



L4/13

22 July 2014

The Secretary
ARLA
Ministry of Justice
Tribunals Unit
DX SX11159
Wellington 6011

Dear Secretary

BULLER DISTRICT COUNCIL ANNUAL REPORT FOR YEAR ENDED 30 JUNE 2014

Overview of District Licensing Committee Workload

Structure and personnel

Secretary Paul Wylie is the CEO of the Buller District Council but has delegated his role as Secretary of the District Licensing Committee to Craig Scanlon who is the manager of the Community and Environmental Services.

Chief Licensing Inspector Joy Donaldson
Licensing Inspector Atila de Oliveira
Administration Officer Gail Dickson

The Buller District Licensing Committee was approved by Council at a full Council meeting held on 27/11/13 and is comprised of the following:

Chairperson Graeme Thomas Neylon
Committee Members Phillip John Rutherford (Deputy Chairperson)
Terence Neil Archer
Hamish Lindsay Macbeth
John Hill

Any staff training undertaken re SSAA12

The DLC Chairperson and four committee members attended training provided by Local Government NZ on 22 November 2013.

The two inspectors and administration officer attended a liquor liaison meeting in March 2014 which is a regular meeting where information is shared between the Police, Health and Inspectors from the three West Coast Territorial Authorities.

The two inspectors also attended a CollaborAction workshop run by Karen Scott of the National Regulatory Agencies Steering Group in Nelson in November 2013 which aimed to provide tools for interpreting and working with the proposed new Act. Both inspectors are members of the CollaborAction training website but this is still in its infancy as far as providing any real training information or opportunities for inspectors. The online learning module for Licensing Inspectors, public health alcohol regulatory staff, NZ Police and NZ Fire will be going live on Wednesday 30th of July according to the website.

Change in business compared with DLA SLA89

The logistics in the calculation, collection and recording of annual fee payments and resultant IT amendments required has caused issues for staff, especially when new licences are due to be issued which require the annual fee to be paid but the underlying licences are also due for the annual fee payment.

DLC meetings or hearings

Five temporary authorities were granted by the full DLC committee and 49 further decisions with 68 unopposed applications decided (none declined) by the Chairperson or Deputy Chairperson. There were no opposed applications heard by the committee.

Any noticeable trends or issues faced by the DLC

Massive increase in workload for the inspector and administration staff in processing the applications due to the additional criteria which needs to be assessed and recorded for the inspectors reports and education of licensees. The Chief Licensing Inspector has spent a large amount of time compiling newsletters and answering queries from licensees, managers and new applicants about the new Act.

It is also noted that licensees with hotel or tavern licences are cancelling their off licences to avoid payment of the annual fee or in some cases reducing the off licence hours to minimise the annual/renewal fees payable.

DLC initiatives

As the DLC was only formed in December 2013 everything about how this committee operates is new.

LAP

A draft Local Alcohol Policy (LAP) was adopted at the 27/11/13 Council meeting and the special consultative procedure ran from 2/12/13 through to 31/01/14. 319 written submissions were received with 50 submitters indicating that they wanted to be heard. Due to the appeals currently being heard in respect of provisions of LAP's of the Tasman and Waimakariri District Councils Council resolved to defer making any further decision or hearing submitters until the first available opportunity following the release of ARLA's decisions in respect of these appeals.

Current legislation

Issues

The Sale and Supply of Alcohol Act 2012 and associated regulations have caused immense problems for agencies and applicants in their attempts to interpret the meaning of the various sections. The wording not only contains some inaccuracies but is difficult to understand and open to interpretation. It is now seven months since the full implementation of the Act and inspectors are still interpreting the meaning differently and therefore providing differing reports to the various District Licensing Committees. If it were not for the NZ Institute of Liquor Licensing Inspectors having a list serve site where the enormous number of queries are able to be posted, discussed and usually resolved there would be no consistency in the way the Act is being implemented between the various Territorial Authorities. In addition there has been a huge amount of time spent by staff explaining to applicants the meaning of the various sections of the Act as there does not appear to have been any public information provided by Government as to the implications for licensees and managers of the new Act. This could have been done in a general manner by television, newspaper, internet advertising which would have alerted the general public about impending changes and given persons who held manager's certificates or licences a contact website address to go to to find out further information.

