

Title: District Licensing Committee Annual Report
Section: Environmental Services & Protection
Prepared by: Judith Robertson (Team Leader Healthy Living)
Meeting Date: 25 October 2018

Legal Financial Significance = low

Report to COUNCIL for decision

SUMMARY

The purpose of this report is to summarise the activity of the Gisborne District Licensing Committee from 1 July 2017 to 30 June 2018.

The Sale and Supply of Alcohol Act 2012 (the Act) and associated regulations prescribe the alcohol licensing regime. Requirements assigned to the Council include maintaining a District Licensing Committee for decision making, maintain a licensing inspectorate for reporting on applications and monitoring of licensed businesses. Prescribed fees are charged for licensing functions.

Annual reporting required by the Act includes public reporting on revenue and expenditure associated with the alcohol licensing regime. The revenue has funded the cost of administering the District Licensing Committee and all its functions.

There were 343 applications considered by the District Licensing Committee in 2017/18. Two applications were opposed by the reporting agencies. There were public objections to four applications.

The decision sought is to adopt the annual report as a record of the District Licensing Committee activity. The decisions or matters in this report are considered to be of **low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

1. **Notes the contents of this report.**
2. **Adopts the Gisborne District Licensing Committee's Annual Report for the 2017/18 year.**

Authorised by:



Nicholas Zaman
Director Environmental Services & Protection

Keywords: District Licensing Committee

BACKGROUND

1. The Sale and Supply of Alcohol Act 2012 (the Act) and the associated regulations; The Sale and Supply of Alcohol Act Regulations 2013, and the Sale and Supply of Alcohol (Fees) Regulations 2013, control alcohol licensing activity.
2. At the end of each financial year, Council reports on the proceedings and operations of its licensing committee to the Alcohol Regulatory Licensing Authority (ARLA). In 2018 this was done by electronic survey, a new initiative from the ARLA.
3. Committee report 18–434 includes the annual cost and revenue of the licensing regime. The report is a public record for the purposes of the Act, must be made available for inspection free of charge, and must be available on Council’s website for not less than five years.

DISCUSSION and OPTIONS

4. The Gisborne District Licensing Committee 2017/18 annual activity report is appended (**Appendix 1**). This report is the fifth of the District Licensing Committee.
5. Income from fees and costs incurred from the functions of the licensing committee, and functions of its inspectors, and enforcement activities under the Act are reported.

ASSESSMENT of SIGNIFICANCE

Criteria	This Report	The Process Overall
The effects on all or a large part of the Gisborne district	Low	Low
The effects on individuals or specific communities	Low	Low
The level or history of public interest in the matter or issue	Low	Low
Inconsistency with Council’s current strategy and policy	Low	Low
Impacts on Council’s delivery of its Financial Strategy and Long Term Plan.	Low	Low

6. The decisions or matters in this report are considered to be of **low** significance in accordance with Council’s Significance and Engagement Policy.
7. The Council has a statutory obligation under the Sale and Supply of Alcohol Act and Regulations to report annually and to provide statistical information. To publicly report this information is not a significant decision.

COMMUNITY ENGAGEMENT

8. The annual report is a public record and is available on Council’s website for not less than five years.

CONSIDERATIONS

Financial/Budget

9. The income from fees, and licensing costs are detailed in the appended report. For the purpose of covering the costs of the licensing regime, regulations prescribe both fees for applications and annual premises fees.

Proportional amounts from applications, (except special licences and temporary authority orders), and from annual fees are paid to the Authority.

Alcohol Licensing Revenue and Expenditure 2017/2018

Application Type	Amount
Managers Certificate Applications	\$59,771
Premises Licence Applications	\$48,081
Special Licences Applications	\$15,054
Temporary Authority Applications	\$4,154
Annual Fees	\$80,810
Fees paid to ARLA	\$14,197
Licensing Activity Revenue	\$193,673
Licensing Activity Expenditure	\$193,992

Legal

10. This reporting function is required for Council to meet its obligations under the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (Fees) Regulations 2013.

