

**Absolutely Positively  
Wellington City Council**

Me Heke Ki Pōneke

# Ordinary Meeting of Kōrau Mātinitini | Social, Cultural, and Economic Committee Rārangi Take | Agenda

9:30 am Rāpare, 29 Hereturikōkā 2024

9:30 am Thursday, 29 August 2024

Ngake (16.09), Level 16, Tahiwī

113 The Terrace

Pōneke | Wellington



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## **MEMBERSHIP**

Mayor Whanau  
Deputy Mayor Foon  
Councillor Abdurahman (Deputy Chair)  
Councillor Apanowicz  
Councillor Brown  
Councillor Calvert  
Councillor Chung  
Councillor Free  
Pouiwi Hohaia  
Pouiwi Kelly  
Councillor Matthews  
Councillor McNulty  
Councillor O'Neill (Chair)  
Councillor Pannett  
Councillor Randle  
Councillor Rogers  
Councillor Wi Neera  
Councillor Young

### **Have your say!**

*You can make a short presentation to the Councillors, Committee members, Subcommittee members or Community Board members at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-499-4444, emailing [public.participation@wcc.govt.nz](mailto:public.participation@wcc.govt.nz), or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about. All Council and committee meetings are livestreamed on our YouTube page. This includes any public participation at the meeting.*

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## AREA OF FOCUS

The Kōrau Mātinitini | Social, Cultural, and Economic Committee has responsibility for:

- 1) Māori strategic outcomes
- 2) Arts, culture, and community services
- 3) Wellington City social housing
- 4) Council's city events
- 5) Parking services
- 6) Parks, sport and recreation
- 7) Community resilience
- 8) Economic development.

To read the full delegations of this committee, please visit [wellington.govt.nz/meetings](https://wellington.govt.nz/meetings).

**Quorum:** 9 members





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# 1. Meeting Conduct

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## 1.1 Karakia

The Chairperson will open the hui with a karakia.

<b>Whakataka te hau ki te uru, Whakataka te hau ki te tonga. Kia mākinakina ki uta, Kia mātaratara ki tai. E hī ake ana te atākura. He tio, he huka, he hauhū. Tihei Mauri Ora!</b>	Cease oh winds of the west and of the south Let the bracing breezes flow, over the land and the sea. Let the red-tipped dawn come with a sharpened edge, a touch of frost, a promise of a glorious day
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At the appropriate time, the following karakia will be read to close the hui.

<b>Unuhia, unuhia, unuhia ki te uru tapu nui Kia wātea, kia māmā, te ngākau, te tinana, te wairua I te ara takatū Koia rā e Rongo, whakairia ake ki runga Kia wātea, kia wātea Āe rā, kua wātea!</b>	Draw on, draw on Draw on the supreme sacredness To clear, to free the heart, the body and the spirit of mankind Oh Rongo, above (symbol of peace) Let this all be done in unity
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## 1.2 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the hui, where leave of absence has not previously been granted.

## 1.3 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

## 1.4 Confirmation of Minutes

The minutes of the meeting held on 20 June 2024 will be put to the Kōrau Mātinitini | Social, Cultural, and Economic Committee for confirmation.

## 1.5 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows.

***Matters Requiring Urgent Attention as Determined by Resolution of the Kōrau Mātinitini | Social, Cultural, and Economic Committee.***

The Chairperson shall state to the hui:

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent hui.

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The item may be allowed onto the agenda by resolution of the Kōrau Mātinitini | Social, Cultural, and Economic Committee.

***Minor Matters relating to the General Business of the Kōrau Mātinitini | Social, Cultural, and Economic Committee.***

The Chairperson shall state to the hui that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent hui of the Kōrau Mātinitini | Social, Cultural, and Economic Committee for further discussion.

## **1.6 Public Participation**

A maximum of 60 minutes is set aside for public participation at the commencement of any hui of the Council or committee that is open to the public. Under Standing Order 31.2 a written, oral, or electronic application to address the hui setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the hui concerned, and subsequently approved by the Chairperson.

Requests for public participation can be sent by email to [public.participation@wcc.govt.nz](mailto:public.participation@wcc.govt.nz), by post to Democracy Services, Wellington City Council, PO Box 2199, Wellington, or by phone at 04 499 4444 and asking to speak to Democracy Services.

## 2. General Business

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# ALCOHOL FEES BYLAW REVIEW - RECOMMENDATIONS FOLLOWING CONSULTATION

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### Kōrero taunaki | Summary of considerations

#### Purpose

1. This report presents public consultation feedback on the draft Alcohol Fees Bylaw 2024 (Bylaw). The report seeks a recommendation to Council to adopt the final Bylaw.

#### Strategic alignment

2. The most relevant community outcome of this review is Outcome 3 of the Economic Wellbeing Strategy 2022, which focuses on creating a business-friendly city. Specifically, the changes aim to “refocus and re-design regulatory services and interactions to be customer-centric” by establishing a more fit-for-purpose fees regime that better meets stakeholder needs.

#### Relevant previous decisions

3. The Long-term and Annual Plan Committee agreed on 14 March 2019 to increase cost-recovery of alcohol fees to 85% (user pays).
4. The Alcohol Fees Bylaw 2019 was approved by the City Strategy Committee on 15 August 2019, adopted by Council on 28 August 2019 and came into force on 1 October 2019.
5. The Alcohol Fees Bylaw 2021 was approved by Kōrau Mātinitini | Social, Cultural and Economic Committee on 22 June 2021, adopted by Council on 30 June 2021 and came into force on 1 July 2021.
6. On 6 June 2024, the Kōrau Mātinitini | Social, Cultural and Economic Committee approved the Statement of Proposal and the draft Alcohol Fees Bylaw 2024 for public consultation from 17 June to midday 22 July 2024

#### Significance

7. The decision is **rated low significance** in accordance with schedule 1 of the Council’s Significance and Engagement Policy.

#### Financial considerations

Nil       Budgetary provision in Annual Plan / Long-term Plan       Unbudgeted \$X

8. These fee proposals occur outside of the 2024-34 Long-term Plan process, with an exemption given in the fees and charges schedule for alcohol licence fees, as they are provided by statute.

#### Risk

Low       Medium       High       Extreme

- 
9. Overall, the changes to the Bylaw are rated as low risk on Wellington City Council's risk framework.
10. The changes to the Bylaw aim to address cost-efficiency and equity across all licence types and affect a small proportion of the population, only alcohol licence-holders. Through early engagement, the rationale for these proposals and the legal restraints of the fees framework have been communicated to stakeholders and they were generally supportive.

Authors	Lily Zhang, Senior Advisor Geoff Lawson, Team Lead, Policy
Authoriser	Baz Kaufman, Manager Strategy and Research Andrea Reeves, Chief Strategy and Finance Officer

## **Taunakitanga | Officers' Recommendations**

Officers recommend the following motion:

That the Kōrau Mātinitini | Social, Cultural, and Economic Committee:

1. Receive the information.
2. Receive the written submissions received during public consultation of the draft Alcohol Fees Bylaw 2024.
3. Note the Summary of Submissions document.
4. Agree to the recommended amendments in the final Alcohol Fees Bylaw 2024 following consultation.
5. Recommend that Te Kaunihera o Pōneke | Council:
  - 5.1. Adopt the Alcohol Fees Bylaw 2024
  - 5.2. Authorise the Chief Executive Officer and the Chair and Deputy Chair of the Kōrau Mātinitini | Social, Cultural, and Economic Committee to approve minor changes and edits, as required, to the Alcohol Fees Bylaw 2024 before publishing.

