

Functions of the Far North District Licensing Committee

Annual Report for the 12-month period ending 30 June 2021

Section 199 of the Sale and Supply of Alcohol Act 2012 requires the Far North District Council submit an annual report. This report is for the 1 July 2020 to 30 June 2021 licensing period.

Name of District Licensing Committee

Far North District Licensing Committee

Committee Members

Role	Name	Email	Phone
Secretary	Rochelle Deane		
Chairperson	Ann Court		
Deputy Chairperson	Kelly Stratford		
Member	Martin Macpherson		
Member	Stuart Wright		
Member	Kirsty Beard		
Member	Murray Clearwater		

Licensing Inspectors

Role	Name	Email	Phone
Chief Licensing Inspector	Patrick Barber	patrick.barber@fndc.govt.nz	021959578
Inspector	Christina Rosenthal	christina.rosenthal@fndc.govt.nz	(09)4015406
Inspector	Natasha Thompson	natasha.thompson@fndc.govt.nz	0275527957
Inspector	Emmanuel Platero	emmanuel.platero@fndc.govt.nz	0272830616
Inspector	Megan Edwards	megan.edwards@fndc.govt.nz	(09)4070420
Inspector	Te Orakiri Graham	TeOrakiri.graham@fndc.govt.nz	0272201326

Number of Licenses and Managers Certificates issued and refused in the 2020-2021 financial year

Within the Far North District there are a total of 258 licensed premises (47 clubs, 128 on license and 83 off licenses).

Note: the 2020-2021 financial year runs from 1 July 2020 to 30 June 2021

Licenses 2020-2021

Type of License	Number Issued	Number Refused	Number Withdrawn
On License	64	0	0
Off License	37	1	2

Club License	14	0	0
Special License	89	0	3

Manager's certificates 2020-2021

Number Issued	402
Number Refused	0
Number Withdrawn	6

Number of Licenses renewed and refused in the 2020-2021 financial year

Licenses 2020-2021

Type of License	Number Issued	Number Refused	Number Withdrawn
On License	37	0	0
Off License	28	0	0
Club License	13	0	0

Comments on any changes or trends in the Committee's workload in 2020-2021

During 2020-2021 there were only 89 special licenses issued compared to 154 special licenses issued in 2019-2020. This is likely due to the uncertainty of holding an event due to COVID-19 alert level changes. The number of licenses (ON/OFF/CLUB) remain similar to last year.

Due to uncertainty around Covid Levels a lot of applications for special licenses creates challenges for both the applicant and enforcement agencies in regard to timing and managing social distancing.

Comments on any new initiatives the Committee has developed/adopted in 2020-2021

A questionnaire has been developed which goes out with every renewal application. The questionnaire works to ensure that each manager and licensee is keeping update to with their legal responsibilities under the Act to ensure they give effect to the object of the Act.

All applications for new managers certificates now have a face to face interview with the licensing inspector.

All premises are now receiving good host visits.

A new condition has been entered into each renewal requiring the licensee to comply with

- Any order made under section 11 of the COVID-19 Public Health Response Act 2020; and
- Any order made under section 70 of the Health Act 1956 and listed in schedule 2 of the COVID-19 Public Health Response Act 2020; and
- Any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable disease.

Has your Committee developed a Local Alcohol Policy?

The Committee have not developed a Local Alcohol Policy.

Comments on the ways in which the Committee believe the Sale and Supply of Alcohol Act 2012 is achieving its object. Note: the object of the Sale and Supply of Alcohol Act 2012 is that:

- The sale, supply and consumption should be undertaken safely and responsibly; and*
- The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

Whilst there have been a few failed CPO's in the district, we are seeing very little non compliance overall. There appears to be an increased understanding by both the licensees and the general public that the harm caused by excessive or inappropriate consumption of alcohol is no longer acceptable practice.

With the closure of one of our serious offenders there has been a clear message to the industry that continued non-performance carries significant consequences.

Comments on the manner in which COVID-19 has impacted on DLC Operations?

The only notable impact on DLC operations during COVID-19 was holding a DLC hearing on 20 August 2020 during alert level 2, which required additional measures to ensure alert level rules were adhered to.

To what extent, if any, do you consider that achievement of the object of the Act may have been affected by the COVID-19 pandemic?

During the COVID-19 pandemic there has been an increase in the number of Police incidents involving alcohol. The local "Alcohol Harm Reduction Officer" of the NZ Police has advised of the increase in the number of Police incidents where alcohol has been a factor. Whilst this cannot be directly linked to the operations of licensed premises, there would appear to be a link to a degree.

There was initially a great deal of confusion during lock down as to who had authority to sell alcohol for off-site consumption. Not all licensees are endorsed pursuant to Section 17. We observed some illegal advertising via Facebook and other social media promoting discounted alcohol delivered.

What changes or trends in licensing have you seen since the Act came into force?

Hearings are becoming more litigious with applicants regularly represented by legal counsel. Hearing decisions are being challenged more on the grounds of what I am going to call legal manoeuvrings. The Act was never meant to become so litigious – local decision making by local people is how Hansard describes it – district licensing committees are not lawyers and yet we see ARLA applying legal tests to a standard that was never intended. This is not helpful especially when appeals run to the high court. This is where we see legal professionals with years of experience demolish local democratic decision making. If it is the intent that a more legal based approach is undertaken then qualified legal counsel should be appointed as the chairperson of each committee and tasked with decision writing.

We are seeing less committees run by local representatives and more frequently by professional DLC members who often represent multiple TA's. I question if this is in alignment with the intention of the Act.

Training is challenging with most learning modules focussed on new entrants rather than those who have been around the traps for a while. Case law is still challenging to find.

ARLA is at times rewriting the Legislation. The purpose of conditions is to manage effects and put a frame work in place. If a licensee is suitable then why all the conditions other than hours and licensed areas etc? If a licensee is not suitable then they don't pass go and don't collect \$200. Yet we see conditions applied when it suits and then challenged when they don't. How is one supposed to navigate that minefield? New categories that do not currently exist under the Regulations are also being applied.

What changes to practices and procedures under the Act would you find beneficial?

More information around COVID-19 processes in relation to Licensees. During alert level 3 in 2020, some OFF licensed premises were able to provide contactless sales. Clearer legislation is required in order to monitor these activities when there is a change in COVID-19 alert levels.

Application of alfresco dining licenses and their interplay with the Act and the receiving environment like roading corridors, public spaces including beach foreshore, parks and reserves

Appendix

The following statistical information is attached:

1. Annual Return
2. Current List of Licensed Premises



Rochelle Deane
Secretary
Far North District Licensing Committee