

**REPORT 4**  
(1215/52/IM)

**LOCAL GOVERNMENT NEW ZEALAND – ZONE 4 REMIT  
APPLICATION**

**1. Purpose of report**

To inform Council of the Local Government New Zealand Zone 4 Remit Application agreed at the meeting held on 6<sup>th</sup> March 2013.

**2. Executive summary**

The Sale and Supply of Alcohol Act 2012 comes into force in full on 18<sup>th</sup> December 2013. From this date the default provisions in the legislation relating to trading hours will apply:

On licence – 8.00am-4.00am the following day

Off licence – 7.00am – 11.00pm

The earliest a Territorial Authority can notify the public of its intention to adopt a provisional Local Alcohol Policy (LAP) is the 18<sup>th</sup> December 2013. The TA must provide a minimum of 1 month notification of its intention to adopt the provisional policy and in the case of a change in policy on trading hours, 3 months notification of changes to trading hours.

Although the Council is yet to consider whether the LAP will contain trading hours that are different from the default hours, for a city with a strong events reputation and vibrant dynamic, it likely this will be one of the options considered. Therefore, changing from current trading hours on 18<sup>th</sup> December 2013, to default trading hours, then to LAP trading hours in mid March is confusing for the public and poses some logistical challenges for the city around moving large volumes of potentially intoxicated people on. This can be avoided by allowing licensees to continue with existing hours in circumstances where a council has notified its intent to adopt its Local Alcohol Policy.

**3. Recommendations**

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*

2. Note that on the 6<sup>th</sup> March 2013, at the LGNZ Zone 4 Meeting, the following remit was agreed:

- (a) That, where a Territorial Authority is in a position to notify its intent to adopt its local alcohol policy on the 18<sup>th</sup> December 2013, rather than the licensees in its jurisdiction becoming subject to the default trading hours which come into force on the 18<sup>th</sup> December 2013, an amendment to the legislation should be introduced to allow licensees to operate under their existing conditions until such time as the trading hours in the policy can be adopted.

#### 4. Background

Current licensing policy agreed March 2003 sets standard trading hours for the central area and suburban centres, and it allows for extended trading hours if the applicant meets certain criteria.

<b>Friday &amp; Saturday Night</b>	<b>Standard Trading Hours for Taverns, Bars, Pubs,</b>	<b>Possible Extensions to trading hours for Taverns, Bars, Pubs</b>
Central Area	7.00am – 3.00am	24 hours
Suburban Centre	7.00am - Midnight	Up to 3.00am

Wellington City Council has **64** licensed premises with the ability to trade past 4.00am. These are a mix of late night entertainment/bar venues and hotels, the majority of which are located in the central business district.

The current policy has meant that closing times in the CBD where there are the highest concentration of licensed venues are staggered and therefore the flow of patrons onto the street has less of an impact.

Wellington City Council is currently running an early programme of public engagement with key stakeholders and the public on development of an Alcohol Strategy and local alcohol policy for Wellington. The consultation period closes on 19<sup>th</sup> April 2013.

#### 5. Discussion

Local alcohol policies have been introduced to allow each jurisdiction to implement the legislation in a manner that is consistent with local data on alcohol related impacts and community interests. An LAP may include policies that set different maximum trading hours than the default trading hours in the legislation.

Significant resource is currently going into developing a well consulted and sound Local Alcohol Policy (LAP) which will set out the preferred option for trading hours in Wellington. As it currently stands, even if an LAP is ready to notify on the 18<sup>th</sup> December 2013, licensees will be subject to default trading hours until at least mid March 2014. Changing from current trading hours on 18<sup>th</sup> December 2013, to default trading hours, then to LAP trading hours in mid

March is confusing for the public and poses some logistical challenges for the city around moving large volumes of potentially intoxicated people on.

December to March is the summer events period when large volumes of people come into the CBD to attend events, often moving on to licensed venues. Licensed venues that trade past 4.00am are consistently at capacity. Police and city resources, particularly in the CBD are at their lightest between 4.00am and 6.00am. Presently, the last train out of the city is at 1.30am and the next train does not depart until 6.30am. The last departure times for the Metlink After midnight bus service are:

- Wgtn - Island Bay departs 3.50am
- Wgtn - Seatoun departs 3.40am
- Wgtn - Naenae/Stokes Valley departs 4.30am
- Wgtn - Eastbourne departs 3.30am
- All others last bus at 3.00am

There is concern from Officers and the Police about our ability to move people out of the CBD after 4.00am. At that time it is likely many intoxicated revellers will decide to hang around for the 6.30am train.

It is officers' advice that the notification requirements in the Act are inconsistent with the intent of the legislation, which is clearly to give communities a say over licensing conditions in their jurisdiction.

If passed and achieved, the Remit will enable those Territorial Authorities who have local alcohol policies ready to implement, the ability to manage the transition from current trading hour policy to new trading hour policy without having to also impose default trading hours for what is likely to be a short transitional period. It should be noted that the Council is yet to consider whether the LAP will contain trading hours that are different from the default hours.

### **5.1 Consultation and Engagement**

Prior to the Zone 4 Meeting held on 6<sup>th</sup> March 2013, this matter had been raised with the raised with the Ministry of Justice Alcohol Policy Team. It has since been raised with the Project Manager for Alcohol Reform Implementation at the Ministry of Justice who confirms, the Minister is aware of the implications and there are no current plans to address this issue.

The issue has been raised in consultation with the NZ Police who, whilst in support of default trading hours, share the concerns raised regarding getting large numbers of people out of the city at a time when limited public transport is operational.

Hospitality NZ and the hospitality industry at large were consulted on this issue at a Wellington City Council led workshop on the Alcohol Management Strategy. These parties were initially unaware of the implication of notification

timeframes around local alcohol policies and are concerned about the impact the implication of default trading hours will have on summer events and Wellington City generally between 4.00 and 6.00am.

Other Territorial Authorities in the region are largely unaffected as only one other city, Lower Hutt has premises trading past 4.00am.

Other metropolitan centres consulted are either not anticipating having an LAP that allows for trading beyond 4.00am or are not intending to have LAP's in place until late 2014 so are working on long term plans for managing 4.00am closing.

### ***5.2 Financial considerations***

There are no immediate financial impacts.

### ***5.3 Long-term plan considerations***

Operating under trading hours that reflect community expectations rather than default provisions contributes to the Council's objectives around being a people centred city and developing a dynamic central city.

## **6. Conclusion**

The Remit application to Local Government New Zealand is consistent with our Towards 2040 Strategy and furthers Council's objectives around being a people centred city and developing a dynamic central city

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## SUPPORTING INFORMATION

### 1) Strategic fit / Strategic outcome

*The Alcohol Management Strategy supports Council's overall vision of Wellington Towards 2040: Smart Capital. The strategy furthers Council's objectives around being a people centred city and developing a dynamic central city*

### 2) LTP/Annual Plan reference and long term financial impact

*There are no immediate financial implications from this Remit Application.*

### 3) Treaty of Waitangi considerations

*None*

### 4) Decision-making

*None.*

### 5) Consultation

#### a) General consultation

*All affected parties have been identified. Council is not required under legislation to consult on this matter.*

### 6) Legal implications

*Legal advice will be sought as required..*

### 7) Consistency with existing policy

*The Council has both an interest and responsibility for alcohol management in the city. That interest and responsibility comes from statutory requirements for liquor licensing and the Council's responsibility for public places and for promoting the social, economic, environmental, and cultural well-being of communities.*