## **Whakarāpopoto | Executive Summary**

11. Wellington City Council's alcohol licensing framework is underpinned by the Sale and Supply of Alcohol Act 2012 (the Act) and associated secondary legislation. Territorial authorities can create bylaws to set fees for matters under the Act otherwise default fees in the Sale and Supply of Alcohol (Fees) Regulations 2013 apply.
12. The Council first set its own alcohol licence fees through the Alcohol Fees Bylaw in October 2019. In 2021, the bylaw was amended to meet an 85% user pay cost-recovery model, with greater fee increases for high and very high-risk rated licences.
13. Officers proposed changes to a draft Alcohol Fees Bylaw 2024 to enable the Council to efficiently and sustainably change fees to reflect future changing costs of the licensing operation and to address stakeholder feedback wanting licensing fees to be more proportionate to their cost to the Council.
14. On 6 June 2024, the Kōrau Mātinitini | Social, Cultural and Economic Committee (the Committee) approved public consultation of the Statement of Proposal for the draft Bylaw.
15. Consultation took place between 17 June to midday 22 July 2024. Nine written submissions were received on the Bylaw and two of those have requested oral submissions which will be heard before the Committee on 29 August 2024.
16. All written submissions are in Attachment 1 to this report and the Summary of Submissions document is in Attachment 2.
17. Overall, most submissions supported the proposed changes in the draft Bylaw and it is therefore recommended that the proposals are retained in the final Bylaw.
18. Further recommended changes following consultation are proposed in the tracked-change final Bylaw in Attachment 3. These include:
  - a. Introducing sub-clause 6.2.1 which states that proposed fee changes will be publicly consulted as part of annual plan or long-term plan processes;

- b. Introducing sub-clause 6.2.2 which states that fee-setting will be proportional to the operational costs for each fee category of licences; and
  - c. Amendments to the explanatory note for clarification.
19. This report seeks a recommendation from the Committee that the Council adopts the final Bylaw in Attachment 4 on 5 September 2024.

## **Takenga mai | Background**

### *Legislative context*

20. The Council's alcohol licensing framework is underpinned by the Sale and Supply of Alcohol Act 2012 (the Act) and associated legislation. Selling or supplying alcohol without a licence is illegal.
21. The Sale and Supply of Alcohol (Fees) Regulations 2013 (Regulations) set out the matters for which a territorial authority may prescribe fees, which includes, amongst other matters, the application fee for an on-licence, off-licence, or club licence. The Regulations prescribe the default fees for these matters.
22. Territorial authorities can create bylaws setting fees for matters under the Act (under the authority of the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013). Any bylaw must be consistent with the Act and any regulations made under it.
23. Each territorial authority has the right to set its own fees if they are reasonable and apply the cost-risk rating and the fees framework set out in the Regulations for classifying licensed premises.
24. Section 103 of the Local Government Act 2002 (LGA) requires councils to adopt a revenue and financing policy for funding their activities. Activities are funded through a combination of user charges and general rates, depending on the levels of individual and community benefit. The percentage of an activity's costs that are recovered through fees and user charges is the cost-recovery rate.
25. It is best practice to review the Council's bylaws within the first five years of their initial adoption to ensure that they are fit-for-purpose and in their most appropriate form. This aligns with section 158 of the LGA which applies to other council bylaws.

### *Alcohol licence fees at Wellington City Council*

26. The Council's Long-term and Annual Plan Committee agreed on 14 March 2019 to increase cost-recovery of alcohol licence fees to 85% (user pays), from 68% cost-recovery in 2017-18.
27. The Council first set its own alcohol licence fees through the Bylaw, which came into force 1 October 2019. The Bylaw introduced a phased approach to fee increases, initially applying uniform increases across all licence types, increasing the cost-recovery rate to 71%.
28. The Bylaw was then amended in 2021 to meet the 85% user pay cost-recovery setting, with greater fee increases for high and very high-risk rated licences. The remaining 15% of fees are funded by general rates, reflecting to the public good in enabling community members to object to licence applications and participate in District Licensing Committee meetings. The general rated proportion also acknowledges the



public health and safety benefits associated with administering the licensing programme.

29. The Bylaw has been partly successful in achieving the set cost-recovery rate of 85%, except for the years that the Council provided temporary fee relief to the sector during the Covid-19 pandemic to support cost-of-living economic recovery. During this time, \$1 annual fees were in place and the cost-recovery rate achieved was below target.
30. Currently, alcohol licence fees are prescribed within the Bylaw, meaning any changes to these fees require a formal amendment to the Bylaw. The bylaw review process can take anywhere between nine to 18 months depending on the scale, and can be administratively burdensome. In contrast, other fees and charges can be updated through the Council's annual and long-term planning processes, allowing for adjustments to account for changes in operational costs to deliver services.

#### *Stakeholder feedback on the Alcohol Fees Bylaw*

31. Alcohol licence-holders who submitted during consultation on the Alcohol Fees Bylaw in 2019 and 2021 mostly opposed the fee increases, and stated concerns with cost-efficiency of the licensing process.
32. In response to this feedback, the Council commissioned an independent contractor to review its alcohol licensing process in 2019. The review found that the Council was generally proficient in its practices given the operating systems in use, and recommended upgrading the IT system to reduce manual officer processing. The Council has since started to roll-out a new online application process in 2024 which will soon be available for all applicants.
33. Officers undertook additional engagement with affected stakeholders (licensees and industry associations), including two workshops with Hospitality New Zealand and the Restaurant Association in 2019, and two surveys with all licensees in 2019 and March 2024.
34. Industry stakeholders wanted to work with the Council to simplify the licensing process to increase efficiency and make fees more equitable. One potential solution identified was the introduction of additional fee components which could make licence fees fairer across all licence categories, by charging for the actual time spent by Council officers on licence applications and thereby covering the true costs to the Council. The fee components also seek to reward licence applicants who provide information timely and comply with application processes.
35. The licensee early engagement survey conducted in March 2024 asked licence-holders about their level of support for these fee components. Of the 201 respondents:
  - 57% supported charging for additional officer time for late special licence and licence renewal applications (36% did not support and 7% said it depends); and
  - 49% agreed or strongly agreed that a pre-application meeting would help them to complete a licence application (13% disagreed or strongly disagreed).

#### *Proposed changes in the draft Alcohol Fees Bylaw 2024*

36. The challenges of the current alcohol licence fee framework have been reviewed, particularly its ability to adequately recover costs for the Council as they change over time. Taking into account stakeholder feedback about making fees more proportionate to costs, the following changes to the Bylaw are recommended. These proposed

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changes were made to a draft Alcohol Fees Bylaw 2024 which was approved for public consultation by this Committee on 6 June 2024.

