

**Joint District Licensing Committee for the Timaru,
Waimate and Mackenzie Districts**

**Annual Report to Alcohol Regulatory and Licensing
Authority for 2014**

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1.0 INTRODUCTION

This review has been generated to evaluate the implementation of the Sale and Supply of Alcohol Act 2012 (the Act) in the Timaru, Mackenzie and Waimate Districts, between 18 June 2013 and 30 June 2014.

The goal of the review is not only to satisfy legislative reporting requirements at the national level, to the Alcohol Regulatory and Licensing Authority (ARLA), but also to serve as a tool to identify what has worked well, what hasn't and where improvements can be made by the joint District Licensing Committee (DLC) and Territorial Authority (TA) at the local level.

An additional goal is to provide a detailed summary of the financial workings of the new licensing regime to identify whether or not the model is in fact self funding.

To achieve this, the review will cover a broad range of topics.

2.0 EXECUTIVE SUMMARY

The main purpose of this document is to establish whether or not the TA and joint DLC have fulfilled their obligations as required within the legislative framework of the Local Government Act 2002 and the Act, during the implementation of the Act. It is also an assessment as to the effectiveness of the process of implementation, and the daily running of licensing matters by the reporting agencies and the DLC.

The TA has fulfilled all the legal obligations placed upon it in terms of consultation, transparency and accountability. The Ministry of Justice deadlines in relation to the creation of the DLC, supporting staff and administrative procedures have all been met in a timely fashion. The DLC is currently functioning as it should, meeting weekly to make determinations on licensing applications.

The DLC, supporting staff and in one case a licensee have devised systems to improve the operation of the DLC in particular circumstances. Pre-reading of matters to be determined at the weekly DLC meetings is a method of reducing the requirement for matters to be deferred to permit research to take place. This saves time and as a consequence save money for the both the TA and in some cases applicants.

Ensuring that the DLC considers relevant sections of the Act, case law and anything else required to make a determination has been achieved by creating checklists. These checklists not only provide a guide but also ensure the mechanism by which a determination was achieved is recorded for future reference.

A new fee model for permitting low risk large events with multiple alcohol vendors to pay one fee of \$575 was devised by a special licence applicant. The applicant was assisted by staff in understanding the requirements in law, after which a solution was proposed. The model was accepted by the DLC on that occasion but is to be used on a case by case basis.

The Commissioner Pat Mulvey of the DLC and Sergeant Grant Lord of the Timaru Police wanted particular aspects of the Act with which they take issue included in ARLA's annual report to Parliament. In short, the issues wished to be highlighted are as follows:

- The Commissioner expressed concern that because the DLC is a joint committee covering three districts, the DLC members do not spend enough time considering licensing matters to retain their knowledge and remain engaged. For committees such as this, the Commissioner proposes an amendment to legislation, so that DLC members are able to sit as Acting Commissioner on occasion at Commissioner only meetings.
- The Commissioner expressed concern that Temporary Authority applications have been omitted from Section 191(3), and as a consequence a full quorum must sit. This state of affairs can be unfair on business people who often lodge these types of applications as a matter of urgency, when organizing a full quorum can take several days. The Commissioner is of the opinion that if no objections or opposition is raised, the Commissioner alone should be able to make a determination.
- Sergeant Grant Lord expressed concern that if a district had a “rogue” licensee with enforcements against them in the system awaiting to be heard, there was no mechanism by which the DLC could minimize the risk of alcohol related harm being caused to the community between the time the enforcement was lodged and when it was heard by ARLA. Sergeant Lord suggested that some form of interim hearing should be created to enable certain temporary conditions to be placed on a problem licensee or licence, akin to how bail conditions work in the District Court.

Prior to the commencement of the operation of the DLC the Local Alcohol Policy (LAP) development began. The process of developing a joint LAP is dictated by legislation and the steps therein have been followed to its current stage of development, that being the Provisional LAP stage. Four appeals were received and once these appeals are resolved by way of a hearing with ARLA, or by way of negotiation. Once the pathway is clear the necessary amendments will be made to the policy to enable it to be adopted.

The tri-agency approach to licensing at the local level is working very well. This positive licensing environment is also reflected in the working relationship between the Timaru, Waimate and Mackenzie Districts. Licensees have expressed their satisfaction with the TA, the reporting agencies and the DLC during the implementation of the Act.

The fee structure was devised to enable the administration, monitoring and enforcement of the Act to be self funding. From the initial controversy six months on there is a general acceptance of the reasoning for the higher risk pays model, but there remains resistance to annual fees.

The increase of fees has been offset at these early stages by the increased staff workload. This sustained requirement of responding to enquires is the significant factor to the increase in the Liquor team’s workload. Timaru District has increased by 45%, Mackenzie 31% and Waimate 37% when compared to the previous six months under the Sale of Liquor Act 1989. Secondary increases to other health unit staff workload have increased due to delays, as the latest “liquor issue” is resolved.

Currently there is surplus of \$23,844.72 once the total revenue has adjusted for the cost of staff time. This is expected to continue as the implementation of the LAP will contribute to workload through further response to enquires and public education.

Due to an over collection of \$30,000 of fees above the contract price between the Mackenzie and Waimate District Councils, the Timaru District Council intends to correct this anomaly in its November 2014 negotiations. All three Districts had adopted a “wait and see” point of view prior to the introduction of the Act.

3.0 SCOPE OF THIS REPORT

The topics covered in this document are as follows:

3.1 Territorial Authority

- The obligations of the TA in relation to the implementation of the Act, and whether or not those obligations have been met - appointments, training of staff, processes and Ministry of Justice timeline expectations for the implementation.

3.2 District Licensing Committee

- The obligations of the DLC under the Act and whether or not those obligations have been adequately met.
- Processes utilized by the DLC to assess routine applications, difficult applications, inclusion of DLC members and distribution of material for education.
- The Commissioners thoughts about how the DLC is functioning and recommended changes.
- New roles within the DLC - Secretary to the DLC, Technical Advisor to the DLC and Chief Licensing Inspector.

3.3 Local Alcohol Policy

- Examine the process of developing the Local Alcohol Policy (LAP).
- Identify the Statutory obligations required in the process and establish whether or not all obligations have been adequately met.

3.4 Authority System (in house software) and Licensing System Processes

- Assessment of administration processes including introduction of annual fees and tiered application fees based on risk and invoicing.
- The performance of the system since the introduction of new templates for forms, letters and licenses.
- Assessment of the administration processes via the Authority system from receiving an application to distribution after the DLC meeting or hearing.

3.5 Waimate and Mackenzie Districts

- Assessment of the relationship between the three districts in terms of liquor licensing.
- Assessment of information the sharing between districts to achieve comprehensive outcomes in terms of licensing applications.

3.6 Tri-Agency Partners

- Police view on the implementation of the new Act and the relationship between the three agencies.

- Medical Officer of Health (MOH) view on the implementation of the new Act and the relationship between the three agencies.
- Inspectors view on the relationship between the agencies.
- Assessment as to whether or not the statutory obligation for Tri-Agency Partners to liaise with each other is being met.

3.7 Licensees

- Feedback from licensees on the implementation of the new Act from the Timaru, Waimate and Mackenzie Districts.
- Current list of all licences on the books for Timaru, Waimate and Mackenzie Districts.

3.8 Fees, Costs and Revenue

- Staff time spent on implementation.
- Staff time spent on the daily administration of the new Act.
- The costs associated with staff time for both implementation and for administration.
- The costs of fees provided to the Alcohol Regulatory and Licensing Authority (ARLA).
- The cost of remuneration to DLC members for carrying out their function.
- The amount of revenue generated from fees.

4.0 TERRITORIAL AUTHORITY

4.1 Obligations under the Local Government Act 2002

The Territorial Authority (TA) has several obligations under statute with regard to the well being of the community, more specifically stated in Section 10(b) of the Local Government Act 2002 as follows:

10 *Purpose of Local Government*

The purpose of local government is:

- (b) *to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*

Section 14 of the Local Government Act 2002 outlines the principles to which TA's must adhere whilst going about their business and includes the principle of conducting its business in an open, transparent and democratically accountable manner. It further states that in its decision making the TA must take into account the diversity of the community, the community's interests and future interests and the effect of decisions on well being, as mentioned previously in Section 10 above.

The section continues to outline further principles including an obligation TA's to collaborate and co-operate with other TA's and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes.

Section 14 (h) states:

14 *Principles Relating to Local Authorities*

(1) *In performing its role, a local authority must act in accordance with the following principles:*

(h) *In taking a sustainable development approach, a local authority should take into account:*

(i) *the social, economic, and cultural well-being of people and communities; and*

(ii) *the need to maintain and enhance the quality of the environment; and*

(iii) *the reasonably foreseeable needs of future generations.*

The guiding principles and purpose of the Local Government Act 2002 then is to function in a democratic and transparent manner in how it makes decisions regarding the well being of the community, in terms of social, economic, cultural and environmental well being both now and in the future.

Further to the above, the Local Government Act 2002 provides the framework for a special consultative procedure, utilized by the Timaru District Council for the production of the joint Timaru, Waimate and Mackenzie Districts Provisional Local Alcohol Policy (PLAP). The LAP is the provision provided under the Act to enable TA's to implement some licensing conditions on licenses at a local level, specific to the local environment.

4.2 Obligations under the Act

According to the Ministry of Justice one of the main aims of the Act was to improve community input into local alcohol licensing decisions. The powers conferred upon the TA under the Local Government Act 2002, with regard to the special consultative procedure, facilitated the development of the PLAP, but the full shift of decision making from the national level to the local level was achieved through the creation of the District Licensing Committee, or rather the joint District Licensing Committee (DLC) for the Timaru, Waimate and Mackenzie Districts.

The TA's District Licensing Agency, which operated under the old legislation, ceased to exist once the DLC came into existence on 18 December 2013; the TA had the responsibility to create the DLC in accordance with the relevant provisions of the Act to enable it to take over the decision making for local licensing from that date.

One of the main aims in terms of fees, was that under the Act the administration, regulation and enforcement of liquor licensing should be self funding and that fees should reflect the risk posed by the particular activity being applied for. Consequently the Ministry of Justice created a fee structure based on risk, which is covered in the Sale and Supply of Alcohol (Fees) Regulations 2013. This particular aspect of the Act will be covered in the section of this report titled *Fees, Costs and Revenue*. Sections 186 to 211 of the Act cover the appointment and operation of a DLC.

The Timaru District Councils Health Unit has historically been contracted by the Waimate and Mackenzie District Councils to provide the administration, regulation and enforcement of licensing matters prior to the introduction of the new Act.

Consultation between the contractual partners prior to the introduction of the new Act established that the three districts wished to create a joint DLC under a single Commissioner. All agreed that this was the most efficient and effective use of resources for each district council. With this in mind the Commissioner was appointed by way of due process, together with a list of members to sit on the DLC; two members from each district prior to 18 December 2013. A Deputy Chairperson was also appointed, that person being an elected member. The make up of the DLC's is shown in figure 1:

Figure 1

Commissioner	Councillor Pat Mulvey (Temuka)
Deputy Chairperson	Mayor Damon Odey
Mackenzie DLC Members	Mayor Claire Barlow
	Councillor Graeme Smith
Timaru DLC Members	Mr Peter Thompson (Timaru)
	Mr Graeme Broker (Temuka)
Waimate DLC Members	Mayor Craig Rowley
	Councillor Sharyn Cain

A graphic of the timeline showing the key dates for the implementation of the Act, including the formation of the DLC and development of the PLAP, is shown at the rear of this document labelled Appendix B.

Subsequent to the appointing of DLC members, a Secretary to the DLC was appointed namely Timaru District Council Health Unit Manager Jonathan Cowie, and also a Committee Advisor (Technical Advisor), namely Environmental Health Officer Annette Davidson. Mrs Davidson also fulfils the role of Chief Licensing Inspector.

4.3 Training

The candidates selected for Commissioner, DLC members, Secretary to the DLC Jonathan Cowie Timaru District Council Regulatory Services Manager Chris English attended a days training on the functioning of a DLC in Dunedin in October 2013. The training was run by Local Government New Zealand.

Technical Advisor to the DLC Annette Davidson attended a days training on her role in Wellington in January of 2014, this course also run by Local Government New Zealand.

Further to this staff have partaken in Ministry of Justice Webinars and training days in Christchurch during the build up to the Act's final introduction on 18 December 2013.

4.4 Public Transparency

Throughout the process of the implementation of the new Act the TA has provided information via its website as to where the process was at, at any given time. It also provided newsletters on a regular basis to all licensees and made media releases where appropriate.

All decisions made by the DLC are recorded in hard copy and electronic form and made available to the public in electronic form via a link through the Timaru District Council website, including Waimate and Mackenzie District DLC decisions.

4.5 Summary

The DLA ceased to exist on 18 December 2013 and the DLC took over as of that date, although the first meeting of the DLC did not occur until 22 January 2014 due to the Christmas and New Year break. The DLC has met on a weekly basis since that date unless exceptional circumstances have dictated otherwise. On two occasions a DLC meeting was held by way of a teleconference, due to the location and unrelated activities of DLC members occurring at that time; a consequence of the short notice of the particular matters to be considered.

The main distinguishing factor between the joint DLC for the Timaru, Waimate and Mackenzie Districts and other DLC's is the disparate nature of the demographics and licensing environment, within what constitutes a large geographical area.

The Mackenzie District for example is a large rural area, which is subject to fluctuations in population depending on the time of year, weather and other factors. Due to these seasonal changes, there is a high turnover in certified managers in this district, disproportionate to the number of licenses when compared to other districts. This is just a single example of how the matters considered and processed by this DLC might differ from other districts in New Zealand.

The population and licence statistics for the Timaru, Waimate and Mackenzie Districts can be viewed in the attached document labelled Appendix E. Christchurch City is also included in the document for comparison purposes.

The obligations of the TA in terms of the development and introduction of the joint PLAP will be covered in more detail in the section of this report titled *Local Alcohol Policy*.

The timings of targets met by the TA were within the Ministry of Justice guidelines, as detailed in their Checklist for Councils document released in October 2013 shown in Appendix D. This is further evidenced by a comparison of the dates shown in the aforementioned document with the dates shown in the TA's timeline labelled Appendix B.

The TA has therefore met its obligations under the Local Government Act 2002 in terms of public consultation, transparency and well being. It has also met its

obligations under the Act in how it has gone about forming the DLC, providing training to its members and making public its decisions in relation to licensing matters.

5.0 DISTRICT LICENSING COMMITTEE

5.1 DLC Obligations and Functions

The DLC took over decision making regarding licensing matters at the local level from the DLA and Liquor Licensing Authority from 18 December 2014. The matters considered by the DLC have increased considerably over what was previously considered by the DLA.

The DLC members, Secretary, Committee Advisor (Technical Advisor), Inspectors and administrative support have all had to increase their level of expertise and workload to accommodate the implementation of the new Act.

The applications considered by the DLC are as follows:

- new and renewed licenses and managers certificates (regardless of whether these are contested)
- temporary authorities and temporary licenses
- variation of licenses, and
- most enforcement action for special licenses.

The DLC has the power conferred upon it by the Act, but it also has powers under the Commission of Inquiry Act 1908. The DLC must consider applications against the criteria set out in the Act and the Sale and Supply of Alcohol (Fees) Regulations 2013 (the Regulations).

All decisions are made publicly available as previously stated and decisions made locally can be appealed by the effected parties. This transparency of decision making and ability to appeal ensures that the standard of decision making exercised by the DLC remains high by being objective, impartial and in accordance with the Act and any relevant case law.

5.2 DLC Process

As stated previously the committee has met on a weekly basis to consider uncontested applications unless exceptional circumstances have dictated otherwise. For most meetings, only the Commissioner, the Technical Advisor and the Secretary to the DLC are in attendance.

Those attending DLC meetings will pre-read matters to be considered in the days prior to the weekly meeting. This allows those the DLC to consider the applications and reports against the Act prior to the meeting, enabling issues and potential resolutions to be identified early for discussion at the meeting.

The pre-reading of files to facilitate the DLC decision making at the meeting is a valuable and necessary step, which permits research to be done outside of meeting time. This saves adjourning matters for further consideration the following week, consequently saving time and therefore money, both for the TA and for applicants.

A consequence of the DLC requiring files early for pre-reading is that it places added time pressures on Inspectors and administration staff to have files completed, because the files must be ready for the meeting well in advance.

An application for a Special Licence for example is typically lodged with the minimum 20 working days notice. If reporting agencies, namely the Police and Medical Officer of Health (MOH) take their allotted 15 working days to lodge their reports, there remains only one or two days for the Inspector to consider the application in its totality before preparing the report. This has occurred on several occasions, usually with bigger events, but is not typical. When it does occur, one solution might be that the Inspector anticipates the reports of other reporting agencies and completes a draft version of the report ready to be finalized toward the end of the process, but the time pressure will still remain on the administrator to prepare the templates for the decision, letter and licence in time for the DLC meeting. If there are several applications for a Special Licence, then the time pressure compounds.

The DLC meetings over the first several months of 2014 proved to be critical in the incremental development of administrative support processes and document templates in relation to wording and layout.

The process of applying the Act to the variety of applications under consideration has been facilitated by the Technical Advisor, who created DLC checklists for each application type. This simple solution has ensured that all the criteria required to be considered under the Act for each type of application is considered and recorded.

There has been feedback provided for suggested improvement from the DLC to Inspectors and administration staff via the Secretary to the DLC and Technical Advisor. This feedback loop has provided guidance on expectations whilst maintaining a degree of separation between the Inspectors, and the Commissioner and members of the DLC, which in turn has facilitated the maintenance of impartiality.

Some matters before the DLC have required the consideration of a full DLC. On one occasion the commissioner and two members made a site visit to better understand an application. Although the presence of the members on that occasion was not a requirement, the matter under consideration was complex and untested in law at that time (whether or not a premise could be considered a speciality grocer and the definition of a single use area within it). For this reason the Commissioner requested the other members partake in the site visit and subsequent decision.

