

# Annual Report to Alcohol Regulatory Licensing Authority

The following report is a summary of the alcohol licensing activities for the Queenstown Lakes District Licensing Committee, pursuant to section 199(1) of the Sale and Supply of Alcohol Act 2012, for the 1 July 2016 to 30 June 2017 financial year.



Lee Webster

Secretary, Queenstown Lakes District Licensing Committee

## **1.0 Overview**

### **1.1 District Licensing Committee Structure**

#### **Chair/Commissioner**

Bill Unwin

#### **Commissioners**

John Mann

Lyal Cocks

Murray Clearwater

#### **Members**

Neil Gillespie

Michael MacAvoy

Robert McNeil

Mr's Gillespie, MacAvoy and McNeil are all joint list members from Central Otago District Council and were appointed by Queenstown Lakes District Council ("QLDC") as QLDC District Licensing Committee Members. Expressions of interest were also sought for further committee members and Commissioners in December 2016 to mid-January 2017 to develop a great committee resource and to assist with succession planning, where Mr Clearwater's application was provided.

#### **Secretary and Alcohol Licensing Team**

Mike Theelen	Chief Executive/Secretary of District Licensing Committee
Lee Webster	Manager; Regulatory/ Secretary of District Licensing Committee/ Chief Inspector
Sian Swinney	Team Leader Alcohol Licensing Inspector
Nathan Bates	Alcohol Licensing Inspector
Tara McGivern	Alcohol Licensing Inspector
Carolyn Steele	Alcohol Licensing Inspector
Carrie Edgerton	Regulatory Support Co-ordinator/Committee Advisor
Nichola McKernan	Regulatory Support/Committee Advisor
Jill Howell	Regulatory Support/Committee Advisor
Isabelle Logez	Regulatory Support/Committee Advisor
Kacie English	Regulatory Support/Committee Advisor

There have been a number of changes to the Alcohol Licensing Team during this financial period along with a new Council. There are two new Alcohol Licensing Inspectors (Carolyn Steele and Tara

McGivern, Ms Jen Mitchell resigned and left in December 2016) and additional Regulatory Support/Committee Advisors (Isabelle Logez and Kacie English) have joined the team.

There are also three additional staff which assist in alcohol licensing matters by undertaking Sale and Supply of Alcohol compliance checks at the time of food safety visits. These are:

Helen Evans                      Alcohol Licensing Inspector/ Team Leader Environmental Health

Rachel Rose                      Alcohol Licensing Inspector/ Environmental Health Officer

Herman Kriel                      Alcohol Licensing Inspector/ Environmental Health Officer

## **Training**

The DLC secretary (Lee Webster), alcohol licensing inspectors and support staff receive ongoing internal training on processes, process improvements, policies and case law.

The DLC undertook training and a meet and greet on 8<sup>th</sup> June 2016 and met with all members of the alcohol licensing team.

Sian Swinney attended the NZILLI conference in 2016 and has been elected a committee member. Nathan Bates and Sian Swinney will attend the 2017 conference.

## **1.2 Meetings and Hearings**

The DLC have convened meetings and a total of nine hearings during the reporting period and have considered the following applications:

- Consideration of 70 Temporary Authority applications
- 12 Hearings to consider and determine:
- 1 Special licences
- 19 New/renewal licences
- 14 Managers certificates

## **1.3 Noticeable trends or issues faced by DLC**

The committee have not identified anything in this regard.

## **2.0 District Licensing Committee Initiatives**

The Queenstown Lakes District Council has appointed four District Licensing Committee members as Commissioners, thereby giving them a much greater opportunity to learn about the new Act as well as contribute towards its implementation.

These appointments enable the Committee Members to develop their skills and enable consistency of decision making and succession planning under the guidance of the District Licensing Committee Chairman.

The DLC have implemented a policy whereby some premises (ski field's and Ultimate Hikes which operate the lodges on the Routeburn walking track), which have a short season and high staff

turnover (in some instance 12% staff retention rate) are able to lodge manager's certificate applications where the applicant has overseas experience and at least one month experience in New Zealand. It is considered unrealistic to ask one of the companies to wait six months for staff to gain experience as the season will be finished before the experience can be gained.

The DLC have also implemented a policy in relation to hearings. Disclosure of information to all parties must be undertaken five days prior to the hearing. Similar to ARLA hearings, the disclosure will ensure hearings run quicker and all parties are aware of all information being shared and presented.

### **3.0 Local Alcohol Policy**

Queenstown Lakes District Council (QLDC) does not currently have a draft or provisional local alcohol policy.

However, QLDC has and continues to undertake consultation with the community to determine the need and contents of an LAP.

QLDC has determined that there is a need to undertake a needs assessment/strategic alignment assessment regarding alcohol related harm in our community, to determine where Council can have the greatest level of effect in reducing alcohol related harm through the excessive or inappropriate consumption of alcohol. Assessment of this is currently being undertaken by an independent research company and it is hoped that this research will be provided before the New Year.

Following the outcome of this assessment, QLDC will determine if and where an LAP is needed, and what measures are required to determine its effectiveness in preparation of any future reviews.

This approach has been supported by our DLC, especially until all appears have been determined. The DLC also identified that from the various hearings they have convened to date, they have not determined where an LAP would have assisted in their decisions.

Reviews of other territorial authorities current policies is also of interest to gather information in relation to how the policies effectiveness has been measured and what changes will or could result in those policies as a result.

