

Western Bay of Plenty District Council

Regulatory Hearings Committee

Annual Report -Western Bay of Plenty District Licensing Committee 2018 / 2019

Purpose and Summary

This report provides information on the Western Bay of Plenty District Licensing Committee activities for the twelve month period 1 July 2018 to 30 June 2019. This information is also provided to the Alcohol Regulatory Licensing Authority in Wellington as required under the Sale and Supply of Alcohol Act 2012.

The information listed in this report is in direct response to the reporting requirements of the Alcohol Regulatory Licensing Authority.

Recommendation

- 1. THAT the Compliance and Monitoring Manager's report dated 22 July 2019 regarding the Annual Report- Western Bay of Plenty District Licensing Committee 2018/ 2019 be received.***
- 2. THAT the report relates to an issue that is considered to be of Low significance in terms of Council's Significance and Engagement Policy.***
- 3. THAT the Regulatory Hearings Committee approves the Western Bay of Plenty District Licensing Committee Annual Report 2018 / 2019 dated 22 July 2019.***



Alison Curtis
Compliance and Monitoring Manager

Approved

Rachael Davie
Group Manager
Policy Planning and Regulatory Services

1. Western Bay of Plenty District Licensing Committee Annual Report 2018-2019

The following report is a summary of activities for the Western Bay of Plenty District Licensing Committee. The information outlined in the report is required under the Sale and Supply of Alcohol Act 2012.

The statistical information is provided to the Alcohol Regulatory Licensing Authority through an online survey, for reporting for 2018-19 year. The financial information for the financial year 1 July 2018 to 30 June 2019 is reported separately. All required information is outlined following.

1.1 Overview of District Licensing Committee Workload

The District Licensing Committee (DLC) has met on the following occasions in the period 1 July 2018 to 30 June 2019.

Four (4) hearings of the District Licensing Committee have been held during the 2018-2019 year.

Hearing date 12 December 2018 – The application to be determined was for renewal of an on-licence for Sandhu 2014 Limited. Located at 17 Plummers Point Road, Plummers Point. This application was opposed by the Council's Licensing Inspector and objected to by neighbouring residents. Matters raised included noise, absence of substantial food and patron behaviour. The licence was renewed on very strict criteria, for 18 months only (not the full 3 years) and additional noise conditions were applied.

Hearing date 29 and 30 January 2019 – the application was for a new on-licence for KLM Enterprises Limited trading as The Locals Bar and Eatery, located at 168 Omokoroa Road, Omokoroa. The application was objected to by local residents. 19 objectors appeared before the committee. Matters raised included the TAB and/or gaming machines on site, the potential for detrimental effects on the local community including noise, patron behaviour, impact on amenity, parking constraints, vehicle movements and general suitability of the proposed activity. The licence was granted with extensive conditions applied with regard to operating hours, noise management, occupancy numbers (as per the resource consent), transportation for patrons, and food provision.

Hearing Date 11 June 2019- the application was for renewal of an off-licence for Jones Retail Limited trading as Katikati Four Square, located at 37-41 Main Road, Katikati. The application was objected to by the Medical Officer of Health, due to concerns about siting of the "single alcohol area" within the premises. The licence renewal was granted with no changes to the siting of the single alcohol area within the premises.

Hearing date 17 June 2019-the application was for renewal of an Off-licence for HB Enterprises Limited trading as Te Puke Bottle-O, located at 33 Jellicoe St, Te Puke. The application was objected to by Councils Licensing Inspector, and the Medical Officer of Health. Matters raised highlighted the public place drinking in Te Puke and impact of this behaviour on the wider community, including litter, disorder, violence and other antisocial behaviour. Single sales of mainstream beer and RTD's were also highlighted as a concern. The licence renewal was granted with conditions restricting single sales of mainstream beer and RTD's. Conditions were also applied restricting sales of light spirits and requiring coded identification specific to the premises on canned high alcohol beverages over 500ml.

The District Licensing Committee membership has changed during the licensing year due to the end of term for existing members. The membership includes:

- Councillor Don Thwaites (Deputy Chair)
- Arthur Wilkinson (Commissioner/member)
- Beverley Edlin (Commissioner/member)
- Michael Jones (Commissioner/member)
- Murray Clearwater(Commissioner/member)
- Councillor Peter MacKay (Commissioner/member)
- Jim Davison (member)
- Steve Williams (member)

Council's Licensing Inspector is Dougal Elvin.

The District Licensing Committee Secretary is Alison Curtis, Council's Compliance and Monitoring Manager, supported by democracy and compliance staff

District Licensing Committee members went through an application/ reapplication process in October 2018, and positions were confirmed by Council. Training was undertaken for all new and existing members, and Committee and secretariat support staff.

Paperless processing was introduced for the new Committee, this included the use of Council's Stellar system for commissioners and members for reviewing and processing of applications for all hearings and uncontested applications.

All applications are now being processed electronically. Pre-formatted decision word templates have been provided for commissioners and all decisions are being written exclusively by commissioners to ensure compliance with the requirements of the Sale and Supply of Alcohol Act 2012. Licences are then issued by secretariat staff.

1.2 District Licensing Committee Initiatives

Introduction of on-line applications through Councils website for customers is currently in progress. Special licences applications and managers certificate applications will be the initial application types to be received through Council's website.