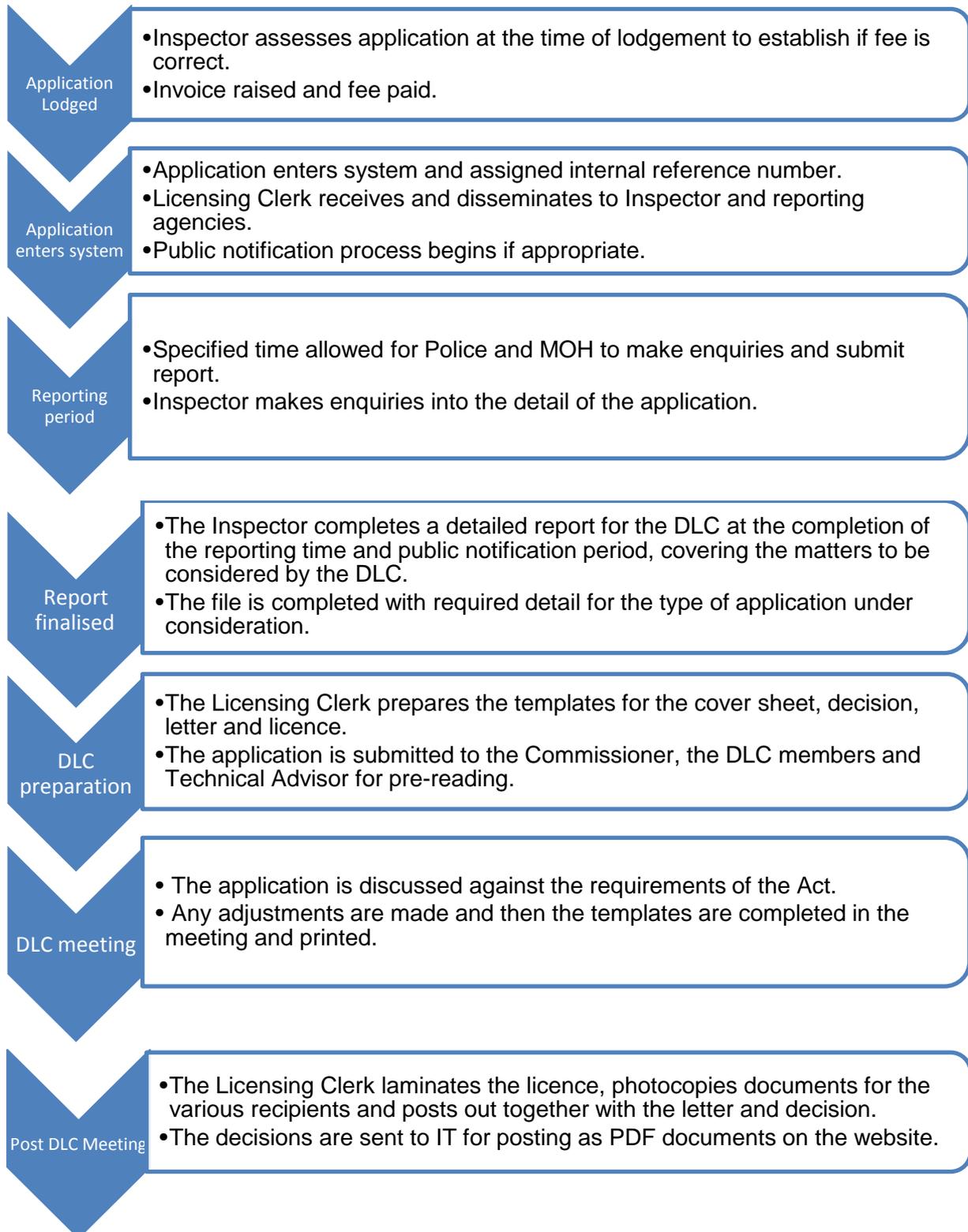
The Technical Advisor conducted research and provided relevant case law made under the previous legislation for guidance. She also provided advice on which sections of the Act and Regulations related to the specific circumstances being considered. The benefit of the site visit and subsequent discussion with advice provided by the Technical Advisor enabled the DLC to give the decision proper consideration before making a determination.

On two other occasions, once with the Waimate DLC and once with the Mackenzie DLC, meetings have been held by way of teleconference. This method was cleared for use prior to the meetings with the Ministry of Justice, but the requirement for the full DLC to meet on both occasions related to the provision in the Act, which dictates in effect that a full DLC must consider an application for a Temporary Authority (See

Matters for Consideration for Inclusion in ARLA's Report to Parliament in the DLC section of this report).

The DLC process is shown in figure 2 as follows:

Figure 2



5.3 The Commissioners Thoughts about the Implementation of the Act

Commissioner Pat Mulvey was spoken to by the writer on 30 July 2014 about his thoughts on the implementation of the new Act, and any matters that he wished to bring to the attention of ARLA. He made the following points:

1. Overall the Commissioner is reasonably happy with how the Act has been implemented in terms of the creation and operation of the DLC but stated that there needs to be some amendments made to the Act and Regulations to allow for smoother implementation at the local level.
2. The tri-agency approach appears to be working well and the closeness of the working relationship between the agencies is apparent in the joint work they do to resolve many issues, prior to them coming before the DLC. This close working relationship is saving time and money in terms of the potential cost of contested hearings.
3. The Commissioner, in the dual capacity of Commissioner and elected member, believes he is managing any conflict of interest or potential conflict, with regard to questions he receives from licensees or interested stakeholders in the community, by explaining his delicate position and directing them to the appropriate staff or agency member for further comment.
4. He is satisfied with the level of remuneration and the acknowledgement of the TA for the work he carries out over and above the time spent in DLC meetings or site visits.
5. The Commissioner stated that most of the issues experienced since the 18 December 2013 have related to the (in house) Authority system and how it generated the templates used for producing documents during DLC meetings. This was probably the result of the rushed implementation of the Act without TA's having the opportunity to properly test systems. A further issue with some of the templates has been incorrect or vague wording, which has now for the most part been resolved.
6. He further stated that some guidance from ARLA on some key definitions would assist in local licensing decisions. An example of a term sought to be clearly defined is what constitutes "reciprocal visiting rights" in terms of chartered clubs?

Matters for Consideration for Inclusion in ARLA's Report to Parliament

7. The Commissioner expressed concern that because the DLC is a joint Committee covering three districts, the DLC members do not spend enough time working with the Act, being exposed to the processes and the decision making. He felt that this situation will lead to a lack of engagement and retention of knowledge, which if left unchecked will be potentially detrimental to decision making at full DLC meetings when all members are sitting. The matter could be resolved by an amendment to legislation to permit DLC members to sit as Acting Commissioner on occasion, thus enabling increased engagement. The limited level of participation of DLC members as it is currently can be ascertained from the DLC costs spreadsheet shown in the document labelled Appendix F. The Commissioner said:

"I consider this to be especially relevant for the smaller DLC's in order to facilitate membership engagement and increase knowledge and participation in a cost effective manner. My fear is without regular participation members' interest will wain and it will become difficult for Territorial Authorities to fulfil their duties."

8. The Commissioner expressed concern that Temporary Authority applications are omitted from Section 191(3) of the Act, which as a consequence dictates that at least three must sit to consider Temporary Authority applications. One of the three sitting must be the Chairperson (Commissioner). The very nature of Temporary Authority applications is that they are sometimes lodged as a matter of urgency and at short notice. As stated previously the joint DLC covers a large geographical area and members are residing across it in different locations. To organise a Quorum to sit for a straight forward and unopposed application for a Temporary Authority can take a week to ten days. This has on occasion placed applicants and their businesses at great inconvenience. Were it possible for the Commissioner alone, or any member of the DLC to consider unopposed applications for a Temporary Authority, the matter could be resolved within two days. The Commissioner said:

"My thoughts are that where a decision is required under s191 (3) ie no objection filed or matter of opposition raised under s103, 129 or 141 any member of the Committee should be able to sit alone and make the decision."

5.4 New Roles Created for DLC

5.4.1 Secretary to the DLC

This role was delegated by the three Councils Chief Executives to Mr Jonathan Cowie, TDC Environmental Health Manager.

In its comparison to his previous observations of the DLA Secretary under the Sale of Liquor Act 1989, Mr Cowie believes that it is considerably more operational to ensure the licence application process is operating legally, practically and efficiently.

Mr Cowie estimates that this role encompasses about 8 hours a week. This time consisting of the weekly DLC meeting, which varies from 1- 3 hours, and the rest of the time spread over the week communicating with DLC Commissioner, DLC members, inspectors, tri agency partners, licensees and consul.

These communications have predominately been in regard to accepting special licence applications outside the 20 days notice as required by Section 137, requests for reduction of fees for clubs and special licence events and specific point of law discussions e.g. Section 112 - s114 single use area.

Mr Cowie proofs the weekly DLC agenda and files before delivering them to the Commissioner. He organizes the participation of DLC members if required then disseminates appropriate application information to these members. During the weekly meeting Mr Cowie organizes the logistics (meeting room, lap top and projector) to enable real time updating of decisions and licences as determined by the Commissioner. During the meeting Mr Cowie undertakes the word processing making alterations with the templates. He believes that this is a "hang over" partly

due to his role as manager who drove the implementation of the Act between the three Councils and partly due to the lack of confidence in the Authority system.

Mr Cowie was new to the role (June 2013) and when he assumed the position little progress had been made for the Acts implementation. He immediately commenced on the development of the LAP and DLC formation (24 - 50 hours per week) for the December "going live" date. He acknowledges that the administrative (e.g. templates, fees) requirements for the Act have been just as big a task as the LAP and DLC formation between three councils. He stated:

"There was a sense of urgency last year, it was noticeable in webinars with a lot of come backs, or items that hadn't been fully developed in time for inspectors requests for clarification. This lead to indifferent information or miscommunication from the Ministry of Justice on occasion. The lead in to the implementation of the Act was a considerable challenge."

Mr Cowie and the liquor unit recently organized workshops in each district to gain feedback from licensees on how the Act was working for them. These were well received and many general discussion points were covered ranging from creation of fees and DLC Operation to Guardianship and refusal of entry in relation to that.

Mr Cowie supports the Commissioners concerns regarding the requirement for a quorum for Temporary Authorities and the lack of involvement of DLC members.

5.4.2 Chief Licensing Inspector and Committee Advisor to the DLC

The role of Chief Licensing Inspector is a requirement under Section 197 (5) of the Act and the purpose of the role is to foster consistency in the enforcement of the Act where there is more than one Licensing Inspector. This role has been filled by experienced Environmental Health Officer and Liquor Licensing Inspector Annette Davidson.

The role of Committee Advisor, known locally as Technical Advisor, was proposed as best practice by New Zealand Society of Local Government Managers (SOLGM). This role was also assigned to Mrs Davidson. The combination of these two roles has meant that Mrs Davidson cannot work on licensing applications as a licensing inspector but can provide technical advice to the DLC on all licensing matters, whilst at the same time ensuring the other licensing inspectors apply the enforcement of the Act in a consistent manner.

In her capacity as Advisor Mrs Davidson has ensured that the DLC has remained informed in how to interpret the Act and Case Law, against the information provided in applications and reports.

The new checklists are attached at the rear of this report labelled Appendix G.

5.5 New Initiatives Trialled by DLC

1. Checklists

It was the Technical Advisor to the Committee who developed and introduced, as stated previously, a series of checklists to ensure that the Committee considers all the required factors the Act requires to be considered in relation to each type of application or matter it considers. This new system also ensures

that the methodology used by the Committee to arrive at a decision is recorded for future scrutiny, should that be necessary.

2. Pricing Model for Low Risk Large Events with Multiple Vendors

The Chief Inspector, Inspectors and a winery owner worked together to solve a cost issue for small wine vendors at large scale family events where a Special Licence is required. Under the old legislation the cost of a Special Licence for any event, regardless of numbers or potential risk, was set at \$64.40. The apparent issue of unfairness was addressed in the Regulations once the Act came into effect.

Subsequent to the implementation of the Act it became apparent that the wine vendors selling alcohol at large scale low risk events, where more than 400 people were to be in attendance, would effectively be priced out of this marketing activity; each vendor having to pay \$575 under the new Regulations. A new model was devised between the parties, which legitimately navigates the legislation specific to these low risk large events.

The Act dictates by inference that only the licensee can receive the proceeds from the sale of alcohol. In order to facilitate the low risk sector of the liquor industry, that vineyard operators tend to be in, advice was given to a person in the industry who was able to then propose a model to the DLC for consideration. The steps in the process are as follows:

- a) The proposed licensee at the large event provides a duty manager in charge of the whole event as it relates to the sale and supply of alcohol.
- b) The proposed licensee obtains and provides the names of other vendors to sell alcohol at the event and a nominated duty manager for each.
- c) The proposed licensee completes an alcohol management plan and application form to the satisfaction of the reporting agencies and DLC.
- d) The DLC approve the application for the special licence if considered appropriate.
- e) The licensee purchases all alcohol to be sold at the event from the vendors, prior to the event.
- f) The vendors sell their product as an agent of the licensee at the event.
- g) The vendors pay all their takings from alcohol sold at the event to the licensee.
- h) Once the licensee has banked the takings, the vendors can be paid according to the amount of their product they sold at the event.
- i) The licensee provides proof of the money trail to the DLC.

A graphic has been created and attached to the rear of this report labelled Appendix H.

5.6 Summary

The joint DLC, having come into existence on the 18 December 2013, has taken over the consideration of applications for all new and renewed licences and managers' certificates, as well as temporary authorities, temporary licenses, variations to licenses and some enforcement action for special licenses. Given the scope of what was involved in this particular aspect of the transition to the new Act, there have been relatively few problems of significance.

The problems in terms of process that have been identified, have predominantly related to template errors and the internal Authority computer system. These have largely been resolved.

The issues identified in respect of the Act itself have related to firstly the lack of flexibility therein to enable DLC members to occasionally sit as Acting Commissioner to facilitate their engagement; and secondly the requirement of a full quorum to sit to consider applications for temporary authorities. The Commissioner and the Secretary to the DLC have both recommended that these two issues are considered by the Authority for amendments to be made to the relevant sections of the Act.

The new positions created by the TA are that of Secretary of the DLC, Committee Advisor (Technical Advisor) and Chief Inspector. These roles have provided good support to the workings of the DLC, although some finalising of what each role entails is still being finalised. For example the Secretary is currently completing many of the administrative tasks during meetings, which would be better completed by a clerk, leaving the Secretary to remain more focussed on more important matters.

During the implementation period the DLC staff have developed new systems to allow portions of the licensing process to function better, both in terms of the process itself and in terms of outcomes. The introduction of pre-reading files and the use of checklists have optimised the use of DLC time. The introduction of a model to permit multiple vendors to sell alcohol at low risk large events on a single Special Licence, has been instrumental in not interpreting the Act in such a way as to have a punitive effect on a small low risk sector of the liquor industry.

In summary the joint DLC for the Timaru, Waimate and Mackenzie Districts is adequately supported by the TA and is functioning as it should according to the Act. Some fine tuning is anticipated in terms of finalising roles and administrative processes in the coming months.

6.0 LOCAL ALCOHOL POLICY

6.1 Process of Development of the LAP

The Local Alcohol Policy is a provision of the Act enabling the community to have an input into local licensing matters. The scope of a LAP is outlined in Section 77 of the Act and once adopted can cover the following matters in relation to licenses:

- a) location of licensed premises by reference to broad areas:
- b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
- c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
- d) whether further licenses (or licenses of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district:

- e) maximum trading hours:
- f) the issue of licenses, or licenses of a particular kind or kinds, subject to discretionary conditions:
- g) one way door restrictions.

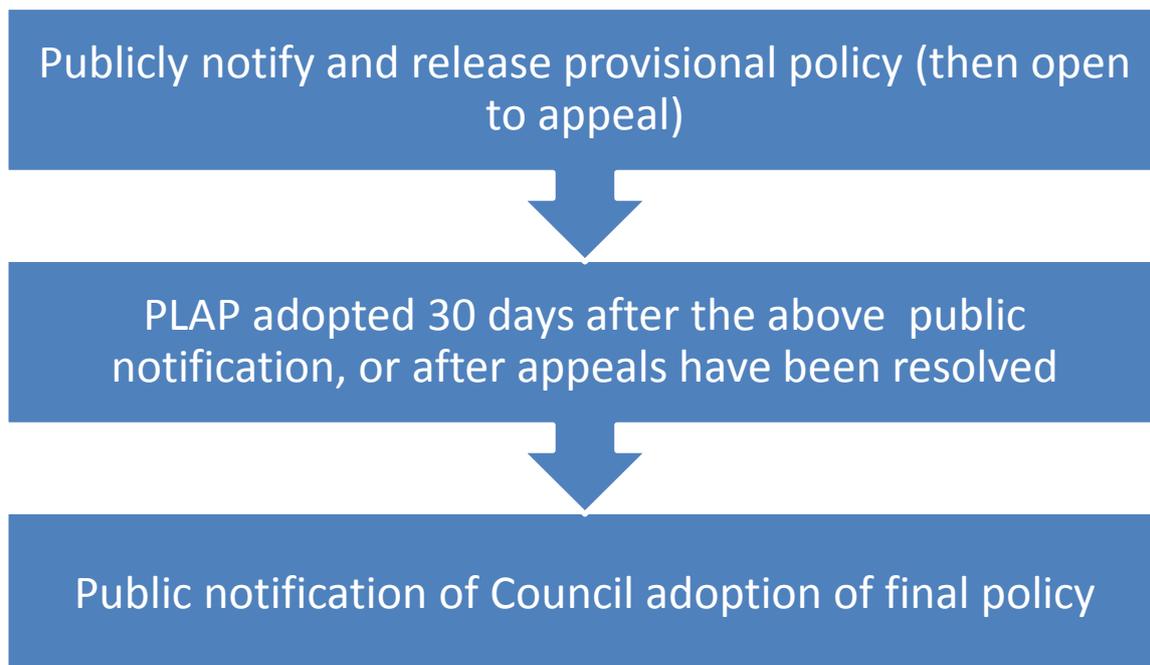
The collaborative approach of the three South Canterbury District Councils toward licensing matters, which existed prior to the introduction of the new Act, has continued. The three decided in May of 2013 to work toward developing a joint LAP and the process dictated by the Local Government Act 2002 and the Act was followed from that point.

The stages of development are outlined in figure 3 below:

Figure 3



18 December 2013



6.2 Research Phase with Community and Stakeholders

A key component and requirement of developing the draft LAP was research and consultation with the community. This aspect of the process was covered by a telephone survey conducted by Research First Limited on behalf of the Timaru and Mackenzie District Councils in July 2013. A sample of 500 was collected from two of the three districts; participants having been selected from the electoral roll and quotas used for key population sub groups (age, sex, location) to ensure representative results were obtained. The sample size used provided statistically valid results with an acceptable margin of error.

In addition to the telephone survey, the TA conducted its own research by way of an online and paper survey. The types of questions largely mirrored that of the telephone survey and of the 3,500 paper surveys distributed, 503 responded either in hard copy or by filling in the online version of the survey. The findings showed similar trends to the Research First Ltd telephone survey.

A stakeholders meeting was held by the TA on 24 July 2013. All licensees were invited to attend as well as other liquor industry representatives. The purpose of the meeting was to gather information to help with the development of the LAP and provide an opportunity for stakeholders to express their views on the potential content for the LAP and how changes might effect them.

6.3 The Draft Local Alcohol Policy

The draft LAP was formed after consultation with the Inspectors, Medical Officer of Health and Police. It took into consideration the research findings and input from the stakeholders, as well as being mindful of the purpose and object of the Act in terms of Sections 3 and 4.

The joint draft LAP that was put forward for public consideration via the special consultative procedure was structured in a particular manner, so as to enable the required level of flexibility to be applied to the differing environments across the three districts it would cover.

The special consultative procedure was started on 12 October 2013 after the three South Canterbury District Councils had reviewed the draft LAP in mid September 2013. The special consultative procedure ended on 14 November 2013, after which on 25 November 2013 public hearings were held.

A copy of the PLAP is attached and labelled Appendix I.

