

ANNUAL REPORT - SALE AND SUPPLY OF ALCOHOL ACT 2012 - YEAR ENDED 30 JUNE 2015

PREPARED BY: Tonia Hall (Licensing Inspector)
 TEAM: Regulatory
 APPROVED BY: Mary-Anne Priest (Manager Customer and Regulatory Services)
 WARD/COMMUNITY: District Wide
 DATE: 20 July 2015
 FILE REFERENCE: ECM 6593202

PURPOSE

The matter for consideration by the Council is to receive the annual report on the Sale and Supply of Alcohol Act 2012 for the period 1 July 2014 to 30 June 2015.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report:

- a) **The report be noted, and**
- b) **That public notice of the report be placed in the Midweek, Taranaki Daily News, and the NPDC Internet site, and**
- c) **A copy of the report be sent to the Alcohol Regulatory and Licensing Authority.**

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only, and has been assessed as having some importance. The public will be advised of the report.

DISCUSSION

This report presents the annual report on proceedings and operations of the District Licensing Committee (DLC) as required under Section 199 of the Sale and Supply of Alcohol Act 2012. As per the requirement of the Act, a copy of the annual report will be made available free of charge, and on the internet site. A copy of the annual report will be forwarded to the licensing authority (Alcohol Regulatory and Licensing Authority-ARLA).

The details contained within the report (Appendix One) meet the requirements of the Sale and Supply of Alcohol Act 2012, and is in the annual report format as recommended by the licensing authority.



ITEM A3

ITEM FOR DECISION

FINANCIAL AND RESOURCING IMPLICATIONS

Preparation of the report is a statutory requirement. The costs associated with preparation of the report have been funded from the Customer and Regulatory Services budget.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made;
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter;
- Any decisions made will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan;
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or would transfer the ownership or control of a strategic asset to or from the Council.

APPENDICES

Appendix One Annual Report – New Plymouth District Licensing Committee,
for the period 1 July 2014 to 30 June 2015.



**REPORT TO THE ALCOHOL AND REGULATORY
LICENSING AUTHORITY**

FOR PERIOD 1 JULY 2014 TO 30 JUNE 2015

PURPOSE

Section 199 of the Sale and Supply of Alcohol Act 2012 requires an annual report to be submitted from the District Licensing Committee (DLC) to the Alcohol Regulatory and Licensing Authority (ARLA) for the period 1 July 2014 to 30 June 2015.

The report format is in accordance with the requirements of the ARLA.

OVERVIEW OF THE DISTRICT LICENSING COMMITTEE WORKLOAD

There have been no changes to the New Plymouth District Licensing Committee since 2014. The New Plymouth District Council and neighbouring Stratford District Council continue to share a list of committee members for their respective committees. Alex Matheson is the Commissioner and Cr Craig McFarlane is the Deputy Chairperson who is appointed in the absence of the Commissioner.

The District Licensing Committee (DLC) has been busy reviewing and approving mainly uncontested applications throughout the year. The committee has heard three contested applications. A new on licence application from Curveball Limited for the premises known as Fitzroy Kiosk, the on licence was granted. A special licence application from the Magog Motorcycle Club, the special was granted with conditions and a renewal application for a tavern on licence from KLDIT Enterprises Limited for a business known as Rhythm. The renewal application was refused.

Supporting the DLC team, the Environmental Health team comprises of a Chief Licensing Inspector, a Senior Licensing Inspector, and four Environmental Health Officers who are also appointed as Licensing Inspectors. The Business Support Team and front of house staff are also involved in receiving and checking applications.

ENFORCEMENT ACTIVITIES

The Alcohol and Regulatory Authority heard enforcement applications from the police for an on licensed tavern in the name of Haven Holdings Limited and two manager's applications in respect of a premises known as Frederic's. All applications were refused.

TRAINING

Two Licensing Inspectors attended the New Zealand Institute of Liquor Licensing Inspectors conference at Wellington in September 2014. The major focus was on the Sale and Supply of



Alcohol Act 2012 and in particular guidance around section 112, 113 and 114 (relating to display and promotion of alcohol in a single area in supermarkets).

The Senior Licensing Inspector also attended a regional forum by the Health Promotion Agency – One Year On - The Sale and Supply of Alcohol Act 2012 in Wellington this was held in March 2015. The regional forums discussed what is working well with the Act, key challenges and recommendations for the next phase of implementation.

LOCAL ALCOHOL POLICY

The New Plymouth District Council has worked with the Stratford District Council to develop a joint Provisional Local Alcohol Policy (PLAP). The joint PLAP sets out the hours of operation, the location and possible discretionary conditions to be imposed on licensed premises in the New Plymouth and Stratford districts.

The PLAP was publicly notified on 20 October 2014. Four appeals have been lodged with the Alcohol Regulatory and Licensing Authority (ARLA) in relation to elements of the PLAP. A tentative date for the appeals to be heard by ARLA has been set for 7 – 11 December 2015.

Until such time as these matters have been resolved in accordance with procedures under the Sale and Supply of Alcohol Act 2012, neither councils have a Local Alcohol Policy in place.

CURRENT LEGISLATION TRENDS

Applications for Temporary Authorities currently require the full sitting of the Licensing Committee (3 members) to consider and determine these. In uncontested situations (almost all applications for a temporary authority are uncontested) the matter could be approved by the chairperson (commissioner) only. This would be a cost effective and efficient outcome.

