

# Report

To	Mayor and Councillors
From	Regulatory Services Projects Officer – Adrienne Cook
Date	21 September 2015
Subject	<b>Annual Liquor Licensing Report – 2014/15</b>

(This report shall not be construed as policy until adopted by full Council)

## Executive Summary

1. The Council is required under the Sale and Supply of Alcohol Act 2012 (the Act) to provide a report for the financial year, on the proceedings and operations of its District Licensing Committee (DLC). This report seeks to obtain adoption of the report to be publicly notified as per the requirements of the Act.

## Recommendation

- (1) THAT the South Taranaki District Council Annual Liquor Licensing Report – 2014/15 be adopted, provided to the Alcohol Regulatory and Licensing Authority (ARLA) and released for public circulation.

For the following reasons:

The Council is required under the Act to develop, adopt and release the report. The report must be provided to the ARLA.

## Background

2. Every territorial authority is required under the Act to provide an annual report to the ARLA on the proceedings and operations on its DLC for every financial year.

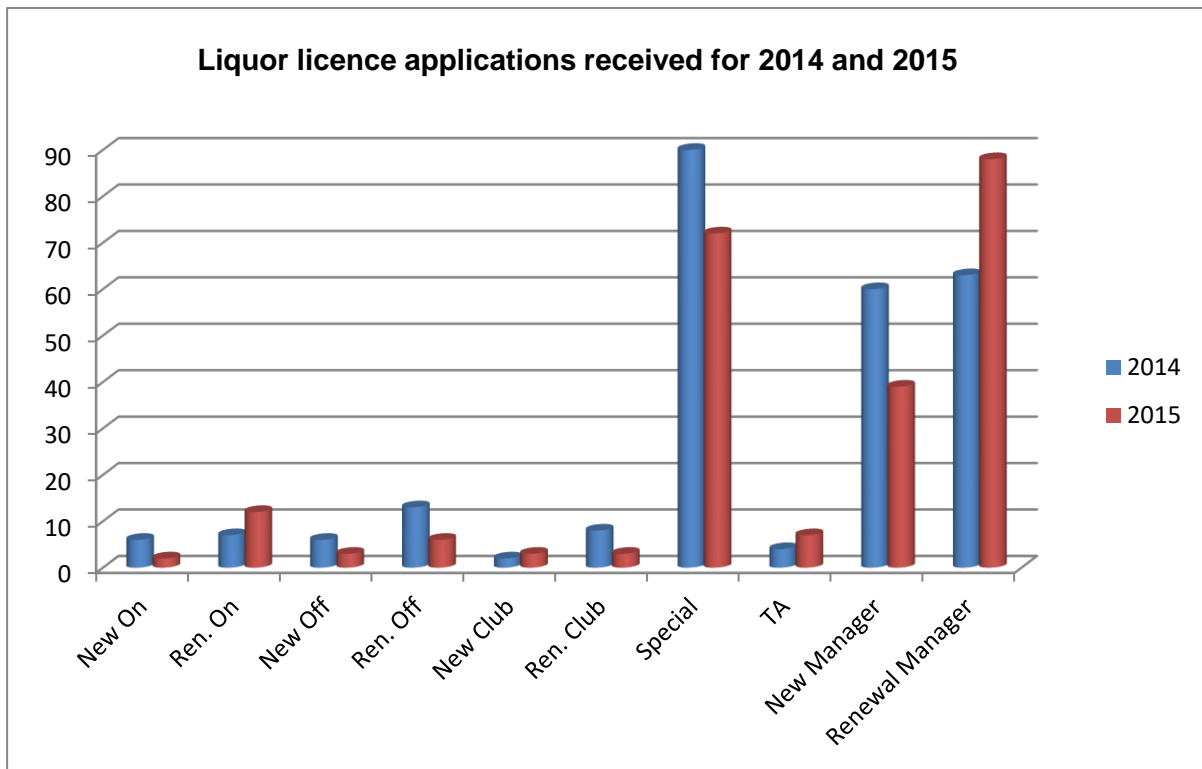
## Local Government Purpose

3. Under Section 10 of the Local Government Act 2002, the purpose of Local Government is:
  - “1) a) *To enable democratic local decision-making and action by, and on behalf of, communities; and*  
b) *To meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is cost-effective for households and businesses.*
  - 2) *In this Act, good quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are –*
    - a) *Efficient*
    - b) *Effective; and*
    - c) *Appropriate to present and anticipated future circumstances.”*

4. The Council provides a regulatory function in regards to liquor licensing, which includes the enforcement of compliance with the Act and administration support to the DLC for the issuing of liquor licences and holding DLC hearings.

