

2017 2018 Waimakariri District Council Annual Report to the Alcohol Regulatory and Licensing Authority

1. **Please provide the name of your District Licensing Committee** – Waimakariri District Licensing Committee.
2. **Please provide the name, email, and contact phone number of your Committee's Secretary** – Malcolm Johnston, malcolm.johnston@wmk.govt.nz phone 021 480082.
3. **Please name each of your licensing inspectors and provide their email and contact phone number.** Raj Deo, raj.deo@wmk.govt.nz phone 021 480834.
4. **The following questions relate to the number of licences and managers' certificates your Committee issued and refused in the 2016-17 and 2017-18 financial years.**

Note: the 2016-17 financial year runs from 1 July 2016 to 30 June 2017 and the 2017-18 financial year runs from 1 July 2017 to 30 June 2018.

Licences 2016-2017

In the 2016-17 year, how many 'on licences' did your Committee issue? (14)

In the 2016-17 year, how many applications for 'on licences' did your Committee refuse? (0)

In the 2016-17 year, how many 'off licences' did your Committee issue? (7)

In the 2016-17 year, how many applications for 'off licences' did your Committee refuse? (0)

In the 2016-17 year, how many club licences did your Committee issue? (0)

In the 2016-17 year, how many applications for club licences did your Committee refuse? (0)

Licences 2017-2018

In the 2017-18 year, how many 'on licences' did your Committee issue? (15)

In the 2017-18 year, how many applications for 'on licences' did your Committee refuse? (0)

In the 2017-18 year, how many 'off licences' did your Committee issue? (#6)

In the 2017-18 year, how many applications for 'off licences' did your Committee refuse? (1)

In the 2017-18 year, how many club licences did your Committee issue? (0)

In the 2017-18 year, how many applications for club licences did your Committee refuse? (0)

Manager's certificates 2016-2017

In the 2016-17 year, how many managers' certificates did your Committee issue? (169)

In the 2016-17 year, how many applications for managers' certificates did your Committee refuse? (0)

In the 2016-17 year, how many applications for managers' certificates were withdrawn? (3)

Manager's certificates 2017-2018

In the 2017-18 year, how many managers' certificates did your Committee issue? (166)

In the 2017-18 year, how many applications for managers' certificates did your Committee refuse? (1)

In the 2017-18 year, how many applications for managers' certificates were withdrawn? (7)

Licence renewals 2016 – 2017

In the 2016-17 year, how many licence renewals did your Committee issue? (28)

In the 2016-17 year, how many licence renewals did your Committee refuse? (0)

Licence renewals 2017 - 2018

In the 2017-18 year, how many licence renewals did your Committee issue? (30)

In the 2017-18 year, how many licence renewals did your Committee refuse? (0)

5. Please comment on any changes or trends in the Committee's workload in 2017-18.

There is a steady increase in the number of hearings as community confidence and acceptance in both the LAP and in the functions of the DLC increases.

One matter concerning the DLC is the ease in which an objector can make an objection, perhaps with the intention of frustrating the process, thereby necessitating the requirement to hold a hearing. The costs for both Council and the applicant are not insignificant. A lone objector, with potentially a hidden agenda, could hold up a licence for a considerable period of time and put both the applicant and the Council to significant cost. This DLC queries whether some sort of cost recovery method should be available where an objection is later found to be frivolous and/or vexatious.

6. Please comment on any new initiatives the Committee has developed/adopted in 2017-18.

Having the DLC attend an ARLA hearing in person to gain better understanding of the workings of ARLA.

Utilising 'chairperson's procedure notes' and providing those to applicants and objectors, which spell out step by step, the entire procedure including explaining examination in chief, cross examination, re-examination and closing submissions. It is hoped this will assist both applicants and objectors in understanding the various roles and how the hearing is structured and operates.

Joint training with our partner Districts continued during the year. This is an excellent opportunity for networking and discussing recent issues and decisions around the country. An agreement exists with Hurunui District Council to 'share' DLC members should the need arise.

Waimakariri put its DLC members through a Licence Controller Qualification (LCQ) course and a Serve-wise course. This was well received by the members.

Waimakariri also organised a Canterbury wide seminar held in November 2017 presented by Alastair Sherriff. DLC members from every District in Canterbury attended the seminar with very favourable feedback from attendees.

7. Has your Committee developed a Local Alcohol Policy?

Yes

7A. If the answer is yes, what stage is your Local Alcohol Policy at?

Adopted

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

The Local Alcohol Policy came into force in the Waimakariri District on 16 February 2015. It is currently in the process of being reviewed because when it was initially developed the Council considered, as the law was new, that a review after three years would allow the community the opportunity to assess the effectiveness of the policy. The DLC, Police, Health, Community and the Council are all impressed with the way the Policy is working. The Policy was recently challenged in relation to an application for a stand-alone off licence at a shopping centre in a **Business Zone 4** area at Silverstream. The Waimakariri LAP stipulates that new stand-alone off licences should be located only in Business Zone 1 & 2. The applicant sought that this provision of the LAP be set aside. The DLC declined the application and upheld the LAP. The decision was not appealed.

Since the adoption of the LAP, the knowledge and competency of licensed premises staff has increased. We are observing improved compliance across the whole industry with the only exception being certain restaurants failing CPO's. Public feedback has been received indicating an increased perception of a 'safer environment' within licensed premises.

Now that the Act has become embedded, the Community is now realising that the local alcohol policy is designed by the people for the people. The community feel they have more control over 'their' community as it relates to alcohol licensing and is now more willing to make submissions or objections and a belief the LAP will prevail. They see the LAP as a founding document when it comes to alcohol licensing.

Feedback from Police has been supportive with a lot of comments from local Police about the earlier closing hours introduced as a result of the LAP and the resulting improvement in amenity and good order across the Waimakariri District.

Feedback from the Medical Officer of Health has also been supportive, confirming an improvement in amenity and good order around the CBD of Rangiora and Kaiapoi compared to pre LAP days.

9. **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.***

Section 25 Sale and Supply of Alcohol Act There has been considerable discussion between Districts, key partners and the community, in relation to the application of Section 25 during Special Licence events. Events that are assessed as very low risk still require a demarcation or roping off between other licensed premises in order to comply with the Act. This in Waimakariri DLC's view prevents the adult family members sitting down and having a drink in a communal area together such as where one has purchased a craft beer from one licenced stall and another a wine from a different licenced stall. Feedback from the community is critical of the impact of Section 25 of the Act and feel the law should be reviewed and amended to cater for venues and events which are assessed as low risk.

Inter-Agency Co-operation. The Act, in conjunction with the LAP, provides the DLC with a greater mandate in giving effect to the object of the Act. Local DLCs are more acutely aware of local issues hence are more likely to make better decisions when it comes to alcohol licensing decisions affecting the community. The Act has resulted in far better communication and liaison between Police, MOH and Licensing Inspectors with the alcohol licensing decision makers.