

2016 ANNUAL REPORT TO ALCOHOL REGULATORY AND LICENSING AUTHORITY

To: The Secretary of the Alcohol Regulatory and Licensing Authority
From: Andrew Loe, for Secretary Otorohanga District Licensing Committee
Subject: **ANNUAL REPORT TO THE ALCOHOL REGULATORY AND LICENSING
AUTHORITY 2015/16**
Date: 18 August 2016

1 OVERVIEW OF THE OTOROHANGA DISTRICT LICENSING COMMITTEE

The Otorohanga District Licensing Committee is largely unchanged from that appointed in November 2013, being:

- Mrs D Sharpe Commissioner/Chairperson
- Mr R Johnson Deputy Chair (serving Councillor)
- Mr R Murphy Member
- Ms P Davies Member
- Mr G Whittaker Member

Dr B McEwan resigned from the District Licensing Committee during the year but remains active with other Committees.

The Council staff supporting the DLC also remain largely unchanged, and have had delegations approved under the new Act. They are:

- Mr D Clibbery Council Chief Executive/DLC Secretary
- Mr A Loe Environmental Services Manager
- Mr K Tutty Environmental Services Team Leader/ Delegated
Secretary (for Waipa District)
- Mrs M Fernandez Licensing Inspector/Environmental Health Officer
(Otorohanga/Otorohanga)

Karen Murray is the Environmental Services administrator for alcohol regulatory and licencing matters.

The Otorohanga District Licensing Committee appointments were for three years in order to align with the local government election cycle. These appointments will be reviewed in November this year. Should vacancies arise through current members standing down, these will be advertised and recommendations for appointments made to Council.

2 DISTRICT LICENSING COMMITTEE WORKLOAD

The hearing workload of the District Licensing Committee has continued to be light, with no matters relating to Otorohanga required to be heard by the Committee. The anticipated increase in opposition from the public and agencies based on the new criteria has not eventuated.

The DLC has met to determine six temporary authority applications. Temporary authority applications are circulated to the committee by e-mail and the committee then determines whether a teleconference or physical meeting is required.

There have been no substantiated complaints regarding the operation of individual licensed premises. The Police have not advised Council of any instance where it has been necessary to issue an alcohol infringement notice within Otorohanga District.

The overall number of licences in force has fallen by two due to the sale and closure of two adjoining businesses. The Otorohanga Local Alcohol Policy does not propose a cap on any type of licence and it is anticipated the new owners will be applying for a licence(s) when their development of the new premises is completed.

The statistics of applications considered by the District Licensing Agency are summarised on page 3. They show the total number of applications on-par with previous periods.

The expanded criteria of the Act have seen the amount of time devoted to licensing activities increase, particularly in association with special licences. Council will need to assess future demand closely and also the demand of other legislation such as the Food Act 2014 which recently came into force.

Currently the application for the local supermarket's off-licence renewal is being held by the District Licensing Committee due to opposition from the Medical officer of Health in relation to single-alcohol areas. This is being held pursuant to advice from ARLA, and awaiting the outcome of matters under appeal.

3 DISTRICT LICENSING COMMITTEE INITIATIVES

From an administrative perspective work has continued to amend and simplify forms to assist both applicants and staff, such as creating separate and shorter forms for on-site and off-site special licences.

Effort has also continued to ensure applications arrive on time, and a number of applicants, particularly clubs, have had their special licence applications refused due to late filing times. This has been reiterated to applicants at every opportunity, including in pre-application information, press releases and direct communication.

Now that the implementation of the new Act has been completed and the Local Alcohol Policy is in force, regular liaison meetings with other agencies have resumed.

The District Licensing Committee has been proactive, making recommendations to the Secretary where issues arise with process or forms. For example, a recent change is the amendment of the wording where conviction information is requested, to clarify that excess breath alcohol and related offences are not “traffic offences” and must be declared.

4 LOCAL ALCOHOL POLICY

As previously reported the Otorohanga District Council has made good progress in adoption of a Local Alcohol Policy (LAP). All appeals have been dealt with and the Council has obtained permission from the Authority for minor amendments to the provisional policy.

The final adoption and notification of the policy has fallen outside of this reporting period and will be covered in more detail in 2017. Despite the extended appeals process, the final version and practical application of the LAP is little-changed from the first draft. The maximum trading hours and other criteria signal a status-quo in many respects and most of the provisions of the LAP apply to new premises being licensed for the first time.

5 CURRENT LEGISLATION

In its last report the Otorohanga District Council raised concerns with the need to convene a meeting of the DLC in one form or another for unopposed temporary authorities, which are often needed at short notice. This remains the case. Efficiencies could be achieved if these matters were dealt with ‘on the papers’ with Committee members being allowed to confer by phone or email if necessary.

It was also highlighted that the threshold of 400 patrons between “large” and “small” events for special licences was problematic, and Council through staff delegations regularly exercise the ability to reduce events by one fee category in an effort to balance this. This continues to be the case.

