

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 2014 to 30 June 2015 financial year.



Lee Webster

Secretary, Queenstown Lakes District Licensing Committee

1.0 Overview

1.1 District Licensing Committee Structure

Chair

Bill Unwin

Members

John Mann

Malika Rose

Lyal Cocks

Secretary and alcohol licensing team

Adam Feeley	Chief Executive/Secretary of District Licensing Committee
Lee Webster	Manager; Regulatory/ Secretary of District Licensing Committee/ Chief Inspector
Jen Mitchell	Alcohol Licensing Inspector
Sian Swinney	Alcohol Licensing Inspector
Rachel Rose	Alcohol Licensing Inspector/ Environmental Health Officer
Helen Evans	Alcohol Licensing Inspector/ Environmental Health Officer
Craig Smith	Alcohol Licensing Inspector/ Environmental Health Officer
Heidi Thomson	Regulatory Support Co-ordinator/Committee Advisor
Nichola McKernan	Regulatory Support/Committee Advisor
Jill Howell	Regulatory Support/Committee Advisor
Carrie Edgerton	Regulatory Support/Committee Advisor

1.2 Training

All alcohol licensing inspectors undertook regional advocacy and hearing preparation training, along with neighbouring territorial authorities.

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

Jen Mitchell and Sian Swinney attended the NZILLI conference.

1.3 Meetings and Hearings

The DLC have convened the following meetings and hearings during the reporting period:

- Consideration of 57 Temporary Authority applications
- 7 Hearings to consider and determine:

- 2 Special licences
- 2 New/renewal licences
- 3 Managers certificates
- 1 Temporary Authority

1.4 Noticeable trends or issues faced by DLC

- a) The volume of work – this is reflected in the number of hearings required and an approximately 25% increase in the volume of applications since 2013/2014.
- b) Clarity of the Act – There continues to be a significant level of enquiries regarding the Act, with the need to provide clarity and a consistency of interpretation for licensees and applicants.

2.0 District Licensing Committee Initiatives

The Queenstown Lakes District Council has appointed the three 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 will enable the Committee Members to develop their skills and enable consistency of decision making, under the guidance of the District Licensing Committee Chairman.

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. This includes a review of decisions from Alcohol Regulatory Licensing Authority following appealed Provisional LAP's, in addition to the establishment of a working party, which includes licensees and the agencies, electronic surveys of our community views and targeted focus group meetings.

These details will continue to be reported to Full Council to determine when an LAP will be introduced, its contents and the information to support the reasoning for the LAP.

4.0 Current Legislation

Our DLC Chairman has commented as follows. "A number of suggestions have been made previously, by territorial authorities, but there does not appear to have been any acknowledgement or action. Given the speed with which Parliament passed legislation to enable alcohol to be consumed during the Rugby World Cup, it is questionable as to the benefit of continuing to make observations and suggestions about the changing the Act, without a response to acknowledge what action will/ will not be undertaken in response to the matters raised".

Nevertheless, it is clear that there are major differences and disparities between the way that Licensing Committees interpret and implement the new Act. This is happening not just on a regional basis but also where a Territorial Authority has a number of Chairpersons/Commissioners. What is urgently needed is an opportunity for all Chairpersons and Commissioners to meet and discuss these issues on a National basis, with an aim to introduce consistency where appropriate i.e. to provide local solutions for local issues, but in a consistent manner.

The requirement for a quorum to determine a Temporary Authorities (TA) remains unnecessary where there is no opposition, and provides an un-necessary cost. We consider un-opposed TA applications should be able to be processed by the Chairman.

Following recent cases with ARLA, it is believed that clarification of the main body for supermarkets is needed, as the legislation is ambiguous. The provision of intent and clarity could reduce the time and need for hearings and appeals.

Guidance regarding s.237 is needed to determine the level of "free alcohol" permitted that is promoted inside a licensed premises, which may still be inappropriate.

The definition of alcohol, has created a market for retailers of products not deemed to be alcohol (as they are under 1.15%). This has created a challenge of where these products can be located for sale in a supermarket regarding single areas.

A caterer's on-licence permits a conveyance to attend events without providing food i.e. other food vendors attend the same event. Clarity on this matter is necessary to determine if this is permitted or not.

The inclusion of all on-licences regarding trading on sacrosanct days is restrictive for premises such as movie theatres, bowling alleys and the like (previously it was only hotels and taverns referenced in this section), was this intentional to exclude such businesses.

There appears to be confusion regarding the types of licence and the principal purpose of a business regarding restaurants and taverns, as the legislation states there are only 4 types of licence, but still refers to the principal purpose of the business in a licence application form. Why is this necessary if there is only an On Licence.

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.

6.0 Statistics

TERRITORIAL AUTHORITY:

Queenstown Lakes District Council
068

MONTHLY RETURN FOR MONTH ENDING:

YEAR TOTALS

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

Application Type	Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
On-licence new	1	19	21	14	
On-licence variation		2		2	
On-licence renewal		38	31	18	
Off-licence new		3	6	3	
Off-licence variation				1	
Off-licence renewal	4	8	3	5	
Club licence new					
Club licence variation					
Club licence renewal	3	2			
Total number	8	72	61	43	0
Total Fee paid to ARLA (GST incl)	\$ 138.00	\$ 2,484.00	\$ 3,156.75	\$ 3,708.75	\$ -

Annual fees for existing licences received:

Licence Type	Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
--------------	--	---	--	--	---

On-licence		43	30	12	
Off-licence	3	15	12	7	
Club licence	2				
Total number	5	58	42	19	0
Total Fee paid to ARLA (GST incl)	\$ 86.25	\$ 2,001.00	\$ 2,173.50	\$ 1,638.75	\$ -

Managers' certificate applications received:

	Number received
Manager's certificate new	322
Manager's certificate renewal	325
Total number	586
Total Fee paid to ARLA (GST incl)	\$ 16,847.50

Special licence applications received:

	Number received in category: Class 1	Number received in category: Class 2	Number received in category: Class 3
Special licence	31	58	34

Temporary authority applications received:

	Number received
Temporary authority	57

Permanent club charter payments received:

	Number received
Permanent club charter payments	0

Total to be paid to ARLA	\$ 32,234.50
---------------------------------	---------------------