

27 September 2018

The Secretary
Alcohol Regulatory and Licensing Authority
Tribunals Unit
Wellington

(Note: in 2018 ARLA requested all Territorial Authorities DLC Secretaries to complete and submitted their Annual Reports to ARLA through an online survey form by 30 September 2018. This report document is a collation of the information provided in the on-line return completed for the Christchurch DLC.)

Christchurch City Council District Licensing Committee Annual Report to the Alcohol Licensing and Regulatory Authority (ARLA) for Period Ending 30 June 2018

A. Christchurch City Council District Licensing Committee Overview

1. District Licensing Committee Chairs, Commissioners, and members

The Council went through a public recruitment process in 2017 to update membership of the DLC. The application period was open from 25 September to 11 October 2017 and was advertised on the Council's website, Seek, Law Society, Christchurch Press and Healthy Christchurch Newsletter. 25 applications were received and 14 were shortlisted for interview. The interview panel consisted of the Head of Community Support, Governance and Partnerships Unit; Team Leader Hearings and Council Support, and the Principal Advisor Regulatory Compliance.

At its meeting of 23 October 2017, the Council, having taken advice from the interview panel, resolved the following membership and terms:

Commissioners

Al Lawn for a period of five years
Cindy Robinson for a period of five years
Paul Rogers for a period of three years
Robin Wilson for a period of three years

List members

Al Lawn for a period of five years
Cindy Robinson for a period of five years
Paul Rogers for a period of three years
Robin Wilson for a period of three years
Amy Keir for a period of five years
Tanya Surrey for a period of three years
David Blackwell for a period of three years.

There were two training sessions for DLC Chairs and members - one was a regional meeting including neighbouring TLA DLC's held at Lincoln on 22 October which was attended by Mr Lawn and Mr Buchanan (now no longer a Chair). The second session was held in January this year and was attended by all chairs and current list members apart from Tanya Surrey who is based in Queenstown (but who was a previous list member).

2. The Secretariat of the District Licensing Committee

On 9 December 2013 the Council's Acting Chief Executive, in their capacity as Secretary of the licensing committees, determined sub-delegations of various functions, powers and duties under section 198 of the Sale and Supply of Alcohol Act 2012 ('the Act'). These sub-delegations continue

to be in place with identified delegations being made (severally) to named persons that sit in the Regulatory Compliance Unit (formerly known as the Investigations and Enforcement Unit) and also the Council's Governance Unit. The Team Leader for Alcohol Licensing, and Technical Officers of the Alcohol Licensing team, undertake most of the operational administration activities in accordance with these sub-delegations.

Secretariat hearings delegations and governance administration support for DLC Commissioners and Members is undertaken by the Hearings and Council Support Team, which sits in the Council's Community Support, Governance and Partnerships Unit.

3. *Christchurch City Council Alcohol Licensing Team Structure*

The Alcohol Licensing Team sits in the Regulatory Compliance Unit. The team consists of a Team Leader (who is also appointed by warrant as the Chief Licensing Inspector), a Senior Inspector, four Inspectors and three Technical Officers. All Inspectors are appointed by warrant under the Act. An additional fourth inspector position was appointed in August 2018. The Technical Officers undertake the secretariat administration.

B. Trends in workload.

4. The following relates to the number of licences and managers' certificates the Committee issued and refused in the 2016-17 and 2017-18 financial years. Provide the number of licence and certificates issued and refused, including withdrawn for managers certificates, for each of the past two years, and to comment on any trends.

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? (127)

In the 2016-17 year, how many applications for 'on licences' did your Committee refuse? (1)

In the 2016-17 year, how many 'off licences' did your Committee issue? (38)

In the 2016-17 year, how many applications for 'off licences' did your Committee refuse? (2)

In the 2016-17 year, how many club licences did your Committee issue? (5)

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? (145)

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? (31)

In the 2017-18 year, how many applications for 'off licences' did your Committee refuse? (4)

In the 2017-18 year, how many club licences did your Committee issue? (4)

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? (728 + 1123 renewals)

In the 2016-17 year, how many applications for managers' certificates did your Committee refuse? (9 + 1 renewal)

In the 2016-17 year, how many applications for managers' certificates were withdrawn? 31

Manager's certificates 2017-2018

In the 2017-18 year, how many managers' certificates did your Committee issue? (704 + 994 renewals)

In the 2017-18 year, how many applications for managers' certificates did your Committee refuse? 10

In the 2017-18 year, how many applications for managers' certificates were withdrawn? 36

Licence renewals 2016 – 2017

In the 2016-17 year, how many licence renewals did your Committee issue? (270, including variations)

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? (310, including variations)

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.