The inclusion of the term “sell or supply” in section 22 relating to the need for special licences continues to cause confusion. This section uses the term “supply”, but supply without a licence is not an offence. This Council has continued with its ‘no sale – no licence’ approach, reading the meaning as sell *and* supply, with the exception of events within restricted alcohol areas under the Alcohol Control Bylaw.

6 ENFORCEMENT AND INSPECTIONS

The Otorohanga District Liquor Control Bylaw 2007 places a seasonal restriction over the Kawhia Community during the peak Christmas holiday season. The bylaw bans

the consumption of alcohol on roads, reserves and public places. This is the third year since the period of the ban was extended from New Years Day until after Waitangi Day. As in previous years the Police did not report any instances of drunkenness or disorder. The feedback from the community confirmed the effectiveness of the bylaw.

Licensed premises continue to be inspected, primarily by the Police, at random and without notice. No enforcement action on the Council's behalf has resulted from these visits. The Council notes the encouragement to be more active in terms of the monitoring and enforcement of licensed premises. All premises receive at least one annual inspection with some business being visited multiple times depending on the Inspectors risk assessment. This is a similar number as last year indicating a consistent level of monitoring.

An effort has been made to ensure that a good proportion of these visits are after-hours when premises are operating. Events operating under special licences also continue to be a focus, with joint inspections by the Inspector and Police, or Medical Officer of Health when necessary. During the year two controlled purchase operations were conducted in the District. It is pleasing to report there were no sales to the minors attempting to purchase alcohol.

7 LIAISON WITH OTHER AGENCY GROUPS

The Otorohanga District is served by four Police stations (Te Kuiti, Otorohanga and Te Awamutu and Kawhia (Single Officer)). Council continues to experience a very good working relationship with Police, though there has been some variability in terms of the staff reporting on licence applications, meaning points of contact are not always clear. It is accepted that this is due to routine operational issues.

Council staff, Police, NZ Fire Service, and Public Health staff meet quarterly to discuss alcohol licensing issues. An Alcohol Collaboration Group has been formed covering the three Districts served by the combined Licencing Committee. Members of the group share hosting of the quarterly meeting, agendas are prepared and minutes kept for each meeting.

Inspectors continue to benefit from a very active NZ Institute of Liquor Licensing Inspectors both through its annual conference and e-mail forum.

The amount of communication with the District Health Board has increased with the need to consult with them in respect to special licences and off-licences which was not previously the case. Meetings have occurred to streamline processes around special licenses in particular.

Otorohanga District Council is in a shared services agreement with Waipa District Council who provide Licensing Inspector services to Otorohanga District and Waitomo District.

8 OTHER MATTERS

The Authority's direction that a replacement licence with a new licence number be issued each time a licence is renewed has continued to be applied, but as this also contains the text-box detailing the new expiry date of the licence, it serves to render the renewal notice obsolete.

Subject to the requirements of the Act relating to payment of fees and to the provisions of the Act relating to the suspension and cancellation of licenses the licence expires on: The 4th day of July 2018

As raised previously this causes an issue where the renewal notice then refers to the new licence number and that there are "no changes" to the conditions on that licence (which there would not be, as the renewal notice is then referring to a replacement licence that has already captured any amended conditions).

A direction that a replacement licence which contains that text-box shall be considered as a reminder notice in terms of section 135 would avoid this duplication.

The District Licensing Committee and its staff would also appreciate receiving copies of notices of hearings and decisions of the Authority in relation to action against managers or premises within the District. At present it does not appear that District Licensing Committees/Inspectors are receiving these documents unless they are party to the applications. The District Licensing Committee and Inspectors have been unaware of some hearings and decisions until informed by the Police. This creates issues for District Licensing Committees as one of the matters required to determine a premises' risk category is whether it has been subject to enforcement applications. The monthly summary of Authority decisions is however, useful.

9 CONCLUSUON

As always the District Licensing Agency wishes to acknowledge the work of the Authority, the Secretary, case managers, research officers and other support staff who assist in a range of capacities. This is much appreciated.

A Loe

For SECRETARY DISTRICT LICENSING COMMITTEE

Appendix 2

Statistical information for the year ending 30 June 2015
for Otorohanga District Licensing Committee

Application type	# received in fee category VERY LOW	# received in fee category LOW	# received in fee category MEDIUM	# received in fee category HIGH	# received in fee category VERY HIGH
On-licence new			1		
On-licence variation					
On-licence renewal	1	1	2		
Off-licence new			1		
Off-licence variation					
Off-licence renewal					
Club licence new					
Club licence variation					
Club licence renewal	2				
Total number	3	1	4		
Total Fee paid to ARLA (GST incl)	\$51.75	\$34.50	\$207.00	\$0.00	\$0.00

Annual fees for existing licences received:

Licence Type	# received in fee category VERY LOW	# received in fee category LOW	# received in fee category MEDIUM	# received in fee category HIGH	# received in fee category VERY HIGH
On-licence	2	1	6		
Off-licence			4		
Club licence	5		2		
Total number	7	1	12		
Total Fee paid to ARLA (GST incl)	120.75	34.50	621.00		

Managers certificate applications received

	Number received
Manager's certificate new	7
Manager's certificate renewal	14
Total number	21
Total Fee paid to ARLA (GST incl)	\$603.75

