

## Council

21 September 2022

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### ***District Licensing Committee Annual Report: 1 July 2021 to 30 June 2022***

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GM Responsible *Jane Donaldson; Strategy & Compliance*

#### **Summary**

- The Sale and Supply of Alcohol Act 2012 (the Act) requires each Territorial Authority to submit its annual report on the proceedings and operations of its District Licensing Committee (DLC) to the Alcohol Regulatory and Licensing Authority (ARLA). This report is for the period **1 July 2021 to 30 June 2022**.
- The Act further requires that reports are submitted within three months of the end of every financial year.

#### **Recommendations:**

1. **That** the report be received.
2. **That** the report be posted on the Ashburton District Council website.
3. **That** the report be sent to the Secretary for the Alcohol Regulatory and Licensing Authority within one month of adoption.

#### **Attachments**

Appendix 1 List of current On, Off and Club liquor licences in District

## Background

1. Section 199 of the Act requires every territorial authority to prepare and send to the licensing authority a report of the proceedings and operations of its licensing committee in the set format below.
2. A copy of the report must be made available by the territorial authority for inspection free of charge for a period of not less than 5 years.
3. Regulation 19 of the Sale and Supply of Alcohol (Fees) Regulations 2013 also requires Territorial Authorities to prepare a report detailing income from fees and licensing costs under the Act. This includes costs relating to DLC functioning, licensing inspectors and enforcement activities relating to the year commencing 1 July 2021. While this additional information is not required to be in the report to ARLA, it must be made publicly available and is therefore included in the overall report.

## District Licensing Committee Structure and Personnel

4. During the reporting period Mr Gary Lee resigned as a member of the DLC. However, due to current numbers and the positions filled, a replacement DLC member is not considered necessary.

### **Commissioners:**

Robin Kilworth  
Simon McDonnell  
Gregory Clapp  
Suzanne Griffin

### **Members:**

Tanya Surrey  
Debra Hasson  
Tracy McIlraith

### **Secretariat and Support Staff:**

Jane Donaldson	Secretary
Rick Catchpowle	Secretary
Julie Clements	Licensing Inspector
Cara Badger	Administration Support/Registrar

## Alcohol Licensing and the Fees System

5. Under previous legislation all fees were the same across licensed premises, regardless of the costs and risks the operation might create. Whereas Regulations under the current Act has set default fees for each type of licence.
6. This fee system allows alcohol licensing staff to apply a cost/risk rating based on the style of licence, trading hours and any enforcement that may have occurred in the previous 18 months.

7. In effect, low risk outlets such as winery cellar door sales, and small clubs pay lower fees, while higher risk outlets that typically create higher costs, such as bottle stores and taverns, pay more. The same cost/risk approach is also used when assessing special licences for events.

### Workflow 2021/22

8. In the reporting period the Ashburton DLC received and processed a total of 352 licensing applications, which is broken down as follows:.

#### Applications by Category:

Month	On/Off/Club new applications	On/Off/Club renewal applications	Special Licence applications	Managers Certificates (new and renewal)	Temporary Authority
July	2	5	5	19	0
August	0	4	4	12	0
September	1	1	4	19	1
October	0	6	3	18	0
November	2	2	3	27	0
December	1	8	2	20	1
January	1	1	1	9	2
February	1	1	2	11	0
March	0	3	2	11	1
April	2	1	4	27	1
May	0	3	5	7	0
June	5	1	6	17	0

**Risk Category of On, Off and Club licence applications processed:**

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		3	7		
On-licence variation		1	1		
On-licence renewal		3	10		
Off-licence new		2	3		
Off-licence variation					
Off-licence renewal	1	1	10		
Club licence new					
Club licence variation	1				
Club licence renewal	4	7			
<b>Total Number</b>	<b>6</b>	<b>17</b>	<b>31</b>	<b>0</b>	<b>0</b>
<b>Total fee paid to ARLA (GST inc)</b>	<b>\$103.50</b>	<b>\$586.50</b>	<b>\$1604.25</b>		

**Annual fees for existing licences received during reporting period:**

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	1	8	16		
Off-licence	1	10	20		
Club licence	14	14	2		
<b>Total Number</b>	<b>16</b>	<b>32</b>	<b>38</b>	<b>0</b>	<b>0</b>
<b>Total fee paid to ARLA (GST inc)</b>	<b>\$276.00</b>	<b>\$1104.00</b>	<b>\$1966.50</b>	<b>0</b>	<b>0</b>

**Managers' certificate applications received during reporting period:**

	<b>Number received</b>
Managers' certificate new	81
Managers' certificate renewal	116
<b>Total Number</b>	<b>197</b>
<b>Total fee paid to ARLA (GST inc)</b>	<b>\$6037.50</b>

**Special licence applications received during reporting period:**

	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>
Special licence	16	20	5

**Temporary authority applications received during reporting period:**

	<b>Number received</b>
Temporary authority	6

**Permanent club charter payments received during reporting period:**

	<b>Number received</b>
Permanent club charter payments	1

**Current Liquor Licences**

9. A list of all On, Off and Club liquor licences in the District is attached.

### **Conferences and Training**

10. Commissioners and members of the combined Ashburton/Selwyn DLC conducted on-line training during the reporting period.

### **DLC Hearings**

11. During the reporting period the DLC convened for two publicly held hearings concerning an opposed application for a managers certificate and an opposed application for a new On-Licence.

## **Publication of DLC Decisions**

12. All decisions made by the DLC are published on the Council's website at: <http://ashburtondc.govt.nz>.

## **Notable Trends or Issues**

13. DLC members are satisfied with the current procedures and processes associated with liquor licensing activities.

## **DLC Initiatives**

14. No new initiatives were adopted or trialled during the reporting period.

## **Local Alcohol Policy**

15. In accordance with Part 2 subpart 2 of the Act, Ashburton District Council has developed a Local Alcohol Policy (LAP) which was adopted on 5 April 2017 with an effective date of 28 August 2017.

## **Current Legislation**

16. The DLC and the Ashburton District Council would welcome further coordinated guidance on best practice in the operation of the Act and its Regulations.

## **Options analysis**

### **Option 1**

17. Council could decide not to publicly report on annual DLC activities. This would be in breach of the Sale and Supply Act 2012 and is therefore not the recommended option.

### **Option 2**

18. This is the recommended option. This would see Council publicly report on the DLC activities for 2021/22.

## **Legal/policy implications**

### **The Sale and Supply of Alcohol Act 2012**

19. It is a statutory requirement for the Council to publicly report on the proceedings and operations of its District Licensing Committee.

## Financial implications

Requirement	Explanation
What is the cost?	The cost of monitoring the activity is included in the Liquor Licensing budget
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Alcohol licensing cost centre
Are there any future budget implications?	No
Reviewed by Finance	Not required

## Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low; not significant
Level of engagement selected	1. Inform
Rationale for selecting level of engagement	The purpose of the report is to inform Council and the community of the activity's work over 2021/22. The report will be made publicly available.
Reviewed by Strategy & Policy	Toni Durham, Strategy & Policy Manager