37. *Proposed change one:* future proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model, by
- a. Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council; and
  - b. Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.
38. *Proposed change two:* enable new fee components to make licensing fees more proportional to cost, including
- a. Pre-application meetings for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications; and
  - b. Late application fee penalties for special licences and licence renewals
    - Between 11 and 20 days of the licence date; and
    - Within 10 days of the licence date.
39. *Proposed change three:* make minor technical amendments to the Bylaw to improve its clarity and readability, including:
- Specifying the legislation that give effect to the Bylaw and its powers;
  - Updating defined terms;
  - Additional clauses to clarify the scope of the Bylaw; and
  - Explanatory notes to support the application of the Bylaw and its context.

## **Kōrerorero | Discussion**

### *Consultation on the draft Alcohol Fees Bylaw 2024*

40. Consultation took place through the Council's Kōrero Mai | Let's Talk online platform and through hard copies of the Statement of Proposal and submission form, which were distributed to Arapaki Service Centre and all Council libraries.
41. The consultation was promoted through the This Week in Our Wellington and Let's Talk e-newsletters, and through direct emails to stakeholders including all licensees, Hospitality NZ, Restaurant Association, Business Improvement Districts, and Resident Associations.
42. Nine written submissions were received, and two of those have requested oral submissions to be heard before this Committee.
43. Of the written submissions, three were from individuals, two from hospitality associations, two from current alcohol licence-holders, one from an alcohol licensing consultancy and one from a health organisation.

44. Six of the nine written submissions were made through the Let's Talk platform and answered the consultation questions directly. Three submissions were emailed to the Policy Submission inbox and were in letter form.
45. The consultation questions asked submitters:
  - a. how much they supported or opposed each of the five proposed changes
  - b. whether they had any additional comments about each proposed change
  - c. whether they had any other comments on any part of the draft Bylaw.

*Feedback and recommendations for the final Alcohol Fees Bylaw 2024*

46. Six submitters responded to the consultation questions and three submitters did not directly answer the consultation questions. Their comments have been summarised by theme in the Summary of Submissions document at Attachment 2.
47. Overall, the feedback we received was positive and accordingly the proposed changes have been retained.
48. The hospitality industry associations Hospitality New Zealand and Restaurant Association were generally positive in their submissions about the proposed changes to the Bylaw.
49. The following two changes to the Bylaw received some opposition:
  - a. Proposed change one, b. to specify the 85% cost-recovery rate in the Bylaw (two of six submitters answered somewhat or strongly oppose to the consultation question).
  - b. Proposed change two, a. to enable pre-application meetings (one of six submitters answered strongly oppose to the consultation question).
50. More details about the content of the submissions and how the feedback was incorporated into further amendments to the final Bylaw is provided in the Summary of Submissions document in Attachment 2.
51. Officers recommend all proposed changes in the draft Bylaw to be kept in the final Bylaw.
52. Further changes are recommended to the final Bylaw after receiving submitter feedback during the consultation. These include:
  - a. Introducing sub-clause 6.2.1 which states that proposed fee changes will be publicly consulted as part of annual plan or long-term plan processes;
  - b. Introducing sub-clause 6.2.2 which states that fee-setting will be proportional to the operational costs for each fee category of licences; and
  - c. Amendments to the explanatory note for clarification:
    - o Stating that pre-application meetings are highly recommended for new applicants;
    - o Stating that pre-application meetings can be delivered online; and
    - o Stating that exceptions can be made for charging a late penalty only in extenuating circumstances beyond the applicant's control, such as family bereavement or emergency events.

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53. The corresponding submitter feedback to these changes are detailed in the Summary of Submissions in Attachment 2. Feedback that did not result in further changes to the final Bylaw are also detailed in Attachment 2.
54. A tracked-change version of the proposed final Bylaw is provided in Attachment 3 and compares all recommended further changes to the draft Bylaw for consultation.

### **Kōwhiringa | Options**

55. The Kōrau Mātinitini | Social, Cultural and Economic Committee may decide to:
- a. Approve the proposed changes to the Bylaw and recommend that the Council adopts the final Alcohol Fees Bylaw 2024 in Attachment 4 (preferred option);
  - b. Approve an amended form of the final Alcohol Fees Bylaw 2024 and recommend that the Council adopts the amended Bylaw. This is not recommended because the Bylaw responds to issues identified through the review and feedback received through consultation;
  - c. Maintain status quo by keeping the current Alcohol Fees Bylaw 2021 unamended. This is not recommended as it would impact on the Council's ability to recover the costs of licensing and it does not address stakeholder feedback;  
or
  - d. Revoke the current Alcohol Fees Bylaw 2021 and adopt the default fees in the Regulations. This is not recommended as a significant proportion of licensing costs will need to be met by general rates and does not meet stakeholders' needs.

### **Whai whakaaro ki ngā whakataunga | Considerations for decision-making**

#### **Alignment with Council's strategies and policies**

56. These changes to the Bylaw align with Outcome 3 of the Economic Wellbeing Strategy 2022, which focuses on creating a business-friendly city. Specifically, the changes aim to "refocus and re-design regulatory services and interactions to be customer-centric" by establishing a more fit-for-purpose fees regime that better meets stakeholder needs.

#### **Engagement and Consultation**

57. The Bylaw review is rated low significance on the Significance and Engagement Policy.
58. Under section 405(4) of the Sale and Supply of Alcohol Act 2012, the Council must consult those who are likely to be substantially affected by any new proposed fees by bylaw for matters under the Act. All alcohol licence-holders have been contacted by email to inform them of the public consultation for this review and were provided a copy of the Statement of Proposal and a link to the Let's Talk engagement platform.
59. Public consultation took place between 17 June and midday 22 July 2024 and nine written submissions were received, with two oral submission requests to be heard by the Committee on 29 August 2024. All written submissions and the Summary of Submissions including officers' responses are provided at Attachments 1 and 2.

## **Māori Impact Statement**

60. Officers do not believe there are direct impacts on Māori as a result of this Bylaw review which provides for fee charging. However, a well-performing alcohol licensing function at the Council can be beneficial to Māori, who experience disproportionate alcohol-related harm.

## **Financial implications**

61. These fee proposals occur outside of the 2024-34 Long-term Plan process, with an exemption given in the fees and charges schedule in this year's draft Long-term Plan for alcohol licence fees, as they are provided by statute.
62. At the time of drafting this paper, the costs and revenues of the alcohol licensing programme for the 2023/24 financial year have not yet been calculated. It is possible that the cost-recovery rate for this financial year will fall short of or exceed the 85% targeted cost-recovery rate. Should the cost-recovery rate exceed 85% for 2023/24, the alcohol licence fees can be reduced as part of the next annual planning process to address this.
63. Introducing the proposed fee components could increase the fees revenue for the following 2024/25 financial year. This could result in a greater proportion of revenue received compared to costs, and increase the cost-recovery rate above the 85% set by the Council.

## **Legal considerations**

64. All proposals have been considered within the Sale and Supply of Alcohol Act 2012, the Sale and Supply of Alcohol (Fees) Regulations 2013, the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013, and the Local Government Act 2002, and do not conflict with the prescribed duties and powers.
65. The Council's Legal Team has reviewed the Summary of Submissions and the proposed final Alcohol Fees Bylaw 2024.