6.4 The Provisional LAP

In December of 2013 the Councils made some recommendations for adjustments to the Draft LAP before it became the Provisional LAP (PLAP) on 10 December 2013. Prior to being adopted the PLAP was put out for public consultation on 8 February 2014 for 30 days, as required by Section 80 of the Act. At the close of the public consultation period on 10 March 2014, four appeals had been lodged from the following appellants:

Foodstuffs South Island Limited
Progressive Enterprises Limited
James Gary Dennison
Super Liquor Holdings Limited

At the time of writing the PLAP is on hold, waiting for the appeals to be heard by ARLA or some other resolution found, once the Authority has made rulings on other similar appeals for other districts and given guidance in that regard.

6.5 Summary

The development and implementation to date of a joint Local Alcohol Policy between the Timaru, Waimate and Mackenzie Districts has been conducted as required by the special consultative procedure and in accordance with the Act, and the Local Government Act 2002.

A thorough and statistically sound research phase was carried out prior to any policy development. The community at large and the stakeholders have been kept informed at every step and as a consequence have engaged in the process. This engagement has ensured that the policy, which has been developed to the stage of PLAP, has been done so with the input of the community and stakeholders.

The joint PLAP covers several differing types of environment in terms of liquor licensing over a wide geographical area. As such it has been tailored to cover these variations predominantly by way of discretionary conditions, that can be applied by the DLC to the specific drinking environment being considered.

Once the appeal process has been completed and any necessary amendments made, the Provisional Local Alcohol Policy will be adopted as the Local Alcohol Policy. The current forecast for this to happen is late 2014 to early 2015.

7.0 AUTHORITY SYSTEM

The Authority computer software system is the corporate software used by the TA to manage information relating to liquor licences in the Timaru, Waimate and Mackenzie Districts. The system is relatively new to the Timaru District Council having gone live

in 2009 for some functions, but not used for the purposes of managing liquor licence information until 2012.

Its functionality is basic because of the wide variety of tasks it has to perform in relation to council held information and activities. Improvement to the liquor licensing registers and functionality of tasks has been a work in progress and continues to evolve.

7.1 Summary

The Authority software system is adequate for the purpose of managing information about liquor licences and licensing related activities. It continues to be improved in terms of functionality, with ongoing incremental changes being made as necessary.

8.0 **WAIMATE AND MACKENZIE DISTRICTS**

The joint DLC under a Commissioner, as stated previously, reflects the ongoing contractual relationship between the Timaru District Council, the Waimate District Council and the Mackenzie District Council in relation to liquor licensing. The size of the Timaru District Council as an entity means that it is resourced sufficiently to support the model whereby services can be contracted out to other neighbouring districts, thus enabling mutual financial cost savings for liquor licensing for all parties.

The costs associated with liquor licensing are subject to change and negotiated between parties on an annual basis, but over the implementation period of the Act these costs have increased significantly with the increased workload. As can be evidenced by the figures provided in Appendix K & L not only has the implementation of the Act increased costs, but the daily workload has also increased. This is a contractual issue for the consideration of the parties yet to be negotiated in November 2014.

8.1 Waimate District Council

Speaking on behalf of the Waimate District Council, Regulatory Services Manager Sue Kelly stated that overall she was happy with the relationship between the TA's and thought after the initial introduction of the Act, things have improved and continue to do so. She further stated:

"I have no areas of concern. I think the most important indicator of the relationship between the Waimate District Council, the Timaru District Council and our customers, is the positive feedback received since the workshop. Our customers really appreciated that opportunity and now understand that all that can be done (to give good service) is being done within the framework of legislation."

8.2 Mackenzie District Council

Speaking on behalf of the Mackenzie District Council Regulatory Services Manager Nathan Hole stated that the transition into the new Act had gone smoothly from his perspective. When customers have raised questions they have been directed to Timaru District Council staff and had their questions answered well. The workshop held in the district went well and was a good way to engage and exchange information with licensees.

In terms of value for money Mr Hole said that he believes that the contract is about right but understands that there are some unknowns with the implementation of the Act, which will be worked out once the end of year amounts are established. He further stated:

“Everyone seems pretty accepting of the new Act and the Mackenzie District Council has a great relationship with the Timaru District Council.”

8.3 Summary

Both the Waimate and the Mackenzie District Council have expressed their satisfaction with the contractual arrangement with the Timaru District Council for liquor licensing. They describe the relationship between the parties in positive terms and are satisfied with the manner in which the new Act has been implemented.

9.0 TRI-AGENCY PARTNERS

The tri-agency approach to local licensing issues is covered by Section 295 of the Act which states:

The Police, inspectors and Medical Officers of Health within each territorial authority’s district must:

- a) establish and maintain arrangements with each other to ensure the ongoing monitoring of licenses and the enforcement of this Act; and*
- b) work together to develop and implement strategies for the reduction of alcohol related harm.*

The three reporting agencies to the DLC have other statutory obligations under the Act but the overriding principal is one of co-operation and collaboration, whilst maintaining sufficient distance to maintain impartiality in terms of reporting.

The reporting agencies report on applications and carry out monitoring of premises whilst they are operating at their optimum. In addition they carry out Controlled Purchase Operations (CPO) to test the systems being used by licensees to ensure that they are not serving prohibited persons. Failure of a CPO by serving to a prohibited person, which is deemed to be a serious offence, results in an enforcement action through ARLA.

The reporting agencies have adopted a graduated response model in terms of how they deal with minor breaches of the Act, and this process often begins with education and promotion.

9.1 Inspectors

The inspectors work closely with both Police and Medical Officer of Health (MOH) on all local licensing matters and meet weekly to discuss what is happening. The information sharing in general and the co-operation between agencies in regard to the delegation of tasks is vital to maintaining the solid foundation to the local tri-agency relationship.

Inspectors have on occasion sought advice from the other reporting agencies from their perspective on a particular matter, and have always valued the input given.

The tri-agency often presents to the licensees and community at large as the face of liquor licensing in the district. The agencies often appear together whilst monitoring premises and at large events. They also appear at all duty managers courses run by Aoraki Polytechnic and speak about their roles within the licensing framework. In more recent times, the reporting agencies have given a joint presentation to licensees at three licensing workshops held in the Timaru, Waimate and Mackenzie Districts.

It is the opinion of the inspectors that the tri-agency model is functioning well.

9.2 Medical Officer of Health

Doctor Daniel Williams is the Medical Officer of Health for the Canterbury area, included in which is the area covered by the joint DLC for the Timaru, Waimate and Mackenzie Districts. Doctor Williams has delegated his authority, for the majority of his obligations, to Shayne Broughton, a Health Promoter for Community and Public Health.

Mr Broughton forms part of the tri-agency and fulfils the obligations of the MOH toward licensing matters. He was spoken to on 8 August 2014 and made the following points for inclusion in this report:

1. Mr Broughton said that overall the tri-agency is working well and that generally speaking the relationship between the partners is good.
2. The weekly meetings are particularly valuable and the discussion at these meetings is generally constructive. Even when opinions are different and the discussion becomes robust, the solidity of the relationship in terms of mutual respect, means that all parties feel listened to and can moderate their position for compromise if appropriate.
3. A strength of the tri-agency is that the members respect each others perspective and strengths. This means that the group is comfortable delegating tasks to each other according to the person's particular skill set or perspective.
4. Mr Broughton further stated that the effective operation of the tri-agency has meant that many potential issues with applications have been ironed out prior to anything going to the DLC, which has in his opinion reduced the number of contested hearings for the DLC.

9.3 Police

The Alcohol Harm Reduction Officer covering the Timaru, Waimate and Mackenzie Districts is Sergeant Grant Lord. Sergeant Lord fulfils the obligations under the Act in relation to the tri-agency on behalf of the Police.

Sergeant Lord was spoken to on 12 August 2014 and made the following points for inclusion in this report:

1. The tri-agency partners have a good strong relationship and as a consequence are able to discuss topics from their particular perspectives whilst still respecting each others roles within the group.

2. Sergeant Lord said that the group functions so well that at times it seems as if the tri-agency is its own organisation, a team where the distinctions between parties isn't that important.
3. He said that the group presents to the community and licensees as the public face of licensing in the districts it operates in.
4. One issue raised by Sergeant Lord was the perceived pressure from the Police perspective to report in a timely fashion on applications, where possible inside the 15 working day reporting period. He stated that on the rare occasion where matters did require further investigation and an objection was to be raised, the full 15 days was likely to be required, regardless of any time pressures placed on the DLC processes as a consequence.
5. Overall Sergeant Lord expressed the opinion that the tri-agency was functioning very well and he is happy with its effectiveness.

Sergeant Lord asked that an issue in relation to enforcement action (unrelated to the tri-agency) be identified in this report and brought to the attention of the Authority. The issue pertains to the circumstances arising from a local "rogue" licensee, who has enforcement actions against him in the system, waiting to be heard by ARLA.

The Sergeant expressed concern that since the first enforcement action entered the system against the licensee several months prior, there had been a second and a third serious breach of the Act. A second enforcement had entered the system. Issues at the particular premises continue and the Sergeant is of the opinion that the licensee is continuing to cause harm in the community and not modifying his management practices.

With the Authority tied up with Local Alcohol Policy appeals and other matters, no date for a hearing has been received. The Sergeant anticipates that the matter will not be heard until 2015.

Sergeant Lord suggested that the Act should have a provision for an interim hearing of some description, possibly on the papers, which would enable interim conditions to be placed on the licence, licensee or managers until the enforcement matters have been heard by the Authority. An example might be that sufficient evidence has been gathered to establish that a particular duty manager is one of the main causes for breaches of the Act, and this would enable the DLC or the Authority to suspend the managers certificate until such time that the enforcement action is resolved.

The use of such a power might require a level of proof akin to that needed in the District Court to enable sitting Judges to impose bail conditions. Such a power would then limit the ability of "rogue" licensees or managers to continue to cause alcohol related harm in the community whilst waiting for enforcement actions to be heard.

9.4 Summary

The tri-agency is functioning well and fulfilling its obligations under the Act. The reporting agencies all speak highly of their relationship within the group and the

mutual respect within it. This positive forum facilitates and supports the DLC and the smooth operation of licensing matters within the Timaru, Waimate and Mackenzie Districts.

The enforcement issue and solution highlighted by Sergeant Lord has merit in its intent, but will require balanced and careful consideration by policy makers.

10.0 LICENSEES

The registers of licenced premises for the Timaru, Waimate and Mackenzie Districts have been provided and are attached to the rear of this report labelled Appendix J. There are 239 licences under the jurisdiction of the joint DLC. There are 161 in the Timaru District, 27 in the Waimate District and 51 in the Mackenzie District.

The licensees from the three districts have been kept informed of the incremental stages of the implementation of the new Act throughout the process. This has been achieved by way of newsletters posted out at key stages, through media releases in media publications and via the websites of the three TA's.

Input was sought from licensees in relation to the development of the LAP and a stakeholders meeting held in relation to that, as has been stated previously in this report.

The reporting agencies have been using site visits to premises, be that for an annual inspection or for monitoring, as an opportunity to interact with licensees, to inform and gauge their thoughts about the Act and its implementation.

In addition to the above, the reporting agencies have been consulting with some licensees on a monthly basis through local "Accord" meetings. These meetings are chaired and facilitated by MOH and participating licensees agree to discuss licensing issues amongst themselves and reporting agencies. They agree on strategies such as voluntary one way door policies and the trespassing of "trouble causers" from all of the Accord premises. The meetings are attended by reporting agencies but their only input is to answer questions. Any actions taken or matters voted on are solely decided by the licensees who are signed up to the Accord. The Accord meetings have served as an effective forum to exchange opinions with licensees on licensing matters.

The vast majority of feedback from licensees has been positive and there is an understanding of the object of the Act. There were exceptions to this positivity in relation to the increased fees brought about by its introduction, and the proposed reduction in hours of operation for off sales contained in the PLAP.

In July of 2014 the Secretary to the DLC and reporting agencies held three workshops in each of the districts. The Mackenzie workshop was attended by 25 licensees and stakeholders, the Timaru workshop was attended by approximately 90 licensees and stakeholders and the Waimate workshop was attended by 10 licensees and stakeholders.

The workshop was designed to provide a platform for the speakers to explain how the Act had been implemented from the point of view of the DLC and reporting agencies,

explain the workings of the DLC under the Act and to provide an opportunity for licensees and stakeholders to give their opinions and ask any questions.

All three workshops proved to be very successful and were well received. Some issues raised by licensees at the workshops were as follows:

1. Some smaller clubs with club managers who have not attended a course to obtain NZQA Unit Standards 4646 and 16705 are finding the requirement for their managers to obtain these qualifications onerous and expensive. Many of the managers are elderly and are not confident that they are able to pass the tests. As a consequence, some clubs may not be able to sell alcohol.
2. The new fee structure seems very expensive and some sectors of the alcohol industry feel as though they have been unfairly treated. As stated previously in this report, the wine producers feel that the fees for a special licence at a large event have increased so much that it has effectively stopped them carrying out this activity to market their product.

10.1 Summary

In general the 239 licensees in the Timaru, Waimate and Mackenzie Districts are satisfied with the implementation of the Act. Licensees have been positive toward the efforts of the TA and the joint DLC to keep them informed. The issues that have been raised have related to the fees as set by the Ministry of Justice in the Regulations and from small clubs with duty managers who obtained a club managers certificate under the old legislation and did not obtain NZQA Standard Units 4646 and 16705.

11.0 **FEES, COSTS AND REVENUE**

The area that caused the most controversy in the new Act has been the increase of fees. Fee increases have increased the cost of implementation of the Act significantly through difficult and variable adjustments to the in house Authority system and many discussions and information communications with the public attempting to clarify/justify the new fee regime.

Six months on and there is a general acceptance of the reasoning of the higher risk pays model, but resistance remains toward to annual fees. A significant number of licensees have been caught out through misinterpretation of the annual fee invoicing. Adjustments are ongoing to ensure an appropriate level of understanding of their responsibilities.

This sustained requirement of responding to enquires has significantly contributed to the increase in the Liquor team's workload. As explained in Appendix K, Timaru District has increased by 45%, Mackenzie 31% and Waimate 37% when compared to the previous six months under the Sale of Liquor Act 1989. The DLC meetings, increased inspector reporting, training, Licensee workshops and staff reporting are other contributing factors in addition to the enquires. Secondary to this is the workload increase of other staff through delays as the latest "liquor issue" is resolved; they have not been quantified in Appendix K and L.

Appendix K shows the anticipated increase in fees have increased revenue to the point of covering costs, which was the intention for the legislative change. However this increase is currently being off set by the increase in workload shown as staff time resulting in surplus of \$23,844.72. This results is envisaged as being acceptable by the Authority.

An argument could be made that this peak of workload will reduce in the following year as licensees become used to the system in place, therefore fee adjustments maybe warranted. This state of affairs will be balanced over time by the ongoing progression of the LAP, which will again require further response to enquires. This together with ongoing public education will continue the high workload for 1-2 years.

The joint agreement with Mackenzie and Waimate District Councils to provide Health and Liquor has historically been a cost covering agreement but due to the increase of fees the Timaru DC is in a position of repaying Mackenzie DC due to collection of \$30,000 extra fees from the previous year. As well as the difficulty to “crystal Ball” at last years negotiation. The main contributing factor is due to the high level of staff turn over of certificated managers in the licenced premises due to the seasonal fluctuation of the tourist seasons in the area. Contract negotiations in November will seek to realign this year’s anomaly through the provision of data such as provided in Appendix K.

APPENDIX A

For any reference contained in the Act please go to:

<http://www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html>

APPLICABLE LEGISLATION OTHER THAN THAT CONTAINED IN THE ACT

Local Government Act 2002

10 Purpose of local government

- (1) The purpose of local government is—
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- (2) In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances

11 Role of local authority

- The role of a local authority is to—
 - (a) give effect, in relation to its district or region, to the purpose of local government stated in section 10; and
 - (b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

12 Status and powers

- (1) A local authority is a body corporate with perpetual succession.
- (2) For the purposes of performing its role, a local authority has—
 - (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
 - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (3) Subsection (2) is subject to this Act, any other enactment, and the general law.
- (4) A territorial authority must exercise its powers under this section wholly or principally for the benefit of its district.
- (5) A regional council must exercise its powers under this section wholly or principally for the benefit of all or a significant part of its region, and not for the benefit of a single district.
- (6) Subsections (4) and (5) do not—
 - (a) prevent 2 or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or

- (b) prevent a transfer of responsibility from one local authority to another in accordance with this Act; or
- (c) restrict the activities of a council-controlled organisation; or
- (d) prevent a local authority from making a donation (whether of money, resources, or otherwise) to another local authority or to a person or organisation outside its district or region or outside New Zealand—
 - (i) if the local authority considers, on reasonable grounds, that the donation will benefit its district or region, or the communities within its district or region; or
 - (ii) if the local authority considers, on reasonable grounds, that a benefit will be conferred on the local government sector as a whole; or
 - (iii) for emergency relief; or
- (e) prevent a local authority from making a donation (whether of money, resources, or otherwise) to a local government body outside New Zealand to enable it to share its experience and expertise with that body.

13 Performance of functions under other enactments

- Sections 10 and 12(2) apply to a local authority performing a function under another enactment to the extent that the application of those provisions is not inconsistent with the other enactment.

14 Principles relating to local authorities

- (1) In performing its role, a local authority must act in accordance with the following principles:
 - (a) a local authority should—
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner:
 - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - (c) when making a decision, a local authority should take account of—
 - (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):
 - (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:
 - (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and

- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
 - (fa) a local authority should periodically—
 - (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
 - (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
 - (h) in taking a sustainable development approach, a local authority should take into account—
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.
- (2) If any of these principles conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

82 Principles of consultation

- (1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:
 - (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:
 - (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:
 - (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:
 - (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:
 - (e) that the views presented to the local authority should be received by the local authority with an open mind and should

be given by the local authority, in making a decision, due consideration:

- (f) that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.
- (2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).
 - (3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.
 - (4) A local authority must, in exercising its discretion under subsection (3), have regard to—
 - (a) the requirements of section 78; and
 - (b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and
 - (c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and
 - (d) the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and
 - (e) the costs and benefits of any consultation process or procedure.
 - (5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

83 Special consultative procedure

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
 - (a) prepare—
 - (i) a statement of proposal; and
 - (ii) a summary of the information contained in the statement of proposal (which summary must comply with section 89); and
 - (b) include the statement of proposal on the agenda for a meeting of the local authority; and
 - (c) make the statement of proposal available for public inspection at—
 - (i) the principal public office of the local authority; and

- (ii) such other places as the local authority considers necessary in order to provide all ratepayers and residents of the district with reasonable access to that statement; and
 - (d) distribute in accordance with section 89(c) the summary of the information contained in the statement of proposal; and
 - (e) give public notice, and such other notice as the local authority considers appropriate, of the proposal and the consultation being undertaken; and
 - (f) include in the public notice a statement about how persons interested in the proposal—
 - (i) may obtain the summary of information about the proposal; and
 - (ii) may inspect the full proposal; and
 - (g) include in the public notice a statement of the period within which submissions on the proposal may be made to the local authority; and
 - (h) ensure that any person who makes a submission on the proposal within that period—
 - (i) is sent a written notice acknowledging receipt of that person's submission; and
 - (ii) is given a reasonable opportunity to be heard by the local authority (if that person so requests); and
 - (i) ensure that the notice given to a person under paragraph (h)(i) contains information—
 - (i) advising that person of that person's opportunity to be heard; and
 - (ii) explaining how that person may exercise that person's opportunity to be heard; and
 - (j) ensure that, except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act 1987, every meeting at which submissions are heard or at which the local authority, community board, or committee deliberates on the proposal is open to the public; and
 - (k) subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on the proposal available to the public.
- (2) The period specified in the statement included under subsection (1)(g) must be a period of not less than 1 month beginning with the date of the first publication of the public notice.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any submission or both.

