

Mackenzie District Licensing Committee

Annual Report to the Alcohol Regulatory and Licensing Authority

For the year 2015 - 2016

Date: 23 September 2016

Prepared by: Paul Cooper
Environmental Services Manager
Timaru District Council

Introduction

The purpose of this report is to inform the Alcohol Regulatory and Licensing Authority (the Authority) of the general activity and operation of the Mackenzie District Licensing Committee (DLC) for the year 2015 - 2016.

There are three DLC's operating in the South Canterbury area under a single Commissioner, this model having been adopted during the implementation of the Sale and Supply of Alcohol Act 2012 (the Act) in December of 2013. The three DLC's are that of the Timaru, Waimate and Mackenzie Districts.

This report will relate to the activities of all the DLC's in the body of the text and to the Mackenzie DLC alone in the "Yearly Return" portion of the report at the rear of this document. This satisfies the requirements of the territorial authority set out in section 199 of the Act.

DLC Make-up and Workload

The table below shows the current membership of the three DLC's under the Commissioner. Of note is that Councillor Mulvey (the Commissioner for the reporting period) has now stepped down from the role but remains on the Committee as a member, replaced by Sharyn Cain. Other movements include the resignation of Graeme Broker and Peter Thompson, replaced by David Jack and Peter Burt. All these movements occurred toward the end or after the reporting period.

	Name	Role
Commissioner	Sharyn Cain	Deputy Mayor - Waimate District Council
Timaru DLC Members	Damon Odey	Deputy Chair, Mayor - Timaru District Council
	David Jack	Councillor - Timaru District Council
	Peter Burt	Councillor - Timaru District Council
	Pat Mulvey	Councillor - Timaru District Council
Mackenzie DLC Members	Claire Barlow	Mayor - Mackenzie District Council
	Graham Smith	Deputy Mayor - Mackenzie District Council
Waimate DLC Members	Craig Rowley	Mayor - Waimate District Council
	Sheila Paul	Councillor - Waimate District Council

The resignation of former Commissioner Pat Mulvey was tendered at the end of the reporting period as Mr Mulvey is not seeking re-election in the local government elections to be held in October 2016. When Mr Mulvey steps away from Council he also wanted to be free from any responsibility in relation to DLC matters at that time.

The resignations from the Timaru DLC of Graeme Broker and Peter Thompson came about due to their frustration at the lack of work they had to do in terms of licensing matters. They struggled (in their opinion) to remain engaged and maintain what they felt was a satisfactory level of knowledge to perform the role of a DLC member. This issue was alluded to in previous annual reports to the Authority. Of interest, where DLC members have been elected members such as in Waimate and the Mackenzie District's, the issue has not been raised to the same level. Mr Broker and Mr Thompson's replacements on the Timaru DLC both happen to be elected members of the Timaru District Council.

Total costs for the period amounted to \$14,496.95. This was made up of elected members allowances, travel costs, administration costs and solicitors fees.

In terms of Council staff delivering licensing services to the community and the DLC, there are 1.3 FTE licensing inspectors and a licensing administrator. The licensing inspectors are at capacity given the number of applications processed, monitoring requirements and enforcement functions they carry out across the three districts.

Number of licenses in each district:

District	Number of Licenses
Timaru	136
Waimate	27
Mackenzie	51

Number of certificated managers in each district:

District	Number of Certificated Manager
Timaru	522
Waimate	74
Mackenzie	215

DLC Hearings

The only DLC to hold a hearing during the reporting period was the Mackenzie DLC. The matter raised was one of suitability of a prospective licensee after numerous breaches of the Act occurred whilst operating on a Temporary Authority (TA). The case was heard at Fairlie on 7 April 2016. The directors of McKenzie Country Enterprises Limited were found not to be suitable people to be licensees and the TA ceased to exist at that point. For further information please refer to the decision located on the Timaru District Council website.

