

# Wellington DLC Annual Report

1 July 2017 to 30 June 2018

Absolutely Positively  
Wellington City Council

Me Heke Kī Pōneke

## 1. Please provide the name of your District Licensing Committee:

The Wellington District Licensing Committee

## 2. Please provide the name, email, and contact phone number of your Committee's Secretary:

Grayson Rowse, [grayson.rowse@wcc.govt.nz](mailto:grayson.rowse@wcc.govt.nz), (021) 533964

## 3. Please name each of your licensing inspectors and provide their email and contact phone number:

Name	Email	Phone
Kay Sedcole, Chief Licensing Inspector	<a href="mailto:kay.sedcole@wcc.govt.nz">kay.sedcole@wcc.govt.nz</a>	021 247 9732
Karen Binnie	<a href="mailto:karen.binnie2@wcc.govt.nz">karen.binnie2@wcc.govt.nz</a>	027 803 0032
Joanne Burt	<a href="mailto:joanne.burt@wcc.govt.nz">joanne.burt@wcc.govt.nz</a>	021 227 8272
Lewis Howells	<a href="mailto:lewis.howells@wcc.govt.nz">lewis.howells@wcc.govt.nz</a>	021 227 8304
Kane McCollum	<a href="mailto:kane.mccollum@wcc.govt.nz">kane.mccollum@wcc.govt.nz</a>	021 227 8036
Phil Whelan	<a href="mailto:phil.whelan@wcc.govt.nz">phil.whelan@wcc.govt.nz</a>	021 227 8536

## 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? (#) **82 (new)**

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

In the 2016-17 year, how many 'off licences' did your Committee issue? (#) **16 (new)**

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

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

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

### Licences 2017-2018

In the 2017-18 year, how many 'on licences' did your Committee issue? (#) **66 (new)**

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

In the 2017-18 year, how many 'off licences' did your Committee issue? (#) **19 (new)**

In the 2017-18 year, how many applications for 'off licences' did your Committee refuse? (#) **3 (new)**

In the 2017-18 year, how many club licences did your Committee issue? (#) **1 (new)**

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

#### **Manager's certificates 2016-2017**

In the 2016-17 year, how many managers' certificates did your Committee issue? (#) **744 (new)**

In the 2016-17 year, how many applications for managers' certificates did your Committee refuse? # **3 (new)**

In the 2016-17 year, how many applications for managers' certificates were withdrawn? # **6**

#### **Manager's certificates 2017-2018**

In the 2017-18 year, how many managers' certificates did your Committee issue? # **772 (new)**

In the 2017-18 year, how many applications for managers' certificates did your Committee refuse? # **4 (new)**

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

The total number of applications considered and determined has been relatively stable from year to year. There was a slight downward trend in both on licences granted and manager's certificates issued across these two years, but this cannot be said to indicate a trend as there is insufficient comparative data.

We have noticed the following qualitative trends with opposed applications during the reporting period:

- Applications for new, inner city on-licensed premises attracting public objections from residential bodies corporate in relation to amenity and good order, particularly noise. It has been possible, in some cases, for the DLC to facilitate agreement among the parties to address residents' concerns, sometimes with licence conditions being imposed as a result or undertakings given.
- Reporting agency opposition to bottle stores and particularly to late night trading by inner city bottle stores. The majority of Wellington's central city bottle store off-licences came up for renewal during the reporting period.
- Numerous public objections by members of local communities (e.g. Newtown; Aro Valley) in relation to applications for new off-licences for bottle stores in their suburbs.

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

In October 2017, the Wellington DLC hosted an AGM for DLCs in the Wellington region, including Kapiti DLC, Porirua DLC, Upper Hutt DLC and Lower Hutt DLC. This comprised a day of presentations on topical issues by representatives of each DLC, covering key legal developments, procedural matters, trends etc. The AGM was an opportunity for members of Wellington regional DLCs and their support staff to meet, network and exchange ideas and experiences.

The Wellington DLC Secretary, Principal Advisor and the Chief Licensing Inspector provided input to the Ministry of Justice, which developed a factsheet on how to calculate tobacco excise tax when preparing a statement of annual sales revenue for a grocery store. The factsheet is now available on the Ministry's website and the Wellington DLC is providing it to applicants.

The Wellington DLC engaged a Te Reo interpreter to support the Committee at a public hearing where one party requested the right to give evidence in Te Reo. The DLC has developed a protocol for doing this in future and also for procuring the services of an NZ Sign interpreter, if required.

The Wellington DLC Secretary developed criteria for deciding whether to publically notify and special licence application.

**7. Has your Committee developed a Local Alcohol Policy?**

Historically, the Wellington City Council developed a provisional Local Alcohol Policy, which was notified on January 21, 2014. Appeals were lodged by eight parties which were heard by the Authority over eight days between October 20 and November 5, 2014. The Authority released its decision on January 20, 2015 which asked the Council to reconsider elements of its PLAP. The Council resolved on March 18, 2015 to receive a "report to the February 2016 meeting of the Community, Sport, and Recreation Committee on the opportunities to resubmit an amended Provisional Local Alcohol Policy taking into account updated local data and the parameters for local alcohol policies arising from the decision on appeals". On 3 March 2016, the Council's Community Sport and Recreation Committee resolved that the Council should not at that time resubmit the PLAP to the Authority, and should instead continue to monitor alcohol-related data in Wellington, work with key stakeholders, and consider future ARLA decisions on other PLAP appeals prior to determining if the Council requires a local alcohol policy. The Committee also "agreed to continue to advocate to central government for a higher minimum unit price for alcohol including off licences."

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

See above

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

N/a

**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.*

The Wellington DLC has been frustrated that limited progress has been made in minimising alcohol related harm since the Act came into force, in particular due to the constraints of past case law that required DLCs to find a direct link between harm and the operation of a particular premises. Since the High Court's decision in Lion Liquor Retail Limited v Medical Officer of Health (Wellington region) [2018] NZHC 1123, it appears DLCs and the Authority will, nearly 5 years after the Act came into force, be able to give effect to the object of the Act. We note that the High Court's approach has been applied in recent cases determined by the Authority, including a decision to decline a new off licence in Hutt City (Shady Lady Lighting Limited v Patel & ors [2018] NZARLA 198-199).

The Wellington DLC notes that, under the 1989 legislation, there was a particular category of manager's certificate, for a 'club manager', and it was common for club licensed premises to have 2 or 3 certificated managers attached to the premises. This ensured qualified supervision of the sale, supply and consumption of alcohol by club members and their guests. Under the 2012 Act, the club manager qualification no longer exists. The Wellington DLC has observed that few applications for manager's certificates received by the Committee are 'tagged' to licensed clubs. The majority of Wellington club licences are coming up for renewal at the end of this reporting period. The Wellington DLC considers that it will be detrimental to the management of licensed clubs if manager's certificates are not renewed, perhaps due to cost, as this means the qualified supervision of club bars will be reduced.