

18 August 2014

Alcohol Regulatory and Licensing Authority
Private Bag 32 001
Featherston Street
Wellington 6146

Attention: Ms A Cannell

Christchurch City Council District Licensing Committee Annual Report to the Alcohol Licensing and Regulatory Authority for Period Ending 30 June 2014

1. Christchurch City Council District Licensing Committee Overview

District Licensing Committee Structure

The Council has 4 District Licensing Committees (DLC), each chaired by an appointed Commissioner. The appointed Commissioners are:

Paul Rogers
Al Lawn
Robin Wilson
Grant Buchanan

Council has approved the following persons as list members:

Paul Rogers
Al Lawn
Robin Wilson
Grant Buchanan
David Blackwell
John Verry
Paul Buttell
Tanya Surrey

Christchurch City Council Alcohol Licensing Team Structure and Personnel Changes

The Alcohol Licensing Team consists of the persons named below; there have been three changes in the last 12 months.

Fiona Proudfoot	Team Leader / Chief Licensing Inspector	Ph: 03 941 5064
Martin Ferguson	Senior Inspector	Ph: 03 941 8956
Paul Spang	Inspector	Ph: 03 941 8826
Jenn Davison	Inspector	Ph: 03 941 8828
Allison Houston	Inspector	Ph: 03 941 8821
Natashia Lafituanai	Technical Assistant	Ph: 03 941 8827
Gina Moore	Technical Assistant	Ph: 03 941 8068
Karin Bathgate	Technical Assistant	Ph: 03 941 5470

Fax number: 03 941 5033

Email: alcohollicensing@ccc.govt.nz

Website: www.ccc.govt.nz/business/licencesconsents/alcohollicensing/index.aspx

Jenn Davison was appointed to a full-time Inspector role in August 2013. In November 2013 Maria White moved from her role as Technical Assistant to become a Customer Service Coordinator in another Council unit. In December 2013 Allison Houston was seconded for 6 months as an Alcohol Licensing Inspector and subsequently took up a full-time position in June 2014. Karin Bathgate joined the team as a Technical Assistant in April 2014.

Sale and Supply of Alcohol Act 2012 Staff Training

The Inspectors attended the New Zealand Institute of Liquor Licensing Inspectors Conference in September 2013. Paul Spang is a member of the NZILLI Executive Committee.

In November 2013 the Inspectors also attended the national Sale and Supply of Alcohol Act implementation training run in conjunction with HPA.

The DLC members all attended the LGNZ training seminar run in October 2013.

Changes in business compared with the District Licensing Agency

The Committee continues to see a number of brand new premises with new operators resulting from rebuilding within areas of the Central City and suburbs.

The Committee are in a unique situation with the fluid environment resulting from the re-build. Rather than long-established areas of hospitality and substantive buildings, the nature of the environment is the establishment of new buildings and hospitality hubs, often changing the previous demographic.

District Licensing Agency and District Licensing Committee Meetings or Hearings

The District Licensing Agency (DLA) Officer panel appointed under the delegated authority met every Wednesday up until the 17 December 2013 to consider all unopposed applications. In the period June – December 2013 the Agency Officer Panel met 24 times.

The DLA Hearing Panel heard no matters during the period June – December 2013.

The District Licensing Commissioners usually meet every Wednesday to allocate work and determine Temporary Authority applications.

Since 18 December 2013 eleven District Licensing Committee public hearings have been convened. These have comprised 6 Special Licence applications, 2 On-licence applications, 1 off licence application, 1 manager's certificate application and 1 temporary authority.

The Committee granted 8 applications and declined 3.

Noticeable Trends or Issues

The number of Special Licence applications continues to be high. This reflects the loss of function venues across the City and is representative of a significant number of events being held on Club premises for non members.

The Victoria Street precinct has continued to see growth of licensed premises in direct conflict to the wishes of the local residents. Residents concerns centre around the late night, 3am, closure of many premises and the impact on good order and amenity to adjacent residential premises. Victoria Street has become a late night entertainment hub and there is considerable migration. There are currently 23 licences on Victoria Street. Public objections to the issue of new licences and the renewal of existing licences have resulted in four hearings by the Authority.

New premises applications are trending towards permanent structures and premises locations, established where necessary through the Resource Consent processes in line with City Plan requirements.

The overall number of current licences has fallen significantly to around 870 from the peak of 1149 in early February 2011. This year has seen a considerable number of licences, which had, in effect, been in limbo, expire at the end of their three yearly renewal period.

The ability to operate a fully fee-funded licensing system may be impacted by the reduction in licence numbers whilst Christchurch transitions through the re-build process. In the interim Christchurch will continue to subsidise the activities of licensed premises through rate-payer contributions.

2. DLC Initiatives

Controlled Purchase Operations

There were four Controlled Purchase Operations (CPO) carried out during the year, resulting in 66 premises being visited.

