

L4/13

2 August 2016

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

Dear Secretary

BULLER DISTRICT COUNCIL ANNUAL REPORT FOR YEAR ENDED 30 JUNE 2016

Overview of District Licensing Committee Workload

There has been a change to the structure as follows:

Structure and personnel

Secretary Paul Wylie resigned from the position of CEO of the Buller District Council but the role of Secretary had already been delegated to the Manager Community & Environmental Services, Craig Scanlon. Mr Scanlon has also been Acting CEO since Mr Wylie's departure up until 1 August 2016 when the new CEO Andy Gowland-Douglas commenced.

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

There have been no changes to the Buller District Licensing Committee as approved by Council on 27/11/13 which is comprised of the following:

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

Any staff training undertaken re SSAA12

The chief licensing inspector and the administration officer have attended West Coast Liquor Liaison meetings which are held in either Hokitika, Greymouth or Westport approximately three or four times per year and which are attended by inspectors, DLC admin staff, Police, Health representatives and more recently a representative from the NZ Fire Service for the three West Coast Territorial Authority areas. This forum is used to share information and identify areas

where a collaborative approach can be achieved. For example application forms are currently being reviewed and additional information may be requested so that inspectors can better report on the applications which will in turn result in better information provided to the DLC for them to consider when making decisions. It is proposed that eventually a collaboration document will be produced.

This forum also allows frank discussions where all parties listen and acknowledge each other's views even when there is no unanimous agreement. This is particularly important as the Alcohol Harm Reduction Officer for the Police and the representatives for the Medical Officer of Health and NZ Fire Service cover all three DLC areas.

The chief licensing inspector is also a member of NZILLI and attends annual institute meetings.

DLC meetings or hearings

The DLC determined the following applications:

Type	No
New on licences	4
Renewal of on licences	13
Renewal of off licences	3
Renewal of club licences	8
Temporary Authorities	21
Special licences	36
New manager's certificates	24
New manager's certificate declined	1
Renewal of manager's certificates	53
Renewal of manager's certificate declined	1

One hearing was to be held but the two applications (renewal of on licence and renewal of manager's certificate which related to the same premises) have since been forwarded to ARLA for a decision as there is also a suspension application for the premises with ARLA and it was determined that the three matters would be better heard in conjunction with one another.

Any noticeable trends or issues faced by the DLC

The majority of hotels, taverns are not renewing their off licences in response to the large increase in annual and renewal fees and the limited sales due to discounted prices in supermarkets.

The three West Coast Councils have been well served by a dedicated Police Alcohol Harm Reduction Officer (AHRO) who instigated improved monitoring of licensed premises throughout the region which resulted in an increase in enforcement actions which in turn improved compliance. However the Police on the Coast have had a major restructure and this officer has now resigned from the Police. The AHRO role is now to become one of seven portfolios to be assigned to an officer who has yet to be appointed and who will cover the entire West Coast which is an area of approximately 600 kilometres in length and 23,000 m² kilometres in area. The inspectors from all three Councils made submissions to attempt to retain a dedicated officer to this role (albeit that the previous officer was also involved in search & rescue). However the restructure went ahead and I do not believe that the new role will allow continued emphasis on ensuring compliance from licensees and managers. The Westport community constable role has also been disestablished.

DLC Initiatives

As many of the existing members of the DLC including the Chairperson are not resident in Westport the majority of 'on the paper decisions' are made using email as the method of correspondence. This has worked well and resulted in a faster turn-around of applications.

Local Alcohol Policy

A working group met on 28 August 2015 and agreed to recommend to Council that the existing draft LAP be withdrawn and the process started again due to the requirement to have local evidence to support policies and that more data for Buller is available now than there was when the process began in 2013. The working group recommended that the *Tasman District Council Local Alcohol Policy* be used as the base for a revised Buller draft LAP. This was accepted by Council and the working group met again on 1/10/15. This meeting decided that each sector group was to research and provide evidence to support their positions at the next meeting. There has been no further progress on this to date.

Current legislation

We are now over two years on from the introduction of the new Act and it continues to confuse. As noted in last year's report the NZ Institute of Liquor Licensing Inspectors (NZILLI) is the main source for gaining information and resolution of issues but often also highlights further anomalies within the Act and the varying ways DLC's and inspectors are interpreting it.

