

L4/13

29 September 2018

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

Dear Secretary

BULLER DISTRICT COUNCIL ANNUAL REPORT FOR YEAR ENDED 30 JUNE 2018

Highlighted headings are topics which ARLA requested to be completed on the online survey/annual return.

There has been a change to the structure of the District Licensing Committee (DLC) as follows:

Structure and personnel

Secretary: The role of secretary changed during this reporting period. Craig Scanlon, Manager Community & Environmental Services had previously been delegated as Secretary of the Buller District Licensing Committee. Mr Scanlon resigned from his position in January 2018 and has been replaced by Rachel Townrow. Ms Townrow has also been delegated as Secretary to Buller District Licensing Committee.

There has been one addition to the Buller District Licensing Committee as approved by Council which now comprises of the following:

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

Other Licensing Staff:

Chief Licensing Inspector	Joy Donaldson
Licensing Inspector	n/a
Administration Officer	Gail Dickson

Any noticeable trends or issues

Payment of annual fees has been an issue for many of the smaller businesses that are struggling.

We encourage any applicants for new on or off licences to make an appointment to discuss prior to lodgment or at time of lodgment of their application.

There appears to be growing focus on the amenity and good order considerations under the Act. A greater number of premises seem to have an increase in security cameras and monitors throughout the premises, though it is not known whether the focus is more on security than monitoring behavior.

Westport has lost its Alcohol Harm Prevention Officer due to restructuring a couple of years ago, and this position is now one of a number of portfolios held by an officer in Greymouth, for all of the West Coast. We do not seem to get much information from our local Police office regarding offences or incidents in some of the licensed premises, therefore there is nothing on file. This can affect the Chief Licensing Inspector's ability to report on licence or manager's certificate renewals if we are not aware of these incidents.

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.

At least one controlled purchase operation has been carried out during this period. However it was carried out by the Police (Greymouth) and Community and Public Health Officer (also Greymouth) without our knowledge. It came to our attention via a member of the public a few weeks after the event. Again, as per comments in italics above, no feedback or results of the CPO were received from either the Police or Health agencies to be put on file for information or future reporting.

Local Alcohol Policy

There has been no further progress on a Buller Local Alcohol Policy to date.

Ways the Sale and Supply of Alcohol Act 2012 is achieving its object.

Licencees and managers alike are more aware of their obligations under the Act, and are more likely to discourage certain behaviours and enforce compliance due to penalties/fines they may receive under the Act.

DLC meetings or hearings

The DLC determined the following applications:

Type	No
New on licences	1
New off licences	0
Renewal of on licences	18
Renewal of off licences	6
Renewal of club licences	1
Variation of licence	0
Temporary Authorities	0
Special licences	56
New manager's certificates	33
New manager's certificate declined	2
Renewal of manager's certificates	62
Renewal of manager's certificate declined	0

Regarding special licences for funerals or funeral after functions held at licensed Clubs. This Council does not charge a fee for these licences though we do require an application and issue a standard decision and licence accordingly. By agreement with the DLC, we do not require a

“meeting” for these decisions, this is mostly due to time constraints as obviously the applicant cannot give 20 working days notice for a funeral function. We consider it an obligation to our community to provide this service. The decision is a standard worded document, one for each of our three main Club premises that host this type of event.

There were no hearings undertaken for any applications. One hearing was scheduled, however the applicant amended their application therefore removing the requirement for a hearing.

Any staff training undertaken re SSAA12

The Chief Licensing Inspector is a member of NZILLI and attends annual institute meetings.

Regular West Coast Alcohol 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, and Health representatives have not taken place for some months. This is mainly due to staff resourcing on all fronts. This forum is used to share information and identify areas where a collaborative approach can be achieved.

During the year, application forms were reviewed and updated to be shared by all three West Coast councils. This included additional information being 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.

Current legislation

The new Act 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 date that annual fees are due for licences originally issued under the Sale of Liquor Act 1989 is also open to interpretation as previously noted. 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. Members of the public have picked up on this anomaly.

