
From: Wendy Collard
Sent: Wednesday, 26 February 2025 09:25 a.m.
To: [REDACTED]
Subject: Local Government Official Information and Meetings Act Request - Licence Count
Attachments: Dunedin DLC Annual Report 2024.pdf

Morena

I refer to your Local Government Official Information and Meetings Act 1987 request as below:

1. *How many off-licences were operating in your territorial authority boundaries as at 31st December 2024 (if you cannot confirm at that specific date, how many off-licences do you currently have operating in your territorial authority boundaries? Please kindly confirm which date you have used)*
As at 31 December 2024, there was 80 off-licences.
2. *Of these, please advise how many are endorsed under section 40 (i.e. remote sellers only).*
There were 15 who were endorsed as remote sellers.
3. *We are interested in getting a sense of how many licensees are engaging in remote delivery, and while we understand that off-licences not endorsed under section 40 can start delivering remotely without notifying you, if you have any figures for off-licences that have delivered remotely in the last year we would appreciate seeing that as well.*
We are unaware of which of these off-licences deliver items. However, we believe that supermarkets deliver alcohol as part of grocery deliveries/orders; and the Big Barrel franchise operations also deliver – there are four Big Barrel stores within the Dunedin area.
4. *How many on-licences were operating in your territorial authority boundaries as at 31st December 2024 (if you cannot confirm at that specific date, how many off-licences do you currently have operating in your territorial authority boundaries? Please kindly confirm which date you have used).*
As at 31 December 2024, there was 240 current on-licence premises in the Dunedin area.
5. *A copy of your most recent annual report to the Alcohol Regulatory & Licensing Authority (ARLA).*
Please find attached a copy of the annual report. Please note that this report was sent to ARLA on time; however due to the meeting schedule it was presented to Council later.

Kā mihi

Wendy Collard

Mana Whakahaere Kairuruku / Governance Support Officer
Governance Group

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From: [REDACTED]
Sent: Tuesday, 4 February 2025 12:40 p.m.

Subject: LGOIMA request - licence count please

Tēnā koutou,

We request the following information under the Local Government Official Information and Meetings Act. Please let me know if you would like any further information in order to fulfil this request.

Please kindly advise the following :

1. How many off-licences were operating in your territorial authority boundaries as at 31st December 2024 (if you cannot confirm at that specific date, how many off-licences do you currently have operating in your territorial authority boundaries? Please kindly confirm which date you have used)
2. Of these, please advise how many are endorsed under section 40 (i.e. remote sellers only).
3. We are interested in getting a sense of how many licensees are engaging in remote delivery, and while we understand that off-licences not endorsed under section 40 can start delivering remotely without notifying you, if you have any figures for off-licences that have delivered remotely in the last year we would appreciate seeing that as well.
4. How many on-licences were operating in your territorial authority boundaries as at 31st December 2024 (if you cannot confirm at that specific date, how many off-licences do you currently have operating in your territorial authority boundaries? Please kindly confirm which date you have used)
5. A copy of your most recent annual report to the Alcohol Regulatory & Licensing Authority (ARLA).

Thank you very much.

Noho ora mai,

[REDACTED]

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DISTRICT LICENSING COMMITTEE'S ANNUAL REPORT TO THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Department: Civic

EXECUTIVE SUMMARY

- 1 The Dunedin City Council, as a territorial authority, is required to prepare and forward an annual report to the Alcohol regulatory and Licensing Authority (ARLA, the Authority) pursuant to section 199 of the Sale and Supply of Alcohol Act 2012 (the Act). This is required to be done within three months after the end of the financial year.
- 2 The Authority provides a questionnaire to be completed online which provides them with the information required for their annual report to Parliament. The information they require is a summary of the proceedings of the District Licensing Committee ("the Committee").
- 3 The required documents have been completed and forwarded to the Authority.
- 4 As this is an administration only report, there are no options or Summary of Consideration.

RECOMMENDATIONS

That the Council:

- a) **Notes** the 2024 Annual Report to the Alcohol Regulatory and Licensing Authority.

