted to have house bars with longer hours.</p> <p>For on-licences outside the central city, agree with the tighter range of maximum hours set out in 5.1.1 (ii), in some cases instigating a reduction from current hours.</p> <p>Should insert a definition for 'bar' and state that it has the same meaning as 'tavern'.</p> <p>Support section 5.2 which states that "this policy does not limit the number of off-licence premises or restrict the issue of new licences, provided other policy criteria are met", but only as long as off-licensed premises must be located in the schedule 1 retail centres and that section 36 of The Sale and Supply of Alcohol Act by definition imposes a sinking lid on dairies, petrol stations and convenience stores being able to obtain off-licences.</p>	<p>and Supply of Alcohol Act, which prohibits off-licences being issued for petrol stations, certain garages, dairies, convenience stores, conveyances, or shops within shops. The amendment is unnecessary.</p> <p>The submitter is correct that the maximum hours restriction for supermarkets refers to the ability to sell alcohol, and does not affect the opening hours of the supermarket generally.</p> <p>In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.</p> <p>Council was required to provide an exemption for the casino in the policy pursuant to other legislation.</p> <p>Providing a definition of the term 'bar' is unnecessary as the term is not used in the draft policy.</p> <p>As noted by the submitter, the Act prohibits sale of alcohol from dairies, petrol stations and convenience stores, as defined in the Act.</p>
93	New Zealand Police	Not stated	<p>The Police advocate for on-licence operating hours of 9am-3am Monday to Sunday; off-licence trading hours to be restricted to 9am-9pm, one-way door restrictions should be applied to all licences that trade to 3am; Police support supermarkets being subject to the same operating hours as other forms of off-licence; and Police recommend a proximity clause and a density clause be added to the policy relating to off-licences. Reducing the hours of trading for off-licences will reduce availability of alcohol and related harm with 'pre-loading' and 'side-loading'. Police advocate for a cap on the number of off-</p>	<p>Submitter's preferences for maximum hours of trade are noted but considered too restrictive.</p> <p>The alcohol related harm data is not robust enough to form a basis for the proximity clause, density clause and a cap on the number of off-licence outlets in the city, as sought by the</p>

Submitter Number	Submitter Name and/or Organisation	Support /Oppose	Summary of Key Points	Staff Response
			licence outlets in the city. Police support discretionary conditions being added to the policy, including the visual impact of off-licences and marketing. Alcohol-related harm after midnight is a particular issue that can be addressed through imposing a one-way door policy.	submitter. In developing a draft policy Council considered the merits of a one way door policy at great length. However Council decided not to make this a feature of the policy at this stage.
94	<i>Cancelled submission (duplicate)</i>	-	-	-
95	Independent Liquor (NZ) Ltd	Not stated	We support the draft LAP decision of a maximum trading period for off-licences of 9am – 10pm. If however the Council decided on restricted hours then it is vital that these apply across the board. Our core business is RTD's and these cannot be sold through supermarkets. Allowing a policy which allowed low priced but high strength wines (13% ABV on average) to be sold in supermarkets until 11pm when a more expensive and lower strength (7% ABV on average) RTD sales outlet has to shut at 9pm, would be manifestly unfair.	Submission is broadly supportive of the policy.

DRAFT LOCAL ALCOHOL POLICY

The purpose of this policy is to ensure that the sale, supply and consumption of alcohol are undertaken safely and responsibly, and to ensure that the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

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1. Policy Objectives and Scope
2. Strategic Alignment
3. Definitions
4. Principles of the Policy
5. Policy Guidelines
6. Monitoring and Implementation
7. References
8. Schedules

REVISION HISTORY

<i>Revision #</i>	<i>Policy Sponsor</i>	<i>Approval Date and date of next scheduled review</i>	<i>Council or Committee Decision</i>	<i># TRIM Reference</i>	<i>Related Operating Guidelines</i>
1	General Manager City Environments	Nov 2013. To be reviewed by 2019.	Council	D-1117508	

1. POLICY OBJECTIVES AND SCOPE

The Sale and Supply of Alcohol Act 2012 allows territorial authorities to develop a Local Alcohol Policy (LAP), a set of decisions made by Council in consultation with its community to regulate the sale and supply of alcohol in Hamilton City.

The purpose of a LAP is to set a clear framework to be applied to all applications for liquor licences within Hamilton City.

The objective of this policy is to balance the reasonable needs of residents of Hamilton City regarding the sale, supply and consumption of alcohol, while addressing the statutory requirements of the Sale and Supply of Alcohol Act 2012, including the object of the Act to minimise the harm caused by excessive or inappropriate consumption of alcohol.

The policy applies to:

- Any applications for liquor licences from the date that this policy comes into force, and
- Any applications for renewal of existing licences at a licensed premise.

This Local Alcohol Policy (LAP) has been developed pursuant to section 75 of the Act, which empowers territorial authorities to develop Local Alcohol Policies for their District.