POLICY and PLANNING IMPLICATIONS

11. The requirements for Council's role in alcohol licensing is prescribed in The Sale and Supply of Alcohol Act 2012.

12. The Act allows for development of local alcohol policies with additional controls or provisions beyond the Act, for the purpose and intent to limit alcohol related harm. A Local Alcohol Policy for our district has been implemented, effective since 5 March 2018 when more restrictive hours were applied to the majority of licensed premises.

RISKS

13. There are no major risks associated with the decisions or matters.

APPENDICES

Appendix 1 - Gisborne District Licensing Committee Activity Report 1 July 2017 to 30 June 2018.



Gisborne District Licensing Committee
Activity Report 1 July 2017 to 30 June 2018

Overview of the District Licensing Committee Workload

1. The Gisborne District Council has one appointed District Licensing Committee. One list member has moved from the District. There has been no other changes to the District Licensing Committee membership during the year.

Name	Role	Other Information
Patricia Seymour	Chairperson	District Councillor
Josh Wharehinga	Deputy Chairperson	District Councillor
Kenneth Lyell	List member	
Dianne Taylor	List member	
Peter Williamson	List member	
Sarwan Kumar	Secretary	Regulatory Services Manager
Judith Robertson	Chief Licensing Inspector	Team Leader Healthy Living
Denise Williamson	Committee Advisor	Executive Assistant

2. District Licensing Committee Meetings

- The District Licencing Committee had 66 meetings during the year.
 - 58 of these meetings were the Chairperson alone with decisions made on the papers for uncontested applications.
 - One meeting was the Deputy Chairperson alone with decisions made on the papers for uncontested applications.
 - Seven meetings were held as public hearings for contested applications.
- A further 14 applications for temporary authority orders were considered and determined by the full committee.

3. Licensing Inspectors and Administrative Personnel

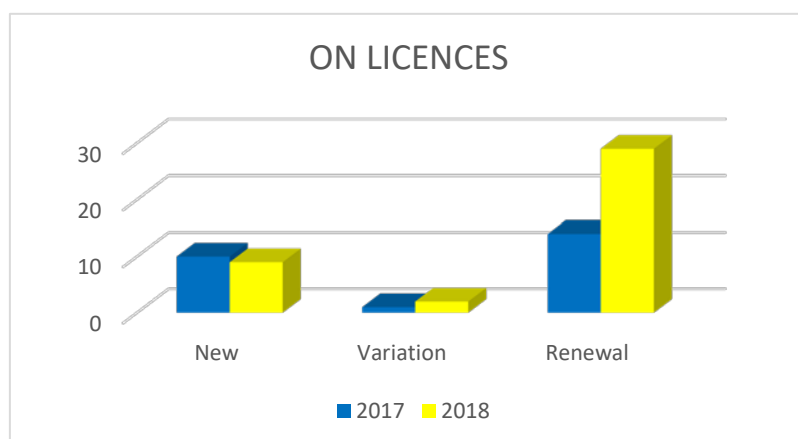
- Five permanent staff are warranted as licensing inspectors, associated work role is 1.7 FTE.
- Two technical support staff provide 1 FTE for licensing administration and 0.2 FTE for process support.

Trends

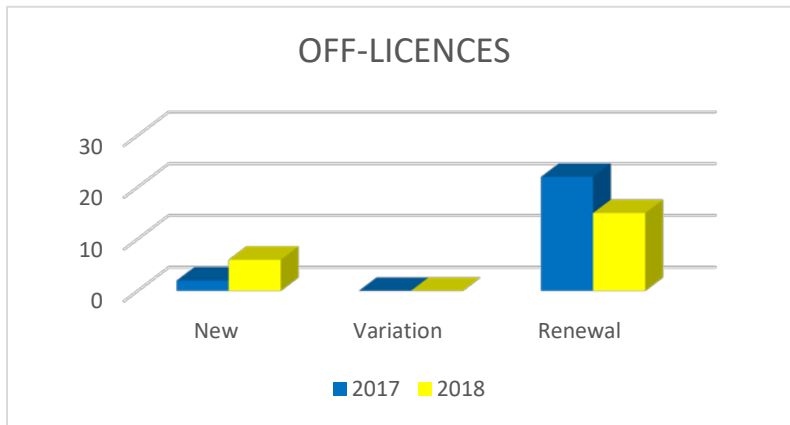
4. Number of applications for licenses – three year comparison

