

Response ID ANON-WGBT-Q8NN-S

Submitted to Hospitality Regulators

Submitted on 2025-11-12 13:46:18

Privacy Notice

1 You have read and understood the Privacy notice*

I have read and understood the Privacy notice:

Yes

2 Are you happy to be contacted by the Ministry for Regulation about your submission?

Yes

If you wish to be contacted, please enter your email:

Tell us about yourself

3 Which agency do you currently work for?

Local Council / Territorial Authority

Other - please specify:

4 What regulatory system do you work in?

What regulatory system do you work in? :

Health Act 1956; Sale & Supply of Alcohol Act 2012; Food Act 2014; Resource Management Act 1991; Building Act 2004; Local Government Act 2002

5 What is your job title?

Job title:

Manager Strategy and Policy

6 How long have you worked as a regulator in the hospitality sector?

1 year to 5 years

7 Where do you conduct your work? Select all that apply.

Wellington (Te Whanga-nui-a-Tara)

8 Does your work cover a rural area?

Work in both rural and urban areas

Regulatory compliance in the hospitality sector

9 Overall, how would you rate hospitality businesses' understanding of the regulatory requirements placed upon them by the regulatory system you work in?

3 - They know a little

10 What are the most common issues you encounter when conducting your work as a regulator in the hospitality sector?

What are the most common issues you encounter when conducting your work as a regulator in the hospitality sector?:

Kāpiti Coast District Council actively champions local businesses and is committed to supporting their success. When businesses first engage with the Council, they often have limited awareness of the regulatory systems that apply to them.

To address this, the Council adopts an educative approach — by offering a pre-application meeting to provide clear guidance and build understanding. From the beginning of the process, we find these types of meetings assist businesses in achieving higher levels of compliance, on an ongoing basis. We continue to be available to the businesses throughout their business journey.

This proactive support helps businesses avoid costly trial-and-error learning and reduces the need for enforcement, saving time and resources for both the Council and the business community.

11 What is the most common enforcement action your organisation takes in relation to hospitality businesses?

What is the most common enforcement action your organisation takes in relation to hospitality businesses?:

As Council proactively works with businesses, the need for enforcement action is minimal, with occasional enforcement actions under the Sale and Supply of Alcohol Act led by police.

Under the Food Act, enforcement is very much a last resort, with issues usually dealt with through working with the businesses on any breaches to regulation, via requests progressing to corrective actions or increased verification frequency, where ongoing non-compliance is detected, Council is able to issue improvement notices if necessary.

12 As far as you are aware, how common is it for regulatory enforcement actions to be appealed, or complaints laid about your organisation?

Very Rare

If you wish, please provide details.:

The council's approach is to work with businesses on any compliance breaches. While there is often initial 'grumbling' about the need to comply, we find that once they understand "the why" most businesses accept the benefit and undertake the action to comply. Any formal appeal is very rare.

Regulatory system performance

13 Overall, how would you rate the performance of the regulatory system against the following criteria?

Performance - Effective - achieves the intended benefits and policy objective(s):

Mostly meets criteria

Performance - Efficient - costs of meeting regulatory requirements do not outweigh the benefits achieved by those requirements:

Mostly meets criteria

Performance - Proportionate to the risk posed - an appropriate balance is struck between regulatory control and operational freedom:

Mostly meets criteria

Performance - Adaptable - can respond to technological, market, or societal changes:

Does not meet most of the criteria

Performance - Easy to comply with (for regulated parties):

Mostly meets criteria

Performance - Easy to enforce - appropriate tools are available to regulators:

Mostly meets criteria

14 Do you think there are any gaps in the regulatory system?

Yes

What are the gaps? Please be as specific as possible:

- Fragmented compliance requirements across legislation: One of the key gaps in hospitality regulation is the lack of alignment between the various Acts that impose similar but different compliance obligations. This fragmentation creates a complex and burdensome regulatory environment, that is difficult for businesses to navigate and understand.

- Limited enforcement gradation: Another significant gap is the absence of proportional enforcement tools. Regulatory responses tend to swing from educational engagement directly to full prosecutorial action, with few intermediate options — such as infringement fines or abatement notices — available to address non-compliance in a measured way.

- Resource constraints and enforcement limitations: In councils where resources are limited, the lack of intermediate enforcement mechanisms provided in legislation means that the prosecution option becomes a default but costly mechanism. This reduces the ability to take a graduated and proportional approach to compliance

15 Do you think there are any areas of duplication and / or inconsistency in the regulatory system, or between this and other regulatory systems?

Yes

What are the areas of duplication and / or inconsistency? Please be as specific as possible:

There is duplication and inconsistency in how the Building Act is interpreted alongside the Food Act and Health Act, particularly when assessing kitchen layouts and surface treatments to meet sanitary standards.

Similarly, under the Sale and Supply of Alcohol Act, duplication arises during the licensing process. Planning and building checks are required to ensure

that proposed licensed areas do not include spaces or structures – such as covered decks – that also require consents under the Building Act, such as a Certificate of Public Use or a Certificate of Acceptance.

16 Considering your answers to the previous questions, do you think the regulatory system(s) should change and if so, how and why?

Changes you think should be made:

There is a clear opportunity to improve regulatory systems through better support to Councils in their work with hospitality businesses—particularly by:

- Introducing intermediate enforcement tools that allow for a more graduated response to non-compliance,
- Provision of clear guidance for all customers to better understand their own business requirements
- Removing areas of overlap and duplication across regulatory regimes would also reduce complexity, though any changes must respect the distinct objectives of each regime to continue safeguarding public health and safety.

If one of the goals of this review is to reduce the cost of regulation for businesses, it must not come at the expense of ratepayers. A user-pays approach should remain central, while recognising the public good in ensuring food safety.

In the case of alcohol regulation, we assert that the costs associated with minimising alcohol-related harm—as set out in the Sale and Supply of Alcohol Act—should be borne entirely by licensees. The Act and its associated regulations should be amended to better reflect this principle.

Finally, local compliance and enforcement charges should be aligned with the charging models used by central government agencies such as MPI and the Ministry of Health, to ensure consistency and fairness across the system.

Closing off

17 Is there anything else you would like to tell us?

Anything else you would like to tell us:

As the regulatory systems affecting the hospitality sector are reviewed, it is essential that core safeguards remain firmly in place. Streamlined and nationally consistent compliance pathways can help reduce the frequency of inspections, while increasing confidence in food safety standards.

However, just cutting back on the costs of oversight purely to reduce operational costs, risks compromising public health and, in our opinion, the resulting increased illness and harm is too high a price to pay for fewer inspections.

Given the significant societal costs associated with alcohol-related harm, Council strongly recommends that the regulatory objectives and processes of the Sale and Supply of Alcohol Act remain unchanged. These provisions play a critical role in protecting communities and should not be weakened.

18 Would you like to be considered for a focus group to test the Review's findings and options for change in early 2026?

Yes

19 Please attach any documents you wish for the Review to consider.

Document upload:

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