2. STRATEGIC ALIGNMENT

This policy assists in the delivery of Councils outcomes and goals as follows:

PROSPEROUS AND INNOVATIVE	OUTSTANDING CITY LEADERSHIP	PEOPLE LOVE LIVING HERE
<ul style="list-style-type: none"> ▪ Hamilton has a strong, productive economy and we build on our economic strengths. ▪ We have a thriving CBD. ▪ It's easy to do business here. ▪ Our city grows and prospers in a sustainable way. 	<ul style="list-style-type: none"> ▪ The city is led by effective, open and responsive governance. ▪ Council's finances are sustainable for the long term. ▪ We operate efficiently and provide exceptional service. ▪ The city takes a leadership role regionally and nationally. 	<ul style="list-style-type: none"> ▪ Hamilton embraces the Waikato River and it is the focal point of our city. ▪ We value, preserve and protect Hamilton's natural, green environment. ▪ Our city is attractive, well-designed and compact with outstanding architecture and distinctive public spaces. ▪ Our city is a fun place to live with a vibrant Arts scene. ▪ Hamilton is a safe city. ▪ It's easy to get around. ▪ We celebrate our people and many cultures.

■ = primary contribution

3. DEFINITIONS

When interpreting this policy use the definitions set out in section 3 unless the context requires otherwise. If you see a reference to a repealed Act, regulation, District Plan, bylaw or policy, read that as a reference to its replacement.

"Authorised customer" in relation to premises a club licence is held for, means a person who—

- (a) is a member of the club concerned; or
- (b) is on the premises at the invitation of, and is accompanied by, a

	member of the club concerned; or
	(c) is an authorised visitor.
“Café”	shall have the same meaning as “restaurant”.
“Central City Area”	means the area of Hamilton defined by the Central City Zone of the Proposed Hamilton City District Plan (or the resulting Operative District Plan).
“Club”	means a body that—
	(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
	(c) holds permanent club charter.
“District Licensing Committee”	means the Hamilton City District Licensing Committee appointed pursuant to section 186 of the Act.
“House bar”	means an area within the premises of a hotel or other form of visitor accommodation where a bar is operated, primarily for the use of guests staying in the accommodation and in conjunction with a restaurant or other form of premises serving food.
“Hotel”	means premises used or intended to be used in the course of business principally for providing to the public—
	(a) lodging; and
	(b) alcohol, meals, and refreshments for consumption on the premises.
“Minibar”	means a selection of drinks and confectionary that is provided in a hotel (or other form of visitor accommodation) bedroom, and charged to the guest’s bill if used.
“Off-licence”	on the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else.
“On-licence”	on any premises an on-licence (other than an on-licence endorsed under section 37 of the Act) is held for, the licensee—
	(a) can sell and supply alcohol for consumption there; and
	(b) can let people consume alcohol.
“Outdoor dining area”	means an area of a premises holding an on-licence or club licence that is outside of the building which includes any part of a public footpath, pavement or other public place.
“Premises”	Includes;
	(a) a conveyance; and
	(b) includes part of any premises; and
	(c) in relation to a licence, means the premises it was issued for.
“Prohibited persons”	are persons to whom alcohol cannot be served including minors and intoxicated persons and in the case of clubs any person who is not an authorised customer.

“Remote seller”	means off licence premises that conduct ‘remote sales’, as defined by the Sale and Supply of Alcohol Act 2012.
“Restaurant”	means premises that— <ul style="list-style-type: none"> (a) are not a conveyance; and (b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.
“Suburban Area”	means the portion of Hamilton defined by the Business 1 to 6 Zones and the Major Facilities Zone of the Proposed Hamilton City District Plan (or the resulting Operative District Plan).
“Special Licence”	means the type of licence detailed in section 22 of the Act.
“Speciality Retailers”	means retail premises where the sale of alcohol forms a minor portion of sales of speciality food items, such as but not limited to gift basket retailers and ethnic food stores, and where the District Licensing Committee consider the premises to fall within the characteristics of a speciality store.
“Tavern”	<ul style="list-style-type: none"> (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but (b) does not include an airport bar.
“Temporary Authority”	means a temporary authority order issued and in force under section 136 of the Act.
“The Act”	means the Sale and Supply of Alcohol Act 2012.
“Visitor Accommodation”	means any land or buildings used for day-to-day accommodation of visitors on a temporary basis (up to three months’ continuous occupation during any 12-month period). It includes motels, hotels, holiday or tourist flats, backpacker accommodation, motor or tourist lodges. It excludes camping grounds and motor camps.

4. PRINCIPLES OF THE POLICY

- Council recognises its role in minimising harm caused by excessive or inappropriate consumption of alcohol.
- Council acknowledges the important role central city bars and restaurants play in providing a vibrant hospitality sector and night time economy.
- Council acknowledges the rights of individuals to purchase alcohol, the rights of industry to sell alcohol and the rights of society to protect itself from alcohol related harm.

5. POLICY GUIDELINES

5.1 On-Licences and Club Licences

5.1.1 Maximum trading hours for premises holding on-licences (subject to sections 46 and 47 of the Act).

- (i) No on-licence or club licence shall be issued or renewed for any premises in the **Central City Area** with trading hours that exceed the following:
 - Monday to Sunday 7:00am to 3:00am the following day.