87 Other use of special consultative procedure

- (1) This section applies in any case where—
 - (a) none of sections 84 to 86 apply but a local authority is required to use or adopt the special consultative procedure; or

- (b) a local authority chooses to use the special consultative procedure.
- (2) In any case to which this section applies, the statement of proposal referred to in section 83(1)(a) is,—
 - (a) if a plan or policy or similar document is proposed to be adopted, a draft of the proposed plan, policy, or document; and
 - (b) in any other case, a detailed statement of the proposal.
- (3) A statement of proposal under subsection (2)(b) must include—
 - (a) a statement of the reasons for the proposal; and
 - (b) an analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and
 - (c) any other information that the local authority identifies as relevant.

89 Summary of information

- A summary of the information contained in a statement of proposal must—
 - (a) be a fair representation of the major matters in the statement of proposal; and
 - (b) be in a form determined by the local authority; and
 - (c) be distributed as widely as reasonably practicable (in such manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates) as a basis for general consultation; and
 - (d) indicate where the statement of proposal may be inspected, and how a copy may be obtained; and
 - (e) state the period within which submissions on the proposal may be made to the local authority.

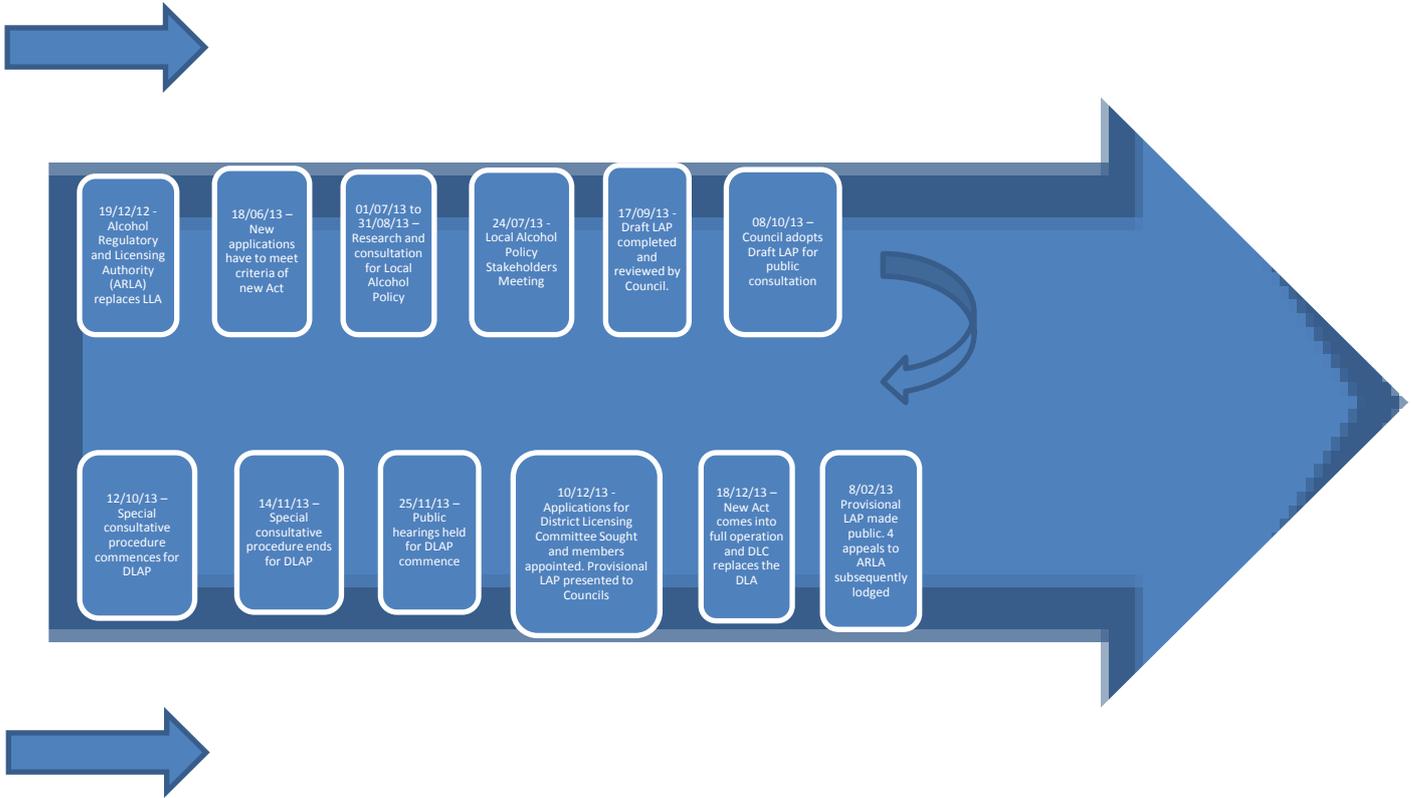
150 Fees may be prescribed by bylaw

- (1) A local authority may prescribe fees or charges payable for a certificate, authority, approval, permit, or consent from, or inspection by, the local authority in respect of a matter provided for—
 - (a) in a bylaw made under this Act; or
 - (b) under any other enactment, if the relevant provision does not—
 - (i) authorise the local authority to charge a fee; or
 - (ii) provide that the certificate, authority, approval, permit, consent, or inspection is to be given or made free of charge.
- (2) A bylaw may provide for the refund, remission, or waiver of a fee in specified situations or in situations determined by the local authority.
- (3) Fees provided for in subsection (1) must be prescribed either—
 - (a) in bylaws; or
 - (b) using the special consultative procedure set out in section 83.
- (4) The fees prescribed under subsection (1) must not provide for the local authority to recover more than the reasonable costs incurred by the local authority for the matter for which the fee is charged.

- (5) The local authority must ensure that copies of all bylaws made under subsection (1) or subsection (3) are available for public inspection free of charge at the public office of the local authority during ordinary office hours.
- (6) This section does not apply to charges for goods, services, or amenities provided by the local authority in reliance on the general power under section 12.

APPENDIX B

TIMELINE FOR IMPLEMENTATION OF THE ACT AND THE LAP



APPENDIX C

REFERENCE INFORMATION

The Hospitality Industry

Table 1: Displays the extent of the hospitality industry within the SCDC and provides comparison to the national figures:

Total Hospitality premises and employment figures for SCDC 2012							
New Zealand		Timaru District		Mackenzie District		Waimate District	
Premises	Employees	Premises	Employees	Premises	Employees	Premises	Employees
14550	103500	194	930	54	180	28	55

Source: Statistics New Zealand website 2013

Table 2: Proportion of Accommodation and Food & Beverage Service sector contribution in 2012 to the Gross Domestic Product for the SCDC and their contribution to the national GDP:

Districts	GDP as a % of NZ	Proportion attributable to hospitality industry (%)	Proportion attributable to hospitality industry (\$)
Timaru District	1.11% (\$2,298 million)	1.3% of Timaru's GDP is attributable to hospitality industry	\$29,874,000 of Timaru's GDP is attributable to hospitality industry
Waimate District	0.13% (\$268 million)	0.8% of Waimate's GDP is attributable to hospitality industry	\$2,144,000 of Waimate's GDP is attributable to hospitality industry
Mackenzie District	0.09% (\$184 million)	7.4% of Mackenzie's GDP is attributable to hospitality industry	\$13,616,000 of Mackenzie's GDP is attributable to hospitality industry.

Source: BERL, Chief Economist Dr Ganesh Nana, 2013

APPENDIX D

MINISTRY OF JUSTICE CHECKLIST FOR COUNCILS



Checklist for councils

Successfully implementing the new alcohol legislation

The Sale and Supply of Alcohol Act 2012 comes into full force on 18 December 2013. This table lists the tasks that councils may need to do to successfully implement the new Act, as well as suggested timing for when steps should be undertaken or completed. Red indicates tasks that are required by the Act.

Task	October	November	December
Advertise for district licensing committee (DLC) members	✓		
Identify DLC members	✓	✓	
Formally appoint DLC members			✓
Appoint DLC advisors and support staff	✓		
Send DLC members and advisors to KnowHow DLC training	✓	✓	✓
Establish process for publishing DLC decisions			✓
Establish process for convening DLC meetings		✓	
Delegate DLC secretary role (if secretary is not Chief Executive)			✓
Appoint all licensing inspectors under the <u>new</u> Act			✓
Appoint chief licensing inspector (if applicable)			✓
Send licensing inspectors to regulatory agencies training	✓	✓	
Send support staff to SOLGM training	✓	✓	✓
Develop system for administering new fees regime		✓	
Implement new fees regime for all applications			✓
Develop and implement systems for infringement notices		✓	
Ensure DLC members, inspectors and support staff understand the new regulations applicable to them		✓	
Develop special licence applications process for holiday period		✓	
Ensure new licensing forms at front counter			✓
Develop robust flow charts for licensing process	✓	✓	
Update council website		✓	✓
Inform communities about changes under the new Act (eg, trading hours, objecting, licensing process, special licences)	✓	✓	✓
Inform industry and licensees about changes under the new Act (eg, trading hours, licensing process, offences, special licences)	✓	✓	✓
Inform council of Act's requirements for alcohol control bylaws		✓	

APPENDIX E

POPULATION AND LICENCE STATISTICS

Timaru District	
Population	44,400
Area in km squared	2,736.54
People per km squared	16.2
Total on/off/club licences	194
People per licence	228.8

Waimate District	
Population	7,209
Area in km squared	3,554
People per km squared	2
Total on/off/club licences	28
People per licence	257.4

Mackenzie District	
Population	3,801
Area in km squared	7,339.2
People per km squared	1.9
Total on/off/club licences	54
People per licence	70.3

Christchurch City	
Population	348,435
Area in km squared	1,493.5
People per km squared	233.3
Total on/off/club licences	909
People per licence	383.3

(Information sourced from Statistics NZ and the Territorial Authority websites as at 28 August 2013)

APPENDIX F

DLC – HOURS AND COSTS SINCE JAN 2014

3244	P Thompson	Hrs	Rate	Sub total	Total	Mileage	Rate	Sub Total	Total	Grand Total
	2 Apr 2014	8.00	51.00	408.00		40.00	0.74	29.60		
	14 May 2014	3.00	51.00	153.00		20.00	0.74	14.80		
		1.00	51.00	51.00	612.00				44.40	656.40

3245	P Mulvey									
	25 Jan-7 Feb	2.50	78.00	195.00		40.00	0.74	29.6		
	8 Mar-21 Mar	21.00	78.00	1638.00			0.74	0		
	22 Mar-4 Apr	19.00	78.00	1482.00		40.00	0.74	29.6		
	5 Apr-18 Apr	7.00	78.00	546.00			0.74	0		
	19 Apr-2 May	4.75	78.00	370.50			0.74	0		
	3 May-16 May	3.50	78.00	273.00			0.74	0		
	17 May-30 May	7.00	78.00	546.00		40.00	0.74	29.6		
	31 May-13 Jun	9.25	78.00	721.50		80.00	0.74	59.2		
	14 Jun-27 Jun	3.00	78.00	234.00	6006.00	40.00	0.74	29.60	177.60	6183.60

3243	G Broker									
	2 Apr 2014	3.00	51.00	153.00						
	14 May 2014	1.00	51.00	51.00	204.00					204.00

	Totals				6822.00				222.00	7044.00
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APPENDIX G

DLC CHECKLISTS

DLC Hearing Notes Variation of On / Off / Club Licence Applications

HEARING DETAILS

DATE: **TIME:**

LOCATION:

APPLICANT:

APPLICATION: **On Licence / Off Licence / Club Licence**

Section 120 Variation of conditions

In considering the application, the licensing committee concerned must have regard to any relevant matter that is specified in section 105

Section 105 – Criteria for Issue of Licences:

a) Object of Act

- 1) Safe & responsible sale, supply & consumption of alcohol
- 2) Minimising Alcohol-related harm.

.....
.....

b) Suitability of Applicant

.....
.....

c) (Any relevant LAP)

d) Days & hours applicant proposes to sell alcohol

.....
.....

e) Design & layout of proposed premises (CPTED guidelines refer attached)

.....

f) Does the applicant is engage in/propose on the premises to engage in, the sale of goods other than alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which goods?

.....
.....

g) Does the applicant is engage in/propose on the premises to engage in, the provision of services other than those directly related to alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which services?

.....

h) Will the amenity & good order of the locality would be likely to be reduced, to more than a minor extent , by the effects of the issue of the licence?*

.....

i) Consider whether the amenity & good order of the locality are already so badly affected by the effects of the issue of existing licences that:-

- I) they would unlikely be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but**
- ii) it is nevertheless desirable not to issue any further licences**

.....
.....

j) Does the applicant have appropriate systems, staff, and training to comply with the law?

.....

k) Are there any other matters dealt with in reports from the Police, Licensing Inspector or Medical Officer of Health ?

.....
.....

Additional Notes:

Design & layout of proposed premises (CPTED guidelines)	YES	NO	NOTES
Bar Area: Bar staff have good visibility of entire premises Area behind bar is raised to improve visibility Bar area is open with no obstructions affecting monitoring of the premises Cash registers are front facing If cash registers are not front facing, mirrors are installed for monitoring customers Safe is out of public view			
Internal layout Premises is laid out so staff can monitor all patrons at all times There are no obstructions within the bar causing blind spots Where there may be blind spots, mirrors or CCTV are installed Bar is easily approached by customers Customers can easily move around the premises Sufficient seating is provided Customers cannot climb on structures or fittings			
Crowding The premises is not overcrowded The maximum number of patrons for the premises is displayed and complied with			
Lighting Internal lighting is suitable Lighting allows door staff to check IDs etc Lighting allows staff to monitor patrons inside the premises No areas are too dark inside the premises Internal lighting can be raised in emergency/incident/at closing time External lighting suitable External security lighting is installed			
Ventilation A ventilation system is installed The premises is maintained at a suitable temperature			
Outdoor Drinking Areas Outdoor drinking areas are monitored by bar and/or security staff Lighting allows staff to monitor patrons Customers can move easily around the outdoor drinking areas Outdoor drinking areas are well defined from surrounding external environment Pavement creep is not evident Outdoor drinking areas area not overcrowded A public place trader licence is held and current			
CCTV CCTV is installed CCTV is positioned to monitor vulnerable areas Patrons are aware of the CCTV system Staff understand CCTV operation			
Entrances & Exits Entrances & exits are visible from behind the bar area CCTV is installed to monitor blind entrances & exits Door staff monitor entrances & exits Where queuing occurs outside the premises, there is sufficient space			
Toilets Toilet facility entrances are visible from the bar area Toilets are inspected regularly			
Staff There are sufficient numbers of staff to ensure control of the premises Staff are visible to patrons Staff monitor the premises for conflict & crime Security staff are properly trained & certified			

**DLC Hearing Notes
Special Licence Applications**

HEARING DETAILS

DATE: **TIME:**

LOCATION:

APPLICANT:

EVENT:

Section 142 – Criteria for Issue of Special Licences:

In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:

a) Object of Act

- 3) Safe & responsible sale, supply & consumption of alcohol
- 4) Minimising Alcohol-related harm.

.....

b) Nature of the Particular Event, and in particular

- i) Does the applicant is engage in/propose on the premises to engage in, the sale of goods other than alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which goods?
- ii) Does the applicant is engage in/propose on the premises to engage in, the sale of goods other than alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which goods?

.....

c) Suitability of the Applicant

d) * Any relevant LAP*

e) Consider whether the amenity & good order of the locality would be likely to be reduced, by more than a minor extent , by the effects of the issue of the licence?

.....

f) Days & hours applicant proposes to sell alcohol

.....
.....

g) Design & layout of proposed premises (refer CPTED guidelines attached)

.....
h) Does the applicant have appropriate systems, staff, and training to comply with the law?
.....

i) What areas (if any) does the applicant propose should be designated as restricted or supervised areas:
.....

j) What steps does the applicant propose to take to ensure the requirements of the Act in relation to the sale & supply of alcohol to prohibited persons are observed?
.....

k) What are the applicant's proposals relating to-
 i) the sale and supply of non-alcoholic drinks & food; and
 ii) the sale & supply of low-alcohol drinks; and
 iii) the provision of help with/information about alternative forms of transport from the premises
.....

l) Are there any other matters dealt with in reports from the Police, Licensing Inspector or Medical Officer of Health
.....

Additional Notes

s. 22 – Type of Special Licence On site/ off site both

s. 41 – Restrictions - permanent licence or variation of permanent licence more appropriate

S. 42 Restrictions off-site special only to manufacturer / distributor / importer / wholesaler. Not for conveyance

s.55 – Requirements for special licences consumption off-premises

s.143 – Additional requirements for large scale events

s.147 – Particular discretionary conditions and compulsory conditions
.....
.....
.....
.....

Design & layout of proposed premises (CPTED guidelines)	YES	NO	NOTES
Bar Area: Bar staff have good visibility of entire premises Area behind bar is raised to improve visibility Bar area is open with no obstructions affecting monitoring of the premises Cash registers are front facing If cash registers are not front facing, mirrors are installed for monitoring customers Safe is out of public view			
Internal layout Premises is laid out so staff can monitor all patrons at all times There are no obstructions within the bar causing blind spots Where there may be blind spots, mirrors or CCTV are installed Bar is easily approached by customers Customers can easily move around the premises Sufficient seating is provided Customers cannot climb on structures or fittings			
Crowding The premises is not overcrowded The maximum number of patrons for the premises is displayed and complied with			
Lighting Internal lighting is suitable Lighting allows door staff to check IDs etc Lighting allows staff to monitor patrons inside the premises No areas are too dark inside the premises Internal lighting can be raised in emergency/incident/at closing time External lighting suitable External security lighting is installed			
Ventilation A ventilation system is installed The premises is maintained at a suitable temperature			
Outdoor Drinking Areas Outdoor drinking areas are monitored by bar and/or security staff Lighting allows staff to monitor patrons Customers can move easily around the outdoor drinking areas Outdoor drinking areas are well defined from surrounding external environment Pavement creep is not evident Outdoor drinking areas area not overcrowded A public place trader licence is held and current			
CCTV CCTV is installed CCTV is positioned to monitor vulnerable areas Patrons are aware of the CCTV system Staff understand CCTV operation			
Entrances & Exits Entrances & exits are visible from behind the bar area CCTV is installed to monitor blind entrances & exits Door staff monitor entrances & exits Where queuing occurs outside the premises, there is sufficient space			
Toilets Toilet facility entrances are visible from the bar area Toilets are inspected regularly			
Staff There are sufficient numbers of staff to ensure control of the premises Staff are visible to patrons Staff monitor the premises for conflict & crime Security staff are properly trained & certified			

**DLC Hearing Notes
Licence Renewal Applications**

HEARING DETAILS

DATE: **TIME:**

LOCATION:

APPLICANT:

APPLICATION: **Renewal of On Licence / Off Licence / Club Licence**

Section 131 – Criteria for Renewal of Licences:

In deciding whether to renew a licence, the licensing authority or licensing committee concerned must have regard to the following matters:

(a) the matters set out in paragraphs (a) to (g), (j) and (k) of section 105(1)

s.105(1)

a) Object of Act

- 1) Safe & responsible sale, supply & consumption of alcohol
- 2) Minimising Alcohol-related harm.

