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To: Chief Executive  
From: Executive Director – Special Projects  
Subject: **Supplementary Information**  
Committee: Strategy & Policy Committee  
Meeting Date: 5/11/2015 File Reference: [D-1972770](#)

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## 1.0 Background

1.1.1 This supplement information provides a summary of proceedings during the Strategy & Policy Committee meeting Tuesday 3 November 2015, Agenda Item 8 – Provisional Local Alcohol Policy (LAP)

## 2.0 Summary of proceedings

2.1 The Provisional Local Alcohol Policy (PLAP) was prepared on the basis of the direction provided from the decisions as per the 29<sup>th</sup> September 2015 Strategy & Policy Committee Deliberations.

2.2 During the meeting, Council debated three items and decisions determined are outlined as follows:

### 2.3.1 Item 1: One-way door

This discussion related to clause 6 of the policy and the definitions section — one way door restriction. The Draft PLAP stated:

*6. A one way door restriction will apply to on-licences in the Central City Zone from 2am (Monday to Sunday) for a period of 12 months from the date this policy comes into force. If monitoring and evaluation demonstrate a reduction in alcohol related harm in the central city, Council will resolve to continue the restrictions on a permanent basis.*

*One way door restrictions Means in relation to a licence, that during the hours stated in the restriction,-*

*a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and*

*b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol.*

<p><b><u>Motion</u></b> <b><u>Cr O’Leary/Mayor Hardaker</u></b> <b>The removal of clause 6 and the definition of one way door under the definitions section;</b></p>	<p><b><u>Amendment</u></b> <b><u>Cr Macpherson/Cr Gallagher</u></b> <b>A one-way door restriction will apply to on-licences in the Central City Zone from 2.30am (Monday to Sunday) from the date this policy comes into force.</b></p>
<p><b>Motion Rationale:</b> There is minimal local evidence to suggest there are benefits in relation to alcohol related harm - minimisation. Licensees are required to under their licence conditions to manage people, intoxication and behaviours at any time of the day. On-licences provide a controlled environment.</p>	<p><b>Amendment Rationale:</b> Responsible on-licences manage people, intoxication and behaviours at any time of the day. The one way door policy will provide the legal backstop to be applied to all on-licences and is a measure to show Council is working with community agencies to protect youth. Supported by Police submissions.</p>
<p><b>Voting:</b> For 6, Against 5</p>	<p><b>Voting:</b> For 4, Against 7.</p>
<p><b>Motion Carried</b></p>	<p><b>Amendment Lost</b></p>

### 2.3.2 Item 2 - Maximum trading hours for “Other” on-licences

This discussion related to clause 5 of the policy —maximum trading hours applicable to on-licences for the “Other” area. The Draft PLAP stated:

**5. Maximum trading hours applicable to on-licences in Hamilton City are as follows:**

<b>Area</b>	<b>Maximum Trading Hours</b>
<b>Other</b>	Sunday to Thursday 7.00am to 11pm Friday and Saturday 7:00am to 1:00am the following day

<p><b>Motion</b></p> <p><b><u>Cr O’Leary/Mayor Hardaker</u></b></p> <p>The maximum trading hours for on-licences in “Other” under clause 5 is Monday to Sunday 7am — 1am (the following day).</p>	<p><b>Amendment</b></p> <p><b><u>Cr Macpherson/Cr Gallagher</u></b></p> <p>Maximum trading hours applicable to on-licences in Hamilton City are as follows for Other (Area):</p> <p>Sunday — Thursday be 7am until Midnight</p> <p>Friday and Saturday be 7am until 1am (the following day).</p>
<p><b>Motion Rationale:</b></p> <p>There is minimal local evidence to suggest there are benefits in relation to alcohol related harm - minimisation. Licensees are required to under their licence conditions to manage people, intoxication and behaviours at any time of the day. On-licences provide a controlled environment. A consistent 1am closing provides certainty to the public.</p>	<p><b>Amendment Rationale:</b></p> <p>There is minimal local evidence to suggest there are benefits in relation to alcohol related harm - minimisation. Licensees are required to under their licence conditions to manage people, intoxication and behaviours at any time of the day. On-licences provide a controlled environment. Midnight closing reduces the impact of possible harm in the form of noise and behaviour in suburban locations.</p>
<p><b>Voting:</b></p> <p>For 7, Against 4</p>	<p><b>Voting:</b></p> <p>For 4, Against 7</p>
<p><b>Motion Carried</b></p>	<p><b>Amendment Lost</b></p>