## Analysis

5. The following chart provides an analysis of the liquor licence applications received in the 2014/15 year and compares this to the previous year's statistics.



6. The following provides a risk analysis:

- a) Timeframes and Legal

Under the Act every territorial authority must provide an annual report to the ARLA by 1 October every year.

## Considerations and Assessments

### Assessment of Significance and Engagement

7. In terms of the Council's Significance and Engagement Policy this matter is of low significance; however under the Act the Council is required to adopt the Annual Report and make a copy publicly available and online. Therefore the requirements of the Act take precedence over the Policy.

### Legislative Considerations

8. Section 199 of the Act requires that:

- “1) Within three months after the end of every financial year, every territorial authority must prepare and send to the licensing authority a report of the proceedings and operations of its licensing committees during the year.*
- 2) The licensing authority may specify the form of the annual report and the matters to be included in the report.*
- 3) The licensing authority or the licensing committee must, on payment of any reasonable fee it may prescribe, provide a copy of each report to any person who asks for one.*
- 4) Every annual report required to be prepared under this section is a public record for the purposes of this Act.*
- 5) A copy of every annual report must be made available by the territorial authority for inspection free of charge and be made available on an Internet site maintained by or on behalf of the territorial authority for a period of not less than five years.”*

### **Financial/Budget Considerations**

9. There are no financial or budget implications regarding this report.

### **Consistency with Plans/Policies/Community Outcomes**

10. Nothing in this report is inconsistent with any Council policy, plan or strategy.
11. This matter contributes to our District’s community outcome namely:
- Secure and Healthy South Taranaki

### **Impact on Māori/Iwi**

12. The community, including Māori and Iwi, will equally benefit from the Council providing a regulatory function for liquor licensing within the District.

### **Affected Parties Consultation**

13. Under the Act the Council must ensure that the adopted Report is publicly available.

### **Conclusion**

14. The attached Annual Liquor Licensing Report 2014/15 has been compiled to formally record the proceedings and operations of the South Taranaki DLC during the 2014/15 financial year. It is recommended that the Report be formally adopted by the Council, after which the Report will be forwarded to the ARLA. This will meet the Council’s legal obligation and be made available on the Council website.

## Recommendation

- (1) THAT the South Taranaki District Council Annual Liquor Licensing Report – 2014/15 be adopted, provided to the Alcohol Regulatory and Licensing Authority (ARLA) and released for public circulation.

For the following reasons:

The Council is required under the Act to develop, adopt and release the Report. The Report must be provided to the ARLA.



Adrienne Cook  
**Regulatory Services Projects Officer**



Doug Scott  
**Regulatory Services Manager**



[seen by]  
John McKenzie  
**Group Manager**  
**Environmental Services**

## **1.0 Overview of the South Taranaki District Licensing Committee Workload**

### **1.1 District Licensing Committee (DLC) Structure and Personnel**

The DLC consists of four members: a Chairperson and Deputy Chair from elected members of the Council; Two list members includes one other appointed Councillor and a member who was selected from a regional list.

### **1.2 Any Staff Training Undertaken Relating to the Sale and Supply of Alcohol Act 2012 (the Act)**

#### **1.2.1 District Licensing Committee**

Committee members attended training prior to the Act coming into force.

#### **1.2.2 Liquor Licensing Inspectors**

The Liquor Licensing Inspector attended the Sale and Supply of Alcohol Act Workshop (MOJ) in Wellington in 2015.

#### **1.2.3 District Licensing Committee Advisor**

The DLC Advisor attended a Working with your District Licensing Committee (SOLGM) workshop on 18 September 2014 in Hamilton.

### **1.3 DLC meetings or hearings**

In the 2014/15 year the South Taranaki DLC held one hearing as follows:

- Pangotra Holdings (Taumarunui) Limited – New Off Licence

The DLC has held several informal meetings to keep members informed of relevant matters, and for the Chair to discuss operational matters.

### **1.4 Trends or Issues Faced by the DLC**

#### **1.4.1 Trends**

The Inspector and administration staff have received calls regarding concerns from Club Managers asking about the requirements for Licence Controller Qualifications.