The District Licensing Commissioners attend a Chairs panel weekly:

- allocate work for determinations that are made on the papers;
- set public hearing schedules;
- determine Temporary Authority applications; and
- discuss general procedural matters.

The chairing of public hearings has been systematically rotated amongst the Commissioners, as has the inclusion of DLC members on the DLC panels for public hearings.

DLC determinations:

In the reporting year commencing 1 July 2017 and ending on 30 June 2018 the District Licensing Committee Secretariat referred over 3600 applications (495 premises licences, 1712 Managers Certificates, 1152 Special Licensees, 115 Temporary Authorities) to the DLC for determination. DLC on the papers and hearings activity is summarised as follows (a summary of the outcomes from determinations are summarised under question 4 above):

On the papers decisions:

Managers 1694 (8 opposed)

Club licences 27

Off licences 98 (3 opposed)

On licenses 345 (1 opposed)

Temporary Authorities 112

Specials 943

Specials - short notice 136, with 14 declined

19 DLC public hearings

Managers – 11 (including 1 renewal)

On – 2 (including one renewal).

Off– 6 (including 2 renewals). One appealed to ARLA

Licensing number in the Christchurch TLA area:

Licence numbers continue to increase. At July 2018 there were 970 current (on, off, club) licences held. This was up from 944 on the previous reporting year, but still below the pre-earthquake numbers of 1118 in 2010. We recently had around 24 new on/off applications granted by the DLC waiting building clearances before issuing of their licences.

However, alongside this increase 22 premises licences (on/off/club) were surrendered during the reporting year, mainly due to business no longer wishing to hold an alcohol licence or due to changes in ownership. The number of changes in ownership of premises also continues to be relatively high with around 15 premises trading under current Temporary Authorities at any one time while new licensees are applied for.

We continue to see community interest in new off-licence (bottle store) applications. In the 2017-18 reporting year we saw three applications for new (entirely new sites) off licence bottle stores receive public objections and determined by public hearing during the reporting year. Each were declined and one of which is currently under appeal to ARLA.

The Christchurch licencing environment continues to be fluid and in a unique situation as a result of ongoing rebuilding activities, in particular within the central business district area. The DLC has continued to see an increase in the number of brand new premises with new operators in connection with redevelopment in the central city and, to a more limited extent, in the suburbs.

Inspectors continue to hold lodgement meetings for new applications in this reporting year, with 188 being held. This included new licensees and new premises operations, as well as changes in ownership of existing premises. This service aims to ensure sufficiency of applications and to increase applicant understanding of the Act's obligations on the licensee and DLC licencing decision-making processes. This is a prevention first tool, where improved education and establishment of expectations at the first point of contact raises compliance levels across all licenced premises.

The number of current manager's certificates held for the Christchurch DLC area remains steady now but has increased slightly in the last year with around 3803, up from 3590 in the previous year.

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

Change the Alcohol Licensing notification

In April 2018 we changed the way alcohol license applications are publicly notified. Public notices for the Christchurch TLA area are now published on a dedicated webpage register located at ccc.govt.nz/alcohol.

This was implemented following feedback and requests from the community. We have worked with the industry to make sure they understand this new process.

Making the change will be easier and less costly for applicants and will assist with managing application processing timelines. And, by consistently advertising all license application public notices on the same webpage, people will know where to go to look for information, including public objection start and end dates for an application. A history of recent notifications will also be viewable.

Community Information

A new brochure "Alcohol Licensing in the Community" was launched in December 2018 and is available in the website and at libraries and service centres and through Community Law Canterbury and Community and Public Health and has been shared with resident's associations. <https://ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/>. This provides information for the community about how separate from objecting to a licence application there are other ways in which members of the community can raise concerns or problems they may have in about noise, nuisance, vandalism, specific promotions or other concerns/questions about a licenced premises.

Community Law Canterbury have also been leading a pilot initiative to support and educate public objectors preparing for DLC hearings through advice and provision of workshops.

