

**Chairperson and Committee Members**  
OPERATIONS & FINANCE COMMITTEE

15 AUGUST 2019

Meeting Status: **Public**

Purpose of Report: For Information

## **ANNUAL ALCOHOL LICENSING REPORT 2018/19**

### **PURPOSE OF REPORT**

- 1 To provide the report that is required within three months after the end of the financial year on the proceedings and operations of the District Licensing Committee (DLC). The Annual Report 2018/19 is prepared pursuant to section 199 of the Sale and Supply of Alcohol Act 2012 (the Act) (appendix one).
- 2 To provide the report that is required each year showing the income from fees and costs incurred in the performance of the DLC and the inspectors pursuant to regulation 19 of the Sale and Supply of Alcohol (Fees) Regulations 2012 (the Regulations) (appendix two).

### **DELEGATION**

- 3 The Operation and Finance Committee has delegated authority to consider both reports under the Section B.2 of the Governance Structure and Delegations:
  - 3.1 “This committee will deal with monitoring and decision-making on all broader financial management matters. Key responsibilities will include all regulatory and planning matters from an operational perspective.”

### **BACKGROUND**

- 4 At the conclusion of a financial year, every territorial authority must furnish a report to the Alcohol Regulatory Licensing Authority (ARLA) on the proceedings and operations of its licensing committee during the year (appendix two).
  - 4.1 Pursuant to section 199(2) of the Act ARLA may, and has in relation to this year’s annual report, specified the reporting format, reporting requirements and mode of reporting. The mode of reporting consists of an online survey and an Annual Fees return.
- 5 Regulation 19 requires every territorial authority (TA) each year, to prepare and make publicly available, a report showing its income from fees payable in relation to, and its costs incurred in (appendix one):
  - 5.1 the performance of the functions of its licensing committee under the Act; and
  - 5.2 the performance of the functions of its inspectors under the Act; and
  - 5.3 undertaking enforcement activities under the Act.

## **ISSUES AND OPTIONS**

### Issues

- 6 There are no issues in relation to this report and its appendices.

### Options

- 7 The alcohol licensing fees (income) are currently set by Central Government under the Regulations. An option exists in future for Council to consider establishing their own fee structure by developing a fee setting bylaw, pursuant to section 405 of the Act.

## **CONSIDERATIONS**

### Policy considerations

There are no policy considerations.

### Legal considerations

- 8 The Annual Report is a requirement under section 199 of the Act.  
9 The Regulation 19 Report is a requirement of the Regulations.

### Tāngata whenua considerations

- 10 There are no Tāngata whenua considerations.

### Strategic considerations

- 11 There are no strategic considerations.

## **SIGNIFICANCE AND ENGAGEMENT**

### Significance policy

- 12 This matter has a low level of significance under Council policy.

### Consultation already undertaken

- 13 There is no need to consult on either report contained in the appendices. They will be made publicly available.

### Engagement planning

- 14 No engagement planning required.

### Publicity

- 15 The reports contained in the appendices are required to be made publicly available; therefore, these reports will be published on the Kapiti Coast District Council website. The Annual Report will be submitted to ARLA via the online survey.

## RECOMMENDATIONS

16 That the Operations and Finance Committee receive report RS-19-878 and accompanying appendices (Annual Report and Regulation 19 Report).

**Report prepared by**   **Approved for submission**   **Approved for submission**

Katherine McLellan

Natasha Tod

Janice McDougall

**Team Leader**  
**Environmental**  
**Health**

**Group Manager**  
**Regulatory Services**

**Group Manager**  
**People and Partnerships**

## APPENDICES

- 1 Annual Report 2018/19.
- 2 Regulation 19 Report 2018/19.

## Appendix One

### Annual Report 2018/19

#### Annual Report to Alcohol Regulatory and Licensing Authority

##### Questions:

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

**Kapiti Coast District Licensing Committee**

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

**Natasha Tod**

**[Natasha.tod@kapiticoast.govt.nz](mailto:Natasha.tod@kapiticoast.govt.nz)**

**04 296 4700**

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

**Katherine McLellan**

**[Katherine.mclellan@kapiticoast.govt.nz](mailto:Katherine.mclellan@kapiticoast.govt.nz)**

**04 296 4700**

**Julie Lloyd (until 21 December 2018)**

4. The following questions relate to the number of licences and managers' certificates your Committee issued and refused in the 2018-19 financial year.

NEW LICENCES ISSUED				
	2018-2019		(2017 – 2018)	
	ISSUED	REFUSED	ISSUED	REFUSED
<b>ON LICENCES</b>	12	0	11	0
<b>OFF LICENCES</b>	8	0	8	0
<b>CLUB LICENCES</b>	1	0	1	0

NEW MANAGERS CERTICATES ISSUED					
2018 - 2019			(2017 – 2018)		
ISSUED	REFUSED	WITHDRAWN	ISSUED	REFUSED	WITHDRAWN
94	0	4	85	0	3

LICENCE RENEWALS (ON, OFF, CLUB)				
	2018 - 2019		(2017 – 2018)	
	ISSUED	REFUSED	ISSUED	REFUSED
<b>ON LICENCES</b>	53	0	39	0

5. Please comment on any changes or trends in the Committee's workload in 2018-19.

- **Fewer applications determined by way of a DLC hearing.**

6. Please comment on any new initiatives the Committee or Territorial Authority Council has developed/adopted in 2018-19.

