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# ANNUAL REPORT TO THE ALCOHOL REGULATORY LICENSING AUTHORITY

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## Purpose

1. This report asks the Council to approve the content of the Wellington District Licensing Committee (DLC) annual report to the Alcohol Regulatory and Licensing Authority (ARLA) for the period 1 July 2018 to 30 June 2019. This report also provides the Council with further information about the operations of the DLC, its administrative support team (Secretariat) and the Council's Licensing Inspectorate.

## Summary

2. Under the Sale and Supply of Alcohol Act 2012 (the Act), Council is required to submit an annual report for the period 1 July to 30 June on the operations of its District Licensing Committee (DLC) to the Alcohol Regulatory and Licensing Authority (ARLA).
3. This report requests Council's approval to submit the attached report to ARLA by its deadline of 30 August 2019.

The report complies with the requirements of the Act and ARLA. The report will be published on Council's website and distributed to stakeholders. This paper includes additional reporting to Council on the operations of the DLC, its administrative support team (Secretariat) and the Council's Licensing Inspectorate.

## Recommendation/s

That the Council:

1. Receive the information.
2. Agree that the DLC Annual Report for the period 1 July 2018 to 30 June 2019 may be submitted to ARLA.
3. Note the additional reporting about the activities of the DLC, its Secretariat and the Licensing Inspectorate for this reporting period.

## Background

4. The DLC is appointed by Council under the Act to deal with alcohol licensing matters for the district. Each year, the DLC must provide a report to ARLA detailing its proceedings and operations over the previous year. The reporting period for each year is 1 July to 30 June. ARLA is a specialist tribunal that deals with appeals of decisions by DLCs. ARLA specifies the form and content for DLC annual reports under the Act. ARLA reports annually to Parliament and considers the content of DLC reports when it does so.
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## Discussion

5. Some highlights from the DLC's Annual Report to ARLA for 2018-19 include:
- The total number of applications considered and determined by the DLC has been relatively stable since last year. Please note that this year ARLA has only asked us to report on grants of new licences and manager's certificates and not renewals. The figures in the report are, therefore, lower than for previous years and do not represent the full volume of work undertaken by the DLC. This is set out in the table below under the heading 'DLC Workload'.
  - The Wellington DLC continued to take a strong stand where alcohol related harm is highly evident. As an example, in the city centre, the DLC reduced the closing hours to 6.00pm for an off-licence located in an area where there was notable evidence of alcohol related harm. This decision has been upheld in multiple appeals.

### Additional reporting

#### The DLC

6. October 2018 saw the DLC Commissioners and members initial terms of appointment expire. This marked the end of the DLC's first five years of existence. Public expressions of interest were called for and we were fortunate to have a number of our experienced Commissioners re-appointed as well as new Commissioners and members. The appointment process resulted in some disruption to hearing schedules which meant that fewer hearing days were held during this appointment period last year. Some trends we have observed with these opposed applications are described below.
7. Residential bodies corporate have continued to oppose applications for inner city on-licences, with the residents' concerns relating to amenity and good order, in particular noise. In some cases, the DLC has been able to facilitate agreement between the residents and applicants and grant licences with consented conditions.
8. Towards the end of this reporting year there were two off-licence applications that received very significant community objection in terms of numbers. This appeared to be as a result of a mobilisation of community members. It may also be an indication of an increasing awareness from members of the Communities as to the risks presented by off-licence alcohol sales, to alcohol related harm. An application for a new bottle store in Khandallah was subject to 538 notices of objection. This is an ongoing matter which we will report on in next year's report.
9. Decisions made by the Wellington DLC must be published and we do this online at [www.nzlii.org](http://www.nzlii.org), where decisions of all the major New Zealand courts and tribunals can be accessed for free.

#### DLC workload

10. The table below outlines the number of licences and manager's certificates issued, renewed and declined by the DLC for the 2018-19 year.

Application type	New	Renewal	Variation	Totals
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On-licence – granted	78	169	5	252
On-licence – declined	0	0	0	0
Off-licence – granted	10	44	0	54
Off-licence – declined	0	0	0	0
Club licence – granted	0	41	0	41
Club licence – declined	0	0	0	0
Manager's certificate – granted	697	742	n/a	1,439
Manager's certificate – declined	12	6	n/a	18

11. In addition, the DLC determined 284 special licence applications for events and 74 applications for temporary authority orders, permitting new operators of premises to continue trading under the existing licence until their new application had been determined.

#### **DLC secretariat**

12. Council's alcohol licensing activities are broader than the operations of the DLC and include work undertaken by support staff in the Public Health team. The DLC Secretary leads this process, with support from two members of the Public Health Approvals team who also provide support as committee advisors, when required.
13. During this year the Principal Advisor to the DLC, Clare Needham, left the team resulting in a redistribution of functions including legal support to the DLC. The legal support is now being provided by the Council's in-house legal team.

#### **Licensing Inspectorate**

14. Also integral to Wellington's alcohol licensing regime is the Council's Licensing Inspectorate. This comprises the Chief Licensing Inspector and five full-time Inspectors. Inspectors are independent of the DLC and its secretariat. They are charged with reporting on all licence and manager's certificate applications, as well as undertaking monitoring and enforcement activities under the Act. They are required by the Act to collaborate with the Police and Medical Officer of Health. The three agencies meet fortnightly to facilitate this.
15. All of the inspectors attended the Annual Conference for the New Zealand Institute of Liquor Licensing. The focus for this year's conference was upskilling the inspectors at DLC hearings and also working with the police on alcohol harm reduction strategies.
16. The Licensing Inspectorate met their Annual Plan targets this year, including visiting all 'Very High Risk' licensed premises twice and 'High Risk' premises once. Inspectors also undertook compliance visits at a number of events such as the Eminem Concert, Winetopia, the Food Show and Cubadupa. In conjunction with the police they also issued infringement notices to premises that did not have certificated managers named and on duty. This sent a strong message to these premises about the importance of being clear about their legislative obligations under the Act.