## **Risks and mitigations**

66. Overall, the changes to the Bylaw are rated as low risk on the Council's risk framework.
67. The changes to the Bylaw aim to address cost-efficiency and equity across all licence types and affect a small proportion of the population, only alcohol licence-holders. Through early engagement, the rationale and the changes and the legal restraints of the fees framework have been communicated to stakeholders and they were generally supportive.

## **Disability and accessibility impact**

68. Council officers do not believe there are direct impacts on accessibility as a result of this review.
69. Accessible versions of the Summary of Submissions and the Alcohol Fees Bylaw 2024 will be made available on the Council's website.

## **Climate Change impact and considerations**

70. Officers do not believe there are direct impacts on climate change as a result of this review.

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## Communications Plan

71. If the final Bylaw is adopted, the Alcohol Fees Bylaw 2024 will be uploaded to the Council's website and replace the current Alcohol Fees Bylaw 2021.
72. The Council will publicly notify the adoption of the Bylaw as required under section 157 of the LGA. This will be through a public notice in the Post.
73. The Alcohol Fees Bylaw review page on the Let's Talk online platform will be updated with the Summary of Submissions and final decisions, and all submitters and stakeholders will be informed of the outcome of the consultation.









## Health and Safety Impact considered

74. Officers do not believe there are direct risks to health and safety as a result of this review.

## Ngā mahinga e whai ake nei | Next actions

75. If the Committee recommends that the Council adopts the final Alcohol Fees Bylaw 2024, this recommendation will be provided to the Council meeting on 5 September 2024.
76. If the Council agrees to adopt the final Alcohol Fees Bylaw 2024, it will take effect from 1 October 2024, including the fees set out in Schedule 1. Key stakeholders, submitters, and the public will be informed of the Bylaw's adoption.
77. It is best practice to review Council bylaws every 10 years following the first review, and the Alcohol Fees Bylaw 2024 will be reviewed by October 2034.

## Attachments

Attachment 1.	Written submissions on the draft Alcohol Fees Bylaw 2024  	Page 19
Attachment 2.	Summary of Submissions - draft Alcohol Fees Bylaw 2024  	Page 60
Attachment 3.	Tracked-change version - final Alcohol Fees Bylaw 2024  	Page 67
Attachment 4.	Proposed final Alcohol Fees Bylaw 2024 for adoption  	Page 70

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# Alcohol Fees Bylaw Review Consultation - Written Submissions

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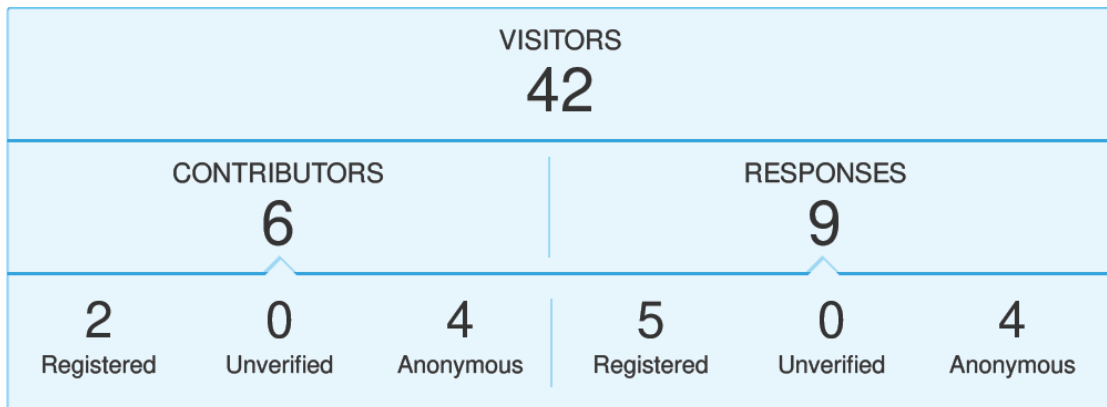
## Survey Responses

28 March 2019 - 30 July 2024

### Alcohol Fees Bylaw - formal consultation

# Let's Talk | Wellington City Council

Project: Alcohol Fees Bylaw review







**Respondent No:** 1

**Login:** Anonymous

**Email:** n/a

**Responded At:** Jun 18, 2024 23:11:32 pm

**Last Seen:** Jun 18, 2024 23:11:32 pm

**IP Address:** n/a

Q1. Name:	Jack Tankersley
Q2. Email:	[REDACTED]
Q3. I am making this submission:	As an individual
Q4. Do you hold an alcohol licence?	No, never
Q5. I would like to make an oral submission to the Councillors:	No
Q6. How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?	
Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council.	Strongly support
Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.	Strongly support
Q7. Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?	
	not answered
Q8. How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?	
Pre-application meetings – for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications.	Strongly support
Late application fee penalties for special licences and licence renewals: between 11 and 20 days of the licence date; and within 10 days of the licence date.	Strongly support
Q9. Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?	
	not answered

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**Q10. How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**

Specifying the legislation that give effect to the Bylaw and its powers; updating defined terms; additional clauses to clarify the scope of the Bylaw; and explanatory notes to support the application of the Bylaw and its context. Strongly support

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**Q11. Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**

not answered

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**Q12. Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**

not answered

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**Q13. File upload from PDF submissions**

not answered

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**Respondent No:** 2

**Login:** Anonymous

**Email:** n/a

**Responded At:** Jun 25, 2024 03:33:35 am

**Last Seen:** Jun 25, 2024 03:33:35 am

**IP Address:** n/a

**Q1. Name:** Aoife Murphy

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**Q2. Email:** [REDACTED]

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**Q3. I am making this submission:** **On behalf of an organisation. Organisation's name:**  
D4 on Featherston

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**Q4. Do you hold an alcohol licence?** Yes, currently

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**Q5. I would like to make an oral submission to the Councillors:** No

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**Q6. How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**

Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council.	Somewhat support
Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.	Somewhat oppose

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**Q7. Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**

We would strongly oppose setting a specified ongoing cost recovery rate until the risk category accurately reflects the business' risk. As you saw, many licensees believed their prescribed fee category was not fit for purpose. As you are able to set additional fees, we believe you should introduce a fee discount for businesses that are not only consistently compliant year on year but also provide the correct information as and when needed every time their license renewals are due. As an active member of both hospitality committees and steering groups in Wellington, I can confidently say that although classed as high risk, D4 on Featherston is far less risk than a vast majority of venues throughout the city that fall within any of the lower categories. For example, to weight us as 15 compared to 2 for a BYO restaurant seems ridiculous, our staff monitor customers during every individual purchase made. Meanwhile a sober person can walk into a BYO with 2 bottles of wine and fall out the door 2 hours later, having had no conversation around their drinks beyond being handed their wine glass on arrival. The same goes for off licenses, when the council and police are well aware that the majority of trouble throughout the city is caused by preloading and drinking off premises. Furthermore, what makes any class of club less risky to our venue when the price of drinks at clubs are renowned for being so cheap in comparison to bars. While the out of touch risk category cannot be changed, you could at least create a new level of discounts and penalties for the applicable venues to recover costs more accurately. Another issue is in your acknowledgement that renewal processes are inefficient, this inefficiency is the driver of higher costs and is no fault of the businesses but the council alone. Small businesses must become more efficient to survive in this climate, so it would be appreciated if the council could also focus on efficiency when your costs are being recovered from other parties.

