

5. COUNCIL SUBMISSION ON SALE OF LIQUOR (OBJECTIONS TO APPLICATIONS) AMENDMENT BILL

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Inspections and Enforcement Manager
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PURPOSE OF REPORT

1. The Social Services Committee has invited submissions on the Sale of Liquor (Objections to Applications) Amendment Bill. Submissions on the Bill close on 15 August 2008.
2. Council staff have reviewed the Bill and taken direction from the Alcohol Policy and Liquor Control Bylaw Subcommittee, and staff advice is attached (see Appendix B) in the approved submission format for consideration by the Regulatory & Planning Committee.

EXECUTIVE SUMMARY

3. Manurewa MP George Hawkins has succeeded in introducing a Bill into Parliament aimed at restricting the number of liquor outlets. The Bill, titled Sale of Liquor (Objections to Applications) Amendment Bill, proposes amendments to the Sale of Liquor Act 1989. Since the Bill was introduced, the Government has also announced an intention to amend the Sale Of Liquor Act. The proposed Government changes are expected to be much wider in scope than the Hawkins Bill.

COVERAGE OF THE BILL

4. In summary, the Bill proposes to:
 - provide for more community input into liquor licensing decisions by widening the objection provisions for both on- and off-licences to include neighbours, businesses and community organisations as affected parties;
 - require applicants to undertake a social/economic impact evaluation which would be subject to public notice requirements;
 - allow the Liquor Licensing Authority to take additional matters into account when an application is opposed.
5. The Bill does not cover or address:
 - club or special licenses; it only applies to on- and off-licenses;
 - renewals; it only applies to new applications;
 - wider issues covered by the Sale of Liquor Act, e.g. drinking age.

CURRENT LICENSING PROCESSES

6. Operationally, the Bill, as proposed, would have a significant impact on the functions of the Christchurch District Licensing Agency (DLA). Council's Liquor Licensing Team, on behalf of the DLA, receives and deals with applications for licences and certificates under the Sale of Liquor Act 1989, along with monitoring compliance with the terms and conditions of licences granted and with the Act generally.
7. The Liquor Licensing Team receive and process all new and renewal applications relating to on/off/club licenses, special licences, temporary authorities and managers certificates.
8. In relation to on/off/club license applications, providing no objections are received, the DLA will grant the application. However, if an objection is received, the application will be forwarded to the Liquor Licensing Authority (LLA) in Wellington for determination.
9. The Secretary of the DLA is the CEO of the Christchurch City Council.
10. Power for DLAs to grant licences is shared in Christchurch by the Sale of Liquor Officer Subcommittee (acting on behalf of the Secretary of the DLA) and the DLA Councillor Hearings Panel.

11. All unopposed applications, where no objections are received, are granted by the Sale of Liquor Officer Subcommittee. The Subcommittee meets weekly to consider all unopposed applications. Only one application was required to be heard before the full DLA Councillor Hearings Panel in 2007.
12. Temporary Authority and Special licence applications which are opposed are referred to the DLA Councillor Hearings Panel for determination (normally by way of a public hearing).
13. Last year, three opposed on/off/club licenses were referred to the LLA for determination. Referral to the LLA is a resource intensive, timely and costly exercise. On average, approximately 20 plus hours of Inspector time is taken up in briefing and preparing a case along with approximately four hours of hearing time to present the case to the Authority.
14. As the Bill expands the objection criteria, and as a result, the likely volume of objections, this may have significant resource implications for the Council.

SUBMISSION CONTENT SUMMARY

15. The proposed submission put forward to the Regulatory & Planning Committee recommends that the Council:
 - supports the initiative in the Bill to provide for greater community involvement, but expresses some concern about how the Bill proposes to do this;
 - supports the widening of objection criteria, but expresses reservations over the definition of “affected parties” contained in the Bill;
 - expresses concern in regards to expanding the objection criteria too widely, as this may lead to increased costs to Council and loss of local control;
 - expresses concern over the Bill’s proposed mandatory requirement for social and economic impact evaluations, but offers some support for impact evaluations as a tool;
 - suggests criteria where social and economic impact evaluations may be of more value and seeks clarification of factors that would be included in evaluations;
 - is supportive of the potential for local alcohol/liquor licensing policies to provide a means for greater community involvement in licensing decisions generally;
 - supports the extension of the notification period from 10 working days to 20 working days;
 - suggests that consideration be given to whether to make subsequent changes to those parts of the Act that deal with renewal applications;
 - expresses general support for the expected scope of the recently announced Government initiatives to amend the Sale of Liquor Act more widely.

FINANCIAL IMPLICATIONS

16. The submissions as recommended have no significant financial implications for the Council.

LEGAL CONSIDERATIONS

17. There are no legal implications arising from the Council making submissions on the Amendment Bill.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. The submission detailed supports Council’s Regulatory Services activities, which includes assessing the potential effects of sale of liquor licences (page 145 of the LTCCP, level of service under Regulatory Services).

ALIGNMENT WITH STRATEGIES

19. The recommendations links to the Council’s Safer Christchurch Strategy’s aim of alcohol becoming a less significant cause of crime and injury.

CONSULTATION FULFILMENT

20. No external consultation has been carried out, but internal consultation between the Inspections & Enforcement Unit, Strategy & Planning Unit, Legal Services and the Alcohol Policy and Liquor Control Bylaw Sub-Committee, has taken place.

STAFF RECOMMENDATION

It is recommended that the Regulatory & Planning Committee recommend to Council:

- (a) That it approve the draft submission on the Sale of Liquor (Objections to Applications) Amendment Bill (refer Appendix B) at its meeting of 14 August 2008;
- (b) That the Council decide whether or not it wants to appear in support of its submission, and if so, appoint a representative.