The requirement that Temporary Authorities be heard by a full committee and not just the Chairperson when no objections have been received is an issue. There does not appear to be any reason why unopposed applications cannot be dealt with by the Chairperson as the temporary authority is limited to the conditions of the existing licence/s and the legislation would only need to be amended to require Police approval to ensure the suitability of the applicant to hold a Temporary Authority.

The compulsory conditions relating to the display and promotion of alcohol in a single area in supermarkets and grocery stores (ss.112-115) is cumbersome and far too open to interpretation which has led to the current state where almost every supermarket is challenging the agencies interpretation especially as to the 'end of aisle' displays and whether they are considered to be part of the single area. This has only been inflamed by the copy of a letter being bandied about by the large supermarket chains from Judith Collins indicating that she would ensure that outward facing displays would not be included in the legislation.

The wording in relation to the expiry date for licences which must be detailed in the licence is complicated and almost impossible to understand which I believe is quite the opposite to what should be the intention in that any person reading the licence should immediately be able to identify whether the licence is still current. Currently there is no requirement to display the renewal notice. I see no reason why there is still a requirement to issue a renewal notice and a replacement licence. The most effective method would be that when a licence is renewed a new licence is issued with a new expiry date and that licence is then displayed similar to any other type of document such as a warrant of fitness for a car, a driver's licence etc. There is no need for renewal notices.

The requirement for managers to provide an LCQ bridging certificate if their LCQ certificates had been issued under the Sale of Liquor Act 1989 was not initially made clear to the agencies and as far as I am aware there was no public promotion of this requirement. Instead the provision of this information has been left with the Territorial Authority and more specifically the inspectors to inform managers of this which has just caused delays in processing and added to the time and therefore the cost involved in processing applications.

The wording in s.6 of the Sale and Supply of Alcohol (Fees) Regulations 2013 in relation to determining the classification of Class 3 (and consequently Class 2) clubs is too subjective eg

"... in the opinion of the TA operates a bar for no more than 40 hours each week".

This then becomes conjecture on the part of TA staff and inspectors and has often resulted in differences of opinion between staff and licensees and leads to unnecessary conflict. Classification of this type can only be done on the hours as stated on the licence as is the case for all other licence classifications.

Positives

The increased information required by applicants to apply for or renew their licences has resulted in better information being provided to the DLC committee to make decisions.

The classification of special licences has provided a means of more accurately recouping the costs associated in processing these applications.

The possibility of incurring a holding and the consequences of doing so (eg higher fees, 'three strikes and you are out') has raised awareness of the requirements to comply with the Act by licensees and their staff

The Police, Health and inspectors continue to work together with quarterly liaison meetings held either in Westport, Greymouth or Hokitika on a rotational basis to enable all agencies on the Coast to discuss issues, share information and attempt to get some kind of consistency in their actions.

Any other matter the TA might wish to draw to the attention of the Authority

The current format of the ARLA annual report needs to be amended as there is no total sum payment area. Obviously the whole reason for this report is for the TA to provide to ARLA the total of their proportion of any fees received in the preceding month so there should be an area on the report where this is detailed.

For small TA's with limited resources the confusion and additional work load from the introduction of the new Act has caused significant stress on staff, particularly in relation to the very short time frame between the provision of the regulations and the implementation of the Act and in the requirement for each TA to create new forms. There has been a huge increase in staff time required to deal with enquiries from applicants and the general public made even more difficult with the the confusion as to the interpretation of the Act

with inconsistent responses between various Territorial Authorities and from the Ministry of Justice.

Cost/risk rating system

The risk categories for tavern style on licences and restaurants are onerous in some instances and the TA has approved under s.6(4) of the Sale and Supply of Alcohol (Fees) Regulations 2013 a fee category one level lower for tavern style on-licences and restaurants for the following reasons.