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**Q8. How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?**

Pre-application meetings – for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications. Strongly support

Late application fee penalties for special licences and licence renewals: between 11 and 20 days of the licence date; and within 10 days of the licence date. Strongly support

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**Q9. Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?**

Same as before.

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**Q10. How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**

Specifying the legislation that give effect to the Bylaw and its powers; updating defined terms; additional clauses to clarify the scope of the Bylaw; and explanatory notes to support the application of the Bylaw and its context. Somewhat support

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**Q11. Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**

not answered

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**Q12. Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**

As the fees increasingly get higher, and the efficiency with which the council deals with liquor license applications reduces, it would be good to see the council look internally at what can be done to bring costs down too as opposed to only looking at how they can increase fees.

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**Q13. File upload from PDF submissions** not answered

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**Respondent No:** 3

**Login:** Suha Wahab

**Email:** [REDACTED]

**Responded At:** Jul 05, 2024 15:21:35 pm

**Last Seen:** Jul 05, 2024 03:16:57 am

**IP Address:** 27.252.201.185

Q1. **Name:** Suha Wahab

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Q2. **Email:** [REDACTED]

---

Q3. **I am making this submission:** **On behalf of an organisation. Organisation's name:**  
Cancer Society Wellington Division

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Q4. **Do you hold an alcohol licence?** No, never

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Q5. **I would like to make an oral submission to the Councillors:** No

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Q6. **How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**

Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council.	Somewhat support
Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.	Somewhat support

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Q7. **Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**

We strongly recommend that the strengthening, monitoring and enforcement of alcohol licences continue. We agree with Proposed change one – “Future- proofing the Bylaw to support a sustainable cost-recovery model”. Stating the cost recovery rate to for transparency gives stakeholders an idea of why certain costs are in place. It is great to see you understand and implement recommendations from stakeholders. This proposed change displays this as you are planning to make licensing fees more proportional to cost. We agree with the pre-application meetings which offers support to new applicants so that they can better understand their responsibilities under their alcohol license. Alcohol is in turn accessed in a safe way. This can ensure that stakeholders are following alcohol license regulations.

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Q8. **How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?**

Pre-application meetings – for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications.	Strongly support
Late application fee penalties for special licences and licence renewals: between 11 and 20 days of the licence date; and within 10 days of the licence date.	Strongly support

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**Q9. Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?**

Taking the flexibility change into consideration, we highlight it is still important for stakeholders to follow protocols to ensure the safety of consumers. Licenses should be withheld if stakeholders are not considering the safety of their customers and following the rules under the Bylaw.

**Q10. How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**

Specifying the legislation that give effect to the Bylaw and its powers; updating defined terms; additional clauses to clarify the scope of the Bylaw; and explanatory notes to support the application of the Bylaw and its context. Strongly support

**Q11. Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**

We agree to proposed change three; make minor technical amendments to the Bylaw to improve clarity and readability. This will further support stakeholders to understand regulations for their alcohol license.

**Q12. Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**

As a trusted voice on cancer prevention, we aim to reduce the incidence and impact of cancer in Aotearoa. Hence, we are submitting our feedback on this alcohol licensing bylaw. We acknowledge the purpose of alcohol licensing is to maintain the health, wellbeing and safety of communities and minimise the many impacts of excessive alcohol. We want to congratulate the Wellington City Council on all the ways you have protected communities by reducing the harm of alcohol around our city. Excessive alcohol has dire effects on our community in many ways. Alcohol is a type 1 carcinogen and linked to many cancers. This includes cancers of the throat, voice box, oesophagus (food pipe), bowel, liver, and female breast. Drinking any amount of alcohol regularly, even low levels, can increase the risk of some cancers. An example of this is more than one-third of alcohol-attributed breast cancer deaths that occur among New Zealand women with an average daily consumption of less than two daily standard drinks. The more alcohol you drink the higher the risk. Alcohol is readily available, affordable and widely promoted in digital media and in our neighbourhoods and increased levels in low-income areas. This significantly contributes to the inequitable distribution of ill health, death including from alcohol-attributable cancers and higher crime rates. There is strong national and international evidence that policies addressing alcohol availability, affordability and marketing are the most effective and cost-effective ways to equitably reduce consumption, and thereby reducing alcohol-attributable harms, like cancer. The Sale and Supply of Alcohol Act is an example of a policy which meets this standard and is an appropriate mechanism to meet cost recovery as your review found. More needs to be done to protect our communities from the harmful effects of alcohol. Affordability, promotion and excess alcohol especially in low socioeconomic communities must be included in any harm reduction plan going forward for Wellington City Council. As we highlighted in our Long-Term Plan submission, we encourage Wellington City Council to implement a comprehensive Local Alcohol Policy. Reducing the availability of alcohol through restricting alcohol outlet density and trading hours can enable greater community control to constrain the right of appeal by vested interests such as alcohol producers, suppliers and distributors. We also recommend that you extend this to support other aspects of alcohol harm reduction such as times that liquor stores are open. This will have more of a positive effect on communities. The Cancer Society has an important role in advocating for these key strategies to support New Zealanders, particularly Māori, Pacific and low-income communities who experience an inequitable burden of cancer and other alcohol-related harms from their exposure to affordable, excessively promoted and highly accessible alcohol. As a council, you have an important role to create protective environments where we work, play and live. Strengthening alcohol policy is a huge contributor to creating these environments.

**Q13. File upload from PDF submissions** not answered



**Respondent No:** 4

**Login:** Anonymous

**Email:** n/a

**Responded At:** Jul 16, 2024 15:03:44 pm

**Last Seen:** Jul 16, 2024 15:03:44 pm

**IP Address:** n/a

- Q1. **Name:** Peter Bowers
- 
- Q2. **Email:** [REDACTED]
- 
- Q3. **I am making this submission:** **On behalf of an organisation. Organisation's name:**  
Tawa Squash Club
- 
- Q4. **Do you hold an alcohol licence?** Yes, currently
- 
- Q5. **I would like to make an oral submission to the Councillors:** No
- 
- Q6. **How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- |  |                  |
|--|------------------|
| Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council. | Somewhat support |
| Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.  | Strongly support |
- 
- Q7. **Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- No
- 
- Q8. **How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?**
- |  |                  |
|--|------------------|
| Pre-application meetings – for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications. | Strongly support |
| Late application fee penalties for special licences and licence renewals: between 11 and 20 days of the licence date; and within 10 days of the licence date.          | Somewhat support |
- 
- Q9. **Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?**
- No
-

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**Q10. How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**

Specifying the legislation that give effect to the Bylaw and its powers; updating defined terms; additional clauses to clarify the scope of the Bylaw; and explanatory notes to support the application of the Bylaw and its context.      Somewhat support

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**Q11. Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**

No

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**Q12. Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**

No

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**Q13. File upload from PDF submissions**

not answered

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**Respondent No:** 5  
**Login:** Policy\_Team  
**Email:** policy.submission@wcc.gov  
t.nz

