

26 August 2020

The Secretary
Alcohol Regulatory and Licensing Authority
Tribunals Unit
Wellington

Note: From 2018 ARLA has requested all Territorial Authorities DLC Secretaries to complete and submit their Annual Reports to ARLA through an online survey form by 30 August each year. This report document is a collation of the information provided in the on-line return completed for the Christchurch DLC. (Questions asked by ARLA may vary each year.)

Christchurch City Council District Licensing Committee Annual Report to the Alcohol Licensing and Regulatory Authority (ARLA) for Period Ending 30 June 2020

A. Christchurch City Council District Licensing Committee Overview

1. *Territorial Authority Area District Licensing Committee –Christchurch [60]*
2. *The Secretariat of the District Licensing Committee*

On 9 December 2013 the Council's Acting Chief Executive, in their capacity as Secretary of the licensing committees, determined sub-delegations of various functions, powers and duties under section 198 of the Sale and Supply of Alcohol Act 2012 ('the Act). These sub-delegations continue to be in place with identified delegations being made (severally) to named persons that sit in the Regulatory Compliance Unit and also the Council's Hearings and Council Support Unit. The Team Leader for Alcohol Licensing, and Technical Officers in the Alcohol Licensing team, undertake most of the day-to-day operational administration activities and overall maintenance of the Licensing Register and reporting requirements from that to ARLA (Alcohol Licensing Regulatory Authority) and Ministry of Justice (MOJ) in accordance with these sub-delegations.

Secretariat delegations that relate to DLC hearings, DLC decision making and governance support for DLC Commissioners and Members is separately undertaken by the Hearings and Council Support Team, which sits in the Council's Community Support, Governance and Partnerships Unit.

3. *Christchurch City Council Alcohol Licensing Inspectors*

The Alcohol Licensing Team sits in the Regulatory Compliance Unit. The team consists of a Team Leader (who is also appointed by warrant as the Chief Licensing Inspector), a Senior Inspector, four Inspectors and three Technical Officers provide administrative support. All Inspectors are appointed by warrant under the Local Government Act.

4. *The DLC Commissioners and Members*

The No resignations or new appointments were made in the reporting period 1 July 2019-1 July 2020.

There is pending recruitment later in 2020. Mr Wilson, Mr Rogers, Mr Blackwell, Ms Surrey and Ms White have their terms expiring toward the end of 2020, and we have

received Council's approval to commence a recruitment process to retain the same number of Commissioners and List Members.

The DLC Commissioners and Members attended the following training in 2019-20: DLC Network – Sale and Supply of Alcohol Act Workshop – 21 Feb 2020 at Christchurch; DLC Training with Alastair Sherriff – 4 Oct 2019 at Lincoln.

B. Trends in workload.

Licences and Certificates

The following questions relate to the number of licences and managers' certificates your Committee issued and refused in the 2019-20 financial year.

Note: the financial year runs from 1 July to 30 June.

New Licences 2019-2020

In the 2019-2020 year, how many new 'on licences' did your Committee issue? (105)

In the 2019-20 year, how many applications for 'on licences' did your Committee refuse? (0)

In the 2019-20 year, how many 'off licences' did your Committee issue? (32)

In the 2019-20 year, how many applications for 'off licences' did your Committee refuse? (0)

In the 2019-20 year, how many club licences did your Committee issue? (0)

In the 2019-20 year, how many applications for club licences did your Committee refuse? (0)

In the 2019-20 year, applications withdrawn, on licence (5), off-licence (3), Club licence (0), Temporary Authorities (On - 4, Off - 0)

In the 2019-20 year, 72 Temporary Authorities (58 On, 14 Off) for changes in ownership were issued.

Manager's certificates 2019-2020

In the 2019-20 year, how many managers' certificates did your Committee issue? (661 + 1134 renewals)

In the 2019-20 year, how many applications for managers' certificates did your Committee refuse? (2 + 1 renewal)

In the 2019-20 year, how many applications for managers' certificates were withdrawn? (34)

Licence renewals 2019-2020

In the 2019-20 year, how many licence renewals did your Committee issue? (314)

In the 2019-20 year, how many licence renewals did your Committee refuse? (0)

Changes, trends and initiatives

5. Please comment on any changes or trends in the Committee's workload in 2019-20

Changes or trends in the Committee's workload in 2019-20

DLC hearings and decisions:

In the reporting year commencing 1 July 2019 and ending on 30 June 2020 the District Licensing Committee Secretariat was referred 3241 application files for determination (449 new/renewal premises licences, 1807 Managers Certificates, 911 Special Licensees, 74 Temporary Authorities).