### 2.3.3 Item 3 — Off-licence closing trading hours

This discussion related to clause 11 of the policy — off-licences maximum trading hours. The Draft PLAP stated:

**11. Maximum trading hours applicable to off-licences in Hamilton City are as follows:**

7.00am to 9:00pm	Monday to Sunday
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<p><b>Motion</b></p> <p><b>Cr O’Leary/Mayor Hardaker</b></p> <p>Maximum trading hours applicable to off-licences in Hamilton City are as follows: 7am — 10pm Monday to Sunday.</p>	<p><b>Amendment:</b> <b>Cr Macpherson/Yeung</b></p> <p>Maximum trading hours applicable to off-licences in Hamilton City are as follows: 7am — 9pm Monday to Sunday.</p>
<p><b>Motion Rational:</b></p> <p>10pm closing reduces the availability of alcohol below current licences. Other measures such as location restrictions also reduce the availability of alcohol. No evidence of a reduction of harm by reducing the opening hours by one hour.</p>	<p><b>Amendment Rational:</b></p> <p>Reducing the trading hours from 10pm to 9pm reduces the availability of alcohol for evening consumption and preloading which evidence suggests is an issue during these hours.</p>
<p><b>Voting:</b></p> <p>For 6, Against 4</p>	<p><b>Voting:</b></p> <p>For 4, Against 6</p>
<p><b>Motion Carried</b></p>	<p><b>Amendment Lost</b></p>

2.3.4 The Draft PLAP incorporating these motions is attached (Attachment 1 — Draft Provisional Local Alcohol Policy (Version 2 — incorporating 3 November passed motions).

### 2.4 The motion was put:

#### **Moved Cr O’Leary/Seconded Mayor Hardaker**

- That the report be received.
- That the proposed Provisional Local Alcohol Policy be adopted including the changes resolved by this Committee.
- That Council proceeds to publically notify the Provisional Local Alcohol Policy on 27 January 2016.
- That the Liquor Licensing Policy and Licensed Premises Policy be deleted.

#### **Voting:**

For 5, Against 6 (5 against plus chairs casting vote).

#### **Motion Lost.**

2.5 The meeting was adjourned at 8.20pm 3 November 2015. The meeting will be reconvened following the Additional Strategy & Policy Committee meeting commencing at 10am on 5 November 2015.

### 3.0 Current Position

- 3.1 The Draft LAP was not adopted and therefore cannot be passed to Council for final decision.
- 3.2 If no PLAP is adopted, applications for liquor licenses will continue to be determined by the District Licencing Authority in accordance with the Sale and Supply of Alcohol Act (SSAA) 2012.

### 4.0 Standing Orders

- 4.1 In relation to those matters that have been resolved by the Committee at this meeting, such resolutions can be revoked or altered during this meeting only if:
- a. the Committee receives “fresh facts or information” on the matters resolved; and
  - b. “75% of the Committee members present” agree to the revocation or alteration. (Standing Order 3.8.3).
- 4.2 The Committee’s resolutions can also be revoked or altered (in part or full) if so recommended in a new report from the Chief Executive or Chairperson at a later meeting. Two clear working days’ notice is required to notify members of a new meeting for this purpose. (Standing Order 3.8.4).