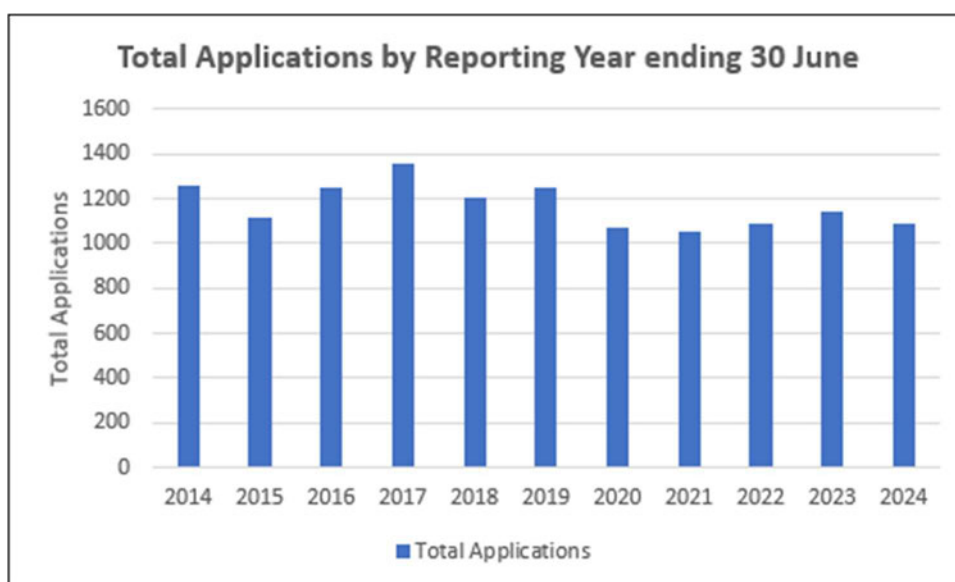
BACKGROUND

- 5 Section 199 of the Act requires each territorial authority to submit an annual return, and a summary of the Committee proceedings, within three months of the end of the financial year.
- 6 The Authority requires the annual return to be completed on their template – Annual Return (Fees) to Alcohol Regulatory and Licensing Authority (Attachment A). This return provides a breakdown of the applications dealt with by the Committee during the reporting year.
- 7 The Authority also asks questions relating to numbers of applications, premises, and an overview of the DLC's activities in the reporting year. The questions are completed in an online survey: the responses have been collated and can be seen in Responses to Questions for DLC Annual Report 2023-24 (Attachment B).

DISCUSSION

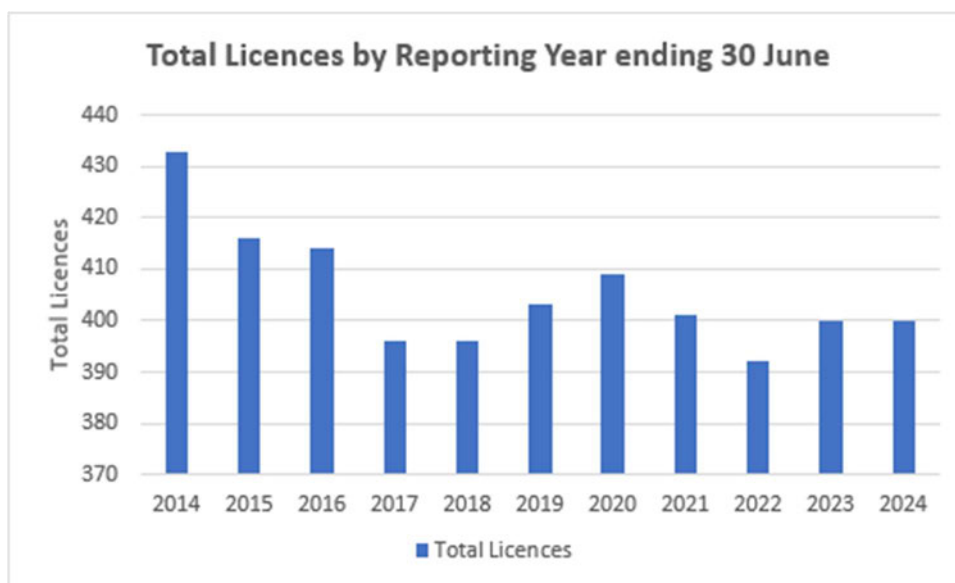
- 8 The number of applications dealt with by the Committee (see Table 1 below) has remained relatively low since the pandemic. While the numbers are still slightly higher than the years immediately after the pandemic, this year has seen a 5% decrease in the number of applications dealt with when compared to the previous year.