Application Type	Applications Received 2017/18	Applications Received 2016/17	Applications Received 2015/16
On-licence new	9	10	7
On-licence variation	2	1	1
On-licence renewal	29	14	25
Off-licence new	6	2	2
Off-licence variation	0	0	0
Off-licence renewal	15	22	30
Club licence new	0	3	0
Club licence variation	0	0	4
Club licence renewal	15	1	16
Manager's Certificate - new	93	78	77
Manager's Certificate - renew	96	104	134
Special licence	118	97	130
Temporary Authority	14	10	7
Sub total	397	342	433

5. Trends in License by type and comparison between 2016/17 year and 2017/18 year.

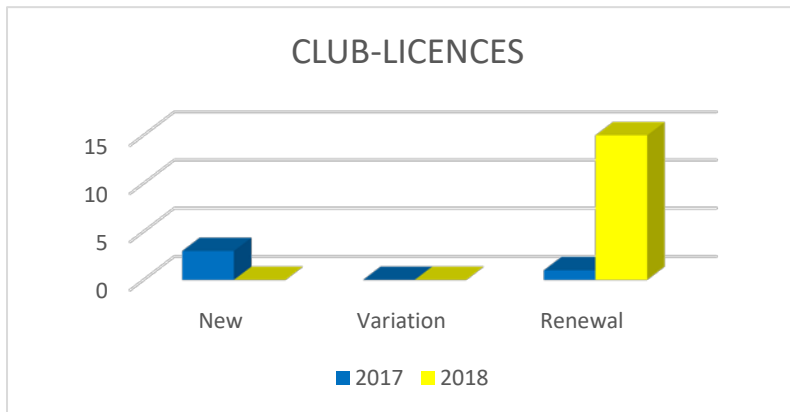


A large increase in renewal applications was anticipated given the licence renewal cycle prescribed by the Act. The 2017 new licences were all due for 1-year renewal along with other existing licences with 3-yearly renewals falling due.

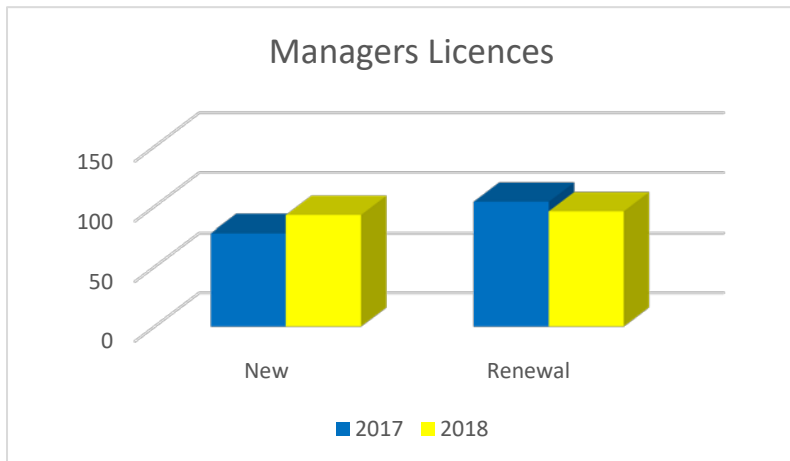


One new off-licence application was for a new business. The remainder were ownership changes of existing businesses.