The continuing requirement for Temporary Authority applications to be heard by a full committee and not just the Chairperson when no objections have been received remains an issue as there is usually pressure to get these out to allow new owners to commence operating. 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 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 single area definition in supermarkets and grocery stores appeal has still yet to be heard. The Buller DLC has made decisions on these applications as there were many operating on temporary authorities with the underlying licences coming up for expiry. When this happens it results in the underlying licence having to be renewed to allow the new temporary authorities to be issued which is confusing and time consuming.

It would also be less confusing if when a licence or a manager's certificate expired a new licence or certificate was issued each time which displayed the new expiry date.

The date that annual fees are due for licences originally issued under the Sale of Liquor Act 1989 is also open to interpretation. The date on which the annual fee is payable for such licences is

"the anniversary of the most recent of the following:

- (a) **date** on which the licence was issued*
- (b) the **date** on which the licence was renewed*
- (c) the **date** on which a variation of the licence was granted.*

The date on which the renewal or variation is granted may be earlier or later than the actual anniversary date of the licence. In the case of renewals where objections have been made and a hearing is required this date may be some months after the anniversary date of the licence. If the wording above is taken at face value the due date for the annual fee may be less than 12 months (for applicants who are efficient and proactive and get their licence renewals in plenty of time and in which case they will be punished by not getting the full 12 months previously paid) or more

than 12 months when applications are received closer to the expiry date and/or when objections are received and a hearing is required (in which case the applicants get more than 12 months). In addition attempting to then work out when to send out annual fee invoices to applicants is impossible as there is no constant expiry date. To make matters worse an applicant has picked up on this anomaly.

SSAA Regulations 2013 – Forms

Form 9 (On-licence) has not yet been amended to include reference to Easter Sunday under Condition (a).

As at January 2015 Forms 11, 12 and 13 (re Club and special licences) of the Regulations contain incorrect reference to sections of the Act. The correct reference should be **Subpart 7 of Part 2** which was confirmed by the Ministry of Justice shortly after the full SSAA came into force. Form 11 was amended on 11/12/15 but Forms 12 and 13 have not been amended.

There is an application form for a temporary authority (Form 16) but there is no form in the regulations for the actual "order".

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

The Council is aiming at being paperless as, presumably, are many other Councils. A Practice Direction and Statement (LIQ/ADM 1) issued by B M Holmes on 26/11/13 contained the following:


1.4 ...Until such time as committee secretaries are otherwise advised, the electronic transmission of these documents to the licensing authority is not acceptable due to privacy concerns related to the security of emails used to transfer documents'.

It would appear that there needs to be some secure system in place to allow for the electronic provision of these documents and this needs to be progressed in the near future.

A national register of managers and licensees would be of great benefit to licensing inspectors when compiling their reports. This would not need to identify any holdings but would be very useful to identify any previous certificates or licences held and in which area. Inspectors could then carry out further research if required to ensure a complete picture of the applicant is obtained.

Statistical Information

Please find attached the annual return and List of Contacts for the Buller District.



Joy Donaldson

CHIEF LICENSING INSPECTOR

on behalf of the **BULLER DISTRICT COUNCIL**

List of Contacts

DLA Secretary	Craig Scanlon	03 788 9645	027 678 1885	craig@bdc.govt.nz
Chief Inspector	Joy Donaldson	03 788 9614	027 403 8760	joy@bdc.govt.nz
Inspector	Atila de Oliveira	03 788 9687	027 246 0952	atila@bdc.govt.nz
Administrator	Gail Dickson	03 788 9637	N/A	gail@bdc.govt.nz

TERRITORIAL AUTHORITY:

ANNUAL RETURN FOR YEAR ENDING:

On-licence, off-licence and club licence applications received:

Application Type	Number received in fee category				
	Very Low	Low	Medium	High	Very high
On-licence new			7		
On-licence variation					
On-licence renewal	3	2	7		
Off-licence new			1	2	
Off-licence variation					
Off-licence renewal			3		
Club licence new					
Club licence variation					
Club licence renewal	6	2			
Total number	9	4	18	2	
Total Fee paid to ARLA (GST incl)	155-25	138-00	931-50	172-50	

Annual fees for existing licences received:

Licence Type	Number received in fee category				
	Very Low	Low	Medium	High	Very High
On-licence	4	2	14	1	
Off-licence		1	10		
Club licence	6	3			
Total number	10	6	24	1	
Total Fee paid to ARLA (GST incl)	172-50	207-00	1242-00	86-25	

Managers' certificate applications received:

Application type	Number received
New manager's certificate	28
Renew manager's certificate	54
Total	82
Total Fee paid to ARLA (GST incl)	\$2357-50.

