

22 August 2018 update by email:

Please find the following progress update on the Local Alcohol Policy Legal Proceedings

Subject:

Update on legal proceedings involving Auckland Council Provisional Local Alcohol Policy – Council successful in preliminary hearing heard by Authority

Content:

Council successful in preliminary hearing

The Alcohol Regulatory and Licensing Authority (“Authority”) has agreed with the council’s position not to allow the 9.00pm maximum closing time for off-licences to be re-litigated.

Foodstuffs North Island Limited and Woolworths New Zealand Limited (formerly Progressives Enterprises Limited) sought to introduce new evidence and for the Authority to rehear whether the 9.00pm maximum closing time was not unreasonable.

The Authority held that to allow re-litigation of the 9.00pm maximum closing time would be an abuse of process.

The Authority will order that the evidence and submissions for the appeals are to be confined to matters that have not been previously determined by the Authority. The order would specifically provide for the 9.00pm maximum closing time for off-licences to be excluded from being heard again in the appeals.

In addition Redwood Corporation Limited, which also lodged an appeal with the Authority, has withdrawn its appeal.

The decision will significantly reduce hearing time for the appeals.

Foodstuffs North Island Limited and Woolworths New Zealand Limited can still appeal this order from the Authority to the High Court.

Next steps

The hearing dates for the appeals have not been allocated. Staff will provide a further update on the court proceedings when a date for the appeals has been provided or if an appeal is lodged against the Authority’s order.