**Responded At:** Jul 17, 2024 15:44:51 pm  
**Last Seen:** Jul 30, 2024 20:13:37 pm  
**IP Address:** 223.26.27.204

- Q1. **Name:** Bernard O'Shaughnessy
- 
- Q2. **Email:** not answered
- 
- Q3. **I am making this submission:** As an individual
- 
- Q4. **Do you hold an alcohol licence?** No, never
- 
- Q5. **I would like to make an oral submission to the Councillors:** **Yes - please provide your phone number so that a submission time can be arranged:**  
[REDACTED]
- 
- Q6. **How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- |  |                  |
|--|------------------|
| Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council. | Strongly support |
| Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.  | Strongly oppose  |
- 
- Q7. **Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- Should be 100% recovery!
- 
- Q8. **How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?**
- |  |                  |
|--|------------------|
| Pre-application meetings – for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications. | Strongly oppose  |
| Late application fee penalties for special licences and licence renewals: between 11 and 20 days of the licence date; and within 10 days of the licence date.          | Strongly support |
- 
- Q9. **Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?**
- Yes, see notes
-

**Q10. How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**

Specifying the legislation that give effect to the Bylaw and its powers; updating defined terms; additional clauses to clarify the scope of the Bylaw; and explanatory notes to support the application of the Bylaw and its context. Somewhat support

**Q11. Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**

Yes - see attached comments

**Q12. Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**

Additional notes on Booze Fees Bylaw Review 2024. 1) I think there should be NO subsidy by ratepayers towards BOOZE Licences. You say "this general rate component is to recognise the public good in enabling natural justice, allowing community members to participate in the licensing process and raise objections to license applications at District License Committee hearings." 2) I think there is little public good in so many booze licenses. 3) Booze licenses are a printing press for money. 4) In one year gone past Kiwis drunk over \$5 billion in booze. The harm to society has been costed at \$9 billion. One Dollar of booze = almost two Dollars of harm. 5) Any person holding a license, be it for a pub, cafe or supermarket makes huge profit from booze sales. Who hasn't purchased their favourite wine bottle from the supermarket at \$12 a bottle yet at the pub or cafe gets charged \$12 a glass! 7 standard drinks in a bottle is 7 x \$12 means \$84 bottle! Wow, what profit. 6) Dog registration is full cost recovery. Why aren't booze licenses. Dogs do more for the 'public good' than booze. 7) I have been before the DLC in over 20 cases (mainly in Wellington, but other cities as well) as an individual, and also in support of community groups. I have particularly been an advocate in Newtown and Kilbirnie in regards booze licenses between 2008 and 2022. I have retired from that advocacy. 8) Many pubs have pokie machines. The Newtown Community were astounded when we found out from the DIA (Department of Internal Affairs) that \$28 million went through the pokie machines in the 3 pubs in Newtown in a short period of time. But the community won in getting the worst pub (the Zoo Bar) to close up. 9) Then the Kilbirnie community are amazed that \$51 million went through the 3 pubs there in a recent year. So pubs can pay full cost recovery for their booze licenses. 10) I worked after retiring from Teaching, in cafe's for 6 years. Every Cafe builds into their price structure huge profits from booze. 11) Stand alone booze licenses, think Off License Liquor King, Big Barrel etc, and all supermarkets (there being only two monopoly big traders) are scrutinised by Health Ministry/police to say that within 800 metres of an Off license being granted crime and disorder is increased. 12) I think the basic of your policy should be full cost recovery, then higher costs for license renewal on those booze license holders that cause issues for society. Bernard O'Shaughnessy Ratepayer

**Q13. File upload from PDF submissions**

not answered

# Submission form for public consultation

## Alcohol Fees Bylaw Review 2024

We're keen to hear your thoughts on the proposed Alcohol Fees Bylaw 2024.

Before answering the questions in this survey, please read through the Statement of Proposal, which can be viewed at Council libraries or online at **Let's Talk**.

### Privacy statement - what we do with your personal information

Submissions including your name and opinions on the draft bylaw will be published and made available to elected members and the public. Contact details provided by you may be given to elected members if they wish to contact you about your submission. Contact details may be used by Council staff for administration of the consultation process. Council staff will have access to complete submissions for the purposes of analysing feedback.

Except for your name, any personal details collected in the 'your details' section will be redacted before publishing. Please note that you should not include any personal information in the open text fields of the submission form if you do not wish it to be made public.

For further details around privacy please see our extended Privacy Statement on the Wellington City Council website. All information collected will be held by Wellington City Council in accordance with the Privacy Act 2020. You have a right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. Please contact us at [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz).

### Your details

All fields marked with an asterisk (\*) are required.

Please write clearly.

Name:* <u>BERNARD O'SHAUGHNESSY</u> <i>Please note, anything published in this field will be made available to the public on our website as per the privacy statement.</i>
Email: [REDACTED] <i>This is so we can confirm your submission has been received and can update you about the outcome of the consultation.</i>
I am making this submission: <input checked="" type="checkbox"/> As an individual <input type="checkbox"/> On behalf of an organisation. Organisation's name:
Do you hold an alcohol licence? <input type="checkbox"/> Yes, currently <input type="checkbox"/> No, but I have previously held one <input checked="" type="checkbox"/> No, never
I would like to make an oral submission to the Councillors: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide your phone number so that a submission time can be arranged: [REDACTED]

**Questions about the draft Alcohol Fees Bylaw 2024**

1. How much do you support or oppose changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?

We have drafted these changes because our bylaw review has identified that it is currently administratively burdensome to adjust fees to meet cost-recovery. For further information about each of the changes, refer to the Statement of Proposal.

Change proposed	Strongly support	Somewhat support	Neutral	Somewhat oppose	Strongly oppose	Don't know
Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Change proposed	Strongly support	Somewhat support	Neutral	Somewhat oppose	Strongly oppose	Don't know
Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?

*Should be 100% recovery!*

2. How much do you support or oppose the changes we have identified to enable new fee components to make licensing fees more proportional to cost?

We have drafted these changes because industry stakeholder feedback has expressed desire for a more flexible fees framework that recognises compliant practices and is proportional to cost. For further information about each of the changes, refer to the Statement of Proposal.

Change proposed	Strongly support	Somewhat support	Neutral	Somewhat oppose	Strongly oppose	Don't know
Pre-application meetings – for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

continued over page

2. (continued)

Change proposed	Strongly support	Somewhat support	Neutral	Somewhat oppose	Strongly oppose	Don't know
<p>Late application fee penalties for special licences and licence renewals.</p> <ul style="list-style-type: none"> <li>• Between 11 and 20 days of the licence date.</li> <li>• Within 10 days of the licence date.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?</p> <p><i>Yes, see notes.</i></p>						

3. How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?

Change proposed	Strongly support	Somewhat support	Neutral	Somewhat oppose	Strongly oppose	Don't know
<p>Specifying the legislation that give effect to the Bylaw and its powers; updating defined terms; additional clauses to clarify the scope of the Bylaw; and explanatory notes to support the application of the Bylaw and its context.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?</p>						

4. Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?

YES - SEE ATTACHED COMMENTS.

1st fold here - fasten here once folded

2nd fold here

CE00082

Freepost Authority Number 2199



Alcohol Fees Bylaw Review  
Policy Team  
Wellington City Council  
PO Box 2199  
Wellington 6140



**Absolutely Positively Wellington City Council**  
Me Heke Ki Pōneke



Additional notes on Booze Fees Bylaw Review 2024.