Monitoring and Enforcement Action

Inspectors have carried out monitoring of premises during the reporting period, at the times the particular establishments have been at their busiest. In addition they have assisted Police and the Medical Officer of Health on several occasions to conduct Controlled Purchase Operations (CPO).

On the 11 occasions when the inspectors assisted with Tri-agency monitoring or CPO's, the following enforcement actions were carried out for any breaches found or reported:

District	Business	Reason
Timaru	The Sail	Failed CPO (3 day suspension of license)*
	Temuka Hotel	Failed CPO (2 day suspension)
	Geraldine Heritage Hotel	Failed CPO (1 day suspension)
	Robbies	EBA (Duty Manager suspended 30 days)
Waimate	Royal Hotel	Disorderly (Duty Manager suspended 30 days)
Mackenzie	Tin Plate	Failed CPO (sold the business prior to enforcement)
	Thai Tekapo	Failed CPO (3 day suspension)
	Kohan Restaurant	Failed CPO (2 day suspension)
	Jade Palace	Selling - no Duty Manager (1 day suspension)

**When a CPO was failed on any premises the offending Duty Manager received a 30 suspension*

The premises subjected to enforcement action over the reporting period elected to take voluntary suspensions of licenses and duty managers' certificates, rather than take matters further. It should be noted that in addition to the actions outlined above, several warnings were sent out to licensees and duty managers in relation to more minor breaches of the Act.

Local Alcohol Policy

The Timaru, Mackenzie and Waimate District Councils jointly prepared a draft Local Alcohol Policy. In preparing the policy, the views of the community about alcohol licensing matters were sought through community surveys, a consultation process and discussions with key stakeholders a policy was drafted. Following consultation and hearings on the draft policy (and subsequent changes) it became a Provisional Local Alcohol Policy (PLAP). Once the appeals against the PLAP were resolved, the Councils and ARLA were satisfied with the LAP and it was adopted. The PLAP became the LAP on 21 December 2015. The Councils then set a date by resolution for the LAP to come into force, which was 24 March 2016. The provisions relating to one way door policies and maximum trading hours came into force 90 days after public notification of the adoption of the LAP. The LAP was fully implemented in June 2016.

Conclusion

The DLC for each territorial authority concerned is functioning well and complying with the provisions of the Act. Statistical information about the operation of the DLC for the year 2015 - 2016 is in the prescribed form and follows overleaf.

Mackenzie District Licensing Committee

Yearly Return

July 2015 – June 2016

On-license, Off-license and Club License 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	Total
On-license new	1	1	3			
On-license renewal		3	8	2		
Off-license new			5			
Off-license renewal			7			
Club license new						
Club license renewal	1	1				
Total number	2	5	23	2	0	32
Total fee paid to ARLA (GST inc)	\$34.50	\$172.50	\$1,190.25	\$172.50	\$0.00	\$1,569.75

Annual Fees for Existing Licenses Received						
License 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	Total
On-license	1	12	16	4		
Off-license			16	3		
Club license	5	2				
Total number	6	14	32	7	0	59
Total fee paid to ARLA (GST inc)	\$103.50	\$483.00	\$1,656.00	\$603.75	\$0.00	\$2,846.25

Managers' Certificate Applications Received	
Application Type	Number Received
Managers' certificate new	48
Managers' certificate renewal	58
Total number	106
Total fee paid to ARLA (GST inc)	\$3,047.50

Special License Applications Received			
	Number Received in Category – Class 1	Number Received in Category – Class 2	Number Received in Category – Class 3
Special license	1	6	14

Temporary Authority Applications Received	
	Number Received
Temporary authority	0
Permanent Club Charter Payments Received	
	Number Received
Permanent club charter payments	7
Total to be paid to ARLA	\$7,463.50

Number of District Licensing Committee Meetings Held

Date	Number
July 2015	5
August 2015	4
September 2015	4
October 2015	5
November 2015	4
December 2015	3
January 2016	2
February 2016	4
March 2016	4
April 2016	2
May 2016	4
June 2016	5