

Hospitality New Zealand Waikato Branch

PRESENTATION TO Strategy & Policy Committee – Hamilton City Council Proposed Provisional Alcohol Policy November 3rd 2015

Summary of our written submission

There are three issues which concern our organisation

Issue 1: Is a Local Alcohol Policy even needed?

We urge the committee to consider whether the city would be better off without an LAP.

An LAP provides maximum guidelines for a DLC to operate under. There is nothing to prevent the DLC imposing more restrictive conditions and the act clearly allows them to do so where necessary if a licensed premises has been found to operate irresponsibly

Hamilton City DLC has been operating very well without an LAP for about two years. There is no real need for an LAP, there is nothing broken which needs fixing

Issue 2: Trading hours of bars located outside the central city

We refer you to the minutes of the S&P meeting held September 29th 2015. In those minutes reference was made to the recommendation from Council staff that standard hours apply throughout the week for on-licences located outside the central city and advised 1am as being appropriate.

We refer you to Local Alcohol Policies in place in nearby districts which allow the following closing times seven days a week

Waikato, Hauraki and Matamata-Piako districts all allow up to 1am
Waipa allows up to 2am
Tauranga and Rotorua both allow up to 1am outside the City Centre
Auckland allows up to 3am (outside the City Centre)

We refer again to the minutes of the S&P meeting which contained a comment from the Unit Manager and Programme Manager that “There was limited evidence of harm that had occurred as a result of the sale of alcohol in suburban on-licences.”

We urge the Committee to reconsider this matter and allow on-licences to trade until 1am Monday to Sunday as is done in other Territorial Local Authorities

Issue 3: One-Way Door restriction in Central City

The applicable legislation is very prescriptive in that the Provisional Policy must be produced by consulting on Draft Policy.

We point out that the Draft Local Alcohol Policy as released in November 2013 did not include any provision for a One-Way Door restriction. This document is what was released for public consultation and was the basis for all submissions lodged.

While it is recognised that some industry representatives and special interest groups formed part of a limited working group and preliminary LAP discussions, these discussions cannot be considered to be part of the required public consultation.

We do not believe that discussions held with a select few individuals meets with the legislative requirements to follow the special consultative procedure.

We also have serious concerns with the proposal that Council introduce a 12-month trial one-way door

Our key concerns are that the proposed provision could be challenged for being unreasonable for lack of clarity and certainty:

1. there would be uncertainty with the process as no other Councils have used this approach.
2. there would be an overall lack of clarity about whether a one way door policy would be adopted indefinitely.
3. the trial would essentially reflect that the Council does not understand the local alcohol-related problems in the area.
4. we do not know whether a 12 month trial is based on evidence that it will minimise alcohol-related harm as it is essentially being put in place to collate evidence for the Council to make a decision at a later stage. This could be unreasonable as it is against the purpose of the LAP.

If the Hamilton City Council does produce a Local Alcohol Policy with a One-Way Door component it is likely that our organisation would appeal on the basis of lack of public consultation and also there being no justification for a twelve month trial period.

LAP Meeting 3rd November

Chairman, Mayor and councillors

Thank you for the opportunity to speak to this.

Hamilton doesn't need a LAP, We have operated for the last two years without one and fundamentally things have been working well. CBD arrests are down 16% over the previous year. There are however Law and order issues outside the CBD regarding Domestic Violence, home and street parties and unsolved burglaries. This doesn't mean that there isn't room for improvement. There always is. We do however need to make sure that in making rules you are not disadvantaging the majority to remedy something that is more perception than reality.

The Act prescribes the maximum operating rules for Liquor and allows for a LAP and the operation of the DLC. The LAP is designed to have the maximum framework for the DLC to operate in for local conditions, should the council decide. In reality this is mainly about operating hours. As in any environment there are always good operators and less good operators. Should poor performing operators be identified then the DLC can make justifiable changes to the appropriate Licences within their current processes. (with or without a LAP)

Hamilton Liquor Accord supports the CBD and invites the council to make the broadest possible operating environment and allow the DLC to make whatever restrictions or endorsements it sees fit based on performance.

With disorder currently reducing there is no evidence that a one way door is going to help the situation, in all probability it will make it worse and unfortunately will probably mean some business closures. This would be unacceptable to the people of Hamilton and any further loss of CBD business would be tragic.

In Newcastle Australia when they were trialling the one way door they experienced an increase in disorder and after 12 months 9 out of 12 businesses were either sold, shut or went into receivership.

We therefore support Suburban hours of 8am to 1am and do not support the One Way Door policy as proposed for the CBD.

The Government has been disingenuous with the Act, by placing the responsibility of Alcohol harm reduction on the Local Bodies without dealing with Price and Age.

However the recent exemption for the RWC liquor licencing just proves that peoples attitudes and responsibilities towards alcohol in licenced premises is changing.

There are already enough rules. An unintended consequence of a one way door will be initially increased disorder and after some time business closures.

Laurie Weake.

Hamilton Alcohol Accord.