Special licence applications received

	Number received in category:	Number received in category:	Number received in category:
	Class 1	Class 2	Class 3
Special licence	0	12	20
Temporary authority		1	
Permanent club charter payments		0	
Total paid to ARLA			\$1673.25

Appendix 3

Annual return year ending 30 June 2016

Application type	# received in fee category VERY LOW	# received in fee category LOW	# received in fee category MEDIUM	# received in fee category HIGH	# received in fee category VERY HIGH
On-licence new		1	1		
On-licence variation					
On-licence renewal			2		
Off-licence new		1			
Off-licence variation					
Off-licence renewal			2		
Club licence new					
Club licence variation					
Club licence renewal	4	2	1		
Total number	4	4	6		
Total Fee paid to ARLA (GST incl)	\$69.00	\$138.00	\$310.50	\$0.00	\$0.00

Annual fees for existing licences received:

Licence Type	# received in fee category VERY LOW	# received in fee category LOW	# received in fee category MEDIUM	# received in fee category HIGH	# received in fee category VERY HIGH
On-licence		1	5		
Off-licence		1	4	1	
Club licence	7	2	1		
Total number	7	4	10	1	
Total Fee paid to ARLA (GST incl)	\$120.75	\$138.00	\$517.50	\$86.25	\$0.00

Managers certificate applications received

	Number received
Manager's certificate new	12
Manager's certificate renewal	11
Total number	23
Total Fee paid to ARLA (GST incl)	\$661.25

Special licence applications received

	Number received in category:	Number received in category:	Number received in category:
	Class 1	Class 2	Class 3
Special licence	1	10	27
Temporary authority		6	
Permanent club charter payments		0	
Total paid to ARLA			\$2041.25

Appendix 4

Current Licences

MANAGERS CERTIFICATES

MC0199	Janice Alecia Anderson
MC0234	Harmandeep Singh Bamrah
MC0267	Aleesha Aspery
MC0269	Tracey Cashmore
MC0080	Troy Richard Leather
MC0235	Rangimarie Lei Hepi
MC0268	Kathryn Neal
MC0146	Philippa Rogers
MC0270	Rohini Lakhera
MC0271	Ernest Foster
MC0273	Lydia Parnell
MC0274	Janet Clark
MC0240	Haylee Aroha Trangmar
MC0195	Jenna Andrea Connors
MC0241	Adele Toni Mailman
MC0150	Anne Marie Teki
MC0095	Christine Phyllis Crake
MC0243	Mandeep Singh
MC0189	Judith Geraldine Johns
MC0275	Pauline Tane
MC0249	Tracey Joanne Rowe

MC0276	Tyrone Tane
MC0250	A D Pearson
MC0260	E K Te Kanawa
MC0157	Louise Josphiene Tock
MC0158	Shirley Esme Elsie Gwatkin
MC0259	J K Cresswell
MC0252	Charlotte Bolger
MC0253	Tammy Hammersley
MC0201	Annie Ani-Wai Tapara
MC0039	Rosalie Rauora Wanden
MC0205	Wendy Anne Piggales
MC0054	Brenda Jean Rogers
MC0162	Janna Leigh Gray
MC0171	Joanne Louise Fox
MC0210	David Leslie Stewart Barnett
MC0256	N T Tamani
MC0057	Nancy Alona Porima
MC0177	Mereira Regina Richards
MC0257	Sandra Janet Ashley
MC0203	Mihi Te Ra Carr
MC0272	Angrej Singh
MC0222	Grant Joseph Scott
MC0223	Douglas Bruce Smith
MC0277	Paramjit Singh
MC0106	Kenneth Charles Scott
MC0265	Awhina Jahlene Hesketh
MC0279	Michele Lorraine Williams
MC0280	Ricky Matara
MC0281	Pauline Te Wao
MC0185	Lesley Ellen Mueller
MC0266	Navkiran Kaur
MC0231	Doris Slade
MC0282	Gurmeet Singh
MC0022	Sandra Ann Butler

CLUB LICENCES

CL0013 Kio Kio United Rugby Sports Club
CL0002 Kawhia Golf Club Inc
CL0014 Tigers Rugby Football Club
CL0015 Otorohanga Domain Sports Assn
CL0007 Otorohanga Club Inc
CL0006 Otorohanga Bowling Club
CL0010 Otorohanga Sports Club
CL0011 Oparau Community and District Club Inc
CL0003 Kawhia Sports Club Incorporated
CL0001 Kawhia Boating & Angling Club Inc

ON LICENCES

ON027 The Old Hall Ltd
ON028 Castle 91
ON009 The Thirsty Weta
ON005 Oparau Roadhouse
ON022 Kawhia Hotel 2010 Limited
ON025 Lavish
ON026 Thai Aroma

OFF LICENCES

OF0013 Countdown - General Distributors
OF0028 Seven Stars Ltd
OF0029 J & J Clark Ltd
OF0014 W B & B J Rodgers Ltd
OF0024 Kawhia Hotel 2010 Limited
OF0026 Lavish
OF0025 KB 2010 Limited