- 1) I think there should be NO subsidy by ratepayers towards BOOZE Licences. You say “this general rate component is to recognise the public good in enabling natural justice, allowing community members to participate in the licensing process and raise objections to license applications at District License Committee hearings.”
- 2) I think there is little public good in so many booze licenses.
- 3) Booze licenses are a printing press for money.
- 4) In one year gone past Kiwis drunk over \$5 billion in booze. The harm to society has been costed at \$9 billion. One Dollar of booze = almost two Dollars of harm.
- 5) Any person holding a license, be it for a pub, cafe or supermarket makes huge profit from booze sales. Who hasn't purchased their favourite wine bottle from the supermarket at \$12 a bottle yet at the pub or cafe gets charged \$12 a glass! 7 standard drinks in a bottle is 7 x \$12 means \$84 bottle! Wow, what profit.
- 6) Dog registration is full cost recovery. Why aren't booze licenses. Dogs do more for the 'public good' than booze.
- 7) I have been before the DLC in over 20 cases (mainly in Wellington, but other cities as well) as an individual, and also in support of community groups. I have particularly been an advocate in Newtown and Kilbirnie in regards booze licenses between 2008 and 2022. I have retired from that advocacy.
- 8) Many pubs have pokie machines. The Newtown Community were astounded when we found out from the DIA (Department of Internal Affairs) that \$28 million went through the pokie machines in the 3 pubs in Newtown in a short period of time. But the community won in getting the worst pub (the Zoo Bar) to close up.
- 9) Then the Kilbirnie community are amazed that \$51 million went through the 3 pubs there in a recent year. So pubs can pay full cost recovery for their booze licenses.
- 10) I worked after retiring from Teaching, in café's for 6 years. Every Cafe builds into their price structure huge profits from booze.
- 11) Stand alone booze licenses, think Off License Liquor King, Big Barrel etc, and all supermarkets (there being only two monopoly big traders) are scrutinised by Health Ministry/police to say that within 800 metres of an Off license being granted crime and disorder is increased.
- 12) I think the basic of your policy should be full cost recovery, then higher costs for license renewal on those booze license holders that cause issues for society.

Bernard O'Shaughnessy  
Ratepayer

	<b>Respondent No:</b> 6	<b>Responded At:</b> Jul 20, 2024 09:55:39 am
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Jul 20, 2024 09:55:39 am
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

- Q1. Name:** Jill Wilson
- 
- Q2. Email:** [REDACTED]
- 
- Q3. I am making this submission:** As an individual
- 
- Q4. Do you hold an alcohol licence?** No, never
- 
- Q5. I would like to make an oral submission to the Councillors:** No
- 
- Q6. How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- |  |                  |
|--|------------------|
| Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council. | Strongly support |
| Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.  | Strongly support |
- 
- Q7. Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- not answered
- 
- Q8. How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?**
- |  |                  |
|--|------------------|
| Pre-application meetings – for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications. | Strongly support |
| Late application fee penalties for special licences and licence renewals: between 11 and 20 days of the licence date; and within 10 days of the licence date.          | Somewhat support |
- 
- Q9. Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?**
- I am an inner-city resident. I believe that it is easy - but unfairly - to see bars as the reason that individuals become intoxicated, which then leads to public incidents of harm or damage. I am aware many license holder carry a high cost to try and keep their customers safe and orderly. I would therefore ask the Council to ensure it does not use licensing fees as the tool to recover costs relating to customers who should carry their own responsibility for their choices to over-consume alcohol and then behave badly. Cost recovery relating to this should be recovered through stronger public intoxication laws/bylaws and through much higher fines relating to the breaches of no alcohol allowed in public places restrictions.



**Q10. How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**

Specifying the legislation that give effect to the Bylaw and its powers; updating defined terms; additional clauses to clarify the scope of the Bylaw; and explanatory notes to support the application of the Bylaw and its context. Strongly support

**Q11. Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**

I am an inner-city resident. I have noticed that when a bar or restaurant is requesting a new licence or a renewal of a licence it must physically post a notice (ie stick a paper-based notice) on their premises so the passing public can see it. I believe this is to ensure the passing public can know that a licence is being requested, and that they - the public - have the right to put in an objection within a certain number of days following the posting of the notice if they wish. I believe this is a vital process to ensure local residents can have the chance to consider if the licence request or renewal will have an impact on their neighbourhood. I am aware that information about licensing requests is available online and can be emailed. However I also know that this service is not widely known about, which means that the printed notices on buildings are priority communication avenues to reach the attention of local residents. My belief, from regularly walking the inner city, is that these notices currently have no visibility at all to the passing public and therefore do not serve their primary purpose - to be noticed. Why they may fail their purpose includes: \* that they don't stand out in any way to catch the attention \* they are small and text heavy - which means they can be lost amongst many other notices that a bar or restaurant often have on their doors or windows \* they are printed on white paper and don't catch attention (unlike, for example, the yellow paper used for earthquake-prone buildings notices) \* they contain small, tightly packed print, that many members of the public will not be able to easily read, and the print is presented without considering readability (ie tight single line text spacing is used, not 1.5 line spacing etc) \* the text is not inviting or easy to understand - it uses formal legislative language which many people will not understand \* and - a major issue - is that many of the notices are undated - which means the public have no idea whether the period when they (the public) can lodge an objection has run out. I would like to request that \* these notices be printed on A3 so they can easily be seen \* that they are printed on coloured paper - considering both readability and colour-blindness requirements \* that their purpose is clearly stated in friendly (not bureaucratic) wording in the heading \* the it is mandatory for the date when the notice has been posted (ie, the start of the objection process) to be very prominently displayed - ie clearly visible and in large bold print \* and, as above, that it is mandatory, too, for the closing date for objections to be clearly stated and be in large bold print

IN SUMMARY: Thank you for having the posting of public notices as part of the licensing process. These notices are a frontline and vital way of letting local residents know what may be planned for their neighbourhood so they can engage in a fair and democratic process. So please do make these notices better achieve their intended purpose. Ngā mihi.