### 5.0 Options to Proceed

- 5.1 The Committee has the following options:
- 5.1.1 **No Local Alcohol Policy** - Agree that no Provisional LAP be recommended to Council for adoption.
- 5.1.2 **Refer the Agenda Item to another meeting** — being either
- Council — The Agenda Item, reflecting the decisions that have been made to date, but no recommendation is referred to Council. This option gives the Council, as the ultimate decision-making authority, to review the matter afresh and reach a final decision; or
  - Another Strategy and Policy Committee meeting via a new staff report. The agenda item would still need to be sent to Council for final determination in accordance with the Committee’s Terms of Reference.
- 5.1.3 **Additional New Changes to the LAP** - The Committee discusses and resolve to make additional new changes to the draft Provisional LAP at this meeting (i.e. on issues other than those that have already been resolved). The Committee could then reconsider the Provisional LAP as amended by all resolutions made by the Committee at this meeting and, if agreed, recommend that Provisional LAP to Council for adoption.
- 5.1.4 **Revised Changes to the LAP Resolutions** - The Committee resolves to revoke one or more of the resolutions passed at this meeting in accordance with the Standing Orders requirements outlined above in Section 4.1. The Committee could then reconsider the Provisional LAP as amended by further resolutions made by the Committee at this meeting and, if agreed, recommend that Provisional LAP to Council for adoption.

Blair Bowcott  
**General Manager**

<i>First adopted:</i>	
Revision dates/version:	<i>Version 2 (incorporating 3 November Passed Motions)</i>
Next review date:	
Engagement required:	<i>SCP required</i>
Document number:	<i>D-1972803</i>
Associated documents:	<i>Sale and Supply of Alcohol Act 2012</i>
Sponsor/Group:	<i>General Manager City Environments</i>

## DRAFT PROVISIONAL LOCAL ALCOHOL POLICY

### Purpose and scope

1. The Sale and Supply of Alcohol Act 2012 allows territorial authorities to develop a Local Alcohol Policy (LAP). The purpose of a LAP is to set a clear framework for the District Licensing Committee and Alcohol Regulatory Licensing Authority when making decisions on licence applications in Hamilton City and to provide a guide to those applying for a licence in the city.
2. 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.
3. The policy applies to the issue of new licences and on renewal of existing licences.
  - *An off and/or on-licence that changes ownership but continues to be licenced on the existing premises consistent with the licence type issued under the previous ownership, is not subject to the location provisions of the policy.*
  - *Pursuant to section 133 of the Act, the District Licensing Committee or Alcohol Regulatory and Licensing Authority cannot take into account any inconsistency between this Policy and the renewal of an existing licence; or the consequences of its renewal.*
  - *The provisions in this policy regarding maximum trading hours come into force three months after the day on which public notice is given of the adoption of this policy.*
4. This policy has been developed pursuant to section 75 of the Act, which empowers territorial authorities to develop Local Alcohol Policies for their District. The Act stipulates a number of conditions, requirements and restrictions that may apply to licence applications, not all of which are stated in this Policy. Therefore this Policy should be read in conjunction with the Act.

### Definitions

When interpreting this policy use the definitions set out below unless the context requires otherwise.

**Alcohol licences** - There are 4 kinds of alcohol licences

Club	Means licensed for the sale and supply of alcohol to customers who are members, invited guests or visitors to the club concerned.
Off-licence	Means licensed for sale of alcohol from the premises for consumption somewhere else. Licenced for the sale of alcohol from the premises for delivery elsewhere.
On-licence	Means licensed for the sale and supply of alcohol on the premises and can permit alcohol to be consumed on the premises.

Endorsed on-licence – Means an on-licence for a caterer to deliver alcohol from their premises and sell it on any other premises for consumption by people attending a reception, function or other social gathering.

Special Licence Off-site special: Means licenced for the sale and supply of alcohol for consumption elsewhere. The licensee is also able to supply alcohol free, as a sample, for consumption on the premise.

On-site special: Means licenced for the sale and supply of alcohol for consumption there, to people attending an event described on the licence.

**Other definitions**

Conveyance Means an aircraft, coach, ferry, hovercraft, ship, train or other vehicle used to transport people. Includes part of a conveyance.

District Licensing Committee Means the Hamilton City District Licensing Committee appointed pursuant to section 186 of the Act.

