

Hamilton Alcohol Control Bylaw 2015

This bylaw aims to reduce alcohol-related harm by controlling where and when people can drink or have alcohol in their possession in public places.

Currently there are 24/7 bans in the central city and Te Rapa areas. A further 10pm - 6am ban applies citywide. This bylaw is made under the authority of the Local Government Act 2002 and applies to the Hamilton City Council district.

The Council is required to review the bylaw every five years to ensure it is working well. We worked with NZ Police and Waikato District Health Board to review the bylaw. A number of organisations, including Hospitality New Zealand, the Youth Advisory Council and CCS Disability also provided feedback on the current bylaw.

Options considered

We considered removing the existing bylaw and relying on existing legislation but decided against this option because:

- The existing legislation does not allow for proactive management of the issues in relation to possession and consumption of alcohol in public places without a bylaw.
- Not having a bylaw will also remove the enforcement powers of the NZ Police, meaning NZ Police will have to rely on their general powers to protect public safety and individuals.
- This would adversely affect the Council's ability to deliver the outcomes of its Central City Safety Plan.
- Removing the ban areas is expected to lead to an increase in alcohol-related crime and disorder. This option is unlikely to meet the community's expectations that the Council will exercise its powers to protect community safety.

We decided the best option was to keep the current bylaw because:

- Having a bylaw is consistent with the Council's strategic approach in increasing public safety.
- Alcohol bans are familiar to all stakeholders and members of the public and are generally seen as effective providing a useful tool for the NZ Police to protect public safety.
- A bylaw is seen as the most appropriate mechanism because it provides the NZ Police with enforcement powers. Council policies can not be punitively enforced.

Through the review process, we identified that the bylaw wording needs updating, so we're proposing the following minor changes:

- Changing the name of the bylaw to Hamilton Alcohol Control Bylaw 2015 so that it aligns with the recent changes in legislation. Liquor is now referred to as alcohol in in Local Government Act 2002 (LGA).
- Amending wording that describes the purpose of the bylaw so it relates directly to alcohol-related harm and describes the scope of the bylaw.
- Adding new definitions to help clarify the bylaw.
- Updating the definition of public places and event for readability and to reflect legislative changes and including an exception to alcohol ban areas for those who have a Special Licence.
- Clause 7 dealt with adding, amending and deleting ban areas. The Council's ability to amend ban areas are now outlined in legislation and sections on amending have been separated into two sections – temporary bans (the new clause 7) and amending bans (clause 8). Language has also been updated to make it easier to read and understand.
- Deleting clause 8 which deals with criteria for adding or modifying alcohol bans because it is no longer required — the LGA 2002 covers this criteria.
- Clause 9, which dealt with breaches of the bylaw has been included as part of clause 12, which now deals with offences and penalties to improve readability.
- Deleting clause 10 as exceptions for licensed and other premises is covered under the explanatory notes under clause 5.
- Simplifying the wording that describes the process for getting an exemption for activities that would breach the bylaw.
- Clause 11 describes the the powers of police granted under the LGA.
- Amending clause 12, offences and penalties, so that it reflects the new powers the LGA has granted the NZ Police.
- Including an additional map showing the Hamilton City Council district to clarify the boundaries, noting that boundaries of where the bylaw applies have not changed from the current bylaw.



Have your say

We'd like to know what you think about the proposed changes to the bylaw.

You can give feedback from 5 August 2015 until Wednesday 2 September 2015.

How to give feedback

There are a two ways you can give your feedback:

- Fill out a feedback form online **hamilton.govt.nz/alcoholcontrol**
- Pick up a hard copy of the bylaw and feedback form from the Hamilton City Council Office in Garden Place or any Hamilton City Library, or phone 07 838 6537 to have one sent to you.



Hamilton Alcohol Control Bylaw 2015 factsheet

What is the Alcohol Control Bylaw?

The Hamilton Alcohol Control Bylaw controls where and when people can drink and have alcohol in their possession in public places. The bylaw specifies areas in the city where alcohol is not allowed and sets out rules around having alcohol at events in public places.

This bylaw aims to reduce harm caused by alcohol and is made under the authority of the Local Government Act 2002 and applies to the Hamilton City Council district.

Where are you not allowed to drink or have alcohol in your possession in the city?

There are 24/7 bans in the central city and Te Rapa areas. A further 10pm - 6am ban applies citywide. This bylaw is made under the authority of the Local Government Act 2002 and applies to the Hamilton City Council district.

Who enforces the alcohol bans?

The police do. They have the power to search people's bags and vehicles for alcohol in some situations, impose instant fines (infringement notices) of \$250, and if necessary arrest people found to be breaching the bylaw.

Can I carry alcohol home or to a BYO restaurant, through alcohol ban areas?

Yes, provided the container is unopened when being transported through the alcohol ban area.

Am I able to drink at outdoor café tables?

Yes. If the area is a licensed premises under the Sale and Supply of Alcohol Act and is operating within the hours permitted by the licence.

If I want to hold an event in an alcohol ban area, and still want to sell alcohol, is this possible?

It may be, but you will need to get a proper licence to sell alcohol under the Sale and Supply of Alcohol Act and operate within the conditions of the licence. Visit hamilton.govt.nz/alcohollicensing for more information.

What are we doing?

We worked with NZ Police and Waikato District Health Board to review the bylaw to ensure it is working well. We considered feedback from a number of other organisations, including the Youth Advisory Council and CCS Disability on the current bylaw.

The review found that the bylaw is effective but some of the wording needs updating.

As a result, we are proposing changes to the wording of the bylaw to make it easier to understand and ensure it aligns with recent changes in legislation.

Why are we doing this?

The Council must review the bylaw every five years to ensure it is working well.

What changes is the Council proposing to the bylaw?

The bylaw in its current form is proving to be effective at reducing issues associated with people drinking in public places so we are not proposing any changes to the alcohol ban areas. However, we are proposing a number of changes to the wording of the bylaw including:

- Changing the name of the bylaw to Hamilton Alcohol Control Bylaw 2015 so that it aligns with the recent changes in legislation. Liquor is now referred to as alcohol in Local Government Act 2002 (LGA).
- Amending wording that describes the purpose of the bylaw so it relates directly to alcohol-related harm and describes the scope of the bylaw.
- Updating the definition of public places and events for readability and to reflect legislative changes.
- Adding new definitions to help clarify the bylaw.
- Including an exception to alcohol ban areas for those who have a Special Licence.
- Amending the clause that deals with offences and penalties so that it reflects the powers the LGA has granted the NZ Police.
- Including an additional map showing the Hamilton City Council district to clarify the boundaries.