QLDC consider it important to assess all relevant needs, outcomes and scenarios when considering the process and possible content of a policy which would best suit our district, and whether one is needed at all.

### **4.0 Current Legislation**

Clarity is required around what is considered "off the premises". This is specifically in relation to on-line sellers where they are website or Facebook based. There is significant confusion around whether the promotion of their products and the associated discounts advertised on website and Facebook are considered to be "catalogues" or if catalogue is the physical published pamphlet version of their products. There has been considerable debate between inspectors around the country regarding this matter with split opinions, some arguing Facebook or websites are not on the premises and some arguing they are off the premises.

Regulations prescribed forms seven and eight seek the full name, address and occupation of the applicant. As a result of this, the DLC are continually granting waivers under 208 to applicant companies where individuals put their details instead of the applicant company details.

Consideration needs to be given to the revision of holdings on a licence, particularly the length of the life of the holding. Eighteen months appears to be an odd period of time for a holding to last. Increases in the fees as a result of the holding, more often than not, only affect the annual fee which

is in place to essentially cover monitoring costs. Consideration could be given to the fact that a holding is in place for a three year period (as opposed to 18 months) as this would then be in line with section 289 of the Act in terms of three holdings within three years.

Changes to Temporary Authorities being signed off by three committee members should be considered. It is an odd application to require three members input on an application where there is no set criteria for assessment and issue for an application which only lasts three months whereas a substantive application which is one or three years only requires one person to sign this off.

Are renewal certificate's necessary when we issue replacement licences at each renewal time particularly now the additional information box is placed at the bottom of each licence. The licence contains all information and is effectively doubled up on the renewal certificate.

## 5.0 Other matters

- Although the legislation provided for local solution for local issues, a co-ordinated and centralised best practice repository is needed, to ensure that there is consistency, where consistency is possible. A central database, similar to that of the National Dog Database, would be extremely beneficial to all inspectors around the country particularly when manager's move between districts or when licensees have multiple premises across districts.

Statistical information could also be used to provide more accurate figures for licensed premises around the country and comparison data used for certain reports, Local Alcohol Policies would be another examples of information available along with statuses of appeals.

- Electronically send applications rather than having to print documents and courier them each month would be a preferred option. The majority of TA's are looking to more electronic ways of carrying out business with many trying to work towards a "paperless office".
- A calendar of when the Authority is expecting to hear matters around the country may be helpful to avoid additional stress with regards to report writing and disclosure timeframes. It is understandable that this information would be ever changing due to some matters being dealt with on the papers or via phone conference, however general timeframes around when appeals for PLAP's, and other regional matters are held would be helpful for TA's planning their year.
- It is important to highlight to the Authority concerns regarding inspector's independence and the fact that there are some issues and concerns in some areas of the country with independence not being maintained. Some instances have come to light where inspectors are advised by employers not to challenge DLC decisions, have had their employment threatened or warned that their warrants would be taken away if they chose to pursue a particular course of action.

Political influence appears to be a driving force behind the above examples and an unintended consequence of aspects of the legislation change. In most instances, the inspector feels powerless to take any action for fear of losing their job. Further guidance from the Authority perhaps may be helpful to assure inspectors that, and consistent with previous stances of the Authority (as in [Re Kelliher](#) LLA 1075/98, 26 May 1998), that independence it crucial.

- Information regarding what the ARLA do with all of the information received from territorial authorities annually. It is unclear what happens with this information as no feedback is ever provided or is available on the MOJ website.

## 6.0 Statistics

TERRITORIAL AUTHORITY:

Queenstown Lakes District Council

ANNUAL RETURN FOR YEAR ENDING:

1 July 2016 to 30 June 2017

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	1	17	16	7	
On-licence variation		3	3	2	
On-licence renewal	2	35	31	12	
Off-licence new		5	8	5	
Off-licence variation					
Off-licence renewal	1	9	17	3	
Club licence new	1				
Club licence variation	1				
Club licence renewal	3	1			
<b>Total number</b>	9	70	75	29	
<b>Total Fee paid to ARLA (GST incl)</b>	<b>\$155.25</b>	<b>\$2,415.00</b>	<b>\$3,881.25</b>	<b>\$2,501.25</b>	

Annual fees for existing licences received:

Licence Type	Number received in fee category				
	Very Low	Low	Medium	High	Very High
On-licence	2	69	51	31	3
Off-licence	6	10	10	13	0
Club licence	11	7	0	0	0
<b>Total number</b>	19	86	61	44	3
<b>Total Fee paid to ARLA (GST incl)</b>	<b>\$327.75</b>	<b>\$2,967.00</b>	<b>\$3,156.75</b>	<b>\$3,795.00</b>	<b>\$517.50</b>

**Managers' certificate applications received:**

<b>Application type</b>	<b>Number received</b>
New manager's certificate	408
Renew manager's certificate	358
<b>Total</b>	<b>766</b>
<b>Total Fee paid to ARLA (GST incl)</b>	<b>\$22,022.50</b>

**Special licence applications received:**

	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>
Special licence	23	56	67

**Temporary authority applications received:**

	<b>Number received</b>
Temporary authority	70

**Permanent club charter payments received:**

	<b>Number received</b>
Permanent club charter payments	Nil

**Current listing of licensed premises (to ensure the national register has been maintained accurately)**