Table One:



- 9 Most of the applications were dealt with 'on the application papers' without the requirement of a hearing. The Committee met on 18 occasions to consider opposed applications one of which, a licence renewal, was declined after hearing the evidence of the parties.
- 10 The total number (see Table 2 below) of alcohol licences in Dunedin remained the same as the previous year. There are 400 licensed premises in the area. There has been a slight reduction in the number of club and off-licensed premises, but this reduction is made up by five new on-licensed premises, one of which 'BYO' endorsed only. Three of the others are in premises that had previously been licensed and one is a new venture.

Table Two:



- 11 The Committee membership was reduced by one during the reporting year with a member stepping up to a role with the Authority.
- 12 During the year the Sale and Supply of Alcohol (Community Participation) Act 2013 (the Act) took effect which made several changes to the substantive Act. The main impact of the changes for the Committee is that there is more of a focus on making the licensing process accessible to the community and emphasises the inquisitorial nature of the hearing process. The changes include:
 - a) Allowing anyone the opportunity to object to any application without needing to 'justify' their interest in the application.
 - b) The hearing process is now less adversarial. There is no longer any cross examination of the parties to a hearing. However, the Committee can still ask questions to clarify matters raised so they can be fully informed for their decision-making process.
 - c) The Committee must establish appropriate procedures to consider applications (Attachment C).
- 13 The Committee is concerned at the amount of alcohol consumed away from the controls of on-licence premises. Approximately 75% of the alcohol purchased in Aotearoa is from off-licence premises and consumed in private settings.
- 14 Another concern of the Committee is the prevalence of other drugs which, which when combined with alcohol, exacerbates the effects of both on the body. The Committee is aware it cannot influence either issue but is supportive of any initiative that would mitigate their concerns and will assist in any way it can.

OPTIONS

- 15 This report is for noting therefore there are no options to consider.

NEXT STEPS

16 The report is uploaded to the Council website for public access.

Signatories

Author:	Kevin Mechen - Alcohol, Psychoactive Substances and Gambling Advisor
Authoriser:	Robert West - General Manager Corporate Services

Attachments

	Title	Page
A	Annual Return 2023-2024 to ARLA	
B	ARLA Survey Responses	
C	DLC Hearing Process	

Annual Return (Fees) to Alcohol Regulatory and Licensing Authority

Territorial Authority:

Annual Return for the Year Ending 30 June 2024

On-licence, Off-licence 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	Total
On-licence new	1	13	10	2		
On-licence variation	1	2	2	2		
On-licence renewal	4	31	31	4		
Off-licence new	1		6			
Off-licence variation			1			
Off-licence renewal	4	4	15	1		
Club licence new	1					
Club licence variation	1					
Club licence renewal	16					
Total number	29	50	65	9		
Total fees payable to ARLA (GST incl)	\$500.25	\$1,725.00	\$3,363.75	\$776.25		\$6,365.25
Total fees paid to ARLA (GST incl)	\$500.25	\$1,725.00	\$3,363.75	\$776.25		\$6,365.25
Annual Fees for Existing Licences Received						
Licence Type	Number Received in Fee Category – Very Low	Number Received in Fee Category – Low	Number Received in Fee Category – Medium	Number Received in Fee Category – High	Number Received in Fee Category – Very High	Total
On-licence	15	104	91	21		
Off-licence	7	17	58	1		
Club licence	74	1				
Total number	97	122	149	22		390
Total fees payable to ARLA (GST incl)	\$1,673.25	\$4,209.00	\$7,710.75	\$1,897.50		\$15,490.50
Total fees paid to ARLA (GST incl)	\$1,673.25	\$4,209.00	\$7,710.75	\$1,897.50		\$15,490.50

Managers' Certificate Applications Received	
Application Type	Number Received
Managers' certificate new	259
Managers' certificate renewal	329
Total number	588
<u>Total fees payable to ARLA (GST incl)</u>	<u>\$16,905.00</u>
Total fees paid to ARLA (GST incl)	\$16,905.00

Special Licence Applications Received			
	Number Received in Category – Class 1	Number Received in Category – Class 2	Number Received in Category – Class 3
Special licence	37	89	196

Temporary Authority Applications Received	
	Number Received
Temporary authority	28

Permanent Club Charter Payments Received	
	Number Received
Permanent club charter payments	2

Total paid to ARLA	
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Responses to Questions for DLC Annual Report 2023-24