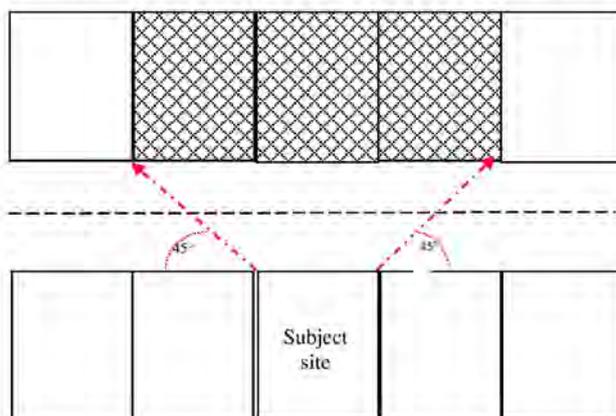
- (ii) No on-licence or club licence shall be issued or renewed for any premises outside the **Central City Area** with trading hours that exceed the following:
 - Friday and Saturday 7:00am to 1:00am the following day,
 - Sunday to Thursday 7:00am to 11:00pm.
- (iii) Any permitted outdoor dining area will not have trading hours that exceeds 9:00am to 1am on any day as provided for within the Public Places Bylaw 2009 and the Public Places Policy.
- (iv) The Hamilton Casino (at 340 Victoria Street), and minibars and house bars located within hotels, and other forms of visitor accommodation, are all exempted from this provision.

5.2 Off-Licences

- This policy does not limit the number of off-licence premises or restrict the issue of new licences, provided the other policy criteria are met.

5.2.1 Location of premises holding off-licences

- (i) New off-licence premises (excluding remote sellers endorsed pursuant to section 40 of the Act and speciality stores) shall be limited to areas of the city as displayed in Schedule 1 (**Central City Area and the Suburban Area**).
- (ii) In addition to 5.2.1 (i), an off-licence will not be issued in respect to any new premises on any site that directly borders (as identified in the graphic below) any school or early childcare facility, existing at the time the licence application is made.



- (iii) Speciality retailers and remote sellers are exempted from the above location provisions.

5.2.2 Maximum trading hours for premises holding off-licences

- (i) Subject to section 48 of the Act no off-licence shall be issued or renewed with trading hours that exceed the following:
 - Monday to Sunday 9:00am to 10:00pm

5.3 Special Licences

- (i) Special licences allow the sale and consumption of alcohol at events or occasions on premises that are unlicensed, or premises that would be outside their normal licence conditions. They can permit on site or off site sales, and are in force for the date and time of the event only.

- (ii) For the purpose of this section, the term 'event' includes an occasion or a gathering, and any series of such events.

5.3.1 Issuing of Special Licences

- (i) The District Licensing Committee, subject to section 41 of the Act may refuse a special licence or licences where it would be more appropriate for the applicant to apply for an on, off or club licence, or for the variation of an existing licence.
- (ii) No more than twenty (20) events or series of events will be authorised by special licence(s) to a single licensee or applicant in one calendar year.
- (iii) Temporary structures being used as part of a special licence application will need both Building Unit and Planning Guidance Unit approval before a special licence will be issued.
- (iv) Special licences for premises that are not otherwise licensed will not be issued with trading hours beyond 1.00am the day following the event, except in exceptional circumstances as determined by the District Licensing Committee.
- (v) Where the applicant for a special licence already holds an on, off or club licence with the maximum hours permitted for that type of licence under this policy, a special licence with greater hours (to a maximum of one extra hour) will only be issued in exceptional circumstances as determined by the District Licensing Committee.

5.4 Temporary Authorities

- (i) All temporary authority applications will be passed to the Police to give them an opportunity to inquire into the application.
- (ii) Pursuant to section 136(4)(c) of the Act every temporary authority will be subject to a condition that no second or subsequent temporary authorities will be issued in respect to the same premises and licensee unless a full licence application has already been filed, or, in exceptional circumstances, with the prior approval of the Secretary of the Licensing Committee.