SSAA Regulations 2013 – Forms

1. Form 9 (On-licence) has **still not yet** been amended to include reference to Easter Sunday under Condition (a).
2. As at January 2015 Forms 11, 12 and 13 (re Club and special licences) of the Regulations contained 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 subsequently amended on 11/12/15.

Forms 12 and 13 (for special licences) however appear to have not yet been amended. Instead of referring to Subpart 7 Part 2 (appointment of managers for licensed premises) of the Act, it refers to Subpart 6 Part 2, which is Licensing bodies.

3. There is an application form for a temporary authority (Form 16) but there is no form in the regulations for the actual “order”.
4. It would be helpful to have an area on all licence application forms under conditions asking the applicant to verbally identify the designations of the premises, and a description of each designation. It doesn't seem to matter how much information you give applicants, they still do not know what designations are, particularly “supervised”. We have added this to our application forms, and it has been very helpful.

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

The practice of now being able to send copies of applications and issued licences/certificates is appreciated. However communication of this practice did not appear to be made to all the right parties, as we found out by accident about 6 months later, when we read something to the effect that: “...some council's prefer to continue sending paper copies...” We did not prefer to do this, and have asked a number of times to be able to send electronically, however we were unaware that this facility had been provided.

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. However any national register should be maintained by ARLA, and not passed back on to all councils as has happened with MPI and the Food Act. The doubling up of entering information in more than one system has strained resources.

It would be helpful if there was some avenue for Administration Officers to request help/advice/opinions of other licensing admin staff or even inspectors. Especially now that, under the new Act, some Administration Officers, particularly in smaller councils, have had to take on roles, and deal with both public and licensee enquiries, that previously an inspector would have dealt with. It is noted that the NZILLI listserve is a helpful tool for inspector's to glean information, however it would also be beneficial for Administration Officers being able to access. As NZILLI only allows inspectors to belong to the Institute, the listserve is only available to inspectors.

Statistical Information

Please find attached Territorial Authority statistical and fees return for applications received during the reporting year ending 30 June 2018 and List of Contacts for the Buller District.

Sean Judd

**CHIEF LICENSING INSPECTOR
BULLER DISTRICT COUNCIL**

On behalf of the Secretary, Buller District Council District Licensing Committee

Appendix I

End of Year Financial Return (ending 30 June 2018) for ARLA Territorial Authority: Buller District Council

On-licence, off-licence and club licence applications RECEIVED

Application Type	Very Low	Low	Medium	High	Very High
On-licence new		1	2		
On-licence variation					
On-licence renewal	1	2	13		
Off-licence new		1			
Off-licence variation					
Off-licence renewal			6		
Club licence new					
Club licence variation					
Club licence renewal	2				
Total number	3	4	21	0	0
Total Fee paid	\$51.75	\$138.00	\$1,086.75	\$0.00	\$0.00

Annual fees for existing licences RECEIVED

Application Type	Very Low	Low	Medium	High	Very High
On-licence	4	4	19		
Off-licence		1	9		
Club licence	9	3			
Total number	13	8	28	0	0
Total Fee paid	\$224.25	\$276.00	\$1,449.00	\$0.00	\$0.00

Managers' certificate licence applications RECEIVED

Manager's certificate new				44	
Manager's certificate renewal				58	
Total number				102	
Total Fee paid				\$2,932.50	

Special licence applications RECEIVED

	Class 1	Class 2	Class 3
Special licence	3	14	49

Temporary authority applications RECEIVED: Temporary authority : Nilp

Permanent club charter payments RECEIVED: Nilp

Contacts

DLC Secretary: Rachel Townrow 03 788 9688 027 298 7594 rachel@bdc.govt.nz

Chief Licensing Inspector for the period above: Joy Donaldson (now retired)

Chief Licensing Inspector as of 28 September 2018

Sean Judd 03 788 9614 sean@bdc.govt.nz

Administrator: Gail Dickson 03 788 9637 gail@bdc.govt.nz