1.3 Local Alcohol Policy and Bylaw

The combined Tauranga City Council and Western Bay of Plenty District Council Local Alcohol Policy (LAP) came into force on 16 November 2015. The LAP is required to be reviewed every six years.

The Local Alcohol Policy has reduced the trading hours for premises with later trading licences that were operating within the Western Bay of Plenty District since its adoption in 2015. The reduced premises trading hours apply across the District (maximum trading to 1am for on-licences and 10pm for off-licences).

Council has not undertaken any formal community feedback survey on the impact of the Local Alcohol Policy, this will be undertaken at its first review.

The Liquor Control Bylaw 2016 applies in the District, the areas controlled include Katikati Township, Waihi Beach and Te Puke Township.

1.4 Enforcement and Inspections

The Licensing Inspector undertakes inspections of premises including:

- inspections of new licensed premises,
- premises renewing their licence,
- regular monitoring of premises during trade.

186 licensed premises inspections were undertaken during the year.

Thirty two (32) Controlled Purchase Operation (CPO) visits were undertaken during the year, all premises attended by regulatory staff and a volunteer had adequate systems and processes in place to ensure that no sales were made to a minor.

1.5 Commentary - How the Act is achieving its object

The Alcohol Regulatory Licensing Authority in this years annual report survey has requested comment on how 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 following feedback has been provided to the survey:

There are a number of actions taken locally that have contributed to the object of the Act. Specific areas where the Act is achieving its object are as follows:

- Sales and supply and availability of alcohol through off licences are being addressed. There are tighter controls on alcohol display and promotion in supermarkets, with alcohol less prominently displayed and promoted to patrons.
- Applications for off licences in town centres are being closely scrutinised in relation to single sales, and the wider impact of off-site consumption, including public place drinking and associated antisocial behaviour. Single can sales from off licensed premises have been reduced through conditions applied to licences in town centres. Conditions are being applied as licence applications (new and renewal) are received.
- Club licences have been closely assessed and inconsistencies with Club constitutions addressed for membership types and affiliated memberships.
- Duty Managers certificates are assessed through interviews as part of the application process as it is recognised that managers are key to ensuring compliance with the objectives of the Act.
- The income from annual fees has been beneficial in increasing the funding for monitoring by Council of licensed outlets. Increased inspections and interactions with licensees has seen an improvement in the knowledge of requirements by licensees, and compliance with the Act.

1.6 Fees Received

Over the 12 month period 1 July 2018 – 30 June 2019 fees totalling **\$156,069.90** were collected of which **\$11,229.75** was apportioned to the Alcohol Regulatory Licensing Authority, as required by the Sale and Supply of Alcohol Regulations 2013.

1.7 Application Trends

For trends and comparative purposes the last four years licence application numbers are listed below.

TYPE	1 July 2018 to 30 June 2019	1 July 2017 to 30 June 2018	1 July 2016 to 30 June 2017	1 July 2015 to 30 June 2016
Special Licences	122	94	91	116
On Licences	26	32	29	24
Club Licences	16	7	2	12
Off Licences	14	12	15	17
Manager's Certificates	139	162	161	169
Temporary Authorities	10	17	16	16
TOTAL	327	324	314	354

1.8 Fees received

On-licence, off-licence and club licence fees received:						
Application Type		Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:
		Very Low	Low	Medium	High	Very High
On licence	New	0	6	5	0	0
On licence	Variation	0	0	1	0	0
On licence	Renewal	0	12	6	0	0
Off licence	New	1	0	1	0	0
Off licence	Variation	0	0	1	0	0
Off licence	Renewal	2	1	6	0	0
Club licence	New	0	1	0	0	0
Club licence	Variation	0	0	0	0	0
Club licence	Renewal	5	12	1	0	0
Total number		8	32	21	0	0
Total Fee paid to ARLA		\$138.00	\$1,104.00	\$1,086.75	\$0	\$0

Annual Fees Received - New and Renewal Applications						
Application Type		Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:
		Very Low	Low	Medium	High	Very High
Total number		8	32	21	0	0
Total Fee paid to ARLA		\$138.00	\$1,104.00	\$1,086.75	\$	\$

Date
Subject

7 August 2019
Western Bay of Plenty District Licensing Agency Annual Report 2018-19

Annual fees for existing licences received:						
Licence Type		Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:
		Very Low	Low	Medium	High	Very High
On Licence		0	13	13	0	0
Off Licence		1	1	16	2	0
Club licence		3	4	0	0	0
Total number		4	18	29	2	0
Total Fee paid to ARLA		\$69.00	\$621.00	\$1,500.75	\$172.50	\$

Managers' certificate application fees received:	
	Number received
Manager's certificate new	61
Manager's certificate renewal	89
Total number	150
Total Fee paid to ARLA	\$4,312.50

Special licence applications received:			
	Number received in category:	Number received in category:	Number received in category:
	Class 1	Class 2	Class 3
special licences	6	52	54

Temporary authority applications received:	
	Number received
Temporary authority	10

Permanent club charter payments received:	
	Number received
Permanent club charter payments	0

Total to be paid to ARLA	\$11,229.75
---------------------------------	--------------------