6. MONITORING AND IMPLEMENTATION

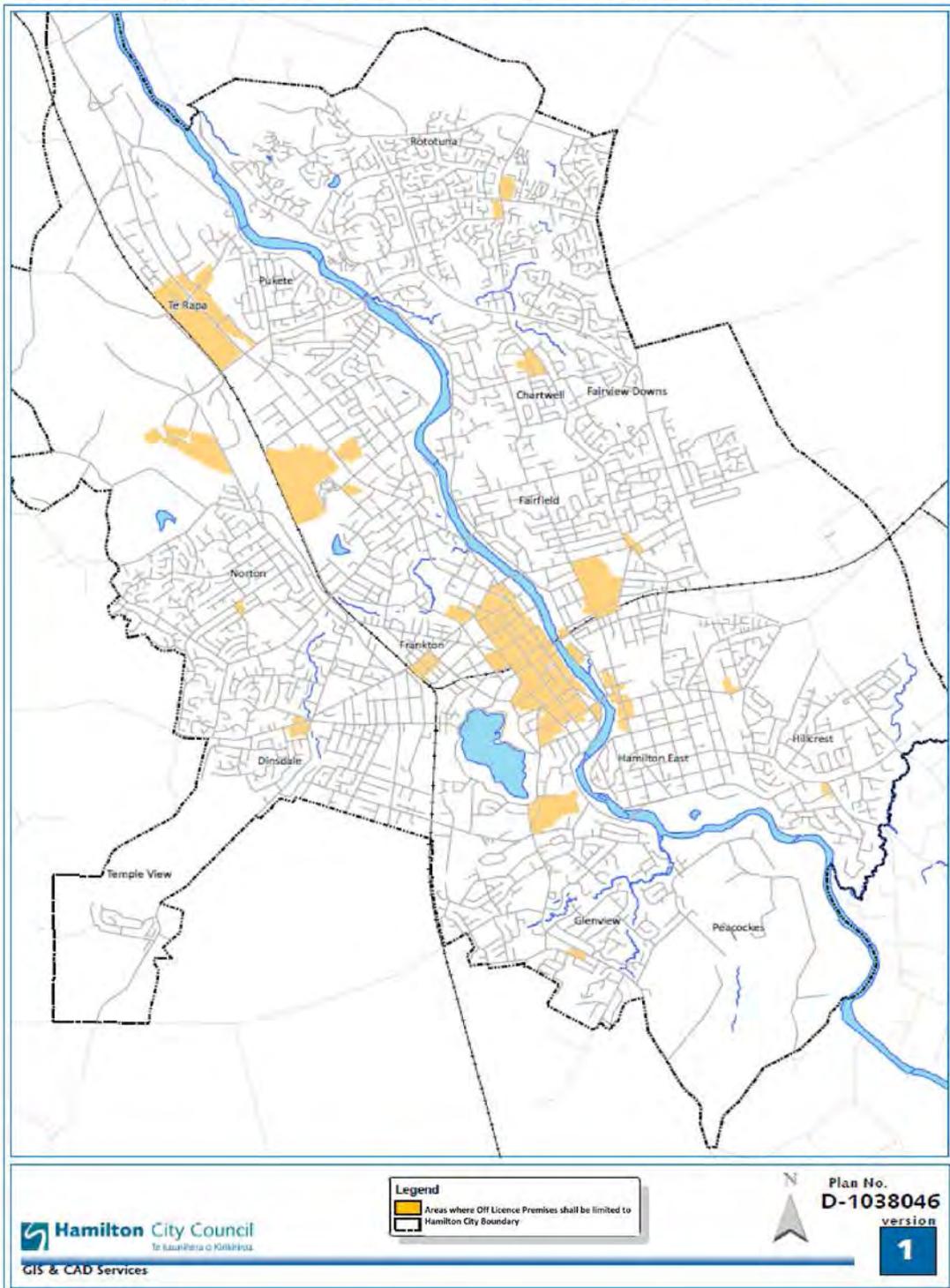
The General Manager City Environments will monitor the implementation of this policy.

The policy will be reviewed every six years as required by the Sale and Supply of Alcohol Act 2012, or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

7. REFERENCES

- Sale and Supply of Alcohol Act 2012
- Public Places Bylaw 2009 and Public Places Policy
- Waikato Regional Liquor Licensing Policy Guidance Document

SCHEDULE 1 - AREAS WHERE OFF LICENCE PREMISES SHALL BE LIMITED TO



Key issue	Affected stakeholder	Comment	Position in the draft LAP	Possible options for consideration
On and Club Licences				
1. Bars located outside of the central city advocated for longer trading hours (closing hour).	Raised by on-licences. subs # 04, 18, 24, 33, 34, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 70, 77, 84, 90	The proposed trading hours were based on a principle approach of reducing alcohol harm in residential areas. Currently there are a number of licence holders outside of the central city that have historically been granted trading hours by the DLA that go beyond the maximum hours in the draft policy. Potentially 19 on-licence premises (out of a total of 163) are affected in some degree. During inspections of these premises, however, it was noted most closed long before 11pm including those premises occupying industrial areas. The rationale for an 11pm closing on Sunday to Thursday (noting suburban on-licences can still trade to 1am on Friday-Saturday) was to provide some differentiation between central city to address community concerns about harm in local neighbourhoods. It is not possible to develop a new policy to accommodate the mixture of suburban extended on-licence trading hours currently granted. Note The old licencing policy was written under the old legislation and reflects restrictions based on old DP zoning e.g. taverns and commercial areas. The SSAA uses new terminology for kinds of licenses and the PDP uses new zoning language. So most aspect of the draft LAP are new or non-comparable.	No on-licence or club licence shall be issued or renewed for any premises outside the Central City Area with trading hours that exceed the following: – Friday to Saturday 7:00am to 1:00am the following day; – Sunday to Thursday 7:00am to 11:00pm	1) No change to draft LAP. 11pm Sunday to Thursday is felt appropriate to reduce alcohol related harm occurring in suburban locations. 2) Extend the hours for on-licences outside the central city. This option could include simplifying the hours to a standard Mon- Sunday like for the Central City (RECOMMENDED). <u>Rationale</u> There is a lack of evidence to support the need for shorter mid-week trading hours. A maximum trading hour of 12 midnight would still reflect a reduction in hours for some premises so is therefore still considered a measure to reduce alcohol related harm. 3) Adopt the national default hours (8am-4am the following day) and allow the District Licensing Committee (DLC) to apply discretion on a case by case basis.
2. Request that on-licence maximum trading hours should be shorter (<u>commence later</u>).	Raised by a range of individual submitters (community or health agencies) Subs # 03, 08, 13, 14, 19, 22, 23, 25, 26, 29, 32, 35, 50, 52, 53, 60, 65, 66, 69, 71, 73, 74, 80, 92, 93	Submitters who advocated for a reduction in the proposed hours base their rationale on research demonstrating reduced hours leading to reduced availability resulting in reduced harm. Some submitters concern was that alcohol could be sold too early e.g. 7am.	The draft policy proposes : Central City Area as – Monday to Sunday 7:00am to 3:00am the following day. Other as: – Friday to Saturday 7:00am to 1:00am the following day; – Sunday to Thursday 7:00am to 11:00pm	1) No change (RECOMMENDED). <u>Rationale</u> A 7am opening time has been provided for on-licences for many years and reported issues with alcohol related harm at this time of day are minimal. 7am is considered appropriate as typical practice is that alcohol is served as part of a meal and more likely to be associated with a special occasion e.g. champagne breakfast rather than harm activity. 2) Reduce the hours for on-licences to earlier than that proposed. Setting hours at 9am (2 hours later) would create alignment with the proposed hours for off-licences.
3. Request that on-licence maximum trading hours should be shorter (<u>close earlier</u>).	Raised by a range of individual submitters (community or health agencies) Subs # 03, 08, 13, 14, 19, 22, 23,	Submitters who advocated for a reduction in the proposed hours base their rationale on research demonstrating reduced hours leading to reduced availability resulting in reduced harm. Some submitters concern was that closing at 1am (outside of the central city) and 3am (in the central city) is too late and related in obvious alcohol related harm in this area e.g.	The draft policy proposes : Central City Area as – Monday to Sunday 7:00am to 3:00am the following day. Other as: – Friday to Saturday 7:00am to 1:00am the following day;	1) No change (RECOMMENDED). <u>Rationale</u> A 3am opening time has been provided for on-licences for a number of years. While there is evidence of higher levels of alcohol related harm between 12midnight and 3am, the higher density of outlets makes this easier to manage or mitigate.