How many application for new on-licences did your Committee grant?	21
How many application for new on-licences did your Committee refuse?	0
How many application for new off-licences did your Committee grant?	4
How many application for new off-licences did your Committee grant?	0
How many application for new club licences did your Committee grant?	1
How many application for new club licences did your Committee grant?	0
How many applications for new manager's certificates did your Committee grant?	254
How many applications for new manager's certificates to your Committee refuse?	0
How many applications for renewal of licences did your Committee grant?	118
How many applications for renewal of licences did your Committee refuse?	1
How many applications for renewal of manager's certificates did your Committee grant?	325
How many applications for renewal of manager's certificates did your Committee refuse?	0
What is the total number of on-licences in your licensing district?	239
What is the total number of off-licences in your licensing district?	78
What is the total number of club licences in your licensing district?	77
Please comment on any changes or trends in the Committee's workload in 2023-2024:	
There have been 5% fewer applications received in the past 12-months however, the number of hearings has increased as a result of a new group purporting to represent the student community and Police opposing applications.	
Please comment on any new initiatives the Committee has developed/adopting in 023-2024:	
With the introduction of the community participation component in the legislation the Committee is looking at how this can be effectively supported locally.	
The secretary is involved with a group called Safe and Well Ōtepoti which is looking at reducing harms associated with alcohol and other drugs in out community.	
Has your Committee developed a Local Alcohol Policy (LAP)?	
Yes.	
If the answer is yes, at what stage is your LAP?	
In force.	
If the answer is 'in force', what effect do you consider your LAP is having?	
We believe it is having an impact on the community. Data was being collected after its implementation which indicated a reduction in ARH but this was interrupted by the pandemic lockdown and later restrictions.	

If the answer is 'in force', when is your LAP due for review – date?

The Dunedin LAP is undergoing its review now.

Please comment on the ways in which you believe the Sale and Supply of Alcohol Act 2012 is, or is not, achieving its objective. Note: the object of the Act is: a) The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and b) The harms caused by excessive or inappropriate consumption of alcohol should be minimised.

The Act and the associated LAP is having a positive impact on the licensed premises with fewer issues able to be attributed to them.

However, the Act is not able to impact the actual alcohol culture evident in Aotearoa generally and Dunedin's student culture in particular. The LAP can only relate to alcohol licensing issues, not cultural issues. While addressing off-licence hours may appear to be a good idea, people intent on 'having a good time' will still source the cheaper off-licence alcohol when premises are open and consume in uncontrolled environments.

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

There has been a decline in total licences in the district. A lot of the change is from taverns and hotels not renewing off-licences because they cannot compete with the purchase power of the large chain stores and supermarkets.

In Dunedin, there has been a trend, amongst the 18-24 year age group, to have parties in dwelling or the streets. This is more evident since the lockdowns.

There has been an increase in the number of remote sellers based in the district.

More people are using 'Uber Eats' and 'Deliver Easy' to have alcohol delivered to their premises. we are hearing anecdotally that the people making these deliveries are not verifying the age of the person making the collection or leaving the alcohol by the door with no contact with anyone.

What changes to practices and procedures under the Act (if any) would you find beneficial?

As the Act only relates to the licensing of premises, no real changes. Having mentioned the two pick up/delivery services, regulation regarding this activity would be useful. The remote sellers themselves appear to have good processes in place.

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of general procedure regarding the hearings process

PRACTICE OF THE DUNEDIN DISTRICT LICENSING COMMITTEE REGARDING HEARING PROCESS

This practice note is issued pursuant to section 188 of the Sale and Supply of Alcohol Act 2012 (the 'Act'). Section 188 confers on the District Licensing Committee all 'powers as may be reasonably necessary to enable it to carry out its functions'.

1. This practice note clarifies the hearing process adopted by the Dunedin District Licensing Committee (DLC) effective from 01 July 2024. The Committee will usually follow the process described in this practice note unless there is good reason to do otherwise.
2. A hearing will be convened when:
 - a) An adverse report is received from one or more of the reporting agencies.
 - b) An objection received from the community.
 - c) The DLC determines the matter should be heard to determine the outcome of an application.
3. Any report or objection received after the appropriate statutory timeframe will not be considered and no hearing will be required.
4. If a reporting agency submits an 'interim' opposition, the agency will be required to submit a full opposition report within 15 working days of the initial report. If no full report is received, the Committee will assume there is no opposition.