#### **1.4.2 Issues**

Twenty working days prior to events is rather onerous for Special Licences, especially for short notice events such as funerals.

## **2.0 District Licensing Committee Initiatives**

### **2.1 Drink Safe Workshop Programme**

Drink Safe workshops provide training for licensed premises staff covering intoxication, sale and supply to minors, identification checking, host responsibility options and offences under the Act. The Public Health Unit run this event with a combined agency effort from the Police.

### **2.2 Liaison with Other Agency Groups**

The Combined Agency Agreement has recently been reviewed to align with the Act. It has proved to be a successful approach to Liquor Licensing between the Licensing Inspector, the Police and the District Health Board. It has led to greater communication and co-ordination between the reporting agencies with an increased level of monitoring of licensed premises within the District.

The Agencies meet quarterly as the South Taranaki Liquor Liaison Group.

### **2.3 DLC member meetings**

The DLC is considering holding quarterly formal meetings. Most of the week by week licence decisions are on the papers which only require the Chairperson. To allow continuity, the DLC feel it is important to allow the DLC Deputy and other members to be kept informed about “on the papers” licences and to be familiar with the process.

## **3.0 Local Alcohol Policy (LAP)**

The South Taranaki District Council (the Council) is in the process of developing an LAP and is in the primary stages of research and development, which includes gathering evidence of the local situation.

## **4.0 Current Legislation**

There is no comment on the current legislation.

## **5.0 Other Matters**

The Council would like to raise the matter of the ARLA providing guidance or advice for Inspectors. At present each Territorial Authority is advised to obtain its own legal advice. It would be helpful to gain advice or guidance from the ARLA.

The DLC members believe it would be beneficial to have regular training/workshops run by the Ministry, to keep DLC members informed of changes to legislation and relative matters.

## 6.0 Statistical Information

The South Taranaki DLC Annual Return 1 July 2014 to 30 June 2015 showing payments made to the ARLA, is attached in the required. On pages 9 to 11 is the South Taranaki DLC Financial Analysis Report 2014/15 Annual Return, which provides information on the DLC income from Liquor Licensing (excluding the portion paid to the ARLA) and the cost of running the DLC for the financial year.



**South Taranaki District Licensing Committee  
Annual Return 1 July 2014 - 30 June 2015**



**Payments made to the Authority**

**On-Licence, Off-Licence and Club Licence applications – received**

Application Type	Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
On-licence new	-	-	2	-	-
On-licence variation	-	-	-	-	-
On-licence renewal	1	1	10	-	-
Off-licence new	-	-	3	-	-
Off-licence variation	-	-	-	-	-
Off-licence renewal	-	-	5	1	-
Club licence new	3	-	-	-	-
Club licence variation	-	-	-	-	-
Club licence renewal	2	-	1	-	-
<b>Total number</b>	<b>6</b>	<b>1</b>	<b>21</b>	<b>1</b>	<b>0</b>
<b>Total Fee paid to the Authority (GST inclusive)</b>	<b>\$103.50</b>	<b>\$34.50</b>	<b>\$1,086.75</b>	<b>\$86.25</b>	<b>\$0.00</b>

**Annual fee for existing licences – received**

Licence type	Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
On-licence	1	1	17	-	-
Off-licence	-	1	14	1	-
Club licence	20	1	1	-	-
<b>Total number</b>	<b>21</b>	<b>3</b>	<b>32</b>	<b>1</b>	<b>0</b>
<b>Total Fee paid to the Authority (GST inclusive)</b>	<b>\$362.25</b>	<b>\$103.50</b>	<b>\$1,656.00</b>	<b>\$86.25</b>	<b>\$0.00</b>



### Manager's Certificate applications – received

	Number received
Manager's certificate new	39
Manager's certificate renewal	88
Total number	127
Total Fee paid to the Authority (GST inclusive)	\$3,651.25

### Special Licence applications - received

	Number received in category: Class 1 (Small)	Number received in category: Class 2 (Medium)	Number received in category: Class 3 (Large)
Special Licence	41	31	0

### Temporary Authority applications - received

	Number received
Temporary authorities	7

### Permanent Club Charter payments - received

	Number received
Permanent Club Charters	1

### Totals

On, Off and Club Licences	\$1,311.00
Existing Licences	\$2,208.00
Managers Certificates	\$3,651.25
Total to be paid to the Authority (GST inclusive) for 2014/15 year	\$7,170.25