- **Licensing Inspectors have focused on licensee education including Tri-Agency (NZ Police, Medical Officer of Health, Inspector) meetings with Tavern licensees and the distribution of Health Promotion Agency resources.**
- **When Club licences are come up for renewal, it has been suggested to the licensee that the condition permitting the sale of alcohol to guests of a member of a club with reciprocal rights is added to their licence. All but one Club agreed to add the condition as it helps the Club ensure they are only selling to authorised customers.**
- **Review of the Control of Alcohol in Public Places Bylaw approved in Council on 6 December 2018.**

7. Has your Council developed a Local Alcohol Policy?

**No**

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

Draft

Provisional

Under Appeal to ARLA

Adopted

In force

Abandoned

8. If the answer to 7 is yes what are the maximum hours that apply for on licenses in the district?

9. If the answer to 7 is yes what are the maximum hours that apply to off licenses in the district?

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

11. 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 legislation provides for ways in which to control the sale, supply and consumption in ON or Club licensed premises, in order to minimise alcohol related harm. However, the majority of alcohol consumed in New Zealand is sold from Off licensed premises, at very cheap prices. The legislation does not provide ways for the DLC and Council to ensure that alcohol sold responsibly in Off licensed premises is consumed safely and responsibly. Once the alcohol is taken off the licensed premises, there is not a mechanism to control consumption in private homes or unregulated areas.**
- **In practical terms, LAPs are difficult to develop and, if they are developed, are watered down compared with the community wants. It would be appropriate to conduct recent and relevant research in New Zealand that could show causal links between alcohol harm, and the density and opening hours of licensed premises.**

**TERRITORIAL AUTHORITY:**Kapiti Coast DLC**ANNUAL RETURN FOR YEAR PERIOD:**1 July 2018 to 30 June 2019**On-licence, off-licence and club licence applications received:**

Application Type	Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
On-licence new	1	9	1		
On-licence variation	1	1	3		
On-licence renewal	3	13	3		
Off-licence new		3	4	1	
Off-licence variation					
Off-licence renewal	2	4	10	4	
Club licence new	1				
Club licence variation					
Club licence renewal	11	5			
<b>Total number</b>	<b>19</b>	<b>35</b>	<b>21</b>	<b>5</b>	<b>0</b>
<b>Total Fee paid to ARLA (GST incl)</b>	<b>\$327.75</b>	<b>\$1,207.50</b>	<b>\$1,086.75</b>	<b>\$431.25</b>	<b>\$ -</b>

**Annual fees for existing licences received:**

Licence Type	Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
On-licence	7	31	21		
Off-licence	3	7	21	3	
Club licence	20	5	1		
<b>Total number</b>	<b>30</b>	<b>43</b>	<b>43</b>	<b>3</b>	<b>0</b>

<b>Total Fee paid to ARLA (GST incl)</b>	<b>\$517.50</b>	<b>\$1,483.50</b>	<b>\$2,225.25</b>	<b>\$258.75</b>	<b>\$ -</b>
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**Managers certificate applications received:**

	Number received
Manager's certificate new	108
Manager's certificate renewal	114
<b>Total number</b>	<b>222</b>
<b>Total Fee paid to ARLA (GST incl)</b>	<b>\$6,382.50</b>

**Special licence applications received:**

	Number received in category: Class 1	Number received in category: Class 2	Number received in category: Class 3
Special licence	5	39	92

**Temporary authority applications received:**

	Number received
Temporary authority	19

**Permanent club charter payments received:**

	Number received
Permanent club charter payments	0

<b>Total fees paid to ARLA 2018-2019 (GST incl)</b>	<b>\$ 13,920.75</b>
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## Appendix Two

### Regulation 19 Report 2018/19

Total revenue from fees:

<b>Fee type</b>	<b>Revenue (GST inclusive)</b>
On licence & Club licence application fees	\$29,037.50
Off licence application fees	\$21,551.00
On licence and Club licence annual fees	\$32,338.00
Off licence annual fees	\$19,607.50
<b>Other licence types</b>	
Special licences	\$16,767.50
Managers Certificates	\$70,207.50
Other (Temporary Authorities)	\$5,637.30
<b>Total</b>	<b>\$195,146.30</b> <b>(53% user pays)</b>

Total costs:

<b>Cost type</b>	<b>Expenditure (GST exclusive)</b>
Disbursements to ARLA	\$12,105.00
DLC / licence decision making functions (applications)	\$146,314.00
Inspector and enforcement functions (monitoring and enforcement)	\$16,257.00
Estimate of overhead costs	\$146,699.00
<b>Total</b>	<b>\$321,375.00</b>

This report follows the format in the guidance material provided to territorial authorities in October 2018 by Ministry of Justice.