.....
.....

b) Suitability of Applicant

.....

c) (Any relevant LAP)

d) Days & hours applicant proposes to sell alcohol

.....
.....

e) Design & layout of proposed premises (CPTED guidelines – refer attached)

.....

f) Does the applicant is engage in/propose on the premises to engage in, the sale of goods other than alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which goods?

.....
.....

g) Does the applicant is engage in/propose on the premises to engage in, the provision of services other than those directly related to alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which services?

.....
.....

j) Does the applicant have appropriate systems, staff, and training to comply with the law?

.....

S131(1)

Consider whether the amenity & good order of the locality would be likely to be increased, by more than a minor extent , by the effects of a refusal to renew the licence?*

.....
.....

Are there any other matters dealt with in reports from the Police, Licensing Inspector or Medical Officer of Health

.....
.....

Consider the manner in which the applicant has sold , displayed, advertised or promoted alcohol:

.....

Additional Notes:

***s.106 (2) – Considering effects of issue or renewal of licence on amenity & good order of locality**

Amenity & Good Order of the locality – DLC must have regard to:

- current/possible future noise levels

Design & layout of proposed premises (CPTED guidelines)	YES	NO	NOTES
Bar Area: Bar staff have good visibility of entire premises Area behind bar is raised to improve visibility Bar area is open with no obstructions affecting monitoring of the premises Cash registers are front facing If cash registers are not front facing, mirrors are installed for monitoring customers Safe is out of public view			
Internal layout Premises is laid out so staff can monitor all patrons at all times There are no obstructions within the bar causing blind spots Where there may be blind spots, mirrors or CCTV are installed Bar is easily approached by customers Customers can easily move around the premises Sufficient seating is provided Customers cannot climb on structures or fittings			
Crowding The premises is not overcrowded The maximum number of patrons for the premises is displayed and complied with			
Lighting Internal lighting is suitable Lighting allows door staff to check IDs etc Lighting allows staff to monitor patrons inside the premises No areas are too dark inside the premises Internal lighting can be raised in emergency/incident/at closing time External lighting suitable External security lighting is installed			
Ventilation A ventilation system is installed The premises is maintained at a suitable temperature			
Outdoor Drinking Areas Outdoor drinking areas are monitored by bar and/or security staff Lighting allows staff to monitor patrons Customers can move easily around the outdoor drinking areas Outdoor drinking areas are well defined from surrounding external environment Pavement creep is not evident Outdoor drinking areas area not overcrowded A public place trader licence is held and current			
CCTV CCTV is installed CCTV is positioned to monitor vulnerable areas Patrons are aware of the CCTV system Staff understand CCTV operation			
Entrances & Exits Entrances & exits are visible from behind the bar area CCTV is installed to monitor blind entrances & exits Door staff monitor entrances & exits Where queuing occurs outside the premises, there is sufficient space			
Toilets Toilet facility entrances are visible from the bar area Toilets are inspected regularly			
Staff There are sufficient numbers of staff to ensure control of the premises Staff are visible to patrons Staff monitor the premises for conflict & crime Security staff are properly trained & certified			

DLC Hearing Notes
New On / Off / Club Licence Applications

HEARING DETAILS

DATE: **TIME:**

LOCATION:

APPLICANT:

APPLICATION: **On Licence / Off Licence / Club Licence**

Section 105 – Criteria for Issue of Licences:

In deciding whether to issue a licence, the licensing authority or licensing committee concerned must have regard to the following matters:

a) Object of Act

- 1) Safe & responsible sale, supply & consumption of alcohol
- 2) Minimising Alcohol-related harm.

.....
.....

b) Suitability of Applicant

.....
.....

c) (Any relevant LAP)

d) Days & hours applicant proposes to sell alcohol

.....
.....

e) Design & layout of proposed premises (CPTED guidelines refer attached)

.....

f) Does the applicant is engage in/propose on the premises to engage in, the sale of goods other than alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which goods?

.....
.....

g) Does the applicant is engage in/propose on the premises to engage in, the provision of services other than those directly related to alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which services?

.....
h) Will the amenity & good order of the locality would be likely to be reduced, to more than a minor extent , by the effects of the issue of the licence?*
.....

i) Consider whether the amenity & good order of the locality are already so badly affected by the effects of the issue of existing licences that:-

- I) they would unlikely be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but**
 - ii) it is nevertheless desirable not to issue any further licences**
-
.....

j) Does the applicant have appropriate systems, staff, and training to comply with the law?
.....

k) Are there any other matters dealt with in reports from the Police, Licensing Inspector or Medical Officer of Health ?
.....
.....

Additional Notes:

Tavern style application – section 119 requirements (designate all or part of premises as supervised or restricted area)

***s.106 – Considering effects of issue or renewal of licence on amenity & good order of locality**

Amenity & Good Order of the locality – DLC must have regard to:

- current/possible future noise levels
- current/possible future levels of nuisance & vandalism
- the number of premises for which licence of this kind concerned are already held

AND

Purposes for which land near the premises concerned is used

Purposes for which the premises will be if the licence is issued

Design & layout of proposed premises (CPTED guidelines)	YES	NO	NOTES
Bar Area: Bar staff have good visibility of entire premises Area behind bar is raised to improve visibility Bar area is open with no obstructions affecting monitoring of the premises Cash registers are front facing If cash registers are not front facing, mirrors are installed for monitoring customers Safe is out of public view			
Internal layout Premises is laid out so staff can monitor all patrons at all times There are no obstructions within the bar causing blind spots Where there may be blind spots, mirrors or CCTV are installed Bar is easily approached by customers Customers can easily move around the premises Sufficient seating is provided Customers cannot climb on structures or fittings			
Crowding The premises is not overcrowded The maximum number of patrons for the premises is displayed and complied with			
Lighting Internal lighting is suitable Lighting allows door staff to check IDs etc Lighting allows staff to monitor patrons inside the premises No areas are too dark inside the premises Internal lighting can be raised in emergency/incident/at closing time External lighting suitable External security lighting is installed			
Ventilation A ventilation system is installed The premises is maintained at a suitable temperature			
Outdoor Drinking Areas Outdoor drinking areas are monitored by bar and/or security staff Lighting allows staff to monitor patrons Customers can move easily around the outdoor drinking areas Outdoor drinking areas are well defined from surrounding external environment Pavement creep is not evident Outdoor drinking areas area not overcrowded A public place trader licence is held and current			
CCTV CCTV is installed CCTV is positioned to monitor vulnerable areas Patrons are aware of the CCTV system Staff understand CCTV operation			
Entrances & Exits Entrances & exits are visible from behind the bar area CCTV is installed to monitor blind entrances & exits Door staff monitor entrances & exits Where queuing occurs outside the premises, there is sufficient space			
Toilets Toilet facility entrances are visible from the bar area Toilets are inspected regularly			
Staff There are sufficient numbers of staff to ensure control of the premises Staff are visible to patrons Staff monitor the premises for conflict & crime Security staff are properly trained & certified			

DLC Hearing Notes
New Off Licence Applications – Grocery/Supermarket

HEARING DETAILS

DATE: **TIME:**

LOCATION:

APPLICANT:

APPLICATION: **On Licence / Off Licence / Club Licence**

Section 105 – Criteria for Issue of Licences:
In deciding whether to issue a licence, the licensing authority or licensing committee concerned must have regard to the following matters:

a) Object of Act

- 5) Safe & responsible sale, supply & consumption of alcohol
- 6) Minimising Alcohol-related harm.

.....

b) Suitability of Applicant

.....

c) (Any relevant LAP)

d) Days & hours applicant proposes to sell alcohol

.....

e) Design & layout of proposed premises (CPTED guidelines refer attached) also single area conditions

.....

f) Does the applicant is engage in/propose on the premises to engage in, the sale of goods other than alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which goods?

.....
.....

g) Does the applicant is engage in/propose on the premises to engage in, the provision of services other than those directly related to alcohol/low-alcohol/non-alcoholic refreshments & food? If so, which services?

.....

h) Will the amenity & good order of the locality would be likely to be reduced, to more than a minor extent , by the effects of the issue of the licence?*

.....

i) Consider whether the amenity & good order of the locality are already so badly affected by the effects of the issue of existing licences that:-

- I) they would unlikely be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but**
- ii) it is nevertheless desirable not to issue any further licences**

.....
.....

j) Does the applicant have appropriate systems, staff, and training to comply with the law?

.....

k) Are there any other matters dealt with in reports from the Police, Licensing Inspector or Medical Officer of Health ?

.....

Additional Considerations:

s.32 Kinds of premises for which off-licences may be issued

- (1) An off-licence may be issued only-
 - (a) To the holder of an on-licence issued for a hotel or tavern, for the premises (or part of premises) for which the on-licence is held; or
 - (b) For retail premises where (in the opinion of ARLA/DLC) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else; or
 - (c) If-
 - (i) the premises for which it is to be issued are not retail premises; and
 - (ii) at least 85% of the income of the person to whom it is to be issued is (in the opinion of ARLA/DLC) expected to be earned from remote sale of alcohol; or
 - (d) for premises where in the opinion of ARLA/DLC) the principal business carried on is the manufacture of alcohol; or
 - (e) for premises that (in the opinion of ARLA/DLC) are a supermarket with a floor area of at least 1000m²
 - (f) for premises that (in the opinion of ARLA/DLC) are a grocery store.

- (2) (licensing trust)
- (3) Section 36 overrides subsection (1)

Section 36 - No off licence for petrol stations, certain garages, dairies, convenience stores, conveyances, or shops within shops

ARLA or DLC **must not** direct that an off-licence should be issued for any premises if (in its opinion) –

- (a) The principal business carried on there is-
 - (i) the sale of automotive fuels; or

- (ii) the repair and servicing of motor vehicles and the sale of automotive fuels; or
 - (b) they are a shop of the kind commonly thought of as a dairy; or
 - (c) they are a shop commonly thought of as a convenience store; or
 - (d) they are a conveyance; or
 - (e) they are situated (wholly or partially) within a shop; or
 - (f) the public can reach them directly from a shop, or directly from premises where the principal business carried on is a business of a kind described in paragraph (a).
-

s.33 Determining whether premises are grocery store:

(1) In this section-

Food product

(a) Does not include-

- (i) alcohol, confectionery, ready to eat prepared food, or snack food; **or**
- (ii) a drink (other than milk) sold in a container with a capacity of 1 litre or less; **but**

(b) includes delicatessen items that are not ready to eat prepared food or snack food

Grocery Store means a shop that-

- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; **and**
- (b) comprises premises where-
 - (i) a range of food products and other household items is sold; but
 - (ii) the principal business carried on is (or will be) the sale of food products

Ready-to-eat prepared food –

- (a) includes food for the time being declared by regulations under this Act to be ready-to-eat food; and
- (b) does not include food for the time being declared by regulations under this Act not to be ready-to-eat food

snack food-

- (a) includes food for the time being declared by regulations under this Act to be snack food; and
- (b) does not include food for the time being declared by regulations under this Act not to be snack food

Sale and Supply of Alcohol Regulations 2013

3 Interpretation

Convenience food means anything that is

- (a) confectionery; or
- (b) ready-to-eat prepared food; or
- (c) snack food; or
- (d) a beverage (other than alcohol or milk) sold in a container with a capacity of 1 litre or less.

**** Refer to Sale and Supply of Alcohol Regulations 2013**

Part 1 Matters relating to grocery stores:

Regulation 6 through to Regulation 13

(2)(a) DLC must have regard to-

- i) The size, layout & appearance of the premises; and
 - ii) A statement of annual sales revenues of the premises, produced in accordance with any regulations under the Act
 - iii) The number, range, and kinds of items on sale on the premises; and
- (b) may have regard to any other matters it thinks relevant; and

(c) may determine that the premises do not have the characteristics normally associated with a shop of the kind commonly thought of as a grocery shop by virtue of-

- Characteristics that the premises and the items on sale there lack
- Characteristics that the premises and items on sale there have

Or a combination of both

s.35 Exception for certain complementary sales

The DLC may direct that an off-licence should be issued for premises not of a kind described in s.32(1) if it is satisfied that-

- (a) The premises are a shop, but **not a shop where the principal business carried on is the sale of food** (whether food of a particular kind or kinds, or a range of food); **and**

Alcohol would be an appropriate complement to goods of the kind sold in the shop

s.58 Restriction on kinds of alcohol sold in supermarkets and grocery shops, and premises directly accessible from supermarket or grocery shop

(1) The holder of an off-licence issued for premises of a kind described in subsection 2 must ensure that no alcohol is sold on the premises unless it contains no more than 15% ethanol by volume measured at 20oC and is-

- (a) Beer that complies with the appropriate NZ standard for beer; or
- (b) Mead that complies with the appropriate NZ standard for mead; or
- (c) fruit or vegetable wine that complies with the appropriate NZ standard for fruit or vegetable wine (however that product may be described in the standard) ; or
- (d) grape wine that complies with the appropriate NZ standard for grape wine (however that product may be described in the standard) ; or
- (e) a food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.

(2) The kinds of premises referred to in subsection (1) are-

- (a) premises that are or form part of a supermarket or grocery shop; and
- (b) premises that can be reached from a supermarket or grocery shop without leaving it

s. 112 Compulsory conditions relating to display and promotion of alcohol in single area in supermarkets and grocery stores

Sections 112-1147

Sale and Supply of Alcohol Regulations 2013

Part 1

Matters relating to grocery stores

6 Ascertaining principal business carried on on premises (existing business)

(1) For the purposes of the definition of principal business in [section 5\(1\)](#) of the Act, the principal business carried on on any premises to which subclause (2) applies must be ascertained by—

(a) deducting from the gross sales revenue of the business being carried on on the premises for a period of 12 months ending no more than 90 days before the time at which the application for the issue or renewal of an off-licence for the premises is made—

- (i) GST; and
- (ii) all revenue from sales of lotto, Keno, Instant Kiwi, or any other New Zealand lottery promoted by the New Zealand Lotteries Commission; and

(b) then assigning the remainder of that revenue to the following categories (with as much precision as is reasonably practicable in the circumstances):

- (i) the sale of food products:
- (ii) the sale of alcohol:
- (iii) the sale of tobacco:
- (iv) the sale of convenience foods:
- (v) other sources of revenue; and

(c) then,—

- (i) if more of that remainder has been assigned to one category than any other, treating as the principal business carried on on the premises the sale of goods of the kind concerned (or, in the case of other sources of revenue, the activities generating the revenue):
- (ii) if equal amounts of that remainder (being higher than those assigned to other categories) have been assigned to 2 or more categories, treating as the principal business carried on on the premises the sale of goods other than food products.

(2) This subclause applies to premises where, as at the time at which the application for the issue or renewal of an off-licence for the premises is made,—

- (a) business has been carried on for 12 months or more; and
- (b) the business being carried on has been substantially unchanged for at least 12 months before that time

8 Certain food declared to be ready-to-eat prepared food

(1) Food is **ready-to-eat prepared food** if it has been so cooked or prepared that it can be eaten immediately as a meal, part of a meal, or a substitute for a meal—

- (a) in the form in which it is sold; and
- (b) without further preparation (for example, assembly, heating, or thawing).

(2) Food of the following descriptions is ready-to-eat prepared food:

- (a) a sandwich (whether hot or cold, and whether open or closed):
- (b) food (whether hot or cold) that,—
 - (i) instead of a slice or slices of bread, uses some other container, covering, or base (such as a pancake, pocket, roll, taco shell, tortilla, or wrap) for its contents or topping; but
 - (ii) is otherwise analogous to a sandwich or open sandwich:
- (c) a pizza, pizza slice, pizza sub, or pizza pocket:
- (d) food analogous to a pizza, pizza slice, pizza sub, or pizza pocket:
- (e) fish and chips or similar food:
- (f) a hamburger, hot dog, or similar food:
- (g) food of the kind commonly referred to as a pie (whether meat, vegetable, or fruit):

- (h) a pastie, samosa, or similar food (whether meat, vegetable, or fruit):
- (i) a sausage roll or similar food.

(3) Subclause (2) does not limit the generality of subclause (1).

(4) [Regulation 9](#) overrides subclauses (1) and (2)

9 Certain food declared not to be ready-to-eat prepared food

(1) Food of the following descriptions is not ready-to-eat prepared food:

- (a) unprocessed raw fruit or vegetables:
- (b) food intended to be used as a component of a home-prepared meal (for example, cooked chicken, fresh pasta, or pasta or simmer sauce):
- (c) a mixture (whatever its ingredients) of the kind commonly referred to as a salad:
- (d) a beverage (other than alcohol or plain milk) sold in a multi-pack of single-serve containers with an aggregate volume of 1 litre or more:
- (e) packaged biscuits (or similar items):
- (f) a full-sized cake:
- (g) delicatessen items such as antipasti, cold sliced meat, smoked chicken, or smoked fish:
- (h) multi-packs of items of food or drink of a kind often included in school lunches:
- (i) dried fruit:
- (j) unfilled bread, bread rolls, or buns:
- (k) spreads:
- (l) condiments, pickles, relishes, and similar food.

(2) For the purposes of subclause (1)(a), fruit or vegetables are not processed by reason only of being peeled, sliced, or both.

10 Certain food declared to be snack food

(1) Food is **snack food** if—

- (a) it is so cooked or prepared that it can be eaten immediately; and
- (b) (whether or not it can form, or sometimes forms, part of a meal) it is food of a kind usually consumed between meals; and
- (c) it is usually sold—
 - (i) in small quantities (in the case of food sold by volume or weight); or
 - (ii) as small items (in the case of food sold as individual items).

(2) Food of the following descriptions is snack food:

- (a) potato chips, crisps, sticks or straws, and similar food made of ingredients other than potatoes (for example, corn):
- (b) pretzels and similar food:
- (c) bacon crackling, pork crackling, and similar food:
- (d) prawn chips and similar food:
- (e) if sold as individual items with a volume of less than 1 litre, blocks, cakes, or similar items, made of ice-cream or ice-cream substitute:
- (f) ice-creams, and similar items made of ice-cream substitute:
- (g) ice-blocks and similar items:

- (h) food that is, or consists mostly of, bars, biscuits, cones, cookies, crackers, wafers, or similar items that—
 - (i) weigh less than 60g; and
 - (ii) are sold as individual items:
- (i) processed or treated seeds or nuts (or mixtures of seeds and nuts) presented in quantities of less than 60g:
- (j) popcorn.