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	25, 26, 29, 32, 35, 50, 52, 53, 60, 65, 66, 69, 71, 73, 74, 80, 92, 93	vandalism, violence and undesirable behaviours. These all impact on city safety.	- <u>Sunday to Thursday 7:00am to 11:00pm</u>	2) Reduce the hours for on-licences to earlier than that proposed.
4. Request that some on-licence premises be treated differently	Raised by Stiletto's Nightclub Sub #78	In the appeal of B&M Entertainment against Wellington City Council, the appellant requested that strip clubs be permitted to sell alcohol to patrons 24 hours per day, seven days a week because it is an entertainment venue where the sale of alcohol is secondary to its principle business. ARLA ruled that the element appealed against is not unreasonable and the appeal was dismissed	Treats all on-licences the same.	1) No change (RECOMMENDED) . Rationale Supported by ARLA decision
5. Request for an exemption to hours for trading on New Year's and Christmas Eve when these do not fall on a weekend.	Raised only by Cosmopolitan Club. Sub #18 Several on-licence premises also commented that public holidays and sporting events will become more difficult for them to cater for because the standard on-licence hours (section 5.1.1) are more restrictive in the policy than under current licences.	The request from the Cosmopolitan Club appears reasonable. Under the draft policy, clubs (outside of the central city) have permitted licensed hours until 11pm during the week. It could be argued that it is reasonable to provide the same hours as they may enjoy during weekend trading for occasions such as New Year's Eve (which may be seen to start a holiday break period). Otherwise a club would have to seek a special licence. On-licences are restricted in terms of alcohol sales on Christmas Day, but with no restriction for New Year's Day.	No exemption	1) No change, when New Years Eve and Christmas Eve fall during the Sunday to Thursday period, clubs will be required to apply for a special licence to trade longer. (RECOMMENDED) NB If Council determines to extend hours for on-licences outside of the central city to 12midnight or 1am (see issue 1 and options 2 or 3) this issue will be resolved and no further changes would be required. Rationale Exemptions for New Years Eve and Christmas Eve are based on business decisions and providing customer experience not on minimising alcohol related harm. Trading beyond the maximum hours in the LAP can still be achieved through the application of a special licence. 2) Provide for longer hours on specified days such as New Years' Eve and Christmas Eve for clubs, and New Years' Eve for on-licences. Amendment to section 5.1.1.(ii) of the policy to include an extra bullet points as follows: "- New Year's Eve 7:00am to 1:00am the following day (club licences and on-licences)". "- Christmas Eve 7:00am to 1:00am the following day (clubs only)".
6. Outdoor dining hours	On licences	The draft policy was released with a typographical error relating to the hours for outdoor dining. Clause 5.1.1 (iii) currently states that 'Any permitted outdoor dining area will not have trading hours that exceeds 9am to 10pm on any day as provided for within the Public Places Bylaw 2009 and the Public Places Policy.'	Should read 'Any permitted outdoor dining area will not have trading hours that exceeds 9am to <u>1am</u> on any day. <i>This was misreported in the SOP (stated 10pm instead of 1am) but subsequently communicated to all stakeholders immediately.</i>	1) Amend policy to read "Any permitted outdoor dining area will not have trading hours that exceeds 9am to <u>1am</u> on any day" 2) Remove the paragraph relating to outdoor dining hours. This information should be documented in the Public Places Bylaw and Policy (RECOMMENDED) . Rationale This is primarily a trading and dining issue and is outside the scope of the LAP.
7. Outdoor dining	Raised by Sky	The amendment to Section 5.1.1(iii) proposed by the submitter is	Does not make distinction between public	1) Amend the policy as follows:

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provisions	City Casino	considered a worthwhile amendment to the policy as it serves to clarify that outdoor dining on privately owned land (such as a garden bar) is not subject to the section (or the Public Places Bylaw 2009 and Public Places Policy.	and private land	<p>"Any permitted outdoor dining area <u>that is on Council-owned and controlled land</u> will not have trading hours that exceeds 9.00am to <u>1.00am</u> the following day".</p> <p>2) Remove the paragraph relating to outdoor dining hours. This information should be documented in the Public Places Bylaw and Policy (RECOMMENDED).</p> <p><u>Rationale</u> This is primarily a trading and dining issue and is outside the scope of the LAP.</p>
Off-licences				
8. Off licence hours should be longer	Raised primarily by Progressive and Foodstuffs. Subs # 30, 61	<p>Submitters representing supermarket franchises seek a 7am (instead of the proposed 9am) opening time and an 11pm closing time (instead of the proposed 10pm) on the basis that supermarkets have entirely different characteristics to other off-licences.</p> <p>This was not supported by NZ Hospitality and many other off licence submitters who supported the policy applying to all off-licences equally and did not support the supermarkets being granted exemptions to trade longer.</p> <p>Some individuals, community groups and health organisations supported the proposed hours or a further small reduction e.g. 9pm closing instead of 10pm.</p> <p>ARLA ruling (Wellington City Council and Tasman) that no proposed measure should be partial or unequal in operation between license holders.</p>	9am – 10pm	<p>1) No change. Off licence hours to remain 9am -10pm and apply to all off-licences.</p> <p>2) Off licence hours to be extended, for example to commence at <u>7am</u> instead of 9am, and apply to all off-licences (RECOMMENDED).</p> <p><u>Rationale</u> This presents the status quo for supermarkets for the past 5-10 years. There is no evidence to support increased alcohol harm from morning sales.</p>
9. Concern that the approach taken in schedule 1 (where new off licence premises can locate) is too restrictive.	Raised by Progressive and Foodstuffs, TEG Enterprises Subs # 21, 30, 61	<p>Submitters suggest that restricting off licences to business zones 1-6 will lock parts of the city with no premises and force new premises into existing areas possibly already with a concentration of existing premises.</p> <p>Some suggested that location restrictions will discourage the building of new supermarkets if they are unable to provide for the sale of alcohol.</p> <p>The review of the policy every six years (or more frequently if Council chose) will allow changes to the business zones and will allow for growth and reflect changing development patterns in the city.</p>	New off-Licenses to be restricted to 'retail centres'.	<p>1) No change (RECOMMENDED)</p> <p><u>Rationale</u> The approach taken aligns with the centre's based approach promoted in the Proposed District Plan (PDP) and responds to community desires to better protect neighbourhoods.</p> <p>2) Retain restrictions to zones 1-6 in the PDP but also allow for the DLC consideration of off licences outside these areas where a lack of alcohol related harm can be demonstrated.</p> <p>This approach aligns with the centres based approach promoted in the Proposed District Plan (PDP) but also allows for the development of commercial activity where it can be proven that the additional availability of alcohol will not negatively impact on the local community.</p> <p>3) Remove the area in schedule 1 that relates to the hospital</p>

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				<p>(major facilities zone) as this is an anomaly. No other change for the reasons noted above. This is not recommended as the schedule is based on DP zones and does not reflect a pick and mix of sites.</p> <p><u>AND</u></p> <p>4) Remove map attached as part of the consultation material would not appear as part of a provisional LAP. Instead the areas of schedule 1 would be defined in line with the PDP (RECOMMENDED). Rationale This allows for flexibility e.g. if the zoning in the PDP changes then LAP changes with it.</p>
10. Application of policy with regard to 'new' and impact in terms of location	<p>Raised by several submitters</p> <p>Subs # 30, 31, 36, 51, 54, 63, 64, 67, 68, 71, 76, 83, 89</p>	<p>Submitters suggest that the policy lacks clarity in terms of what constitutes a 'new' licences and what is a renewal, in particular what happens when a premises is sold e.g. is the new owner required to apply for a licence and what parts of the policy apply.</p> <p>For clarity, when a business is sold, the new owner is required to apply for a licence but that licence excludes the location restrictions but trading hour restrictions do apply.</p>	<p>Policy provisions only apply to new premises.</p> <p>The Act allows existing use rights those premises already established outside any permitted areas indicated in a LAP to carry on trading under their existing licence and conditions.</p>	<p>1) No change, the wording in the policy) refers to 'new off-licence premises' and 'new premises' being required to meet the location restrictions. This is considered clearly different from a 'new' licence for existing premises.</p> <p>2) Amend the purpose and scope of document to reflect the following wording: The policy applies to the issue of new licences and on renewal of existing licences. <i>An off and/or on-licence that changes ownership but continues to be licensed on the existing premises consistent with the licence type issued under the previous ownership, is not subject to the location provisions of the policy (RECOMMENDED)</i>. Rationale New wording responds to submitter requests and provides better clarity.</p>
11. Request to recognise additional 'sensitive sites' and the provision of a 100m buffer.	<p>Raised by several community organisations</p> <p>Subs # 19, 22, 32, 53, 66, 75</p>	<p>The draft policy does not propose sensitive sites. The only proximity measure in the draft policy is prohibiting a new off licence premise to locate directly bordering a school.</p> <p>This is not consistent with the approach taken with the other harm activities e.g. LAPP.</p> <ul style="list-style-type: none"> - The LAPP has an extensive range of sensitive sites and a 100m proximity buffer - The Gambling Policy only has schools and early childcare as sensitive sites and a proximity buffer of directly bordering and 100m proximity buffer from residentially zoned land or community facilities land. - Prostitution Bylaw identifies schools/early childcare centres, places of worship and marae as sensitive sites and sets 100m as the proximity buffer. <p>It is Councils discretion whether to include additional sensitive sites. The inclusion of additional sensitive sites</p>	<p>No sensitive sites identified. Proximity restriction to prohibit off licences locating directly adjacent to schools or early childcare centres.</p>	<p>1) No change (RECOMMENDED). Rationale The approach taken to prevent new off licence premises locating in the direct vicinity of a school or early childcare centre as these facilities are youth focused, highly susceptible to alcohol advertising and marketing and most at risk of alcohol related harm to alcohol. The restriction is considered appropriate.</p> <p>2) Consider adding 'social welfare agencies' as an additional sensitive site as per submitters requests. This would align with the approach taken in the LAPP and recognize that social welfare agencies deal with communities most at risk of alcohol related harm. A definition of social welfare agency would need to be included and could be based on the following: <i>"Any premises occupied by an organisation that provides social welfare services such as mental health, employment</i></p>