Under the Regulations tavern style on-licences with a closing time of 3.00 am are considered to be high risk whereas hotel style on-licences with the same closing time are medium risk. The agencies have advised that they do not consider there is any difference in risk between the two types of premises and the tavern style on-licence was reduced by one level to provide consistency and fairness.

The majority of restaurant style licences within this district are small in nature with a limited amount of seating and limited hours. The Regulations require that any restaurant with a separate bar area (even though it does not operate that bar area in the manner of a tavern at any time) is automatically categorized as Class 2 putting them in to the same risk group as hotel on-licences. There is definitely not the same amount of risk as a hotel on-licence and therefore those licences which fall in to this category have been reduced by one level.

Existing Class 3 restaurants are very small operations with very limited supplies of alcohol and pose extremely little risk and the imposition of the set annual and application fees for Class 3 restaurants is considered to be onerous therefore these restaurants have been reduced by one fee category level also.

Staff have had to contact all clubs to determine the number of members (and it is noted that the legislation does not identify whether this is the number of persons aged 18 years of age and over or all club members including children) and then estimate the hours the bar operates per week. Club licence holders have been made aware that when their licences are due for renewal the actual hours of operation of the bar are to be the licence hours and any hours in excess of 40 per week may result in a change of classification. To require that applicants change the hours of operation before the licence is due to be renewed would require a variation application with payment of the required fee and this is considered unreasonable.

Statistical Information

Please find attached the annual return and current listing of licensed premises for the Buller District.


Joy Donaldson
CHIEF LICENSING INSPECTOR
on behalf of the **BULLER DISTRICT COUNCIL**

TERRITORIAL AUTHORITY: BULLER**ANNUAL RETURN FOR PERIOD 19/12/13 – 30/06/14****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	3	1	
Off-licence new				2	
Off-licence variation					
Off-licence renewal		1	1		
Club-licence new					
Club-licence variation					
Club-licence renewal		1			
Total number	0	3	6	3	0
Total Fee paid to ARLA (GST inclusive)	0	103.50	310.50	258.75	0

Annual fees 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					
Off-licence			1		
Club-licence	2				
Total number	2		1		
Total Fee paid to ARLA (GST inclusive)	34.50	0	51.75	0	0

Managers certificate applications received:

	Number received
Managers certificates new	11
Managers certificates renewal	29
Total number	40
Total Fee paid to ARLA (GST inclusive)	1150.00

Special licence applications received

	Number received in Fee Category: Class 1	Number received in Fee Category Class 2	Number received in Fee Category Class 3
Special licence	4	12	5

Temporary authority applications received:

	Number received
Temporary authority	3

Permanent club charter payments received:

	Number received
Permanent club charter payments	0

Buller District Council Licensed Premises Annual Active Register as at 30 June 2014