(3) Subclause (2) does not limit the generality of subclause (1).

(4) Food declared by [regulation 9\(1\)\(f\)](#) not to be ready-to-eat prepared food can still be snack food by virtue of subclause (1).

(5) [Regulation 11](#) overrides subclauses (1) and (2).

11 Certain food declared not to be snack food

- (1) Food of the following descriptions is not snack food:
 - (a) unprocessed raw fruit or vegetables:
 - (b) multi-packs of items of food or drink of a kind often included in school lunches.
- (2) For the purposes of subclause (1)(a), fruit or vegetables are not processed by reason only of being peeled, sliced, or both.

12 Requirements for statements of annual sales revenue (existing businesses)

(1) In the case of premises to which subclause (2) applies, the statement of annual sales revenue to which, by virtue of [section 33\(2\)\(a\)\(ii\)](#) of the Act, the licensing authority or a licensing committee must have regard in determining for the purposes of the Act whether any premises are a grocery store must contain—

- (a) a statement of the gross sales revenue (excluding GST) for the 12 months ending no more than 90 days before the time at which the application for the issue or renewal of an off-licence for the premises is made of the business being carried on on the premises, after deduction of all revenue from sales of lotto, Keno, Instant Kiwi, or any other New Zealand lottery promoted by the New Zealand Lotteries Commission; and
- (b) a statement assigning the remainder of that revenue to the following categories:
 - (i) the sale of food products:
 - (ii) the sale of alcohol:
 - (iii) the sale of tobacco:
 - (iv) the sale of convenience foods:
 - (v) other revenue; and
- (c) a statement from a chartered accountant verifying the figures given as correct according to prepared accounts.

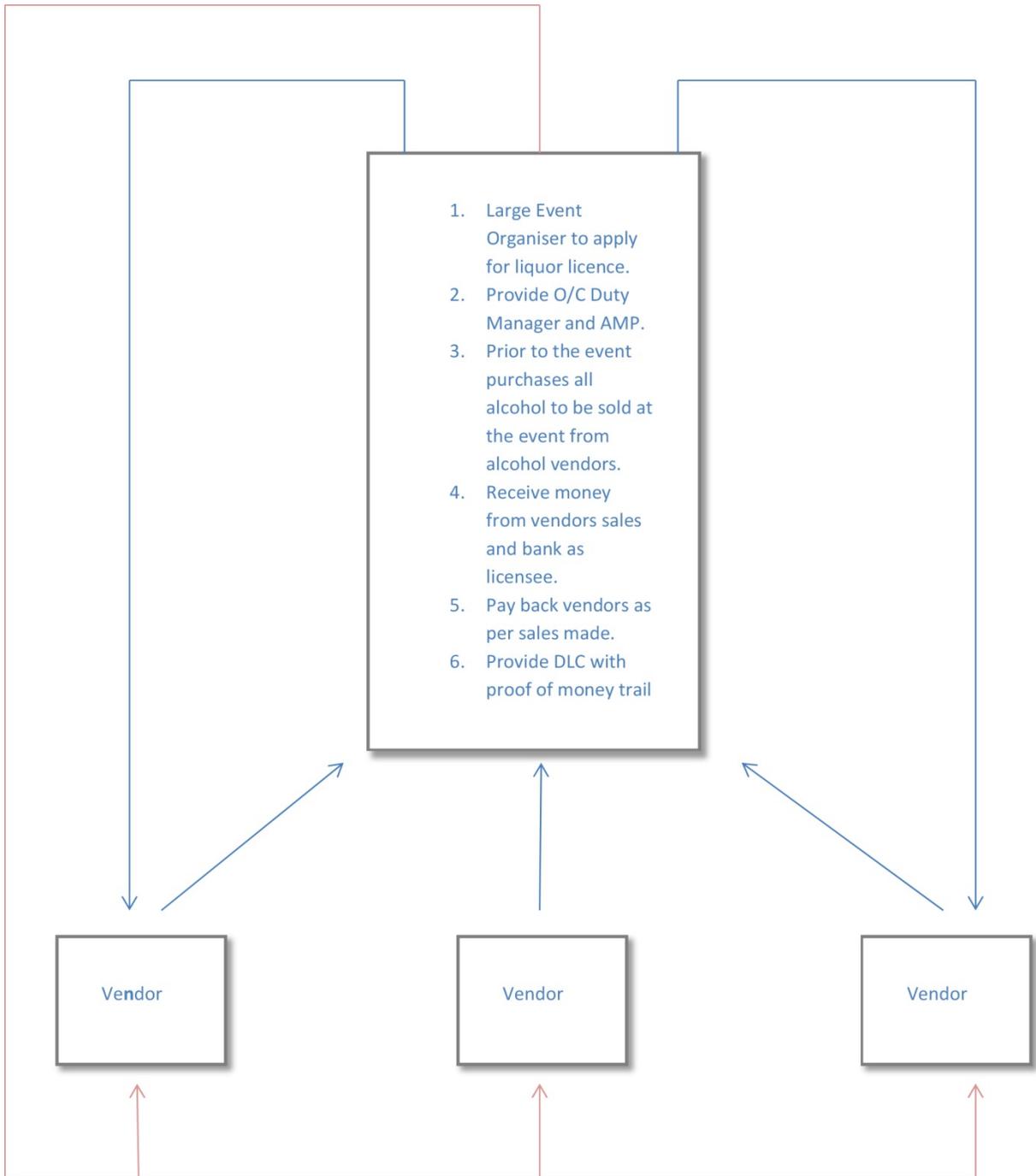
(2) This subclause applies to premises where, as at the time at which an application for the issue or renewal of an off-licence for the premises is made,—

- (a) business has been carried on for 12 months or more; and
- (b) the business being carried on has not changed materially for at least 12 months before that time.

Additional Notes:

APPENDIX H

FLOWCHART FOR LARGE EVENT SPECIAL LICENCE



APPENDIX I

MACKENZIE, TIMARU AND WAIMATE DISTRICT COUNCILS JOINT LOCAL ALCOHOL POLICY

1. Background

This Local Alcohol Policy (LAP) has been developed jointly by the Mackenzie, Timaru and Waimate District Councils. The Policy sets out a framework for reasonable and consistent decision making in the local administration of the Sale and Supply of Alcohol Act 2012 (the Act). It provides guidance to existing and prospective licensees about their role in reducing alcohol harm which is reflected through the communities' views and expectations.

1.1 Purpose and Objectives of the Sale and Supply of Alcohol Act 2012.

The Act puts in place a new system of control over the sale and supply of alcohol. The key characteristics of this new system are that:

- it is reasonable and
- the administration of the Act will help achieve the Acts objectives.

The object of the Act is to:

- (a) ensure that the sale, supply, and consumption of alcohol is undertaken safely and responsibly; and
- (b) minimise the harm caused by the excessive or inappropriate consumption of alcohol.

1.2 Local Alcohol Policy Development

The government wants to improve community input into local alcohol licensing decision making. Under Section 75 of the Act territorial authorities have the discretion, to establish a Local Alcohol Policy (LAP). All three district Councils decided to work collaboratively on this policy for enhanced efficiency in administration, education and policing.

Section 77 of the Act prescribes what a LAP can cover, these are:

- (a) the location of licensed premises by reference to broad areas:
- (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
- (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
- (d) whether further licenses (or licenses of a particular kind or kinds) should be issued for premises in the district concerned, or any part of the district:
- (e) maximum trading hours:
- (f) the issue of licenses, or licenses of a particular kind or kinds, subject to discretionary conditions:
- (g) one-way door restrictions.

These matters (a) to (d) do not apply to special licenses, or premises for which a special license is held or has been applied for.

A local alcohol policy cannot include policies on matters unrelated to licensing. Section 78 of the Act outlines the matters that a Council must have regard to when producing a draft policy.

These are:

- (a) the objectives and policies of its district plan;
- (b) the number of licenses of each kind held for premises in its district, and the location and opening hours of each of these premises;
- (c) any areas where bylaws prohibiting alcohol in public places are in force;
- (d) the demography of the district's residents;
- (e) the demography of people who visit the district as tourists or holidaymakers;
- (f) the overall health indicators of the district's residents; and
- (g) the nature and severity of the alcohol-related problems arising in the district.

When producing a draft policy a Council must consult with the Police, Licensing Inspectors, and Medical Officers of Health, each of whom must make reasonable efforts to give a Council any information they hold relating to any of the matters stated in (a) to (g) above. All three agencies supplied a submission on this policy.

2. Definitions

Alcohol –

A substance that is or contains fermented, distilled, or spirituous liquor, which; in whatever form (such as frozen liquid, or a mixture of a frozen liquid and another substance or substances,) is found on analysis to contain 1.15% or more ethanol by weight, in a form that can be consumed by people.

Alcohol Management Plan is a plan of measures and actions designed to manage the sale and supply of alcohol to achieve the objectives of the *Sale and Supply of Alcohol Act 2012*.

Alcohol-related harm -

- (a) the harm caused by the excessive or inappropriate consumption of alcohol; and
- (b) includes—
 - (i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
 - (ii) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i).

Amenity and good order of the locality, in relation to a licensing application, means the extent to which, and ways in which, the locality in which the premises concerned are situated (or, in the case of a conveyance, the localities where the conveyance is likely to travel) are pleasant and agreeable.

Authorised customer in relation to premises a club license is held for, means a person who -

- (a) is a member of the club concerned; or
- (b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- (c) is an authorised visitor.

Authorised visitor in relation to premises a club license is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

Bar, in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol

Bottle store means retail premises where at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else.

Club means a body that—

- (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
- (b) is a body corporate whose object is not (or none of whose objects is) gain; or
- (c) holds permanent club charter.

Discretionary Condition

The licensing authority or licensing committee concerned may issue a license subject to particular conditions if –

- (a) there is any relevant local alcohol policy and
- (b) in its opinion, the issuing of the license or the consequences of the issuing of the license, without those conditions would be inconsistent with the policy.

The holder of a license must comply with every condition subject to which it has been issued or renewed.

District, in relation to a territorial authority, has the meaning given by section 5(1) of the Local Government Act 2002.

Early Childhood Education A centre licensed under the Education (Early Childhood Centres) Regulations 1998 and meets Section 310 of the Education Act 1989.

Food product -

- (a) does not include -
 - (i) alcohol, confectionery, ready-to-eat prepared food, or snack food; or
 - (ii) a drink (other than milk) sold in a container with a capacity of 1 litre or less; but
- (b) includes delicatessen items that are not ready-to-eat prepared food or snack food

Grocery Store means a shop that -

- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
- (b) comprises premises where—
 - (i) a range of food products and other household items is sold; but
 - (ii) the principal business carried on is or will be the sale of food products

Inspector means an inspector appointed under section 197(1); and, -

- (a) in relation to premises that are not a conveyance, means an inspector appointed by the chief executive of the territorial authority in whose district the premises are situated; and
- (b) in relation to a conveyance, means an inspector appointed by the chief executive of the territorial authority in whose district the principal place of business in New Zealand of the applicant or licensee (as the case may be) is situated

Large Event means an event that the territorial authority believes on reasonable grounds will have patronage of more than 400 people.

Local alcohol policy -

- (a) means a policy, in force under section 90, relating to the sale, supply, or consumption of alcohol (or to 2 or all of those matters) within the district of a territorial authority or the districts of 2 or more territorial authorities; and
- (b) in relation to a territorial authority, means a policy, in force under section 90, relating to the sale, supply, or consumption of alcohol (or to 2 or all of those matters) within its district or the districts of 2 or more territorial authorities that include it.

Medium event means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.

OFF-License is a license for premises where the licensee can sell alcohol for consumption somewhere else.

ON-License is a license for premises where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol. This includes 'Bring Your Own' restaurants and caterers.

One-way door restriction, in relation to a license, is a requirement that, during the hours stated in the restriction, -

- (a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and
- (b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the license is to be sold or supplied with alcohol.

Primary School - Schools offering education to children from Year 1 up to Year 8 or a variation of the Years.

Ready to Drink Product (RTD), is a pre-packaged, pre-measured, and pre-mixed alcoholic beverage combining a spirit, wine, malt or fruit base with a carbonated soft drink or juice.

Restaurant means premises that—

- (a) are not a conveyance; and
- (b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.

Secondary School - Schools offering education for students from Year 9 up to Year 15, and sometimes Year 7 and 8 as well.

Small event means an event that the territorial authority believes on reasonable grounds will have patronage of fewer than 100 people.

Supermarket – means premises with a floor area of at least 1 000 m² including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables and delicatessen items.

Tavern -

- (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
- (b) does not include an airport bar.

3. License Conditions

The following conditions will be applicable to licensed premises in all three districts unless otherwise stated.

3.1 ON-License

The premises where an ON-license (other than an on-license endorsed under section 37 of the Act) is held, the licensee:

- (a) can sell and supply alcohol for consumption there; and
- (b) can let people consume alcohol.

Policies related to ON-licenses also apply to:

- Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act)
- Caterers (endorsed under section 38 of the Act)

3.1.1 Hours of Operation

The hours of operation for ON- Licenses apply to premises in the Mackenzie, Waimate and Timaru Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

Note: An application for an ON-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

The operation of ON-License, (Function centres, Restaurants and Cafes) premises are as follows:

Monday to Sunday: 7.00am to 1.00am (the following day)

The operation of ON-License, (Taverns, Hotels, Bars and Nightclubs) premises are as follows:

Monday to Sunday: 7.00am to 3.00am (the following day)

In the case of Hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.

3.1.2 Discretionary conditions of ON-licenses (Function centres, Restaurants and Cafes) may include:

- Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours)

3.1.3 Discretionary conditions for ON- Licenses (Taverns, Hotels, Bars and Nightclubs) may include:

- Dedicated door security staff must be provided on Thursday, Friday, Saturday nights and for any event occurring at any Tavern, Hotel, Bar and Nightclub with 100 or more people attending.
- Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours)
- No new licensed premise to be within 100 meters of any Early Childhood Centre, Primary school or Secondary school
- No shots or double spirit mixes should be sold from 30 minutes prior to closing.

3.1.4 Location of ON – License Premises

From the date this LAP comes into force, no further ON-licenses are to be issued for any premises unless that premises is located on the applicable zoned land described in the District Plan or a Resource Consent has been granted by Council for its operation.

3.2 OFF–Licenses

The premises where an OFF-License is held, the licensee can sell alcohol for consumption off the premises. While these premises are open the licensee can supply alcohol free for consumption on the premises as a sample up to 40ml. This excludes samples of undiluted spirits which are to be supplied as a sample of up to 25ml.

The holder of an OFF-License may sell alcohol on or from the premises for it to be delivered elsewhere endorsed under section 40 of the Act.

3.2.1 Hours of Operation

The hours of operation for OFF- Licenses apply to premises in the Mackenzie, Timaru and Waimate Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

Note: An application for an OFF-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

The operation of OFF-License premises (Stand alone premises, Grocery Stores, Hotel style, Supermarkets and Bottle stores) are as follows:

Monday to Sunday: 7.00am to 9.00pm

The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday: 24 hours per day

3.2.2 Discretionary conditions of OFF-Licenses (Hotel style, supermarkets and bottle stores) may include:

- No new licensed premise to be within 100 meters of any Early Childhood Centre, Primary school or Secondary school.
- Supervised designation for bottle stores (excluding supermarkets and grocery stores) to ensure unaccompanied minors do not enter bottle store premises.

3.2.3 Location of OFF–License Premises

From the date this LAP comes into force, applications for new OFF-licenses for any premises will only be granted if that premise is located on the applicable zoned land described in the District Plan or once a Resource Consent has been granted by Council for its operation.

3.3 CLUB Licenses

On premises for which a club license is held, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.

A significant number of clubs are in or adjacent to residential areas. The sale of liquor must be ancillary to the Club's activities, and the licensed hours must reflect the hours of the operation of the principle club activity.

3.3.1 Hours of operation

The operation of CLUB License premises are as follows:

Monday to Sunday: 9.00am to 1.00am (the following day)

3.4 Special Licenses

3.4.1 Hours of operation

Restrictions on hours will be imposed if the District Licensing Committee considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. Such issues may be raised by the Licensing Inspector, Police, Medical Officer of Health or other relevant affected parties.

Special licenses can cover an event or series of related events to a maximum of 20 events per premise per year (1 July to 30 June). A maximum of 15 events will be issued per 6 month period.

3.4.2 Discretionary conditions of special licenses may include:

- Sale of Ready to Drink (RTD) alcoholic beverages to be under 5% alcohol
- Provide an Alcohol Management Plan.
- No alcohol is to be sold in glass containers for events exceeding 100 people
- License area to be clearly defined where liquor is to be consumed eg Beer tent.
- Wine not to be sold by the bottle.
- Maximum number of alcoholic drinks per purchase may be specified.

3.4.3 Licensed hours

No Special License will be granted to extend later than 2am

4. One Way Door

All premises licensed to open to 3.00am shall apply a one way door restriction at 2.00am on Friday, Saturday and Sunday morning and for any event exceeding 100 people occurring at the premises.

5. Policy Statement

5.1 Application and Scope

This policy applies to any licensing application made to a District Licensing Committee in the Mackenzie, Timaru and Waimate Districts.

5.1.1 Transitional provisions

The provision of this policy come into effect XXX (Council determination usually 30 days) after the Provisional policy is adopted.

5.1.2 Exemptions

Any application for a new license or license renewal for any premises which had a current license at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises. The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current license or any subsequent license for the premises is surrendered or not renewed.

5.1.3 Relationship to the Act

This policy does not include all the provisions that may apply to license applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions.

6. Policy Review

The three territorial authorities will monitor the policy to ensure it is operating to full effect.

An evaluation will be conducted 18 months after the policy comes into effect. If this evaluation results in an assessment that changes may be needed, the policy will be reviewed.

If the evaluation does not indicate the need for any changes, a review will be initiated in 2017 and thereafter no later than 6 years after it came into force.