Refer section 11 re Impact of Covid-19 on workloads.

Of those applications the DLC actually determined during the reporting period: 3140 of these were determined on the papers, a further 8 were set down for public hearing as per below:

- 1 Premises renewal, which had public objections, was granted
- 7 managers (5 granted, 1 declined and 1 withdrawn prior to hearing)
- A number of other files were referred to the DLC for hearing, including 2 opposed by reporting agencies, but have not yet been heard before 1 July due to COVID-19 delays affecting process timelines or are awaiting decisions in other jurisdictions prior to being able to heard by the DLC. One other premises renewal was opposed by the agencies but scheduled for hearing but was no longer required due to a change in ownership rendering the renewal redundant and the licence expired.
- No DLC decisions have been appealed to ARLA in the 2019-20 reporting period.

ARLA heard two separate enforcement applications (one by an inspector and one by the Police) against Christchurch licenced premises in the reporting year 2019-20. Both resulted in suspension periods for the premises licences and managers certificates involved.

Licensing numbers in the Christchurch TLA area:

Licence numbers have plateaued in Christchurch over the last reporting year. At July 2020 there were 1022 current (on, off, club) licences held. This was up from 999 on the previous reporting year, but still below the pre-earthquake numbers of 1118 in 2010.

However, alongside this increase in licence numbers, a further 22 premises licences (on/off) were surrendered during the reporting year, mainly due to business no longer wishing to hold an alcohol licence or due to closure. The number of changes in ownership of premises also continues to be relatively high with around 10-15 premises trading under current Temporary Authorities at any one time while new licensees are applied for (In total we had 72 changes ownership of existing premises licences.). We are also seeing an increase in the number of premises closing due to liquidation.

We continue to see community interest in off-licence (bottle store) applications. In the 2019-20 reporting year were one renewal application for an off licence bottle store received two public objections and was heard by public hearing and granted. Two other new off-licence applications received public objections but were withdrawn before being referred to the DLC for determination (1 remotes sales, which received 24 public objections, and one new bottle store, which received 207 public objections). A further two bottle store applications (one renewal and one new) have received public objections. The agencies are still making inquiries before these files are referred to the DLC for hearing.

The Christchurch licencing environment continues to be fluid and in a unique situation because of continuing ongoing rebuilding activities, in particular within the central city/business district area. The DLC has continued to see an increase in the number of brand new premises with new operators in connection with redevelopment in the central city and, to a more limited extent, in the suburbs. The opening of the Riverside Market area was significant in late 2019. We expect this trend to continue with wider development around the Terraces and Riverside Market areas and in particular as the Convention Centre nears completion and down the track with the Stadium development, which will no doubt attract more hospitably development in the surrounding areas of these large facilities.

Inspectors continued to hold lodgement meetings for new applications in this reporting year, with 138 held. This included new licensees and new premises operations, as well as changes in ownership of existing premises. This service aims to ensure sufficiency of applications and to increase applicant understanding of the Act's obligations on the licensee and DLC licencing decision-making processes. This is a prevention first tool, where improved education and establishment of expectations at the first point of contact raises compliance levels across all licenced premises.

The number of current manager's certificates held for the Christchurch DLC area remains steady now with around 3916, up from 3891 in the previous year. We currently maintain about 5000 active Duty Manager Appointments for licenced premises in the Christchurch area.