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		<p>would likely result in a significant restriction to new premises establishing as schools and community facilities also locate in 'centres' or transport nodes.</p> <p>Sensitive sites identified for consideration included:</p> <ul style="list-style-type: none"> - Social welfare agencies - Public parks - Places of worship - Community and sports halls - Community house - Marae 		<p><i>and financial support to vulnerable members of the community. Includes Work and Income or similar agencies"</i></p> <p>3) Consider adding several additional sensitive site as per submitters requests. Definitions would need to be crafted for each additional type of facility.</p>
12.Exemption requested for supermarkets from proximity restrictions	<p>Raised by Foodstuffs and Progressive Enterprises.</p> <p>Subs # 30, 61, 67</p>	<p>Requested that consideration be given to exempting supermarkets from the location restrictions relating to proximity to schools on the basis that there is no external advertising and therefore no visual impact, that the legislation applies specific measures to supermarkets, and that there are some community benefits that do not exist with bottle stores and other off licenced premises.</p> <p>The graphic displays sites across the road as also being restricted, and therefore there is a lack of clarity between the words 'directly borders' and the associated graphic.</p> <p>Suggested the provision could also be amended to focus on the front boundary of the site (defined by the location of the principle vehicle entrances) and the side boundaries, but not the rear boundary however to reflect the location of greatest interaction between a site and the adjacent site (which will be significantly lower to the rear).</p>	All new off-licenses restricted to certain locations	<p>1) No change, the wording in the draft LAP is retained.</p> <p>2) The wording around proximity to schools be further clarifies to the principal entrance e.g. From the date this LAP comes into force, no further off-licences shall be issued for any premises that directly borders any school or early childcare facility existing at the time the licence application is made. <u>"Directly borders" includes across any road from such facility as shown in the graphic below (RECOMMENDED).</u> Rationale The approach taken to prevent new off licence premises locating in the direct vicinity of a school or early childcare centre as these facilities are youth focused and at high risk of alcohol related harm. The restriction is not limited to just the principal entrance as this doesn't address alcohol advertising typically associated with these premises nor the issue of greater availability.</p> <p>3) The wording around proximity to schools be further clarifies to the principal entrance e.g. From the date this LAP comes into force, no further off-licences shall be issued for any premises where the <u>principal entrance directly borders any school or early childcare facility existing at the time the licence application is made. "Directly borders" includes across any road from such facility as shown in the graphic below.</u></p> <p>4) Amend the policy to provide an exemption for supermarkets, and include a definition of 'supermarket' for the purpose of clarity. The exemption could be as follows: "(iii) Speciality retailers, supermarkets and remote sellers are exempted from the above location provisions". No alcohol related harm evidence to suggest supermarkets pose a lesser risk. However supermarkets are not allowed to advertise alcohol outside of their premises so impact is reduced.</p>

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13. Density provisions should be considered	WHDB, Health Promotion Agency and Police Subs #29, 69, 93	Health agencies advocate for a cap on the number of off-licence premises in the city to avoid any increase in density of alcohol outlets.	Does not contain any density provisions. This was considered as an option by the Councillor working party but dismissed as it was felt the 'commercial areas' where off licences can locate are small in size and the market would determine an appropriate number.	1) No change (RECOMMENDED). Rationale Density options were considered and analyzed but dismissed by the councillor working group. 2) Consider density provisions based on proximity e.g. no off-licence can be located within 100m of another. 3) Consider density provisions based on an overall cap for the city.
Other				
14. Special licences considered too restrictive	Raised by several submitters	The special licence provisions in the draft policy formalise what is current practise and are not any more restrictive than what has applied previously. The District Licensing Committee has discretion and will determine what is considered 'exceptional' on a case by case basis. The new licencing fees will also have a significant impact on on-licenses requests for special licences.	Required for events that are outside their normal licensed conditions and considered 'exceptional'	1) Delete 5.3.1 (i) (RECOMMENDED). Rationale Unnecessary repetition of legislation 2) Amend 5.3.1 (ii) to include events or series of events "of a similar nature" (RECOMMENDED). Rationale To provide the DLC with greater clarity 3) Delete 5.3.1 (iii)) (RECOMMENDED). Rationale Already a legal requirement. The inclusion was only for informational purposes. AND 4) No change to 5.3.1. (iv) and (V) <u>OR</u> 5) Delete the 1am the next day proposed in 5.3.1 (iv) and the 'exceptional circumstances' threshold (RECOMMENDED). Rationale Special licences for premises that aren't already licenced (5.3.1.(v)) be changed to align with the maximum trading hours proposed for on-licences, and allow DLC to make decisions on a case by case basis with regard to the location and nature of the event. This streamlining of requirements around special licences better recognizes that appropriate maximum trading hours will vary depending on the event and the location of the event <u>OR</u> 6) Replace the phrase 'exceptional circumstances' in 5.3.1 (iv) and (v) with 'special circumstances' or a similar term that provides greater flexibility for the DLC to apply discretion.