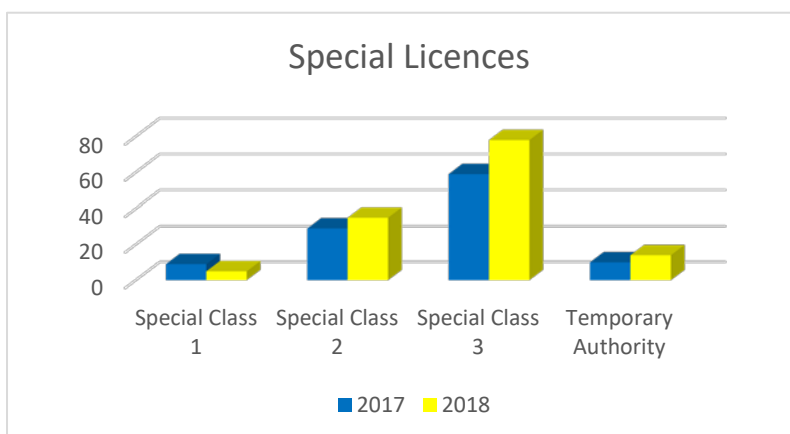
A number of bottle store off-licensed premises in the District are owned and operated by one company. Other off-licences are at the supermarkets and grocery stores, and at wineries.



Club licence renewals occur every three years. All are due in the same year because of a historical shift into the licensing regime causing all licenced clubs to transition at same time. The next renewal period will be in 2021.



An increase in renewal applications was anticipated as the managers at Club licenced premises all fall due for renewal in the same three yearly cycle.



Licensed business operators and special licence applicants are better informed about application options for special licences. Some are utilising the option of one application for multiple events. There has also been a marked increase in applications from licensed Clubs who offer their clubrooms for private events.

A temporary authority order is a transitional approval used when a licensed premises changes hands. In some cases the prospective business owners applied more than once to abridge longer establishment periods, hence the increase in applications from previous years.

Initiatives

6. Prior to and post large events operating under special licences, meetings are held with applicants and reporting agencies. This initiative is successful in assisting the applicant with the licencing processes and the collaboration with the New Zealand Police, the Medical Officer of Health, the New Zealand Fire Service and relevant Council officers/staff.
7. Three newsletters were distributed to all licensees in the district. Articles include information from the licensing staff, Hauora Tairāwhiti staff, New Zealand Police Alcohol Harm Prevention Officer, New Zealand Fire Service and Accident Compensation Corporation (ACC). Newsletters provide a useful means of communicating, informing and reminding licensees about alcohol matters.
8. One Controlled Purchase Operation (CPO's) was organised by the Police and assisted by the licensing inspectors and Hauora Tairāwhiti staff. Eighteen open premises were visited and there were no sales. The under-aged volunteer was generally refused entry or asked for identification and consequently asked to leave. CPO's will continue as a method of monitoring compliance.
9. Warranted officers visited each of the alcohol licensed premises at least once over the year. Finds are that businesses are operating mostly in compliance. Wherever possible, monitoring of sports clubs is done on weekends and during opening hours when the clubs are fully operational.

Liaison with Other Agency Groups

10. A coordinated approach to alcohol licensing issues in this district is achieved through the LARA group. The LARA group membership includes NZ Police, Public Health, ACC, NZ Fire Service and GDC Alcohol Licensing team. There have been four meetings with the LARA group over the year and items of discussion covered include:
 - Event licensing & campground registrations
 - Implementation of the Local Alcohol Policy
 - Licensing administration processes
 - Monitoring, surveillance, enforcement and controlled purchase operations
 - Identification of problematic operators and actions to improve compliance
 - Smoking areas at licensed premises.
11. Two Host Responsibility workshops in September 2017 were organised by Tairāwhiti Hauora staff with presenters from three of the LARA group member agencies. The workshops were well attended.

Liquor Licensing Accord

12. A Local Accord of licensees met four times during the year. Meetings were attended by licensees and their key staff, the Police Alcohol Harm Prevention Officer, Hauora Tairāwhiti Population Health staff, and licensing inspectors. Open discussion on matters affecting the licensed industry in this forum provides a robust relationship. Key discussions have included implementation and subsequent impact of the Local Alcohol Policy.

Local Alcohol Policy

13. The Gisborne District Council adopted a Local Alcohol Policy on 17 August 2017 with an implementation date of 5 March 2018.