Pre-hearing Conferences

5. The Committee may, at its discretion, convene a pre-hearing conference prior to, or immediately after, a hearing date being set.
6. The purpose of the pre-hearing conference is to ascertain the possible duration of the hearing and may include:
 - a) Setting dates for the submission of written submissions/evidence.
 - b) Whether objectors wish to be heard at the hearing.
 - c) Mode of hearing, i.e., in person or via AVL.
 - d) Confirmation of venue.
 - e) Order of appearance of parties.
 - f) Special requirements of parties, e.g., interpreters.
7. Whether additional arrangements are required to recognise tikaka at the hearing.

Recognition of tikaka

8. The Committee will endeavour to recognise tikaka at every hearing and undertake to accommodate all reasonable requests of parties.

Submissions/Evidence

9. The Committee's expectation is that all submissions and evidence of the reporting agencies and objectors shall be presented in writing no later than 10 working days prior to the hearing.

10. Written evidence shall:
 - a) Begin with the witness's full name and occupation.
 - b) Be in the witness's own words, not the words of a lawyer/another person.
 - c) Only include **evidence** relevant to the application before the Committee; not information expected in a submission.
 - d) Be succinct (no repetition).
 - e) Be confined to the matters in issue.
 - f) Only include relevant and current data, including 'heat maps'.
11. The Committee will observe natural justice during the hearing. A part of this is that all parties will have an opportunity to prepare for the hearing. If new evidence is produced at the hearing, that is, not submitted in written form to the parties prior to the hearing, the Committee may decline to consider such evidence.
12. If any party wishes to present evidence that is sensitive or confidential, for whatever reason, the Committee should be advised in advance of the hearing so that appropriate non-publication/public exclusion (including media) orders can be prepared.
13. An applicant or an objector may present their case personally or by way of counsel (lawyer).

Timetable for submitting written submissions/evidence

14. The following timetable will usually be followed unless amended after the pre-hearing conference:
15. Ten (10) working days before hearing: reporting agencies, submitters, and objectors to provide written submissions and/or evidence to be received by the Committee. Requests for AVL attendance to be made at this time.
16. Five (5) working days before hearing: applicant's submissions and evidence to be submitted to the Committee.
17. It is the expectation of the Committee that all parties adhere to this timeline.

Hearings

18. All parties will be given at least 10 working days' notice of the time and location of the hearing.
19. While hearings are not adversarial the layout of the room will be such that all parties can view the others. There will be separation between the parties for privacy reasons.
20. Members of the public may attend but they will take no part in the hearing. There may be times when the public is excluded from the hearing (this will also include the media).
21. Online hearings will be run in a similar manner with some parties attending via a platform such as Microsoft Teams or Zoom.
22. Hearings are inquisitorial in nature with the Committee having the status of a Commission of Inquiry.
23. Cross examination of parties **will be prohibited** (section 203A(2)(b) and (c)). If clarification is sought by one or more of the parties, the questions shall be sent to the Committee at least two (2) working days prior to the day of the hearing. If the Committee considers the questions relevant, helpful, or necessary to the matter before them, they may, at their discretion, put the question to the witness.

Order of Hearing

24. The hearing will usually follow this format:
 - a) Opening and introductions
 - b) Presentation by the applicant.
 - c) Presentation by reporting agencies.
 - d) Presentation by objectors.

- e) Closing statement of reporting agencies/objectors.
 - f) Applicant's closing statement.
 - g) Closing of hearing.
25. The decision of the Committee will usually be reserved and the parties advised of the result once it has made its determination.
26. The presentation of evidence by any party or witness will be preceded by them making an oath or affirmation that they will tell the truth. The oath or affirmation will be administered by the hearings Support Officer.
27. There may be occasions when the Committee conducts a visit to a premises to familiarise itself with the area. Parties will be advised a visit will take place but the visit will be by the Committee alone.

General

28. If the Committee uses its discretion and grants a waiver pursuant to section 208 of the Act, all parties will be advised simultaneously.
29. Any procedural matters or queries are to be directed to the DLC Secretary prior to the hearing day.
30. Section 203(9) of the Act allows the Committee to regulate its procedure in such manner as it thinks fit.

DATED at Dunedin this 20th day of August 2024



Colin Weatherall
COMMISSIONER
DUNEDIN DISTRICT LICENSING COMMITTEE