Special licence applications received:

	Class 1	Class 2	Class 3
Special licence	4	16	16

Temporary authority applications received:

	Number received
Temporary authority	21 *

Permanent club charter payments received:

	Number received
Permanent club charter payments	0

* Note: The monthly returns only identify 8 temporary authorities issued in total.
 A reporting fault has been identified which has since been rectified and this is the correct number issued (21*).

MAGIQ BULLER DISTRICT Run Time 2/08/16 9:21 Page 1

Licensed Premises Annual Active Register Licences RG

Business Name	Type	Location	Expiry Date	Issue Date
ALFRESCO CANTARY & ACCOMMODATION	ON	On Licence	18/03/16	8/12/04
PAULA & MILES CUTBUSH	54/ON/007/2015	16 BROADWAY, REEFTON		
BIG FISH BAR	ON	Hotel	11/01/18	1/12/10
HINERS ON SEA LTD	54/ON/008/2015	117 Torea St, Granity		
BLACK & WHITE HOTEL	ON	On Licence	15/10/15	28/08/08
BLACK AND WHITE HOTEL LTD	054/ON/23/2012	198 Palmerston Street, Westport		
Berlins	ON	Hotel	19/08/18	18/07/14
DEAN MURRAY BENGE T/A BERLINS	54/ON/018/2015	1205 Lower Buller Gorge Road		
Buller Cafe	ON	On Licence	23/09/16	28/08/12
Golden Horse Yang Limited	054/ON/13/2013	95 Palmerston St, Westport		
CHARLESTON GOLDFIELDS COMMUNITY CLUB INC	CL	Club	15/07/18	29/09/93
CHARLESTON GOLDFIELDS CLUB	54/CL/005/2015	State Highway 6, Charleston		
CHARMING CREEK TAVERN	ON	Off Licence	4/07/18	20/04/11
ELIZABETH AND BARRY LILLEY	54/ON/013/2015	31 Main Road, Ngakawau		
CLUB BULLER	CL	Club	7/02/19	16/12/92
CLUB BULLER	54/CL/003/2016	46 Queen St, Westport		
COSMOPOLITAN HOTEL	ON	Hotel	7/11/17	16/10/01
COSMOPOLITAN HOTEL LIMITED	54/ON/014/2014	136-138 Palmerston St, Westport		
SOUNDOWN WESTPORT	OF	Off Licence	11/01/16	4/10/10
GENERAL DISTRIBUTORS LTD	54/OFF/006/2015			
CRITERION HOTEL	ON	On Licence	3/12/16	29/09/08
CRITERION HOTEL 2008 (LTD)	54/ON/002/2016	118 Palmerston St, Westport		
Charming Creek Tavern	ON	On Licence	00	19/06/16
Darecj Limited	54/ON/007/2016	31 Main Road, Ngakawau		
DEMINGTON DOG BAR & RESTAURANT	ON	On Licence	19/03/17	1/12/06
DOG HOLDINGS LIMITED	54/ON/004/2014	18 WAKEFIELD STREET, WESTPORT		
DONALDO'S	ON	On Licence	13/12/17	18/10/07
DONALDOS LIMITED	54/ON/004/2015	23 MARINE PARADE, CARTERS BEACH		
Drifters Cafe	ON	On Licence	4/03/17	5/12/12
Drifters 2012 Ltd	54/ON/005/2014	97 Torea St, Granity		
Hotel Reefton	OF	Off Licence	20/11/16	8/06/12
HOTEL REEFTON 2012 LIMITED	054/OFF/19/2013	75 Broadway, Reefton		
Hotel Reefton	ON	On Licence	20/11/16	8/06/12
HOTEL REEFTON 2012 LIMITED	054/ON/15/2013	75 Broadway, Reefton		
INANGAHUA ARMS HOTEL	OF	Off Licence	22/09/17	14/11/96
MURRAYS FURNITURE LIMITED	54/OFF/002/2015	172 Buller Road, Reefton		
INANGAHUA ARMS HOTEL	ON	On Licence	22/09/17	14/11/96
MURRAYS FURNITURE LIMITED	54/OFF/001/2015	172 Buller Road, Reefton		
Ihamatua Hotel	OF	Off Licence	11/03/18	16/12/13
Ihamatua Hotel 2013 Ltd	54/OF/001/2014	Ihamatua, Grey Valley		
Ihamatua Hotel	ON	On Licence	11/03/18	16/12/13
Ihamatua Hotel 2013 Ltd	54/ON/006/2015	Ihamatua, Grey Valley		
JACKS GASTHOF	ON	General	30/09/15	30/09/99
JACK SCHUBERT	054/ON/21/2012	LITTLE TOTARA RIVER, CHARLESTON		
KARAMEA FOUR SQUARE	OF	Off Licence	20/11/16	22/09/00
MEDEA HOLDINGS LIMITED	054/OFF/08/2013	Bridge St, Market Cross		
KARAMEA GOLF CLUB INC	CL	Club	17/09/18	16/12/92
Karamea Golf Club	54/CL/003/2015	Oparara Road, Karamea		
Business Name		Type Location	Empiry Date	Issue Date