6. Please comment on any new initiatives the Committee has developed/adopted in 2019-2020.

Licensing Initiatives referred to in last year's report that have continued in 2019-20 and new initiatives have included:

- Work on encouraging Licensee engagement through Precinct Area Alcohol Accords in St Asaph Street, The Terrace area, and the Addington Accords
- Licensed Sports Club Work: Reducing Alcohol Related Harm
 - Alcohol Game Plans: This project continues and has the goal of assisting licensed sports clubs to improve the management of alcohol consumption within their club and to provide healthier choices regarding alcohol.
 - Workshops were delivered to Canterbury Bowls and Canterbury Rugby
 - Inspectors work continued with sports clubs when their licenses come up for renewal to develop and implement Alcohol Management Plans and Alcohol Policies.
 - Licenced Premises Tool Kits: The Christchurch inspectors have supported the roll out of the Health Promotion Agency (HPA) tool kits for Clubs as part of this wider work with sports clubs.
 - Clubs Controlled Purchase Operations: Club CPOs undertaken to test if licensed sports clubs were selling to unauthorised patrons. A total resulted in three operations where clubs were visited. None failed which is an improvement on the previous year's operations.
- Large Events
 - A "Large Scale Events" temporary 24 hour alcohol ban area was in place again at the beginning of 2020 for the "Electric Avenue" event in Hagley Park. This was the second year this was used for this event to assist with managing alcohol related harm (such as pre loading and intoxicated person arriving to the event) in the immediate area surrounding the event.

- The Tri-agencies under took coordinated monitoring operations for the Large Event season, these include pre and post event briefings/debriefings: including for Cup Week, the University Student's Association end of year large events, and summer events including the Food and Wine Festival, The Great Kiwi Beer Festival, and Electric Avenue.
- Licensing Education work
 - The inspectors in late 2019 delivered a presentation to local Hospitality NZ members about the licensing process and expectations on licensees when making applications, compliance, and when engaging with the agencies during monitoring visits.
 - The licensing agencies continue to present to LCQ presentations for new managers
 - Inspectors continue to hold pre-application meetings with new applicants to ensure sufficiency of applications and to start the education process of setting expectations about the responsibilities of holding an alcohol licence.
 - The Tri-agencies continue to publish a newsletter for licensees and managers 2-3 times each year with compliance and best practice information and updates. These are also available on our licensing website.
- Licensing Administration systems
 - Sharepoint: The administration of licensing process now utilises a full end-to-end Alcohol Share Point Workspace used by council licensing staff and reporting tri-agency staff, with a separated independent functionality for hearings and Commissioners/Members to use. This means that transfer of application files, reports and tracking of timelines, and other licensing administration functionality can be managed through a single SharePoint system.
 - Duty Manager Notifications: In September 2019 we launched an online form on our webpage for submitting of Duty Manager appointments/cancellations to the DLC and Police. An accompanying user guide for DM appointments was also published. This has been of great assistance for managing the administration of DM appointments for both licensees (where there has been a significant uptake as opposed to using a paper form) and licensing staff given the large volume we process each year.
- Alcohol Ban Area By-Laws
 - In March 2020 Council approved a new permanent alcohol ban to cover all rugby league playing fields for April –August of each year. This was following a temporary ban being trialled the previous year for the 2019 season.

Non-regulated/statutory activities and environment

Wider Alcohol Harm Reduction initiatives undertaken by other parts of Council (led by Community Support, Governance and Partnerships Unit)

The Christchurch Alcohol Action Plan (CAAP), launched in 2018 (refer the 2018 and 2019 reports), is a non-regulatory approach (outside the Act and licensing regulatory environment) to addressing alcohol harm in Canterbury.

A summary of the 2019-20 activities under the CAAP are included in this report to ARLA to promote wider awareness of wider alcohol harm reduction activities that sits outside of licensing regulatory work and are not prescribed for in the Act.

- With the appointment of a Coordinator in April 2020 there has been an increased focus on strengthening partnerships across sectors, which will further support and enhance the Christchurch Alcohol Action Plan’s goals. The CAAP framework, with engagement from the three main stakeholders, allows for community engagement in an innovative way, with both new and existing partners.
 - The CAAP working group are looking to support community-based approaches to reducing alcohol harm and looking to how we can support communities to extend these strategies and processes even further.
- Strategies which are being developed or used as a springboard for further work are as follows
 - Those noted in last year’s report continue:
 - Community Law engagement on community awareness and education to strengthen the community voice on licensing;
 - Support for the AVIVA “Train the trainer” programme to address the links between alcohol and family violence and looking at how this can be extended.
 - The initiative to make side-lines at Rugby League games ‘alcohol-free’ has been adopted as a permanent arrangement – opportunities are being explored as to how this can be offered/implemented with other codes
 - New strategies this year have included:
 - Council funding the Police led IDEP (Impaired Driver Education Programme) at Rehua Marae which is a programme for impaired drivers to address their offending behaviour
 - Work is being done to further develop the CAAP website with links to external agencies
 - Opportunities are being explored to engage with media around the CAAP
 - Work is being done to ensure “referral pathways” are clear for alcohol treatment services in Christchurch for external stakeholders
 - Involvement in the steering group Tūturu, a school wide approach for prevention of harm around substances.

