

## **Auckland Council**

# **Annual Report to the Alcohol Regulatory and Licensing Authority for the period 1 July 2016 to 30 June 2017**

## **Overview of Auckland Council District Licensing Committee workload over the period**

### **District Licensing Committee structure and personnel**

The period 1 July to 31 June 2017 was the last contract year for the first tranche of Auckland Council's District Licensing Committee (DLC) chairs and members. In March 2017, Auckland Council called for applications for a new pool of DLC chairs and members. A full recruitment process followed, and on 15 June 2017 the Regulatory Committee approved a region-wide pool of six chairpersons (including four commissioners) and ten members who have been contracted for the period 1 July 2017 to 30 June 2020.

Auckland Council continues to select chairs and members on a case-by-case basis to sit as a DLC. For contested applications, at least one member of the DLC hearings panel is selected from the local area (where practicable).

There have been no significant changes to DLC support personnel over this period. One hearings advisor manages the DLC hearings, with support from other members of the Hearings Team as required. Two process support administrators manage on-the-papers allocation to DLC chairs and members. The Manager Alcohol Licensing and Principal Advisor Hearings continue to share the role of DLC Secretary.

### **Staff training undertaken relating to the Sale and Supply of Alcohol Act 2012**

No formal alcohol-related staff training has occurred in the past year. However informal training was provided to staff in June 2017 by a Thompson Reuters representative on the Westlaw database.

Informal training continues to be provided to DLC chairs and members through quarterly DLC forums and occasional DLC chairs meetings. These meetings are facilitated by the Principal Advisor Hearings and provide an opportunity to raise and discuss current issues or events relating to DLCs.

### **DLC meetings or hearings**

The number of DLC hearings was similar to previous years, with 100 hearings held between 1 July 2016 and 30 June 2017.

The hearings related to 54 managers' certificates, 29 off-licences, 12 on-licences, 2 club licences, one special, one temporary authority and one variation of conditions.

## **DLC initiatives**

Final actions in the DLC work plan were completed or continued in 2016, including:

- recording of all DLC hearings from June 2016
- introducing artwork in hearings room in September 2016 to make it less formal and more welcoming for hearings participants
- ongoing staff participation in nationwide initiatives such as the joint Health Promotion Agency and Local Government NZ development of guidance documents for applicants, agencies and objectors
- continued bundling of opposed managers' certificate applications by area and setting aside a day each month in the relevant area for all opposed applications to be heard on the same day.

## **Local Alcohol Policy**

On 30 June 2017, Auckland Council's Provisional Local Alcohol Policy was under appeal to the Alcohol Regulatory and Licensing Authority.

## **Issues with current legislation**

### **Temporary authorities**

The Auckland District Licensing Committee secretariat wishes to reiterate its concern that temporary authority applications are not listed in section 191(3) of the Sale and Supply of Alcohol Act 2012.

The result of this omission is that a quorum of three members is required for all temporary authority applications. Some DLC chairs have reported benefits in receiving input from panel members and some panel members have appreciated the greater awareness of licensed premises that involvement in temporary authority decisions provides. However, overall this is an onerous and time-consuming exercise for applications that are generally urgent, low-risk and can only be granted for a maximum of three months.

The DLC secretariat would like temporary authorities to be added to the list in section 191(3), to enable those applications to be determined by a quorum of one member who must be the chairperson.

## **Public notice requirements**

The DLC secretariat would like to reiterate its concern that the Sale and Supply of Alcohol Regulations 2013 only require public notification through one medium; either a newspaper or newspapers circulating the district concerned, or on an internet site.

There are benefits and drawbacks to each option. Publishing alcohol notices online is less expensive than advertising in the regional newspaper and interested parties can sign up for notifications of licence applications in their area. Conversely, there are rural areas and households within Auckland that do not have reliable access to the internet. Local newspapers are widely read, however they do not provide a notification mechanism for interested parties and additional notices in the regional newspaper would be required to ensure members of the public are provided a reasonable opportunity to view and respond to the notices.

Consultation with Auckland Council local boards and interested councillors found that preferences were split if they had to choose between the two mediums. A clear preference was found for requiring public notification both in newspapers and online.

The DLC secretariat would like the Sale and Supply of Alcohol Regulations 2013 to be amended to permit DLCs to require public notification both in a newspaper or newspapers circulating the district concerned and on a nominated internet site.

## **Special licence applications**

The DLC secretariat wishes to reiterate an issue with the prescribed timeframes for special licence applications. Currently, a person must apply for a special licence at least 20 working days before the event begins.

If a person applies for a special licence 21 days before the event begins, but the application is opposed and the DLC convenes a hearing, there is insufficient time before the event for reporting (15 working days under s141), notifying and hearing the application (10 working days under s202) and for the decision to take effect after the appeal period (10 working days under s152(2)).

Although s202 of the Sale and Supply of Alcohol Act does not require a hearing to be convened for applications that are opposed by the constable, inspector or Medical Officer of Health, for natural justice reasons the Auckland DLC has adopted a standard practice of convening a hearing for all opposed applications.

In any case, if the secretary of the licensing committee requires the applicant to publicly notify the application and an objection is received, the same timing issues arise.

This creates a situation where reporting agencies may be reluctant to oppose special licences if it would result in a licence not being issued before the event, applicants may be pressured to commit to certain undertakings to ensure that their application is not opposed, and the secretary may be less likely to require public notification.

The DLC secretariat suggests that the legislation be amended to require special licence applications to be filed at least 40 working days before the day on which the event concerned begins.

## Statistical information

The following statistical information is attached:

- Annual return
- Current listing of licensed premises.



Rob Abbott  
DLC Secretary  
(Processing and issuing)



Elizabeth McKenzie  
DLC Secretary  
(Hearings)