KARAMEA VILLAGE HOTEL	OF	Off Licence	22/06/16	9/02/09
DIANA R STORER	054/OFF/05/2013	Wharf Rd, Karamea		
KARAMEA VILLAGE HOTEL	ON	On Licence	22/06/16	9/02/09
DIANA R STORER	054/ON/09/2013	Wharf Rd, Karamea		
LITTLE WANGANUI HOTEL	OF	Off Licence	9/08/17	9/06/10
LITTLE WANGANUI HOTEL LTD	54/OFF/005/2014	Township Area, Little Wanganui		
LITTLE WANGANUI HOTEL	ON	Hotel	9/08/17	9/06/10
LITTLE WANGANUI HOTEL LTD	54/ON/010/2014	Township area, Little Wanganui		
Last Resort Karamea	ON	On Licence	15/08/17	13/05/13
ET Resources Ltd	54/ON/001/2015	Waverley St, Karamea		
MCHANUS HOTEL	ON	On Licence	17/05/17	7/03/07
MCHANUS HOTEL LIMITED	54/ON/006/2014			
MOKIHINUI TAVERN LTD	ON	On Licence	1/08/18	26/04/11
Mokihinui Tavern Limited	54/ON/004/2016	18-20 Lewis Street, Mokihinui		
Maruia Hot Springs	OF	Off Licence	14/07/17	17/02/16
Maruia Hot Springs Limited	54/OFF/003/2016	Maruia, Springs Junction		
Maruia Hot Springs	ON	On Licence	14/07/17	17/02/16
Maruia Hot Springs Limited	54/ON/006/2016	Maruia, Springs Junction		
NBS Theatre	ON	On Licence	26/03/19	27/01/15
BULLER DISTRICT COUNCIL	54/ON/003/2016	105 Palmerston St, Westport		
New World Westport	OF	Grocery/Supermarket	3/06/19	11/06/14
Poory Achlin Limited	54/OFF/004/2016	244 Palmerston Street, Westport		
PIG & WHISTLE HOTEL	ON	On Licence	9/09/17	3/09/93
GRAEME & PATRICIA AHERN	54/ON/013/2014	Sergeants Hill via Westport		
PORTO BELLO BAR AND GRILL	ON	On Licence	27/07/14	10/06/10
PORTO BELLO BAR AND GRILL LTD	054/ON/16/2011	42 Palmerston St, Westport		
FR'S CAFE	ON	On Licence	29/01/17	15/10/12
PAUL AND RIEN COX	54/ON/008/2014	124-126 Palmerston St, Westport		
PUNAKAIKI RESORT	ON	Hotel	30/03/18	22/11/10
WHC PUNAKAIKI RESORT LIMITED	54/ON/011/2015	SH6, Punakaiki		
PUNAKAIKI TAVERN	OF	Off Licence	5/12/16	21/04/97
PUNAKAIKI TAVERN LIMITED	54/OFF/002/2014	Corner of Owen Street and State Highway 6 Punak		
PUNAKAIKI TAVERN	ON	On Licence	5/12/16	21/04/97
PUNAKAIKI TAVERN LIMITED	54/ON/003/2014	PUNAKAIKI		
Pancake Rocks Cafe	ON	General	7/07/16	18/05/15
WILD COAST LIMITED	54/ON/016/2015	4296 SH6, Punakaiki		
Pines Tavern	ON	Hotel	19/08/18	1/08/14
Woodgift Limited	54/ON/016/2015	2/831 Fairdown Road, State Highway 67		
Portside Bistrc and Bar	ON	On Licence	6/11/16	12/08/15
EM & M Limited	54/ON/019/2015	13-15 Cobden St, Westport		
REEFTON FOUR SQUARE	OF	Off Licence	12/11/17	7/10/13
Joyccs Trading Ltd	54/OFF/005/2015	47-49 Broadway, Reefton		
REEFTON GOLF CLUB	CL	Club	2/08/18	22/10/92
REEFTON GOLF CLUB INC.	54/CL/002/2015	ANDERSONS ROAD, REEFTON		
REEFTON SUPERVALUE	OF	Grocery/Supermarket	20/07/17	9/07/07
GSC INVESTMENTS LIMITED	54/OFF/006/2014	65 BROADWAY, REEFTON		
REEFTON WORKINGMEN'S CLUB	CL	Club	2/08/18	22/10/92
REEFTON WORKINGMENS CLUB INC	54/CL/001/2016	55 Bridge Street, Reefton		
Business Name		Type Location	Empiry Date	Issue Date
REEFTON WORKINGMEN'S CLUB	OF	Off Licence	2/08/18	26/07/11
REEFTON WORKINGMEN'S CLUB INCO	54/OFF/001/2016	55 Bridge St, Reefton		
ROUGH AND TUMBLE BUSH LODGE	ON	On Licence	11/02/19	27/11/14
ROUGH AND TUMBLE LIMITED	54/ON/021/2015	Township area, Seddonville		
Reefton Autolodge	ON	On Licence	4/07/18	29/05/14
Reefton Autolodge 2014 Limited	54/ON/012/2015	72-78 Broadway, Reefton		
SEDDONVILLE HOTEL	ON	On Licence	14/02/19	14/12/06
THOMAS GRAEME MCKENZIE	54/ON/001/2016	1 QUEEN STREET, SEDDONVILLE		
STAR TAVERN	ON	On Licence	22/04/18	18/01/02