7. Has your Committee developed a Local Alcohol Policy?

No (refer 2018 report)

If the answer is yes, what stage is your Local Alcohol Policy at?

N/A

8. If the answer to **7** is Yes, what effect do you consider your Local Alcohol Policy is having?

N/A

9. If the answer to **7A** is ‘in force’, is your Local Alcohol Policy due for review?

N/A

10. If the answer to **9** is Yes, has such a review been undertaken; and, if so with what result?

N/A

11. Please comment on the manner in which Covid-19 has impacted on DLC operations.

Workloads:

- Was down during the lockdown period as expected, with the greatest impact being with a significant drop in new licence applications, managers certificates new/renewals, and no special licence applications. Since June applications numbers have returned to pre-Covid levels.

- We dealt with Special Licence cancellations and postponement requests on a case-by-case basis, impacting on about 100 applications. Special licence applications resumed in June and have returned to normal levels.
- All premises renewal due during the lockdown period were made on time, ensuring licences remained current.

Processes and Service Delivery:

- The Alcohol Share Point workspace enabled continuation of most BAU secretariat administration workflows, Police, CPH and Inspector agency reporting, and DLC decision making processes (including file document and report exchange) and communications to continue.
- The main road blocks in processes were ensuring adequate IT support for monthly bulk invoicing runs (for which a solution was found) and processes around signatories for licences (for which a solution was found to ensure all urgent licence documents needing to be issued, were).
- New application lodgement meetings and inspector interviews continued by phone.
- A business process enabled filing application documents electronically by email and fees invoice payments by internet banking.
- The licensing webpage was continuously updated with advisor information and links to the Ministry of Justice and MBIE/ COVID-19 information, including information about what agencies were responsible for COVID Alert rules enforcement.
- Leadership also inputted into national regulatory agency discussions during this period.

Monitoring and Compliance

- Inspectors liaised closely with AHRU Police on advisory information for licensees (especially as some rules were at times inconsistent with the Act creating confusion for licensees who wished to ensure compliant) and communication around complaints of rules breached, and undertook premises welfare checks by phone (and then in the field when activities could resume) as alert levels changed.
- Despite the lockdown interruption for field work (during which no activities could take place), all base monitoring targets for Council were achieved for the reporting year by year-end.
- However, when licensed premises were initially able to reopen, Inspectors were not able to monitor for compliance due to restrictions on essential field services, and Police licensing and Medical Officer of Health representatives were busy with additional redeployment roles. This resulted in reduced licensed premises monitoring for compliance during a high-risk times until in level 1.

DLC decision making and ability to have hearings remotely:

- DLC decision making for matters on the papers continued
- There was some extra discussion around applications from premises with on-licences (taverns) seeking to add off-licences to their operation have added to the workload modestly.
- There were no pressing public hearings matters to be held remotely during the lockdown. The Chairpersons' Panel met remotely by audio and/or visual link as necessary for non-hearings matters.
The Chairs have indicated they would not favour hearing a matter remotely unless entirely necessary given the benefits in hearing a matter in person, such as assessing a witness's demeanour, and creating a rapport and proceeding most appropriate to a DLC as a quasi-judicial panel of inquiry.
- As noted in the Westlaw commentary (SA190.02): The new power given to the Authority to conduct meetings electronically from November 2018 in s 202(5) does not extend to licensing committees.

12. Please comment on the ways in which you believe the Sale and Supply of Alcohol Act 2012 is achieving its object. Note: the object of the Sale and Supply of Alcohol Act 2012 is that:

- a) *the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
- b) *the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

Please refer observations listed in the previous 2018 and 2019 reports, which we will not reiterate here. Any comments relating to legislative drafting suggestions, technical matters or policy will be provided as required directly to the Ministry of Justice. Nothing additional to add.

