

Invercargill District Licensing Committee

2015 Annual Report to the Alcohol Regulatory and Licensing Authority

For the period ended 30 June 2015

1. Overview of the DLC Work Load

(a) DLC Structure and personnel

The Invercargill DLC (IDLC) consists of the Chairperson, Deputy Chairperson and two list members. The Chairperson (or Deputy Chair) is the quorum for unopposed applications and can determine applications on his own. Where the application is opposed, the quorum is the Chairperson and two list members.

An agreement is in place with the Southland District and Gore District Councils to enable IDLC to co-opt from their list members. This would be used should the situation arise, due to an absence or conflict of interest, where the IDLC is unable to have a quorum of three members for an opposed hearing.

The IDLC is supported by two staff. One is a full time support officer and the other provides managerial oversight as part of a wider range of duties. The support staff are employed by the Invercargill City Council.

The Licensing Inspector reports to another manager in Council as it is considered that this separation best meets the intent of the Act.

(b) Staff training

IDLC staff members involved have attended the following training:

Health Protection Agency courses: One Year on - the and Supply of Alcohol Act 2012
Art of Advocacy

Society of Local Government Managers – The Committee Advisor: Working with your District Licensing Committee

(c) DLC Meetings and Hearings

The IDLC meets once a week to consider and decide on applications. To date these decisions have been done on the papers by the Chair of the IDLC. As at 30 June 2015 no full hearings have been required.

During the 2014/2015 period the IDLC has met on a six weekly basis to discuss any issues that have arisen from those applications. These meetings ensure that all members are kept up to date and are aware of the types of conditions imposed on applications.

The other agencies involved in the SAALA 2012 have been invited on an individual basis to meet with the IDLC so that they can explain their role in the process and raise matters of concern. This has been a useful exercise as it has provided the IDLC members with better understanding of the other agencies' roles.

(d) Any Noticeable trends or issues faced by the DLC

As per the previous report there are still some in the industry who have not made the shift to focus on the changes to the legislation. There is still a lack of understanding around the time frames for Special Licences. The IDLC has refused some special licences which were lodged outside the time frame and there were no extenuating circumstances.

There has been concern expressed about the cost of application and renewal fees. ARLA could look at revisiting the fees so that the initial fees are lowered and any applications that require a hearing pay a separate hearing fee. This would mean those applicants who don't need a hearing are no longer subsidising those that do.

2. DLC Initiatives

The IDLC has as per the last Annual Report continued with the separation of the IDLC support staff and the Licensing Inspector to ensure the independence of the decision making process.

The IDLC in September/October 2014 publicised the need for special licences for events to be held over the Christmas/New Year period to be lodged within the required time frame. All organisations that had previously sought special licences in this period were written to, reminding them of the need to comply with the time frames set out in the Act. This approach did curtail the number of "last minute" applications of previous years.

3. Local Alcohol Policy

A combined Local Alcohol Policy has been developed by Invercargill City, Gore District and Southland District Councils. It is a provisional policy as two appeals were lodged on the decision released. The appeals will be heard in October 2015.

4. Current Legislation - Any comment on the Sale and Supply of Alcohol Act

The following points which were raised in the 2014 report are raised again as no feedback was received as to whether these issues were going to be addressed.

- (a) The legislation does not have provision for returning incomplete applications and the time frames set out in the Act commence from when it is filed. There is no definition in the Act as to what filed means. It is not clear that an incomplete application "stops the clock." It would be useful for the legislation to clarify this.

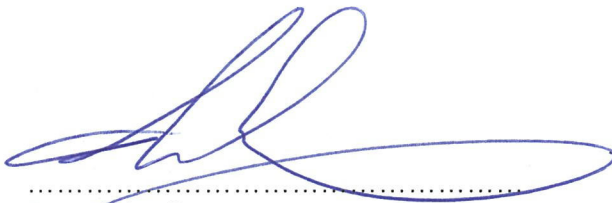
- (b) It is unclear whether it was intended that applications for special licences could be expected to go to a hearing. As an application only has to be lodged a minimum of 20 working days before the event it would not appear possible for a hearing process to be completed before the event is to take place.
- (c) The Act states that copies of the reports from the Police and MOH are to be given to the applicant. Where a very brief reply is received simply stating that there is no objection and this is noted in the decision, is there really any need to give the statement to the applicant?
- (d) The Forms in the Regulations should be checked and errors corrected. For example Form 11 refers to Part 6 of the Act. There is no Part 6, and in Form 12 it refers to Subpart 6 of Part 2 of the Act, when in fact it should be Subpart 7.
- (e) To help applicants it would be useful for the public notice times to be included in the Act rather than the Regulations.

5. Any other matters the Territorial Authority might wish to draw to the attention of the Authority

- (a) That a conference/workshop specific for DLC members is arranged so that they can meet and focus on issues that the DLC has to consider.
- (b) Councils now have electronic document management systems and it would be appreciated if the monthly reports could be sent to ARLA in an electronic format.

6. Statistical information

Annual Return and Current listing of Licensed Premises are attached to this Report.



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Darren Ludlow
**Chair of the Invercargill
District Licensing Committee**

15/8/2015
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Date

TERRITORIAL AUTHORITY: INVERCARGILL CITY COUNCIL

ANNUAL RETURN FOR YEAR 1 JULY 2014 – 30 JUNE 2015

1. 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	2		
On Licence Variation			1		
On Licence Renewal	2	4	13	9	1
Off Licence New					
Off Licence Variation					
Off Licence Renewal		1	11	7	
Club Licence New	1				
Club Licence Variation					
Club Licence Renewal	7	2	1		
Total Number	10	8	28	16	1
Total Fee paid to ARLA (GST Inc)	\$172.50	\$276.00	\$1,449.00	\$1,380.00	\$172.50

2. Annual Fees for Existing Licences Received:

On Licence	3	11	32	24	2
Off Licence		1	31	13	
Club Licence	34	9	2		
Total Number	37	21	65	37	2
Total Fee paid to ARLA (GST Inc)	\$638.25	\$724.50	\$3,363.75	\$3,191.25	\$345.00

3. Manager's Certificate Applications Received:

	Number Received
Manager's Certificate New	65
Manager's Certificate Renewal	114
Total Number	179
Total fee Paid to ARLA (GST incl)	\$5,146.25

4. Special Licence Applications Received:

	Number Received in Category - Class 1	Number Received in Category - Class 2	Number Received in Category - Class 3
Special Licence	13	29	82

5. Temporary Authority Applications Received:

	Number Received
Temporary Authority	3

6. Permanent Club Charter Payments Received:

	Number Received
Permanent Club Charter Payments	0