INITIATIVES

The Combined Agency Agreement (CAA) has been finalised and approved. The CAA gives a clear understanding of the collaboration between the agencies (Police, Medical Officer of Health, Fire Service and Licensing Inspector).

The Drinksafe workshops were held in May 2015 and were very well attended by barstaff, licensees and certified managers.

The Alcohol Accord continues to aim to improve safety and perception of safety in the Central Business District (CBD) through working collaboratively with licensee responsibilities under the Sale and Supply of Alcohol Act 2012. The group continues with the Mellow Yellow project aiming at a co-ordinated response between licensees and police in responding to crime and or violence in the CBD, and early identification of problem customers and actions taken between stakeholders in controlling possible escalation of alcohol related harm.

The Senior Licensing Inspector assists with training at the Western Institute of Technology Taranaki (WITT) and other training providers for the Licence Controller Qualification courses with prospective certified managers. This is a valuable opportunity to pass on our expectations of managers in licensed premises and to get to know those persons working in the hospitality industry.

Licensing Inspectors continue to interview all new manager applicants as this is a critical component for assessing the suitability of managers entering the hospitality industry.

The 24 hour seven days a week Liquor Ban in the New Plymouth CBD continues to be effective and the Police find it to be a valuable tool together with the CBD cameras to deal with alcohol related problems before they get out of hand. In addition a liquor ban is imposed along a portion of the coastal walkway area (Mt Bryan-Fitzroy) during the period of 1 November to 1 April each year during the hours of 2.00pm and 7.00am the following day from Thursday evening to Sunday morning and on Christmas Eve and New Years Eve.

A Controlled Purchase Operation (CPO) was conducted in December 2014 visiting 11 off licence premises. This resulted in 100% compliance.

The Senior Licensing Inspector continues to conduct late night and daytime inspections of licensed premises. Operations have visited premises compliance with the Sale and Supply of Alcohol Act. One infringement fine was issued to a premises for having no manager on duty.

Major events including WOMAD at the Bowl of Brooklands operating under Special Licences were inspected multiple times throughout the three days. Overall the event was well managed in regards to the Sale and Supply of Alcohol.

FIFA U-20 World Cup was declared as a major event. The Environmental Health Team was involved in compliance with the Major Events Management Act 2007 (MEMA). The licensing inspector and the police conducted a controlled purchase operation and a compliance inspection of alcohol outlets at the Stadium Taranaki venue. The event was successful in regards to compliance with the Sale and Supply of Alcohol Act.

FROM THE COMMISSIONER - DLC

A very good working relationship exists between the Local Authority and the District Licensing Committee.

With regard to Temporary Authorities I believe that this is a more 'functionary' process which when granted, is in place for a three month period and does not, in my view require a full sitting of the DLC. This is a function which can be adequately dealt with by the Commissioner alone. However, should there be aspects which raise some concern a full DLC hearing could be convened and if necessary evidence heard.

STATISTICAL INFORMATION

Please find attached the New Plymouth District Licensing Committees statistical information or the period 1 July 2014 to 30 June 2015.



SUMMARY ON APPLICATIONS RECEIVED

Applications received for Period 1 July 2014 to 30 June 2015			
	New	Renewals	Total
On Licence	25	42	67
Off Licence	7	14	21
Clubs	3	9	12
TOTAL	35	65	100

	New	Renewals	Total
Managers Applications	167	179	346

Applications	Total
Special Licences	272
Temporary Authority	10

ITEM FOR DECISION

ITEM A3

TERRITORIAL AUTHORITY: NEW PLYMOUTH DISTRICT COUNCIL

Return for Month Starting: 1/07/2014 to 30/06/2015

A. On-licence, Off-licence and Club Licence Applications Received

Application Type		Number of Applications Received in Fee Category:				
		Very Low	Low	Medium	High	Very High
On Licence	New	1	14	8	1	1
On Licence	Variation					
On Licence	Renewal	2	14	23	3	
Off Licence	New		1	5	1	
Off Licence	Variation					
Off Licence	Renewal	2		9	3	
Club Licence	New	3				
Club Licence	Variation					
Club Licence	Renewal	5	3	1		
Total Number		13	32	46	8	1
Total Fee Paid to ARLA (GST Inc)		\$224.25	\$1104.00	\$2380.50	\$655.50	\$86.25

B. Annual Fees For Existing Licenses Received

Application Type	Number of Applications Received in Fee Category:				
	Very Low	Low	Medium	High	Very High
On Licence	3	31	44	10	1
Off Licence	2	2	16	5	
Club Licence	21	15	3		
Total Number	26	48	63	15	1
Total Fee Paid to ARLA (GST Inc)	\$517.50	\$1795.00	\$3486.75	\$1259.25	\$86.25

C. Manager's Certificate Applications Received

		Number Received
ManagersC	na	1
ManagersC	New	166
ManagersC	Renewal	179
Total Number		346
Total Fee Paid to ARLA (GST Inc)		\$9976.25

D. Special Licence Received

	Number Received in Category		
	Class 1	Class 2	Class 3
SpecialLic	28	77	167

E. Temporary Authority

	Number Received
TempAuthor	10

F. Permanent Club Charter Payments Received

	Number Received
Permanent Club Charter Payments	0