APPENDIX J

LICENCE REGISTERS

Timaru District

1. The Terrace, Timaru "South Canterbury Club"
2. 44 Browne Street, Timaru "Timaru South Cosmopolitan Club"
3. Redruth Street, Timaru "South Canterbury Vintage Car Club"
4. Church Street, Timaru "Countdown Church Street"
5. 44 Browne Street, Timaru "Timaru South Cosmopolitan Club"
6. 88A Evans Street, Timaru "Tandoori Restaurant"
7. 8 Royal Arcade, Timaru "Barkode"
8. 164 Stafford Street, Timaru "Copper Cafe & Bar"
9. 212A Stafford Street, Timaru "Tomo Japanese Restaurant"
10. 232 Stafford Street, Timaru "Old Bank Cafe & Bar"
11. 7 Talbot Street, Geraldine "Taste Restaurant"
12. 40 Talbot Street, Geraldine "Papillon Chinese Restaurant"
13. 76 Talbot Street, Geraldine "Barkers"
14. 9A Maltby Avenue, Timaru "Westend Bowling Club"
15. 99 Douglas Street, Timaru "Timaru Town & Country Club"
16. 45 Hassall Street, Timaru "Kia Toa Bowling Club"
17. Orari Back Road, Geraldine "Geraldine District Golf Club"
18. 190 Talbot Street, Geraldine "Geraldine Town and Country Club"
19. 63 Wilson Street, Timaru "Timaru Bridge Club"
20. Domain Aveune, Temuka "Temuka Golf Club"
21. Gresham Street, Geraldine "Grande Vue Golf Club"
22. Ruakapuka Domain, George Street, Geraldine "Geraldine RFC"
23. Timaru Airport, Falveys Road, Levels "South Canterbury Aero Club"
24. Lynch's Road, Seadown "Timaru Golf Club"
25. 36 Oakwood Road, Timaru "Gleniti Golf Club"

26. Brunswick Street, Timaru "Timaru Squash Rackets Club"
27. Aorangi Complex, Morgans Road, Timaru "Northern Hearts AFC"
28. Quarry Road, Timaru "Old Boys RFC"
29. Pleasant Point Domain, Pleasant Point
30. Arthur Street, Timaru "Starz Resturant" and "The Cellar"
31. 9 Browne Street, Timaru "Countdown"
32. Caroline Bay, Timaru "Sopheze Catering on the Bay"
33. 1-53 Ranui Avenue, Timaru "Pak'n Save Timaru"
34. 99 Douglas Street, Timaru "Timaru Town and Country Club"
35. 51 King Street, Timaru "Tussock Restaurant"
36. Sheffield Street, Timaru "DB South Island Brewery"
37. 51 Sophia Street, Timaru "The Sail"
38. 161 King Street, Timaru "The Creek Hotel"
39. 161 King Street, Timaru "The Creek Hotel"
40. 303-305 Stafford Street, Timaru "Sukhothai Restaurant"
41. 130 King Street, Temuka "Temuka Returned Services and Citizens Club"
42. 312-314 Otipua Road, Timaru "Benny's Again"
43. 64 Wai-iti Road, Timaru "Seven Oaks Reception Centre"
44. 31 Talbot Street, Geraldine "Geraldine Heritage Hotel"
45. 308 Stafford Street, Timaru "J Ballantyne and Co Ltd"
46. 308 Stafford Street, Timaru "J Ballantyne and Co Ltd"
47. 31 Talbot Street, Geraldine "Geraldine Heritage Hotel"
48. 121 King Street, Temuka "The Jolly Potter"
49. 6-10 Wai-iti Road, Timaru "Bay Viaduct Motor Lodge"
50. 45C Talbot Street, Geraldine "Verde Cafe Deli"
51. 190 Talbot Street, Geraldine "Geraldine Town and Country Club"
52. 57 Elizabeth Street, Cave "Cave Arms Tavern"
53. 57 Elizabeth Street, Cave "Cave Arms Tavern"

54. 4 Clogstoun Road, Rangitata "The Chequered Flag"
55. 44 Talbot Street, Geraldine "Cafe Plums"
56. 133-137 Temuka/Orari Highway, Winchester "Wolseley Hotel"
57. 133-137 Temuka/Orari Highway, Winchester "Wolseley Hotel"
58. North Mole, Timaru "Timaru Yacht and Power Boat Club"
59. 95 Main Road, Pleasant Point "Pleasant Point Hotel"
60. Benvenue Avenue, Timaru "Tennis South Canterbury Inc"
61. 95 Main Road, Pleasant Point "Pleasant Point Hotel"
62. 15 Afghan Street, Pleasant Point "Legends Cafe"
63. Caledonian Sports Grounds, Timaru "Timaru City AFC"
64. Wright Street, Geraldine "Geraldine Bowling Club"
65. Butlers Road, Pleasant Point "Pleasant Point Golf Club"
66. 30 Queen Street, Pareora, South Canterbury "Pareora Country Club"
67. 53 Elizabeth Street, Cave "Cave Store & Takeaway"
68. 53 Elizabeth Street, Cave "Cave Store & Takeaway"
69. 21 Wai-iti Road, Timaru "South Canterbury RSA"
70. West End Park, Wai-iti Road, Timaru "West End Amateur Football Club"
71. West End Park, Wai-iti Road, Timaru "West End Amateur Football Club"
72. 34 Church Street, Timaru "Timaru Harlequins Rugby Football Club"
73. Morris Lane, Pleasant Point "Pleasant Point Bowling Club"
74. Pleasant Point Domain, George Street, Pleasant Point "Pleasant Point AFC"
75. 2 Barnard Street, Timaru "Queens Hotel"
76. 35 Browne Street, Timaru "Warehouse Liquor"
77. 2 George Street, Timaru "Speights Ale House"
78. 66 Stafford Street, Timaru "The Carlton Hotel"
79. 7 Guinness Street, Timaru "Opihi Vineyard"
80. 132 Stafford Street, Timaru "Malbas"
81. 16 Royal Arcade, Timaru "Petite"

82. 6-10 Sealy Street, Timaru "Timaru New World"
83. 136-138 Stafford Street "Royal Garden Chinese Restaurant"
84. 44-46 Stafford Street, Timaru "Punjab Tandoori Indian Restaurant"
85. 118 Le Cren Street, Timaru "Richard Pearse Tavern and Family Restaurant"
86. 190 Stafford Street, Timaru "Sopheze Coffee Lounge and Catering"
87. 118 Le Cren Street, Timaru "Richard Pearse Tavern and Family Restaurant"
88. 55 Morgans Road, Timaru "Morgans Road Four Square Supermarket"
89. 18A Hobbs Street, Timaru "Northtown Tavern"
90. 249 King Street, Temuka "Tea Pot Inn"
91. 145 Wai-iti Road, Timaru "Henrys BWS"
92. 41 Talbot Street, Geraldine "Village Inn"
93. 335 Stafford Street, Timaru "Ginger and Garlic"
94. 2 Strathallan Street, Timaru "Steak @ Custom House"
95. 54-56 The Bay Hill, Timaru "Bay 54" or "Monteiths"
96. 64 King Street, Temuka "The Crown Hotel"
97. 64 King Street, Temuka "The Crown Hotel"
98. 64 The Bay Hill, Timaru "Fusion"
99. 68 The Bay Hill, Timaru "Little India"
100. 41 Talbot Street, Geraldine "Village Inn"
101. 121 King Street, Temuka "The Jolly Potter"
102. 72G Talbot Street, Geraldine "Prenzel of Geraldine"
103. 134 King Street, Temuka "The Blues Kitchen"
104. 141 King Street, Temuka "Temuka Hotel"
105. 141 King Street, Temuka "Temuka Hotel"
106. 804 Opihi Road, Pleasant Point "Opihi Vineyard"
107. 30 Queen Street, Pareora "Pareora Country Club"
108. 842 State Highway 72, Geraldine "StoneBridge"
109. 93 Main Road, Pleasant Point "Pleasant Point Foodmarket"

110. 932 Seadown Road, Timaru "The Shearers Quarters Cafe and Gift Shop"

111. 40-42 Browne Street, Timaru "Thistle AFC Clubrooms"

112. Phar Lap Raceway, State Highway One, Washdyke "Catering South Canterbury

113. 61 Browne Street, Timaru "Celtic Rugby Football Club"

114. Phar Lap Raceway, State Highway One, Washdyke "Catering South Canterbury

115. Falvey Road, Levels "South Canterbury Car Club"

116. 66 Stafford Street, Timaru "Carlton Hotel"

117. 8 Shaw Street, Timaru "Tornado Rod and Custom Club"

118. 26 Cains Terrace, Timaru "DB Grosvenor"

119. 4A Elizabeth Street, Timaru "Zest"

120. 26 Cains Terrace, Timaru "DB Grosvenor"

121. 84 Evans Street, Timaru "Golden Palace Chinese Restaurant"

122. 135 Stafford Street, Timaru "Chengs Chinese Restaurant"

123. Waihi Terrace, Geraldine "Kiwi Country"

124. 57 Main Road, Pleasant Point "Steam On Inn"

125. Botanical Gardens, 20 Queen Street, Timaru "Park Bowling Club"

126. 1202 Peel Forest Road, Geraldine "Peel Forest General Store"

127. 1202 Peel Forest Road, Geraldine "Little Mt Peel Cafe & Bar"

128. 328 Church Street, Timaru "Speights Lounge" Alpine Energy Stadium

129. Fergusson Drive, Temuka "Temuka Rugby Football Club"

130. Temuka Domain, Temuka "Temuka Bowling Club"

131. 198 Hilton Highway, Timaru "Robbies Washdyke"

132. 7-11 Peel Street, Geraldine "Geraldine Supervalu"

133. 3 Gualter Road, Geraldine "Brewery Cafe"

134. 3 Gualter Road, Geraldine "Brewery Cafe"

135. 22 Station Street, Timaru "The Station Cafe"

136. 253 Beaconsfield Road, Timaru "Stables Cafe and Bar"

137. 70 Morgans Road, Timaru "Timaru Bowling Club"

138. 16-22 Evans Street, Timaru "Comfort Hotel Benvenue"
139. 76F Talbot Street, Geraldine "The Country Café"
140. 50 King Street, Temuka "Empire Hotel"
141. 50 King Street, Temuka "Empire Hotel"
142. 99-111 Evans Street, Timaru "Super Liquor Evans Street"
143. 804 Opihi Road, Pleasant Point "Opihi Vineyard Café"
144. 4 Latter Street, Timaru "Hibernian Hotel"
145. 134 King Street, Temuka "The Blues Kitchen"
146. 129 Stafford Street, Timaru "Bar1"
147. 56 Main North Road, Geraldine "Geraldine Orchard Farmshop and Cafe"
148. 88, Evans Street, Timaru "Koji Japanese Restaurant & Sushi Bar"
149. 29 Stafford Street, Timaru "Super Liquor Timaru"
150. Main Road, Fairlie "Fairlie Four Square"
151. 4 latter Street, Timaru " The Hibernian Hotel"
152. 22 Dee Street, Timaru "The Mill"
153. 148-154 Stafford Street, Timaru "The Oxford"
154. 185 King Street, Temuka "Temuka New World"
155. 3-7 George Street, Timaru "Koji Restaurant"
156. 4A Sefton Street, Timaru "Saikou"
157. 8 Arthur Street, Timaru "Arthur Street Kitchen"
158. 109 Sophia Street, Timaru Lonestar Timaru
159. 75 King Street, Temuka "Royal Hotel"
160. 76G Talbot Street, Geraldine "Talbot Forest Cheese"
161. 20 Ranui Avenue, Timaru "Timaru Indoor Bowls Association Stadium and Community Centre"

Waimate District

1. 144 Queen Street, Waimate "Waimate Bowling Club Incorporated"
2. Browns Road, Waimate "Waimate Golf Club"
3. 30 Shearman Street, Waimate "Royal Tavern"
4. 30 Shearman Street, Waimate "Royal Tavern"
5. Queen Street, Waimate "Waimate Hotel"
6. Queen Street, Waimate "Waimate Hotel"
7. 198 Queen Street, Waimate "Criterion Hotel"
8. St Andrews, RD 24, Timaru "Masonic Hotel"
9. St Andrews, RD 24, Timaru "Masonic Hotel"
10. Main Road, St Andrews "St Andrews Golf Club"
11. 14 John Street, Waimate "Waimate Town & Country Club"
12. 86-88 Queen Street, Waimate "Empire Tavern"
13. 36 Main South Road, Makikihi, RD 8, Waimate "Makikihi Hotel"
14. 36 Main South Road, Makikihi, RD 8, Waimate "Makikihi Hotel"
15. 227 Point Bush Road, RD 9, Waimate "Point Bush Estate" (Te Kitiroa Lodge)
16. 700 Craigmere Valley Road, Maungati "Maungati Golf Club"
17. Stoney Creek Road, Waimate "Waihao Forks Hotel"
18. Stoney Creek Road, RD 7, Waimate "Waihao Forks Hotel"
19. Main South Road, Hook, RD 8, Waimate "Butlers Berry Farm"
20. 1 Redcliffe Road, Glenavy "Glenavy Hotel"
21. 1 Redcliffe Road, Gleanvy "Glenavy Hotel"
22. Corner of Victoria Terrace and John Street, Waimate "Waimate Town and Country Club"
23. 95 Queen Street, Waimate "Waimate New World"
24. 45 Shearman Street, Waimate "The Woolshed Baa"
25. Waimate Rugby Football Club Incorporated Wall Street, Waimate "Waimate RFC"
26. 25 Queen Street, Waimate "Cafe on Queen"
27. Murray Street, Studholme "Studholme Hotel"

Mackenzie District

1. Mt Cook National Park, Mt Cook, Mackenzie District "The Hermitage"
2. 26 Talbot Street, Fairlie "Fairlie Golf Club"
3. Main Road, Lake Tekapo "Lake Tekapo Tavern"
4. Main Road, Lake Tekapo "Lake Tekapo Tavern"
5. Cnr Ostler and Wairepo Roads, Twizel "Mackenzie Country Inn"
6. 23 Mackenzie Drive, Twizel "Pukaki Garden Korean Restaurant"
7. 3-4 Market Place, Twizel "Grappa Bar"
8. Ohau Road, Twizel "Combined Services Club"
9. Larch Grove Road, Aoraki/Mt Cook National Park "The Old Mountaineer's Café"
10. Larch Road, Aoraki/Mount Cook National Park "The Old Mountaineers Café"
11. Ostler Road, Twizel "Poppies Cafe"
12. Main Road, Lake Tekapo "Reflections Restaurant"
13. 76 Main Road, Fairlie "Eat Deli & Bar"
14. 6 Lakeside Drive, Lake Tekapo "Tekapo Springs"
15. Waitaki Place, Twizel "Ben Ohau Golf Club"
16. Strathconan Park, School Road, Fairlie "Fairlie Bowling Club"
17. School Road, Fairlie "MacKenzie Rugby Football Club"
18. State Highway 8, Lake Tekapo "The Godley Resort Hotel"
19. Main Road, Lake Tekapo "Tekapo Services"
20. Unit 1, State Highway 8, Lake Tekapo "Mackenzies Cafe, Bar and Grill"
21. 1 Market Place, Twizel "Jasmine's Thai"
22. Mt Cook National Park, Mt Cook, Mackenzie District "The Hermitage"
23. State Highway 8, Lake Tekapo "Jade Palace Chinese Restaurant"
24. State Highway 8, Kimbell "Silverstream Hotel"
25. State Highway 8, Kimbell "Silverstream Hotel"
26. State Highway 8, Lake Tekapo "Lake Tekapo Tavern"

27. 120 Main Road, Lake Tekapo "Thai Tekapo"
28. 20 Market Place, Twizel "Herrons Four Square"
29. Mt Nething Road, Albury, Mackenzie District "Mt Nething Golf Club"
30. 28 Tasman Road, Twizel "Razza Bar & Cafe"
31. 28 Tasman Road, Twizel "Razza Bar & Cafe"
32. Roundhill Ski Area, Lilybank Road, Lake Tekapo "Roundhill Ski Area"
33. 20 Ruataniwha Drive, Twizel "Musterer's Hut"
34. State Highway 8, Lake Tekapo "Lake Tekapo Tavern"
35. 5-7 Talbot Street, Fairlie "Combined Rural Traders (CRT)"
36. Ohau Road, Twizel "Combined Services Club"
37. State Highway 80, Mount Cook "Glentanner Café"
38. State Highway 8, Lake Tekapo "Peppers Bluewater Resort"
39. 53 Mount Cook Road, Fairlie "Red Stag Restaurant"
40. 4 Allandale Road, Fairlie "Pappa G's"
41. 1566 State Highway 8, Albury "Albury Inn"
42. 1566 State Highway 8, Albury "Albury Inn"
43. Corner of Mackenzie Drive and Market Place, Twizel "Mackenzie Four Square"
44. State Highway 80, Mount Cook "Glentanner Café"
45. 43 Main Street, Fairlie Gladstone Hotel
46. 43 Main Street, Fairlie Gladstone Hotel
47. 13 Tasman Road, Twizel "Top Hut"
48. 13 Tasman Road, Twizel "Top Hut"
49. 69 Main Street, Fairlie "Top Pub"
50. 69 Main Street, Fairlie "Top Pub"
51. Main Road, Lake Tekapo "The Tin Plate"

APPENDIX K

Calculations of Staff time undertaking the licencing process & other liquor related activities for Timaru District Council, Mackenzie District Council and Waimate District Council pursuant to the Sale of Liquor Act 1989

Liquor related activities undertaken by staff for all three districts.								
		CPO	Education	Reports	Enquires	Tri agency	Total Hours	Total (\$)
1					80.5		80.5	\$ 2,012.50
2		24	6		287.5	21	338.5	\$ 8,462.50
3		16			143		159	\$ 3,975.00
4				48	172		220	\$ 4,180.00
5							0	\$ -
							0	\$ -
							0	\$ -
							798	\$ 18,630.00

Number of Premises for each District determines the Percentage of activities paid		
District	Premises	%
Timaru	161	67
Waimate	27	11
Mackenzie	51	22

TDC SOLA 18 Dec - 30 July

Cost of Staff time in hours for licencing process

Staff	On	Off	Club	Manager	Special	Temp Authority	DLA Meeting	Total Hours	Total	67% of activities	Inspect 80 Premises	Total Cost (\$)
								0	\$ -			
2	21	5	3	90.2		1		120.2	\$ 3,005.00			
3					61.5			61.5	\$ 1,537.50			
4	21	5	6	137	123	1	12.5	305.5	\$ 5,804.50			
5							3	3	\$ 105.00			
								0	\$ -			
								490.2	\$ 10,452.00	\$ 12,482.10	\$ 3,018.75	\$ 25,952.85

MDC SOLA 18 Dec - 30 July

Cost of Staff time in hours for licensing process

Staff	On	Off	Club	Manager	Special	Temp Authority	DLA Meeting	Total Hours	Total	22% of activities	Inspection of 25 Premises	Total Cost (\$)
								0	-			
2	5	1		38.7		8		52.7	1,317.50			
3					8			8	200.00			
4	5	1	1	41	8	8		64	1,216.00			
5							3	3	105.00			
								0	-			
								127.7	2,838.50	4,098.60	956.25	7,893.35

WDC SOLA 18 Dec - 30 July

Cost of Staff time in hours for licensing process

Staff	On	Off	Club	Manager	Special	Temp Authority	Prep DLC	DLA Meeting	Total Hours	Total	11% of activities	Inspection of 13 Premises	Total Cost (\$)
1									0	\$ -			
2	3	2	3	10.6					18.6	\$ 465.00			
3					17				17	\$ 425.00			
4	3	2	1	17	17	1			41	\$ 779.00			
5								3	3	\$ 105.00			
									0	\$ -			
									79.6	\$ 1,774.00	\$ 2,049.30	\$ 506.25	\$ 4,329.55

Calculations of Staff time undertaking the licencing process & other liquor related activities for Timaru District Council, Mackenzie District Council and Waimate District Council pursuant to the Sale and Supply of Alcohol Act 2013