Business Name	Licensor	Licence type	Licence number	Issue Date	Expiry Date	Notes
Albion Hotel	H L & L J Holland	ON	054/ON/1/2013	15/09/11	23/01/16	Not operating
Affresco Outdoor Eatery	Paul & Miles Curbush	ON	054/ON/8/2012	8/12/04	18/03/15	
Black & White Hotel	Black & White Hotel Ltd	ON	054/ON/23/2012	28/08/08	15/10/15	
Buller Workingsmens Club	Buller Workingsmens Club & MSA A/I	CL	054/CL/02/2013	16/12/92	7/03/16	
Buller Workingsmens Club	Buller Workingsmens Club & MSA A/I	OF	054/OFF/04/2013	16/12/92	7/03/16	
Buller Cafe	Golden Horse Yang Ltd	ON	054/ON/13/2013	28/08/12	23/09/16	
Charleston Goldfields Community Club	Charleston Goldfields Community Club Inc	CL	054/CL/8/2012	29/09/93	15/07/15	
Charming Creek Tavern	Elizabeth & Barry Lilley	OF	054/OFF/7/2011	20/04/11	04/07/15	
Charming Creek Tavern	Elizabeth & Barry Lilley	ON	054/ON/13/2011	20/04/11	4/07/15	
Cosmopolitan Hotel	Cosmopolitan Hotel Ltd	ON	054/ON/21/2011	16/10/01	7/11/14	
Countdown Westport	General Distributors Ltd	OF	054/OFF/1/2011	4/10/10	11/01/15	
Criterion Hotel	Criterion Hotel 2008 Ltd	OF	054/OFF/7/2012	29/09/08	3/12/15	
Criterion Hotel	Criterion Hotel 2008 Ltd	OF	054/ON/24/2012	29/09/08	3/12/15	
Cowshed Cafe	Right Touch Limited	ON	054/ON/01/2014	2/12/13	22/12/14	Not operating
Denniston Dog Bar & Restaurant	Dog Holdings Limited	ON	054/ON/8/2011	1/12/06	19/03/17	
Donaldo's	Donaldos Limited	ON	054/ON/3/2012	18/10/07	13/12/14	
Drifters Cafe	Drifters 2012 Ltd	ON	54/ON/005/2014	5/12/12	4/03/17	
Hotel Reefton	Hotel Reefton 2012 Ltd	OF	054/OFF/10/2013	8/06/12	20/11/16	
Hotel Reefton	Hotel Reefton 2012 Ltd	ON	054/ON/15/2013	8/06/12	20/11/16	
Inangahua Arms Hotel	Murrays Furniture Limited	OF	054/OFF/14/2011	14/11/96	22/09/14	
Inangahua Arms Hotel	Murrays Furniture Limited	ON	054/ON/20/2011	14/11/96	22/09/14	
Ikamatua Hotel 2013 Ltd	Ikamatua Hotel	OF	54/OF/001/2014	11/03/15	11/03/14	
Ikamatua Hotel 2013 Ltd	Ikamatua Hotel	ON	54/ON/002/2014	11/03/15	11/03/14	
Jacks Gasthoff	Jack Schubert	ON	054/ON/21/2012	30/09/99	30/09/15	
Karamea Four Square	Medea Holdings Ltd	OF	054/OFF/08/2013	22/09/11	20/11/16	
Karamea Golf Club	Karamea Golf Club Inc	CL	054/CL/3/2012	16/12/92	17/09/15	
Karamea Village Hotel	Diana R Storer	OF	054/OFF/05/2013	09/02/09	22/06/16	
Karamea Village Hotel	Diana R Storer	ON	054/ON/09/2013	09/02/09	22/06/16	
Little Wanganui Hotel	Little Wanganui Hotel Ltd	OF	054/OFF/10/2011	09/06/10	09/08/14	
Little Wanganui Hotel	Little Wanganui Hotel Ltd	ON	054/ON/15/2011	09/06/10	09/08/14	
Last Resort Karamea	ET Resources Ltd	ON	054/ON/10/2013	13/05/13	15/08/14	
Maruia Springs Thermal Resort	Maruia Springs Thermal Resort Ltd	OF	054/OFF/2/2012	05/03/08	03/04/15	
Maruia Springs Thermal Resort	Maruia Springs Thermal Resort Ltd	ON	054/ON/6/2012	05/03/08	03/04/15	
Mawheraiti Hotel	Veda Cuff	ON	054/ON/06/2013	18/12/92	07/04/16	
McManus Hotel	McManus Hotel Limited	ON	054/ON/9/2011	07/03/07	17/05/17	
Mokihinui Tavern	Mokihinui Tavern Limited	ON	054/ON/14/2012	26/04/11	01/08/15	
Melbourne Hotel	Slimdon Limited	ON	054/ON/16/2013	10/09/12	19/11/16	
Pig & Whistle Hotel	Graeme & Patricia Ahern	OF	054/OFF/13/2011	03/09/93	09/09/14	
Pig & Whistle Hotel	Graeme & Patricia Ahern	ON	054/ON/19/2011	03/09/93	09/09/14	