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. (See section 5(1) of the Act for a full list of exempt persons)

~~One way door restrictions Means in relation to a licence, that during the hours stated in the restriction,-  
a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and  
b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol.~~

Premises Includes a conveyance, part of any premises and, in relation to a licence, means the premises it was issued for.

Remote seller Means off-licence premises that conduct ‘remote sales’, as defined by the Sale and Supply of Alcohol Act 2012.

Speciality Retailers Means retail premises where the sale of alcohol is low volume and forms a minor portion of sales, such as, but not limited, to gift basket retailers and specialised delicatessen/ food stores. For clarity, this does not include supermarkets or grocery stores as defined in the Act).

The Act Means the Sale and Supply of Alcohol Act 2012.

**Policy**

ON-LICENCES AND CLUB LICENCES

5. **Maximum trading hours** applicable to on-licences in Hamilton City are as follows:

Area	Maximum Trading Hours
<b>Central City Zone</b> <i>as outlined in the Proposed District Plan (or the resulting Operative District Plan).</i>	Monday to Sunday 7:00am to 3:00am the following day
<b>Other</b>	<del>Sunday to Thursday 7.00am to 11.00pm  Friday and Saturday 7:00am to 1:00am the following day Monday to Sunday 7.00am to 1.00am the following day</del>

~~6. A one way door restriction will apply to on-licences in the Central City Zone from 2.00am (Monday to Sunday) for a period of 12 months from the date this policy comes into force. If monitoring and evaluation demonstrate a reduction in alcohol related harm in the central city, Council will resolve to continue the restrictions on a permanent basis.~~

~~7.6.~~ The sale and/or consumption of alcohol in any permitted outdoor dining area will not exceed 1am on any day.

~~8.7.~~ The gaming floor within The Hamilton Casino (currently at 340 to 348 Victoria Street) is exempted from the above trading hour restrictions pursuant to section 173 of the Gambling Act 2003.

~~9.8.~~ Maximum trading hours are subject to section 47 of the Act regarding restrictions for on-licences on the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday and Christmas Day.

~~10.9.~~ Caterers endorsed and conveyance on-licences will be subject to the maximum trading hours for the area in Hamilton that they are operating in at the time of the event.

#### OFF-LICENCES

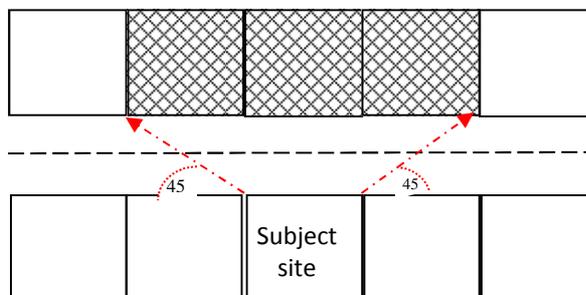
~~11.10.~~ **Maximum trading hours** applicable to off-licences in Hamilton City are as follows:

<del>7.00am to 9.00pm</del> <del>7.00am to 10.00pm</del>	Monday to Sunday
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~~12.11.~~ **From the date this policy comes into force, no further** off-licences shall be issued for any premises unless that premises is located in the Central City Zone, Major Facilities, or Business Zones 1-6 of the Proposed District Plan (or the resulting Operative District Plan).

~~13.12.~~ The location provision in clause 12 does not apply to premises for which a remote sale off licence is held (pursuant to section 40 of the Act) and the premises of specialty retailers.

~~14.13.~~ From the date this LAP comes into force, no further off-licences shall be issued for a premises that 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.



#### SPECIAL LICENCES

~~15.14.~~ No more than twenty (20) events or series of events of a similar nature will be authorised by special licence(s) to a single licensee or applicant in one 12 month period.

| ~~16.15.~~ Special licences for premises that already hold an on, off or club licence or premises that are not otherwise licensed will be issued on a case by case basis with regard to the nature and location of the event or series of events by the District Licensing Committee.