Liquor related activities undertaken by staff for all three districts.									
Staff	Training	Workshop	CPO	Education	Reports	Enquires	Tri agency	Total Hours	Total (\$)
1	28				8.5	161		197.5	\$ 4,937.50
2	16	20	24	6	33	575	21	695	\$ 17,375.00
3	16	20	16		40	287.5		379.5	\$ 9,487.50
4		3			75	345		423	\$ 8,037.00
5	8	25			48	287.5		368.5	\$ 12,897.50
6	8	15						23	\$ 1,794.00
7	16							16	\$ 816.00
								2102.5	\$ 55,344.50

Number of Premises for each District determines the Percentage of activities		
District	Premises	%
Timaru	161	67
Waimate	27	11
Mackenzie	51	22

TDC SSAA 18 Dec - 30 July

Cost of Staff time in hours for licensing process													
Staff	On	Off	Club	Manager	Special	Temp Authority	Prep DLC	DLC Meeting	Total Hours	Total	67% of activities	Inspect 80 Premises	Total Cost (\$)
1	5.5	4.5	0.5		16.25	1	20	24	71.75	\$ 1,793.75			
2	38	41	6	58		4			147	\$ 3,675.00			
3					114				114	\$ 2,850.00			
4	11	9	2	64.5	65	1			152.5	\$ 2,897.50			
5	3.5		2		16.25	3	20	27	71.75	\$ 2,511.25			
6							20	27	47	\$ 3,666.00			
									604	\$ 17,393.50	\$ 37,080.82	\$ 3,018.75	\$ 57,493.07

MDC SSAA 18 Dec - 30 July

Cost of Staff time in hours for licensing process

Staff	On	Off	Club	Manager	Special	Temp Authority	Prep DLC	DLC Meeting	Total Hours	Total	22% of activities	Inspection of 25 Premises	Total Cost (\$)
1	12.5	12.5		6.45	9.2	5	18	18	81.65	2,041.25			
2	49	39		30		20			138	3,450.00			
3					11.6				11.6	290.00			
4	7	5		32.25	8	5			57.25	1,087.75			
5	5				10	10	18	19.07	62.07	2,172.45			
6							18	19.02	37.02	2,887.56			
									387.59	11,929.01	12,175.79	956.25	25,061.05

WDC SSAA 18 Dec - 30 July

Cost of Staff time in hours for licensing process

Staff	On	Off	Club	Manager	Special	Temp Authority	Prep DLC	DLC Meeting	Total Hours	Total	11% of activities	Inspection of 13 Premises	Total Cost (\$)
1	4.5		1.2	2.55	9.2	1	8	1.8	28.25	\$ 706.25			
2	23		3	10.5					36.5	\$ 912.50			
3					11.6				11.6	\$ 290.00			
4	3		1	12.75	8	1			25.75	\$ 489.25			
5	1		1		5	3	13	5.8	28.8	\$ 1,008.00			
6							13	5.8	18.8	\$ 1,466.40			
									149.7	\$ 4,872.40	\$ 6,087.90	\$ 506.25	\$ 11,466.55

Revenue vs Cost Comparison

	Timaru	Makenzie	Waimate	Total revenue for period
1 July 2013 to 18 December 2013	53,382.90	13,436.14	8,276.85	75,095.89
19 December 2013 to 30 June 2013	57,521.00	24,500.75	8,944.70	90,966.45
Total Revenue	110,903.90	37,936.89	17,221.55	166,062.34
	Timaru	Mackenzie	Waimate	Total cost for period
1 July 2013 to 18 December 2013	25,952.85	7,893.30	4,329.55	38,175.70
19 December 2013 to 30 June 2013	57,493.07	25,061.05	11,466.55	94,020.67
Total staff time cost	83,445.92	32,954.35	15,796.10	132,196.37
Total Annual Revenue	166,062.34			
Total Cost of Staff Time	132,196.37			
	33,865.97			
Miscellaneous -Postage \$821, Monitoring \$2000, Legal \$1663, NZILLI Membership/Conference \$520, Vehicle running Cost \$5017.25	\$ 10,021.25			
	\$ 23,844.72			

APPENDIX L

ANNUAL RETURNS FOR TIMARU, WAIMATE AND MACKENZIE DISTRICTS

**TIMARU DISTRICT LICENSING AGENCY
ANNUAL RETURN
1 July 2013 – 18 December 2013
Sale of Liquor Act 1989**

Category	Number of Applications Received	Number of Applications Determined	Number of New Licensed Premises	DLA Revenue
On-Licence New	6	4	Lone Star Koji Saikou Arthur St Cafe	4,759.44
On-Licence Renewal	16	17		12,691.84
Off-Licence New		1		
Off-Licence Renewal	7	4		5,552.68
Club-Licence New	1	1	Timaru Indoor Bowls	793.24
Club-Licence Renewal	4	5		3,172.96
Manager Cert New	34	31		4,587.62
Manager Cert Renewal	103	106		13,897.79
Subtotal	171	169		45,455.57
Special Licences	121	123		7,792.40
Temporary Authorities	1	1		134.93
TOTAL	293	293		53,382.90

Number of DLA Meetings held:

July 2013	8
August 2013	6
September 2013	5
October 2013.....	4
November 2013.....	6
December 2013.....	3

**TIMARU DISTRICT LICENSING AGENCY
ANNUAL RETURN FOR YEAR ENDING 30 JUNE 2014**

Sale and Supply of Alcohol Act 2012

On, off 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		
On-licence variation			1		
On-licence renewal		3	5	1	
Off-licence new			1		
Off-licence variation					
Off-licence renewal		1	3	4	
Club licence new					
Club licence variation					
Club licence renewal		2			
Total number		6	11	5	
Total Fee paid to ARLA (GST incl)		207.00	569.25	431.25	

Annual fees for existing licences 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		5	8	2	
Off-licence			4	4	
Club - licence	2	1			
Total number	2	6	12	6	
Total Fee paid to ARLA (GST incl)	34.50	207.00	621.0	517.50	

Managers certificate applications received:

	Number received
Managers certificate new	31
Managers certificate renewal	55
Total number	86
Total Fee paid to ARLA (GST incl)	2,472.50

Special Licence applications received:

	Number received in category: Class 1	Number received in category: Class 2	Number received in category: Class 3
Special Licence	6	26	33

Temporary authority applications received:

	Number received
Temporary authority	1

Permanent club charter payments received:

	Number received
Permanent club charter payments	0

Number of DLC Meetings held:

January 2014 2

February 2014 4

March 2014..... 3

April 201 4

May 2014 4

June 2014..... 3

11 August 2014

Alcohol Regulatory & Licensing Authority
Private Bag 32001
Featherston Street
Wellington 6146

C/o Timaru District Council
2 George Street
P O Box 522
Timaru

Dear Sir/Madam

Telephone (03) 687 7264

**2013/2014 ANNUAL REPORT - WAIMATE DISTRICT
LICENSING COMMITTEE**

Fax (03) 687 7209

- *Personnel*

Mr. Chris English, the Regulatory Services Manager, continued as the Secretary to the District Licensing Agency until 18 December 2013. On that date Mr. Jonathan Cowie, the Environmental Health Unit Manager, was appointed Secretary to the District Licensing Committee (DLC). Environmental Health Officer Mrs. Annette Davidson was appointed as Committee Advisor (Technical Advisor) to the DLC and Chief Licensing Inspector on 18 December 2013. Mrs. Barbara Ensor, Liquor Licensing Inspector retired on 12 July 2013 after 26 years of service for the Council and community and was replaced by Mr. Paul Cooper.

- *Staff Training*

The Licensing Inspectors continue to support the National Institute by way of ongoing membership. All four Inspectors completed their NZQA training and obtained the National Certificate of Compliance and Regulatory Control with the Liquor Licensing strand in March 2013. Licensing inspectors have also attended training on the new Act in Christchurch run by CollaborAction and CPTED training. DLC members attended training run by New Zealand Society of Local Government Managers.

- *Agency/Committee Hearings*

There have been no Agency meetings or Committee hearings held during the year however three enforcement matters have been forwarded to the Authority for a determination. Matters for consideration by the DLC where no opposition or objection is raised are dealt with during a weekly meeting. These meetings have been attended by Commissioner of the joint DLC Mr. Pat Mulvey, the Secretary to the DLC and the Committee Advisor.

1 Agency/DLC Initiatives

- *Monitoring*

The Agency, DLC, Police and Community and Public Health have continued to make a great effort this year through formal monitoring of licensed

premises. This has included after-hours monitoring of all operations, including sports and special interest clubs. Special licences have been monitored where the nature or scale of the event has warranted this.

Inspectors have undertaken monitoring at all times of the day and night with few premises having been found lacking in meeting their legislative requirements. Verbal and written warnings were given to the licensees where minor breaches of the Sale and Supply of Alcohol Act 2012 (the Act) were noted.

2 Sale of Liquor Policy/Local Alcohol Policy

- The Alcohol Policy created under the Sale of Liquor Act 1989 became redundant on 18 December 2013 when the new Act was introduced. Pursuant to the Act a Local Alcohol Policy (LAP) is being developed jointly with Mackenzie, Waimate and Timaru District Councils. The LAP is currently at the Provisional stage and four appeals have been received. The appeals are yet to go before the Authority.

3 Enforcement and Inspections

- During each year all premises holding permanent liquor licences are inspected at least once. Premises where the licence is being renewed or with which an application for a new Managers Certificate can be associated, can be subject to an additional inspection. These inspections are on top of the above mentioned after hours monitoring. This monitoring is viewed as being a valuable tool for maintaining and ensuring compliance with the Act.
- Controlled Purchase Operations are held throughout the year and, where offences under the Act are detected, appropriate enforcement action is taken. In many cases the course of action taken can be by negotiation and with the endorsement of the Liquor Licensing Authority or the Alcohol Regulatory and Licensing Authority, voluntary suspension of licenses and managers certificates have been agreed.
- A particular licensee his manager in the Waimate District have caused problems on a continual basis throughout the year. The premises has two enforcement holdings in the system awaiting to be heard by ARLA, and a potential third holding currently with the Police. The tri-agency partners have been working closely with the licensee and staff to try and achieve a degree of compliance.

4 Liaison with Other Agency Groups (i.e. Police, Health)

- Tri-agency group meetings – the Licensing Inspectors regularly attend meetings with Police, Community and Public Health. This group meets regularly to discuss issues arising from events and weekend operations or plan monitoring and enforcement.
- Education - Licensing Inspectors with Police, Community and Public Health regularly attend Duty Manager training courses at Aoraki Polytechnic. They provide education students in the requirements of legislation and host responsibility.

- Controlled Purchase Operations - The Licensing Inspectors have supported the Police and Community and Public Health in Controlled Purchase Operations.

5 Statistical Information

Attached is the required statistical information for the financial year.

Yours faithfully

Jonathan Cowie
Secretary
Joint District Licensing Committee

**WAIMATE DISTRICT LICENSING AGENCY
ANNUAL RETURN**

**1 July 2013 – 18 December 2013
Sale of Liquor Act 1989**

Category	Number of Applications Received	Number of Applications Determined	Number of New Licensed Premises	DLA Revenue
On-Licence New	1		1 (Red Chillis) withdrawn	793.24
On-Licence Renewal	3	3		2,379.72
Off-Licence New	0			0
Off-Licence Renewal	2	2		1,586.48
Club-Licence New	0			0
Club-Licence Renewal	0			0
Manager Cert New	3	3		404.79
Manager Cert Renewal	14	14		1,889.02
Subtotal	23	22	1	7,053.25
Special Licences	18	17		1,159.20
Temporary Authorities	1	1		134.93
TOTAL	42	40		8,347.38

Number of DLA Meetings held:

July 2013 4
 August 2013 2
 September 2013 4
 October 2013..... 5
 November 2013 2
 December 2013 3

**WAIMATE DISTRICT LICENSING AGENCY
ANNUAL RETURN FOR YEAR ENDING 30 JUNE 2014**

Sale and Supply of Alcohol Act 2012

On, off 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	1		
On-licence variation					
On-licence renewal			1		
Off-licence new					
Off-licence variation					
Off-licence renewal					
Club licence new					
Club licence variation					
Club licence renewal	1				
Total number	1	1	2		
Total Fee paid to ARLA (GST incl)	17.25	34.50	103.50		

Annual fees for existing licences 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		2	3		
Off-licence			1		
Club - licence	3	1			
Total number	3	3	4		
Total Fee paid to ARLA (GST incl)	51.75	103.50	207.00		

Managers certificate applications received:

	Number received
Managers certificate new	4
Managers certificate renewal	13
Total number	17
Total Fee paid to ARLA (GST incl)	\$488.75

Special Licence applications received:

	Number received in category: Class 1	Number received in category: Class 2	Number received in category: Class 3
Special Licence	1	2	5

Temporary authority applications received:

	Number received
Temporary authority	1

Permanent club charter payments received:

	Number received
Permanent club charter payments	0

Number of DLC Meetings held:

January 2014 1
February 2014 2
March 2014..... 1
April 201 3
May 2014 2
June 2014..... 4

11 August 2014

Alcohol Regulatory & Licensing Authority
Private Bag 32001
Featherston Street
Wellington 6146

C/o Timaru District Council

2 George Street

P O Box 522

Timaru

Dear Sir/Madam

Telephone (03) 687 7264

**2013/2014 ANNUAL REPORT - MACKENZIE
DISTRICT LICENSING COMMITTEE**

Fax (03) 687 7209

- *Personnel*

Mr. Chris English, the Regulatory Services Manager, continued as the Secretary to the District Licensing Agency until 18 December 2013. On that date Mr. Jonathan Cowie, the Environmental Health Unit Manager, was appointed Secretary to the District Licensing Committee (DLC). Environmental Health Officer Mrs. Annette Davidson was appointed as Committee Advisor (Technical Advisor) to the DLC and Chief Licensing Inspector on 18 December 2013. Mrs. Barbara Ensor, Liquor Licensing Inspector retired on 12 July 2013 after 26 years of service for the Council and community and was replaced by Mr. Paul Cooper.

- *Staff Training*

The Licensing Inspectors continue to support the National Institute by way of ongoing membership. All four Inspectors completed their NZQA training and obtained the National Certificate of Compliance and Regulatory Control with the Liquor Licensing strand in March 2013. Licensing inspectors have also attended training on the new Act in Christchurch run by CollaborAction and CPTED training. DLC members attended training run by New Zealand Society of Local Government Managers.

- *Agency/Committee Hearings*

There have been no Agency meetings or Committee hearings held during the year. Matters for consideration by the DLC where no opposition or objection is raised are dealt with during a weekly meeting. These meetings have been attended by Commissioner of the joint DLC Mr. Pat Mulvey, the Secretary to the DLC and the Committee Advisor.

6 Agency/DLC Initiatives

- *Monitoring*

The Agency, DLC, Police and Community and Public Health have continued to make a great effort this year through formal monitoring of licensed premises. This has included after-hours monitoring of all operations, including sports and special interest clubs. Special licences have been monitored where the nature or scale of the event has warranted this.

Inspectors have undertaken monitoring at all times of the day and night with few premises having been found lacking in meeting their legislative requirements. Verbal and written warnings were given to the licensees where minor breaches of the Sale and Supply of Alcohol Act 2012 (the Act) were noted.

7 Sale of Liquor Policy/Local Alcohol Policy

- The Alcohol Policy created under the Sale of Liquor Act 1989 became redundant on 18 December 2013 when the new Act was introduced. Pursuant to the Act a Local Alcohol Policy (LAP) is being developed jointly with Mackenzie, Waimate and Timaru District Councils. The LAP is currently at the Provisional stage and four appeals have been received. The appeals are yet to go before the Authority.

8 Enforcement and Inspections

- During each year all premises holding permanent liquor licences are inspected at least once. Premises where the licence is being renewed or with which an application for a new Managers Certificate can be associated, can be subject to an additional inspection. These inspections are on top of the above mentioned after hours monitoring. This monitoring is viewed as being a valuable tool for maintaining and ensuring compliance with the Act.
- Controlled Purchase Operations are held throughout the year and, where offences under the Act are detected, appropriate enforcement action is taken. In many cases the course of action taken can be by negotiation and with the endorsement of the Liquor Licensing Authority or the Alcohol Regulatory and Licensing Authority, voluntary suspension of licenses and managers certificates have been agreed.

9 Liaison with Other Agency Groups (i.e. Police, Health)

- Tri-agency group meetings – the Licensing Inspectors regularly attend meetings with Police, Community and Public Health. This group meets regularly to discuss issues arising from events and weekend operations or plan monitoring and enforcement.
- Education - Licensing Inspectors with Police, Community and Public Health regularly attend Duty Manager training courses at Aoraki Polytechnic. They provide education students in the requirements of legislation and host responsibility.
- Controlled Purchase Operations - The Licensing Inspectors have supported the Police and Community and Public Health in Controlled Purchase Operations.

10 Statistical Information

Attached is the required statistical information for the financial year.

Yours faithfully

Jonathan Cowie
Secretary
Joint District Licensing Committee

**MACKENZIE DISTRICT LICENSING AGENCY
ANNUAL RETURN**

**1 July 2013 – 18 December 2013
Sale of Liquor Act 1989**

Category	Number of Applications Received	Number of Applications Determined	Number of New Licensed Premises	DLA Revenue
On-Licence New	2	2		1586.48
On-Licence Renewal	3	3		2,379.72
Off-Licence New	1	1		793.24
Off-Licence Renewal	0			0
Club-Licence New	0			0
Club-Licence Renewal	1	1		793.24
Manager Cert New	29	26		3,912.97
Manager Cert Renewal	16	15		2,158.88
Subtotal	52	48	0	11,624.53
Special Licences	9	8		579.60
Temporary Authorities	8	8		1079.44
TOTAL	69	64		13,283.57

Number of DLA Meetings held:

July 2013 5
 August 2013..... 3
 September 2013 5
 October 2013 4
 November 2013 3
 December 2013 4

**MACKENZIE DISTRICT LICENSING AGENCY
ANNUAL RETURN FOR YEAR ENDING 30 JUNE 2014**

Sale and Supply of Alcohol Act 2012

On, off 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			3	1	
On-licence variation					
On-licence renewal		2	1		
Off-licence new			2	1	
Off-licence variation					
Off-licence renewal			3		
Club licence new					
Club licence variation					
Club licence renewal					
Total number		2	9	2	
Total Fee paid to ARLA (GST incl)		69.00	465.75	172.50	

Annual fees for existing licences 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		2	5	3	
Off-licence		1	6	2	
Club - licence					
Total number		3	11	5	
Total Fee paid to ARLA (GST incl)		103.50	569.25	431.25	

Managers certificate applications received:

	Number received
Managers certificate new	17
Managers certificate renewal	26
Total number	43
Total Fee paid to ARLA (GST incl)	1,236.25

Special Licence applications received:

	Number received in category: Class 1	Number received in category: Class 2	Number received in category: Class 3
Special Licence	2	2	4

Temporary authority applications received:

	Number received
Temporary authority	5

Permanent club charter payments received:

	Number received
Permanent club charter payments	0

Number of DLC Meetings held:

January 2014 0

February 2014 4

March 2014 4

April 201 3

May 2014 4

June 2014 3