

Functions of the Whangarei District Licensing Committee Annual Report for the 12 month period ended 30 June 2014

1. Overview of the Committee's Workload

DLC structure and personnel

The Whangarei District Licensing Committee consists of the following members:

- Councillor J D T Williamson (Chairperson)
- Councillor G Innes (Deputy Chairperson)
- M R Williams
- M Vincent
- P Dimery
- L Andrews

The Committee meets weekly to determine all applications with the chairman sitting alone to determine unopposed applications on the papers. Temporary Authority applications are dealt with by the full sitting committee (Chairman and two list members) and the full committee sits to determine opposed applications by way of public hearings.

Nina Darling, District Licensing Committee Administrator, manages all administration matters for the committee. Council's Regulatory Services Manager, Grant Couchman has been appointed as the Chief Licensing Inspector.

Council's Environmental Health Officers have been appointed as Licensing Inspectors, and liquor licensing takes up 60 % of their workload. The licensing inspectors are:

- Reiner Mussle, Team Leader Environmental Health
- Maggie Wan, Senior Specialist Environmental Health
- Ketura Lambert, Environmental Health Officer
- Emmanuel Platero, Environmental Health Officer
- Ashlee Teal, Environmental Health Technician

The liquor licensing team are assisted by two (2) Administrative Officers, responsible for facilitating administrative functions related to all applications, including a 60 % liquor licensing workload.

Any staff training undertaken relating to the Sale and Supply of Alcohol Act 2012

District Licensing Committee members and licensing inspectors have received training relating to the provisions of the Sale and Supply of Alcohol Act 2012. Subsequent to national training provided to the committee members and to licensing inspectors by Local Government NZ and the NZ Police prior to the implementation of the Act, council also conducted two workshops for committee members. For the first 6 meetings of the committee all members, including the deputy chairman and list members were invited to sit in on proceedings so as to gain experience in dealing with a cross section of applications and also committee process. Regular workshops are planned for committee members so that knowledge of procedure, case law and the Act in general will continue to grow.

Change in business compared with the District Licensing Agency under the Sale of Liquor Act 1989

The most significant change in business compared to the District Licensing Agency is that the District Licensing Committee now determines directly all applications and staff are no longer involved in the decision making process. Under the Sale of Liquor Act 1989, District Licensing Agency functions were delegated to the Secretary (Councils CEO) and the Agency, being a committee of council, only sat to determine opposed special licence applications. Staff working under the secretary undertook the day to day function of reporting on and determining unopposed applications.

The new Act also places a requirement on licensing inspectors to report on a number of new matters, such as amenity and good order and premises layout for all premises and this has greatly increased time input on the investigation and reporting process. Furthermore licensee monitoring programmes have had to be strengthened and coupled with the need to fund the committee and its administrative support. There is a substantial increase in cost of the liquor licensing function when compared to the function under the Sale of Liquor Act 1989.

DLC meetings or hearings

The Whangarei District Licensing Committee first met on the 11 February 2014. Since then the committee has met weekly and determined a total of 283 applications. Three public hearings have been conducted, two of which relate to opposed temporary authority applications and one to an application for the renewal of a managers certificate.

Any noticeable trends or issues faced by the DLC

The total number of applications received by the Agency/Committee during the year is very similar when compared with the 2012-2013 reporting period (649 this year compared to 655 over the previous period). The only area where there has been a substantial increase is in the number of temporary authorities applications, which saw an increase from 24 last year to 41 this year.

As mentioned earlier in this report, liquor licensing functions have required a significant increase in resources & cost and council will review cost recovery to ensure that as envisaged by the Sale and Supply of Alcohol Act 2012, cost is substantially recovered from licensing fees.

2. DLC initiatives

New initiatives adopted or tried by the DLC

No new initiatives were implemented during the review period. During the year however Council sought to confirm the status of an existing Liquor Licensing Policy, which is in use by the committee in the transitional period, prior to the adoption of Local Alcohol Policy (LAP) under the Act. The Whangarei District Licensing Agency Liquor Licensing Policy was adopted in August 2010 after robust community consultation, and provides for a regime of uniform licensing hours across the district effective in 1 January 2013. The Policy also provides for the implementation of a one way door system in the Whangarei Central Business District. The restriction on licensing hours across the district are seen as a control mechanism to decrease the availability of alcohol and by so doing minimise harm caused by alcohol abuse. Since the adoption of the Policy, almost 70% of licensed premises in the district have moved to the new Policy hours. The Policy provides that where an applicant for a renewal of a licence does not comply with the maximum trading hours, then the application is to be opposed and sent to the Liquor Licensing Authority (now the Alcohol Regulatory and Licensing Authority) for determination. A number of licensees did not agree with the Policy hours and renewal applications were placed before the Authority for determination. The Authority heard three of the applications, as test cases in January 2014 and the outcome largely supported the Policy provisions relating to trading hours. The Committee continues to work with the Authority to implement new trading hours across the district which will apply in that interim period until a LAP is in place.

3. Local Alcohol Policy

Does the territorial authority have a draft or provisional local alcohol policy?

Council has commenced the process of developing a draft local alcohol policy having developed a district profile on alcohol use from information supplied by the Medical Officer of Health, Police and Licensing Inspector. A focus group consisting of interested parties (both industry and public health representation) will assist in the development of the draft LAP and it is envisaged that the draft will be subjected to the special consultative process of the Local Government Act 2002 during the later part of 2014.