Alcohol Accords

Work has been continuing with the hospitality industry and a number of other partners to strengthen alcohol accords to cover the main hospitality areas of the city. This work continues to be driven within precinct cluster areas and led by the hospitality industry. The various precinct accords have developed to meet the particular needs of the licensees and characteristics of the hospitality areas in which they are situated. Alcohol accord now exist in the following precinct areas: Victoria Street, St Asaph Street, The Terrace, and the newly formed Addington Accord.

Licensed Premises and Taxi Collaboration Project

Multiparty collaboration has also continued this reporting year project with the Taxi Federation, Police, Land Transport New Zealand, and the Council Parking Enforcement and Alcohol Licensing teams with premises and their security.

The goal of the programme is to improve traffic and pedestrian safety by encouraging safe taxi parking and flow near licensed premises. Taxi monitoring and enforcement evenings attended and supported by the Taxi Federation, New Zealand Transport Agency, Christchurch City Council Parking Compliance Team, Police and a licensing inspector. The two operations held in the reporting year have seen improvement in better parking compliance, increased education of taxi drivers, and increased awareness and safety for the area.

Minors Controlled Purchase Operations

The Christchurch Tri-Agencies conducted one minors controlled purchase operation (CPO) was carried out this reporting year using minors. Of the 29 premises tested three (all on-licences) sold to a minor in breach of the Act resulting in failed resulting in applications being referred to the Authority.

Club Licence Renewal Year

Clubs renewal year fell during this reporting period in 2018. As part of this the Tri-Agencies have undertaken a programme focusing on education and engagement with Club Licence holders, codes, associations, and Clubs New Zealand. This programme is regularly scheduled to coordinate with Club licence renewal year. In Christchurch there are currently 115 Club Licence holders, comprising: 7 Class 1; 31 Class 2; and 77 class 3 licences

This programme included the following activities which are still continuing:

- *Controlled purchase operations:*
The Christchurch Tri-Agencies conducted CPO's with the goals of to educate and then test licensed sports clubs as to whether they are selling alcohol to authorised persons. Four operations were held during the 2017-18 period each focusing on a particular sporting code and failures were found for each operation.
- *Sports Club Alcohol Game Plans.*
The goal of this initiative is to reduce alcohol-related harm in sports clubs. This is a collaboration by Sport Canterbury, Community and Public Health, Community Action on Youth and Drugs (CAYAD), Christchurch Alcohol Action Plan, Health Promotion Agency (HPA) and the alcohol licensing inspectors.
The pilot programme is being run in collaboration with and the support of Canterbury Rugby League. Alcohol Management Plans and Alcohol Policies are requested at renewal. Templates and examples provided to club administrators and other tools to assist club bar staff have also been developed with HPA and are now available on their website. An education workshop and presentation which clubs in the association attended. More workshops and presentations planned to eventually include all sports codes. The HPA tools are now also being made available to all licensed clubs in the Christchurch area.

Christchurch City Council Alcohol related initiatives in other parts of Council – non-regulated environment:

The Christchurch Alcohol Action Plan

The CAAP alcohol harm reduction approach is mainly focused on non-regulated activities and environment and sits alongside the statutory licensing regime.

The Christchurch Alcohol Action Plan was endorsed by Council on 20 December 2017 and formerly launched to the community on 14 August 2018.

<https://ccc.govt.nz/culture-and-community/community-safety/alcoholactionplan>

The Christchurch Alcohol Action Plan has been developed by three partner agencies - Christchurch City Council, Canterbury District Health Board, and NZ Police, with support from the Safer Christchurch and Healthy Christchurch inter-agency groups.

The CAAP is informed by New Zealand and international evidence, local data, and by what our stakeholders and communities are saying about alcohol-related harm and how best to reduce it. It has been shaped by a shared vision, values and desired outcomes developed in consultation with the community.

The key objectives are:

1. Reduce alcohol-related injury and illness
2. Reduce the harm caused to children and young people
3. Reduce hazardous drinking
4. Shift attitudes away from harmful drinking

There are 3 priority action areas that form the focus of activities for the next five years:

1. Collaborate, coordinate, communicate
2. Reduce exposure, accessibility, availability
3. Create safer spaces

C. Local Alcohol Policy

7. Has your Territorial Authority developed a Local Alcohol Policy?

Yes

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

Abandoned (discontinued)

The decision to discontinue development if the Christchurch resubmitted Provisional LAP (dated 29 September 2016) was taken by Council on 23 November 2017 (Council resolution CNCL/2017/00327)

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

Not applicable.