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15. One way door restrictions should be reconsidered or trialed	Raised by several submitters Subs #06, 25, 29, 35, 66, 92, 93	In developing a draft policy Council considered the merits of a one way door policy at great length.	Does not include a one way door policy	<p>1) No change (RECOMMENDED). Rationale This issue was debated sufficiently and Council's decision was informed by research available at the time.</p> <p>2) Introduce one way door restrictions for a trial period and monitor success in reducing alcohol related harm.</p> <p>3) Introduce one way door restrictions on a permanent basis.</p>
16. Additional notification of individual applications for licences to assist public involvement in the process	Raised by community organisations	<p>For individual licence applications the only avenue available is the objection process under sections 102 and 128. These are only available to a person who has "a greater interest in the application than the public generally".</p> <p>The Act provides for public notice to be given of licence applications (section 101). The challenge for community organisations of finding notices in various newspapers is acknowledged.</p> <p>Inspectors physically inspect premises when an application is made and ensure the notice in the window is physically displayed and visible.</p>	This is not a policy issue	<p>1) No change to policy (RECOMMENDED). Rationale This is not a policy issue. Council has changed its process to upload all applications on its website.</p>
17. Clarifying the wording around the casino exemption	Raised by Sky City Casino Sub #62	<p>A wording change to Section 5.1.1(iv) is proposed by the submitter to ensure the provision is clear, accurate and aligns with the address description on the current liquor licence.</p> <p>The Gambling Act (s173) states that "despite the SASOAA 2012 an on licence granted under that Act for a licensed casino must be treated as authorising the sale of alcohol for consumption in the casino while the casino is lawfully operated".</p> <p>S172 says the casino must not conduct casino gambling on Christmas Day, Good Friday or on Anzac day between 3am and 1pm on ANZAC day.</p> <p>The Hamilton Casino complex has three ON licences.</p> <ol style="list-style-type: none"> 1. The bars out front. They are not part of the actual casino gaming area would be covered by LAP/PLAP provisions. 2. The second level which has the bar and bowling alley – as above. 3. The licence for the gaming floor and bars. This one therefore can operate 24/7 as the Gambling Act over-rides the Alcohol Act. 		<p>1) Amend the wording of section 5.1.1 (iv) to provide greater clarity as follows:</p> <p><i>The gaming floor in the Hamilton Casino (currently at 340 to 348 Victoria Street), is exempted from this provision the above trading hour restrictions pursuant to section 173 of the Gambling Act 2003."</i> (RECOMMENDED.)</p> <p>Rationale Accurately reflects the legislative nature of the exemption and the location of the casino.</p>
18. Temporary authorities	Staff	This information is already covered in the legislation, represents unnecessary repetition.		<p>1) Remove section on 'temporary authorities' (RECOMMENDED) Rationale Supported by ARLA decision in the Wellington City Council Appeal and also the need to be succinct.</p>

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19. Trading hours applicable to caterers	Staff	Suggest an additional clause to clarify how the maximum trading hours apply to caterers where the place of the licence is different from that of the place of catering.	Draft LAP does not address	<p>1) Amend the draft policy to include the following statement:</p> <p><u>Caterers endorsed and conveyance on-licences will be subject to the maximum trading hours for the Hamilton area they are operating in at the time of the event.</u> (RECOMMENDED)</p> <p><u>Rationale</u> To provide greater clarity as to maximum trading hours for operators that are mobile or provide services outside of their premises .</p>
20. Concern over the principles	Several submitters including Anglican Action and Progressive	Submitters commented on the principle of the policy that recognises the role of central city venues in providing a vibrant central city. These submitters note that the provisions of the Draft LAP must be consistent with the purpose and object of the Act, and must not be used to justify favouring one part of the economy over another, or trade competition based restrictions on off-licences. This particular policy principle is felt to conflict with section 77 of the Act.		<p>1) No change</p> <p>2) Remove the policy principle “Council acknowledges the important role central city bars and restaurants play in providing a vibrant hospitality sector and night time economy” to acknowledge the ARLA decision in the Wellington City Council Appeal.</p> <p>3) Remove the principle section in its entirety (RECOMMENDED). <u>Rationale</u> Acknowledges the ARLA decision in the Wellington City Council Appeal and also the need to be succinct and only address legislative issues.</p>
21. Inclusion of reasons	Staff			<p>1) Amend the policy to include an explanatory section (as an appendix) outlining the reasons for each policy clause and direction (RECOMMENDED). <u>Rationale</u> Supported by ARLA decision</p>