If so, any comment on this.

See above.

4. Current legislation

Any comment on the Sale and Supply of Alcohol Act 2012

There has been a drastic increase in workload for both council staff (admin and inspectors) and the Committee, due to the implementation of the new Act. Reporting is more detailed and procedures are more time consuming, due to the need to present detailed reports to the Committee and for the Committee to determine the applications during a formal hearing, whether on the papers or by means of a public hearing. This drastic increase in work amount to a much higher cost to this council than initially anticipated.

The process whereby applications for temporary authority orders must be dealt with by a full committee adds unnecessary cost, which is not fully recovered from fees set by the Sale and Supply of Alcohol (Fees)

Regulations 2013. The issue of temporary authority orders is seen as administrative in nature and could practically be determined by a chairman alone. The Committee suggests that amendment be made to the Sale and Supply of Alcohol Act so that unopposed applications for temporary authority orders can be determined in the same manner as unopposed applications for a licence.

5. Any other matter the Territorial Authority might wish to draw to the attention of the Authority

Routine Monitoring

The Whangarei District has a total of 194 liquor licensed premises, holding 219 licences. Licences were made up of 95 on-licenses, 68 off-licenses and 56 club-licenses. All premises have been inspected at least once during the year by licensing inspectors to monitor compliance with licence conditions. A number of other special monitoring visits were made together with agency partners (Police/Health/Fire), after hours and on weekends. A total of 259 inspections of licensed premises have been carried out during the year.

Targeted Monitoring

During the year the programme of monitoring visits, targeting high risk premises, at peak operating times continued. Team members from the Police, District Licensing Agency Inspectors, NZ Fire Service and Northland Health (Northland District Health Board) meet monthly to determine an inspection programme targeting premises identified as high risk. Visits are generally made after hours on Wednesday and Friday and Saturday nights. Any non-compliance issues are attended to in accordance with an agreed graduated response enforcement protocol, which is outlined in clause 21 of the Whangarei District Licensing Agency' Liquor Licensing Policy.

Control Purchase Operations and Food & Intoxication Audits

The Police and District Health Board staff conducted various Controlled Purchase Operations (CPO's) and Food & Intoxication Audits in the Whangarei District during the year.

The CPO's targeted 62 on and off licensed premises, including bottle stores, supermarkets, grocery stores, taverns and restaurants and resulted in seven (7) sales to minors, two more than reported last year.

The aforementioned resulted in five applications for suspension made to the Authority and these were for the following licensed premises:

1. Otaika Four Square
2. Kamo Liquorland
3. Otaika Liquorland
4. Brauhaus-Frings
5. Taurikura General Store
6. Tikipunga Tavern
7. Hikurangi Hotel

The Food & Intoxication Audits targeted a total of seven (7) premises. In three of these premises (Butter Factory, Shotgun Betty's & Rynoz) concerns about intoxication of at least one of the patrons were raised during the audit, however due to lack of evidence and interaction with the duty manager on the night, no further action could be taken, except for meeting and discussing these matters with the relevant licensees in accordance with a graduated response module.

Details of the applications and suspensions handed down by the Authority are as follows:

1. Rei Whangarei Limited trading as "Head Office" - 24 hour suspension of On-licence on 28 September 2013, due to sale of alcohol to minor during a Controlled Purchase Operation (CPO).
2. Hayden Andrew KRIVAN's, General Manager's Certificate suspended for six weeks from 30 September 2013 for selling to a minor during the aforementioned CPO.
3. Northland Breweries 2001 Limited trading as "Brauhaus-Frings" - 24 hour suspension of On-licence on 7 December 2013, due to sale of alcohol to minor during a CPO.
4. Leon Roy INDER's, General Manager's Certificate suspended for two weeks from 9 December 2013 for selling to a minor during the aforementioned CPO.
5. Brown Wholesale Limited trading as "Otaika Liquorland" - 24 hour suspension of Off-licence on 14 June 2014, due to sale of alcohol to minor during a CPO.

6. Prabhjit SINGHs, Manager's Certificate suspended for 28 days from 23 June 2014 for conduct of manager showing that he is not a suitable person to hold a manager's certificate. This relates to displaying alcohol for sale to the public in an, at the time, unlicensed premises.
7. N and Y Trading Limited trading as "Taurikura General Store" – 7 days suspension of Off-licence from 27 June 2014, due to sale of alcohol to minor during a CPO.
8. Neil ENGELBRETSSEN's, General Manager's Certificate suspended for 28 days from 20 June 2014 for selling to a minor during the aforementioned CPO.
9. Tiki Escape Limited (under Temporary Authority) trading as "Tikipunga Tavern" - 24 hour suspension of On-licence on 11 July 2014, due to sale of alcohol to minor during a CPO.
10. Rodney Paul SORSENSON's, General Manager's Certificate suspended for 21 days from 11 July 2014 for selling to a minor during the aforementioned CPO.
11. G & M Limited trading as "Hikurangi Hotel" - 24 hour suspension of On-licence on 25 July 2014, due to sale of alcohol to minor during a CPO.
12. Sonia Maree McGREGOR's, Manager's Certificate suspended for 28 days from 8 August 2014 for selling to a minor during the aforementioned CPO.

6. Statistical information

Annual return for period 18 December 2013 to 30 June 2014 – see attached new template provided.

Current listings of licensed premises (to ensure the national register has been maintained accurately)

J D T Williamson
CHAIRPERSON
Whangarei District Licensing Committee