The policy aim is to provide clear guidance to the District Licensing Committee to ensure decisions that balance economic and social outcomes; promote positive drinking behaviour and reflect the community's interests in the sale and supply of alcohol in our District.

The significant change from 5 March 2018 was a reduction in maximum trading hours for many businesses. Most have adapted to earlier closing or later opening with relative ease and no significant issues have been reported.

Every application is now considered against the relevant provisions of the policy as well as the criteria of the Act.

Sale and Supply of Alcohol Act 2012

14. The due diligence of licensing officers is required when investigating and reporting on applications. Complexities around the criteria for assessment of applications, including the assessment of the effect on amenity and good order of the locality, are documented. Licensees are now more knowledgeable about requirements of the Act and are mostly compliant. Very few applications are contested.
15. Late applications for special licences has been problematic over the past years but has been reduced through repeat messaging and informing applicants on process using newsletters and alcohol licensee forums.
16. Very few applications were contested by the Police or the Medical Officer of Health. Four applications were subject to public objection. Seven applications have been considered by way of public hearing

Summary of Licensing Activity

17. The annual summary of applications lodged with the District Licensing Committee for the period 1 July 2017 to 30 June 2018 is presented. The data includes the proportional payments made to the Alcohol Regulatory and Licensing Authority for each licence type.
18. The revenue reported is the income from licence applications and annual fees minus the proportional payments made to the Alcohol Regulatory and Licensing Authority.

Applications Received by the District Licensing Committee -1 July 2017 to 30 June 2018

Applications						
	Very Low	Low	Medium	High	Very High	Total
On Licence New	0	2	6	1	0	9
On Licence Variation	0	1	1	0	0	2
On Licence Renewal	8	8	11	2	0	29
Off Licence New	0	0	6	0	0	6
Off Licence Variation	0	0	0	0	0	0
Off Licence Renewal	8	0	6	1	0	15
Club Licence New	0	0	0	0	0	0
Club Licence Variation	0	0	0	0	0	0
Club Licence Renewal	11	2	2	0	0	15
Total number	27	13	32	4	0	76
Application fees	\$9,936	\$7,923	\$26,128	\$4,094		\$48,081
Total Fee Paid to ARLA	\$465.75	\$448.50	\$1,656.00	\$345.00	\$0.00	\$2,915
Annual Fees						
	Very Low	Low	Medium	High	Very High	Total
On Licence	8	18	34	5	0	65
Off Licence	16	0	34	3	0	53
Club Licence	28	2	1	0	0	31
Total Number	52	20	69	8	0	149
Annual Fees	\$8,372	\$7,820	\$56,338	\$8,280		\$80,810
Total Fee Paid to ARLA	\$897.00	\$690.00	\$3,570.75	\$690.00		\$5,848

Managers Certificate Applications		
Manager's Certificate new	93	
Manager's Certificate Renewal	96	
Total Number	189	
Application Fees		\$59,771
Total Fee paid to ARLA		\$5,434
Special Licence Applications		
	Class 1 Class 2 Class 3 Total	Application fees
Special	5 35 78 118	\$15,054
Temporary Authority Applications		
Temporary Authority	Number Received 14	Application fees \$4,154
Permanent Club Charter Payments		
Permanent Club Charter Payments	Number Received 0	Application fees \$0

Alcohol Licensing Revenue 1 July 2017 to 30 June 2018

Application Type	Amount
Managers Certificate Applications	\$59,771
Premises Licence Applications	\$48,081
Special Licences Applications	\$15,054
Temporary Authority Applications	\$4,154
Annual Fees	\$80,810
Licensing Income	\$207,870
ARLA fees	\$14,197
Revenue	\$193,673

Alcohol Licensing Expenditure 1 July 2017 to 30 June 2018

District Licensing Committee Costs	Total
Committee Chair	\$5973
Deputy Chair	
Committee members	\$3519
Committee Secretary & Committee Advisor	\$19,500
Licensing Inspector & Administrator Costs (approx.)	\$165,000
Licensing Expenditure	\$193,992