D. Legislative comment on the Sale and Supply of Alcohol Act 2012

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 Christchurch DLC and its officers have found that the Act is assisting in achieving its object in licensing and enforcement under the Act through:

- Enabling the use of discretionary conditions on licences, such as requiring Alcohol Management Plans
- The Fees Regulations categorisation risk regime has seen some applicants reduce their closing hours requested on licences applications to reduce fees costs.
- The criteria used by the Fees Regulations categorisation risk regime has also provided transparency to licensees about risk assessments and has provided a baseline for setting monitoring priorities, education support and other alcohol harm reduction activities by the tri-agencies.
- The requirement for Club Duty Managers to achieve the LCQ has improved the standard of Club Duty Managers and this has been observed during club renewal year

- Section 295 has given acknowledgement of the benefits for tri-agency collaboration work and also the value of involvement with alcohol harm reduction activities.
- Wider parts of our organisations (Council, Police, Community and Public Health - CDHB) have recognised the wider roles they can contribute in alcohol harm reduction strategies, as exemplified by the initiatives referred to in this report.
- The public are becoming increasingly more aware and involved in making public objections. Various resources and initiatives to help educate and support communities to participate in licensing processes are being developed.

There are still a number of areas where the legislation could provide improved clarification or ability to ensure licencing requirements, restrictions and conditions imposed on licences are appropriate to the type of premises and the associated risk and controls, such as for BYO controls; rest homes and duty manager requirements.

However, we are now seeing some useful case law jurisprudence emerge with the various High Court and Court of Appeals decisions on Supermarkets and single alcohol areas and with ARLA and High Court decisions concerning amenity and good order and in particular considering the meaning of the language within the object of the Act.

E. Statistical Return Appendix

Please see attached the Territorial Authority Summary Annual Return Statistical and Fees Return for applications received during the reporting year ending 30 June 2018.



Allison Houston

Team Leader Alcohol Licensing

Regulatory Compliance Unit

On Behalf of the Secretary, Christchurch City Council District Licensing Committee

Appendix 1

End of Year Statistical and Fees Financial return for ARLA:

TERRITORIAL AUTHORITY - Christchurch City Council

Return for year ending - 30 Jun 2018

Application fees

On, off and club licence applications accepted					
Type	Number accepted in fee category				
	Very Low	Low	Medium	High	Very High
Club licence new	2	3	0	0	0
Club licence renewal	22	8	4	0	0
Club licence variation	1	1	0	0	0
Off-licence new	2	7	22	4	0
Off-licence renewal	2	13	47	23	0
Off-licence variation	0	0	0	1	0
On-licence new	10	73	51	14	0
On-licence renewal	5	106	92	12	1
On-licence variation	0	0	4	1	0
Total number	44	211	220	55	1
Total fee payable to ARLA (GST incl)	\$759.00	\$7279.50	\$11385.00	\$4743.75	\$172.50
Total fee paid to ARLA (GST incl)	\$759.00	\$7279.50	\$11385.00	\$4743.75	\$172.50
Balance Payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Annual fees

Type	Number paid in fee category				
	Very Low	Low	Medium	High	Very High
Club licence	72	31	10	0	0
Off licence	8	38	119	77	0
On licence	32	304	274	58	3
Total number	112	373	403	135	3
Total fee payable to ARLA (GST incl)	\$1932.00	\$12868.50	\$20855.25	\$11643.75	\$517.50
Total fee paid to ARLA (GST incl)	\$1932.00	\$12868.50	\$20855.25	\$11643.75	\$517.50
Balance Payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Managers' certificate applications accepted	Number
New	743
Renewal	988
Total number	1731
Total fee payable to ARLA (GST incl)	\$49766.25
Total fee paid to ARLA (GST incl)	\$49766.25
<i>Balance Payable</i>	\$0.00

Special licence applications accepted			
	Number accepted in fee category		
Type	Class 1	Class 2	Class 3
Special licence	67	261	820
Total number	1148		

Temporary authority applications accepted	Number
	118

Permanent club charter payments	Number
	3

Total to be paid to ARLA (GST incl)	Total
	\$121,923.00