Pines Tavern	Alexander H Hastie	ON	054/ON/12/2011	26/05/04	28/07/14	
Porto Bello Bar & Grill	Porto Bello Bar & Grill Ltd	ON	054/ON/16/2011	10/06/10	27/07/14	
Priya Indian Restaurant	Aarav Hospitality Ltd	ON	054/ON/16/2012	02/08/11	30/08/15	
PR's Cafe	Paul & Rien Cox	ON	54/ON/008/2014	15/10/12	29/01/14	
Punakaiki Resort	WHG Punakaiki Resort Ltd	ON	054/ON/04/2012	22/11/10	30/03/15	
Punakaiki Tavern	Punakaiki Tavern Ltd	OF	054/OFF/04/2011	21/04/97	05/12/16	
Punakaiki Tavern	Punakaiki Tavern Ltd	ON	054/ON/04/2011	21/04/97	05/12/16	
Reefton Autolodge	Sarah Robinson	ON	054/ON/14/2013	16/07/19	24/09/16	
Reefton Four Square	Joyccs Trading Ltd	OF	054/OFF/09/2013	07/10/13	12/11/14	
Reefton Golf Club	Reefton Golf Club Inc	CL	054/CL/04/2012	22/12/92	02/08/15	
Reefton Supervalue	GSC Investments Ltd	OF	054/OFF/8/2011	09/07/07	20/07/14	
Reefton Workingmens Club	Reefton Workingmens Club Inc	CL	054/CL/02/2012	22/12/92	02/08/15	
Reefton Workingmens Club	Reefton Workingmens Club Inc	OF	054/OFF/05/2012	26/07/11	02/08/15	
Reids Store	Reids Store Maruia Ltd	ON	054/ON/19/2012	11/07/15	11/10/15	
Riverstone Karamea	Roger & Margot Brownlie	ON	054/ON/22/2011	19/10/07	12/12/14	Not operating
Seddonville Hotel	Thomas G McKenzie	OF	054/OFF/01/2013	14/12/06	14/12/16	
Seddonville Hotel	Thomas G McKenzie	ON	054/ON/03/2013	14/12/06	14/12/16	
Star Tavern	Egmont Canine Centre Ltd	ON	054/ON/11/2012	18/01/02	22/04/15	
The Bay House	N Dougherty & S Henderson	ON	054/ON/08/2013	23/03/12	23/05/16	
The Big Fish	Miners on Sea Ltd	OF	054/OFF/01/2012	01/12/10	11/01/15	
The Big Fish	Miners on Sea Ltd	ON	054/ON/01/2012	01/12/10	11/01/15	
The Town House	Emily Lucas	ON	054/ON/11/2013	23/03/12	30/04/16	
The West Coast Brewery	Coastwest Holdings Ltd	OF	54/OFF/003/2014	25/01/13	21/03/17	
Westport Bowling Club	Westport Bowling Club Inc	CL	054/CL/06/2010	06/08/93	26/06/16	
Westport Golf Club	Westport Golf Club Inc	CL	054/CL/01/2012	22/12/92	02/08/15	
Westport Motor Hotel	Westport Motor Hotel Ltd	OF	054/OF/07/2013	23/03/94	25/07/16	
Westport Motor Hotel	Westport Motor Hotel Ltd	ON	054/ON/12/2013	18/12/92	25/07/16	
Westport New World	J & C Vaudrey	OF	054/OFF/15/2011	07/10/10	01/12/14	
Westport RS Bowling Club	Westport RS Bowling Club Inc	CL	054/CL/01/2013	16/12/92	26/03/16	
Westport Tennis & Squash Club	Westport Tennis & Squash Club Inc	CL	054/CL/05/2010	23/01/08	05/11/15	
White Star Rugby Club	White Star Rugby Football Club	CL	054/CL/05/2012	16/12/92	28/09/15	
Wilsons Hotel	Wilsons Hotel 2010 Ltd	OF	054/OFF/06/2013	24/05/12	05/07/16	
Wilsons Hotel	Wilsons Hotel 2010 Ltd	ON	054/ON/12/2012	01/02/11	20/06/15	
Westport RSA	Westport Returned Service Assoc Inc	CL	054/CL/01/2011	16/12/92	21/07/14	