All of the CPO's were conducted utilising minors. Seven premises sold to a minor in breach of the Act resulting in those premises being referred to the Authority. The typical recommended suspension periods were for Off licences: 24 hour closure and 30 day suspension of the Manager's Certificate; On-Licences: 2-3 days suspension of the licence and 30 day suspension of the Manager's Certificate.

Ministry of Justice Data Exchange Pilot

Christchurch Alcohol Licensing Team assisted the Ministry of Justice with a national pilot for an information exchange system utilising a SharePoint platform. A review of the pilot resulted in a decision to maintain the status quo whereby information is shared with Wellington using the standard postal system.

Current City-wide Alcohol Accord

Work has been continuing with the hospitality industry and a number of other partners to establish a city-wide alcohol accord. Prior to February 2011 Christchurch had an effective city centre alcohol accord, which included a voluntary one-way door restriction.

The developing city wide accord is to be driven within each suburban area by the hospitality industry and support a series of minimum standards which licensees must sign up to in order to become an accord member. Two significant hospitality areas, Victoria Street and Lincoln Road, have accords in place. Victoria Street hospitality premises have employed their own Street Safe Officers to patrol public spaces; this forms part of an initiative along the lines of the mellow yellow campaigns.

Document Exchange

The Commissioners workloads are managed via a secure cloud-based document exchange system. Committee work streams are established on a monthly basis, with the Commissioner accessing the relevant stream via the cloud. The Territorial Authority has found this to be a cost-efficient way of transferring large quantities of data in a timely manner.

3. Local Alcohol Policy

Christchurch City Council began the development of a Local Alcohol Policy under the Sale and Supply of Alcohol Act 2012 in early 2013.

Public consultation of the draft Local Alcohol Policy document was completed at the end of June 2013. Public Hearings were held in July 2013. A total of 4,060 submissions were received, with 1,053 submissions received through the Council's Have Your Say process, 1,929 submissions based on Hospitality NZ's facebook survey and 1,078 submissions based on the "ChCh Late" facebook petition. Of the submissions received 161 were from groups and organisations, including many statutory bodies, community and neighbourhood organisations.

Notification of the provisional LAP has been deferred awaiting the outcome of appeals against other territorial authority policies.

4. Current legislation

We wish to raise the following matters as being of concern within the legislation and the supporting regulations:

s.38 Caterer's On Licence endorsement:

The legislation makes no reference to this style of licence being exempt from the provision of the sacrosanct days (s.47), nor do the regulations. However, within the regulations Form 9, the licence template, seems to allude that this style of licences should, in fact, be exempt from these provisions. Clarity is needed.

s.102(4) Objections to applications:

"An objection may be made only in relation to the suitability of the applicant if – the application relates to any premises for which a licence is in force and the applicant seeks conditions the same as applying to that licence." This is similar wording to the relevant sections in the Sale of Liquor Act 1989, however the phrase *"an objection may be made only in relation to the suitability of the applicant"* has been moved within the context of the paragraph. It appears by this move that the interpretation of this section could now suggest that if a licence is in force but an applicant seeks different conditions from those applying to the current licence then the suitability of the applicant cannot be challenged. The DLC questions whether this was the intent of the legislation?

s.241 Supplying alcohol to minors:

Sections 239, 240 and 241 have generated public confusion. The Council have dealt with a number of concerns around the new 'supplying alcohol to minors' offence, s.241. The public and licensees are confused as to whether this offence is applicable on licensed premises, or whether it is purely applicable in a social setting. The Health Promotion Agency has generated some excellent promotional and advisory material. However, the DLC considers that further clarification could be gained by splitting s.241 into 2 separate sections as 2 separate tests. The sections would be clearer if the express parental consent defence was included as an exception under s.240, if it was intended to apply to licensed premises / authorised suppliers:

S.241 should refer to supply on other than licensed premises (private and public places).

S.241(A) – supplying in a reasonable manner test, applicable to all supply to minors. And that test is referred to in both sections 240 and 241.

Managers Certificates:

LCQ providers were still teaching the 'old' curriculum post 18 December 2013 and those providers who were teaching under the new legislation were still having LCQ Certificates issued by ServiceIQ under SoLA. A manager attempting to complete the Bridging Test raised concerns about ServiceIQ's insecure website and refused to complete the test until ServiceIQ addressed this. The website was only secured in July 2014, it appears that prior to this any person completing the Bridging Test online will have been subject to potential abuse of their personal data.

There appeared to have been some disconnect between the Ministry of Justice's policy team and the Authority over interpretation of some aspects of the statute. This created uncertainty regarding the interpretation of certain aspects of the legislation, for example s. 406(3) and temporary licences. The TA would suggest any future matters could be better resolved by a direction from the Authority.

The application of a single-area condition for the display and promotion of alcohol in supermarkets has resulted in significant amounts of all parties time being taken. The DLC look forward to case-law to provide guidance to all parties in the application of this aspect of the legislation.