To what extent, if any, do you consider that achievement of the object of the Act may have been affected by the Covid-19 pandemic?

The Christchurch DLC and its officers have found that the Act is assisting in achieving its object in licensing and enforcement under the Act through:

- It's likely that the achievement of the object of the Act has been reduced during the Covid-19 pandemic lockdown period as:
 - o agencies redeployed to pandemic activities;
 - o site monitoring was not identified as an essential activity under levels 3 and 4, and high risk monitoring restricted under level 2;
 - o the Alert level guidelines under level 3 and 4 has provide an incentive (probably unintended) for more premises to use the automatic remote sales provided under all types of off-licences, and for taverns to seek to apply for a tavern-off licence.

C. Statistical Return Appendix

Please see attached the Territorial Authority Summary Annual Return Statistical and Fees Return for applications received during the reporting year ending 30 June 2020.



Allison Houston

Team Leader Alcohol Licensing

Regulatory Compliance Unit

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

Appendix 1

End of Year Statistical and Fees Financial return for ARLA:

TERRITORIAL AUTHORITY - Christchurch City Council

Return for year ending - 30 Jun 2020

Application fees

| On, off and club licence applications accepted | | | | | | |
|--|---------------------------------|-------------------|-------------------|-------------------|---------------|--------------------|
| | Number accepted in fee category | | | | | |
| Type | Very Low | Low | Medium | High | Very High | Total |
| Club licence new | 0 | 0 | 0 | 0 | 0 | 0 |
| Club licence renewal | 10 | 6 | 3 | 0 | 0 | 19 |
| Club licence variation | 0 | 1 | 0 | 0 | 0 | 1 |
| Off-licence new | 0 | 10 | 23 | 2 | 0 | 35 |
| Off-licence renewal | 3 | 16 | 33 | 24 | 0 | 76 |
| Off-licence variation | 0 | 0 | 2 | 0 | 0 | 2 |
| On-licence new | 6 | 53 | 35 | 10 | 0 | 104 |
| On-licence renewal | 14 | 110 | 85 | 17 | 0 | 226 |
| On-licence variation | 0 | 2 | 2 | 0 | 0 | 4 |
| Total number | 33 | 198 | 183 | 53 | 0 | 467 |
| Total fee payable to ARLA (GST incl) | \$569.25 | \$6,831.00 | \$9,470.25 | \$4,571.25 | \$0.00 | \$21,441.75 |
| Total fee paid to ARLA (GST Incl) | \$569.25 | \$6,831.00 | \$9,470.25 | \$4,571.25 | \$0.00 | \$21,441.75 |

Annual fees

| A | Annual Fees - Number paid in fee category | | | | | |
|---|---|--------------------|--------------------|--------------------|---------------|--------------------|
| Type | Very Low | Low | Medium | High | Very High | Total |
| Club licence | 73 | 30 | 9 | 0 | 0 | 112 |
| Off licence | 8 | 45 | 130 | 62 | 0 | 245 |
| On licence | 34 | 328 | 253 | 55 | 0 | 670 |
| Total number | 115 | 403 | 392 | 117 | 0 | 1027 |
| Total fee payable to ARLA (GST Incl) | \$1983.75 | \$13,903.50 | \$20,286.00 | \$10,091.25 | \$0.00 | \$46,264.50 |
| Total fee paid to ARLA (GST Incl) | \$1983.75 | \$13,903.50 | \$20,286.00 | \$10,091.25 | \$0.00 | \$46,264.50 |

| Managers' certificate applications accepted | Number |
|--|---------------|
| New | 658 |
| Renewal | 1133 |
| Total number | 1791 |
| Total fee payable to ARLA (GST Incl) | \$51,491.25 |
| Total fee paid to ARLA (GST Incl) | \$51,491.25 |

| Special licence applications accepted | | | |
|--|--|----------------|----------------|
| | Number accepted in fee category | | |
| Type | Class 1 | Class 2 | Class 3 |
| Special licence | 64 | 203 | 679 |
| Total number | 946 | | |

| Temporary authority applications accepted | Number |
|--|---------------|
| | 76 |

| Permanent club charter payments | Number |
|--|---------------|
| | 3 |

| Total paid to ARLA (GST incl) | Total |
|--------------------------------------|--------------|
| | \$119,197.50 |