EGMONT CANINE CENTRE LTD T/A S	54/ON/009/2015	Omau, Cape Foulwind		
THE BAY HOUSE		ON On Licence	23/05/16	23/03/17
NEIL K DOUGHERTY AND SANDRA D	054/ON/008/2013	433 TAURANGA BAY ROAD		
THE BIG FISH		OF Off Licence	11/01/18	1/12/10
MINERS ON SEA LTD	54/OFF/004/2015	117 Tereu St, Granity		
THE COPPER POT		ON On Licence	30/08/18	2/08/11
AARAV HOSPITALITY LTD	54/ON/014/2015	110 PALMERSTON STREET, WESTPORT		
The Arms Hotel		ON On Licence	00	6/04/16
Whetu Marama Home		172 Buller Road, Keefton		
The Quarry Restaurant and Bar		ON On Licence	6/11/16	16/09/15
THE QUARRY RESTAURANT LTD	54/ON/020/2015	284-290 Palmerston St, Westport		
The West Coast Brewery		OF Off Licence	21/03/17	25/01/13
Coastwest Holdings Limited	54/OFF/003/2014			
The Westport		OF Off Licence	4/07/17	4/03/16
Grey River Holdings Ltd	54/OFF/002/2016	201-207 Palmerston St, Westport		
The Westport		ON On Licence	4/07/17	4/03/16
Grey River Holdings Ltd	54/ON/005/2016	201-207 Palmerston St, Westport		
WESTPORT BOWLING CLUB		CL Club	22/06/19	6/08/03
WESTPORT BOWLING CLUB INC	54/CL/004/2016	corner Lyndhurst and Komilly Streets, Westport		
WESTPORT GOLF CLUB		CL Club	1/08/18	22/12/02
WESTPORT GOLF CLUB INC	54/CL/001/2015	Marine Parade, Carters Beach		
WESTPORT RS BOWLING CLUB		CL Club	26/03/19	16/12/02
WESTPORT R S BOWLING CLUB INC	54/CL/002/2016	142 QUEEN ST, WESTPORT		
WHITE STAR RUGBY CLUB		CL Club	26/08/18	16/12/02
WHITE STAR RUGBY FOOTBALL CLUB	54/CL/004/2015	Corner Lyndhurst & Peel Street, Westport		
WILSON'S HOTEL		ON On Licence	20/06/18	1/02/11
WILSON'S HOTEL (2010) LTD	54/ON/015/2015			
Westport Returned Services Association Inc		CL Club	21/07/17	16/12/02
Westport RSA Inc	54/CL/1/2014	137-141 Palmerston St, Westport		

2016/08/04 10:00:00 AM
 1/1/2016 10:00:00 AM