The new Act has brought with it considerable additional reporting requirement by Inspectors. Written reports on applications have on average tripled in content.

Implementation of the new fee structure has been somewhat problematic due to the exemptions in place, this should cease once the exemption provision expires on 18 December 2014.

The Alcohol licensing team anticipate that the transition to a fully fee funded process is likely to be around 2016/17.

5. Any other matters the TA wishes to draw to the attention of the Authority

Alcohol related Bylaws

Christchurch has the Christchurch City Council Alcohol Restrictions in Public Places Bylaw which came into force on 1 July 2009. There are currently twelve permanent Alcohol Ban Areas, the most recent areas came into force on 9 September 2012 in Papanui and Merivale. A one-day temporary ban for Cup Day at Addington Raceway was successfully implemented in November 2013.

Summary of Inspections undertaken of Licensed Premises

Inspection notes are recorded by all members of the Tri Agency Group within the shared website. There are now over 4100 monitoring/inspection notes on the shared website.

The Christchurch Licensing Inspectors, NZ Police, and Community and Public Health have maintained a close working relationship as the Tri-Agency Group. This includes weekly meetings, controlled purchase operations and inter-agency monitoring teams.

The Tri-Agency Group continues to use the Licensed Premises Risk Matrix. This is maintained by the Alcohol Licensing Team and is shared electronically with the other agency groups, via a shared workspace. It is kept up-to-date in a collaborative manner.

The Christchurch Alcohol Licensing Team has also had regular contact with the Department of Internal Affairs, ACC, Health Promotion Agency, Hospitality Standard Institute, and Hotel Association of NZ.

6. Statistical information

Due to the change in reporting requirements during the course of the financial year the data reported is split into 3 different tables. They represent:

- Applications received and determined during the period 1 July 2013 – 18 December 2013
- Premises Applications received before 18 December 2013, but determined under the Sale and Supply of Alcohol Act 2012.
- Application received on or after 18 December 2013 and determined under the Sale and Supply of Alcohol Act 2012.

Please see attached



Fiona Proudfoot

Team Leader Alcohol Licensing
Inspections & Enforcement

On Behalf of the Secretary, Christchurch City Council District Licensing Committee

CHRISTCHURCH CITY COUNCIL DLA / DLC ANNUAL RETURNS

A. FOR THE PERIOD 1 JULY 2013 TO 18 DECEMBER 2013:

Category	Number of applications received	Number of applications determined	DLA revenue (gross)
On-licence New/renewal/variation	158	141	109,208.00
Off-licence new/renewal/variation	57	58	46,005.60
Club licence new/renewal/variation	10	15	11,898.00
GM certificate new/renewal	900	892	12,0330.80
CM certificate new/renewal	37	39	5261.10
Subtotal to LLA	1162	1145	292,703.50
Special Licence	957	931	60,179.84
Temporary Authority	50	44	5935.60
Total	2169	2120	358,818.94

B. PREMISES APPLICATIONS RECEIVED BEFORE 18 DECEMBER 2013 BUT DETERMINED UNDER SALE AND SUPPLY OF ALCOHOL ACT

	TOTALS
On-licence new	21
On-licence variation	0
On-licence renewal	34
Off-licence new	10
Off-licence variation	0
Off-licence renewal	10
Club licence new	0
Club licence variation	0
Club licence renewal	4
Total number	79
Total Fee paid to ARLA	\$10,014.04

C. ANNUAL RETURN FOR RISK-BASED APPLICATIONS FOR PERIOD: 18 December 2013 – 30 June 2014

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

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	0	20	16	2	0
On-licence variation	0	1	1	0	0
On-licence renewal	0	4	4	1	0
Off-licence new	1	2	1	1	0
Off-licence variation	0	0	0	0	0
Off-licence renewal	0	1	4	4	1
Club licence new	0	1	0	0	0
Club licence variation	0	0	0	0	0
Club licence renewal	2	0	0	0	0
Total number	3	29	26	8	1
Total Fee paid to ARLA (GST incl)	51.75	1000.50	1345.50	690.00	172.50

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	0	24	34	4	0
Off-licence	1	3	9	13	0
Club licence	21	11	5	0	0
Total number	22	38	48	17	0
Total Fee paid to ARLA (GST incl)	379.50	1311.00	2484.00	1466.25	0.00

Managers' certificate applications determined:

	Number determined
Manager's certificate new	259
Manager's certificate renewal	451
Total number	710
Total Fee paid to ARLA (GST incl)	20412.50

Special licence applications determined:

	Number received in category: Class 1	Number received in category: Class 2	Number received in category: Class 3
Special licence	34	89	340

Temporary authority applications received:

	Number received
Temporary authority	31

Permanent club charter payments received:

	Number received
Permanent club charter payments	0