**Q12. Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**

(REPEATING WHAT I WROTE IN Q11, IN CASE THAT WAS IN THE WRONG PLACE) I am an inner-city resident. I have noticed that when a bar or restaurant is requesting a new licence or a renewal of a licence it must physically post a notice (ie stick a paper-based notice) on their premises so the passing public can see it. I believe this is to ensure the passing public can know that a licence is being requested, and that they - the public - have the right to put in an objection within a certain number of days following the posting of the notice if they wish. I believe this is a vital process to ensure local residents can have the chance to consider if the licence request or renewal will have an impact on their neighbourhood. I am aware that information about licensing requests is available online and can be emailed. However I also know that this service is not widely known about, which means that the printed notices on buildings are priority communication avenues to reach the attention of local residents. My belief, from regularly walking the inner city, is that these notices currently have no visibility at all to the passing public and therefore do not serve their primary purpose - to be noticed. Why they may fail their purpose includes: \* that they don't stand out in any way to catch the attention \* they are small and text heavy - which means they can be lost amongst many other notices that a bar or restaurant often have on their doors or windows \* they are printed on white paper and don't catch attention (unlike, for example, the yellow paper used for earthquake-prone buildings notices) \* they contain small, tightly packed print, that many members of the public will not be able to easily read, and the print is presented without considering readability (ie tight single line text spacing is used, not 1.5 line spacing etc) \* the text is not inviting or easy to understand - it uses formal legislative language which many people will not understand \* and - a major issue - is that many of the notices are undated - which means the public have no idea whether the period when they (the public) can lodge an objection has run out. I would like to request that \* these notices be printed on A3 so they can easily be seen \* that they are printed on coloured paper - considering both readability and colour-blindness requirements \* that their purpose is clearly stated in friendly (not bureaucratic) wording in the heading \* the it is mandatory for the date when the notice has been posted (ie, the start of the objection process) to be very prominently displayed - ie clearly visible and in large bold print \* and, as above, that it is mandatory, too, for the closing date for objections to be clearly stated and be in large bold print IN SUMMARY: Thank you for having the posting of public notices as part of the licensing process. These notices are a frontline and vital way of letting local residents know what may be planned for their neighbourhood so they can engage in a fair and democratic process. So please do make these notices better achieve their intended purpose. Ngā mihi.

**Q13. File upload from PDF submissions**

not answered



**Respondent No:** 7  
**Login:** Policy\_Team  
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t.nz

**Responded At:** Jul 30, 2024 16:05:21 pm  
**Last Seen:** Jul 30, 2024 20:13:37 pm  
**IP Address:** 223.26.27.204

- Q1. **Name:** Maria Bidois
- 
- Q2. **Email:** not answered
- 
- Q3. **I am making this submission:** **On behalf of an organisation. Organisation's name:**  
Restaurant Association
- 
- Q4. **Do you hold an alcohol licence?** not answered
- 
- Q5. **I would like to make an oral submission to the Councillors:** not answered
- 
- Q6. **How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- 
- Q7. **Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**  
not answered
- 
- Q8. **How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?**
- 
- Q9. **Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?**  
not answered
- 
- Q10. **How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**
- 
- Q11. **Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**  
not answered
- 
- Q12. **Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**  
not answered
- 
- Q13. **File upload from PDF submissions** [https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/d3cd20040f01c3709069050de340b4482e545ad4/original/1722312303/f1738a5f18badbb9fed0816e56a866ee\\_20240722\\_RA\\_Submission\\_on\\_Wellington\\_City\\_Council\\_Alcohol\\_Fees\\_Bylaw\\_Review.pdf?1722312303](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/d3cd20040f01c3709069050de340b4482e545ad4/original/1722312303/f1738a5f18badbb9fed0816e56a866ee_20240722_RA_Submission_on_Wellington_City_Council_Alcohol_Fees_Bylaw_Review.pdf?1722312303)



**SUBMISSION**

**Wellington City Council Alcohol Fees  
Bylaw Review**

July 2024

Restaurant Association of New Zealand submission to the Wellington City Council

██████████  
████████████████████  
Restaurant Association of New Zealand  
████████████████████  
██████████

## Executive summary

1. The Restaurant Association of New Zealand (the Restaurant Association) welcomes the opportunity to make a submission on the Wellington City Council Alcohol Fees Bylaw Review.
2. The Restaurant Association supports the intent of the proposed changes to the Bylaw, which aim to reduce the administrative burden on both applicants and council staff. So long as the new process does result in time and cost savings for both parties, which should result in a lower overall cost needing to be recovered, we support the changes to the Bylaw.
3. The hospitality industry is an integral part of the Wellington economy. Any future fee increases need to take into account their impact on small businesses which are still struggling to recover from almost four years of hampered trade, while currently experiencing a prolonged economic downturn.
4. We recognise the need to ensure the sale and supply of alcohol is undertaken safely and responsibly. We submit that the sale of alcohol alongside a meal carries far less risk than businesses where the sale of alcohol is their core offering, and our more than 2,500-strong membership is made up of hospitality businesses where food is the hero of their operations, with alcoholic beverages offered as a supplement to their culinary experience.
5. The Restaurant Association therefore recommends:
  - 5.1. That the Wellington City Council ensures the proposed changes to the Alcohol Fees Bylaw minimise negative effects on businesses in the hospitality industry.
  - 5.2. That the Wellington City Council advocates to the Ministry of Justice for a review of the cost/risk ratings for different types of premises set by the Sale and Supply of Alcohol (Fees) Regulations 2013 to better reflect the risks of on-licence premises as compared to off-licence and club licence premises.

## Introduction

6. The Restaurant Association supports the intent of the proposed changes to the Bylaw, which aim to reduce the administrative burden on both applicants and council staff. So long as the new process does result in time and cost savings for both parties, which should result in a lower overall cost needing to be recovered, we support the changes to the Bylaw.
7. The hospitality industry is still recovering from a range of adverse events, while also dealing with what will likely be a prolonged economic downturn. Expenditure on hospitality is highly dependent on local and tourism spending, with both of these spends being highly unstable. Local spend is highly discretionary, meaning it is the first to be cut from household budgets in times of economic downturn. At the best of times, the food and beverage sector of the hospitality industry operates on a very tight profit margin of approximately 4%.

8. Across the country, our members' businesses add to the vibrancy and landscape of our towns and suburbs - they are an integral part of our national tourism brand. While an alcohol licence is by no means the crux of our members' operations, the ability to purchase an alcoholic beverage with food is certainly an expected part of the hospitality offering in New Zealand and is necessary to remain competitive - particularly as discretionary spending on hospitality declines.

### **Position on proposed changes**

9. The Restaurant Association supports the intention of allowing alcohol licence fees to be set by Council resolution, however we are concerned that this could go too far in terms of giving the Council powers to set fees without consultation or communication to key stakeholders.
10. To mitigate this, we recommend that the Wellington City Council develops reporting measures that can clearly communicate any expected fee changes ahead of Council resolutions. This communication should include at the very least:
  - 10.1. The total cost incurred by the Council which needs to be recovered,
  - 10.2. A breakdown of where those costs are incurred, and
  - 10.3. Draft fee settings being proposed to the Council for resolution.

**Recommendation 1:** That the Wellington City Council develops reporting measures that can clearly communicate any expected fee changes ahead of Council resolutions.

11. We commend the Council for retaining a small ratepayer contribution, which recognises the contribution of well-managed hospitality venues to the life and economy of communities, and the societal value of having facilities available where people can go to enjoy themselves while drinking safely and responsibly.
12. We also support the implementation of mandatory pre-application meetings to ensure new applicants are supported to more easily navigate the licensing process, with the option to waive this meeting if the applicant is familiar with the application process. We submit that, if they aren't already, these meetings could be held online to further save time for both Council staff and applicants.
13. With the implementation of late application fees, we recognise the need for applications to be made in a timely manner. We submit that should a late application fee be implemented for special licence and licence renewal applications that a guarantee be imposed, whereby should a late fee be paid, the licence will be processed by the time it is required. If this cannot be guaranteed, a clear warning should be given that the payment of a late application fee is not a guarantee that the application will be processed by the requisite deadline.

## Review of current risk rating structure

14. While the Restaurant Association recognises that the proposed fee structure must be set in accordance with the framework set out by the Sale and Supply of Alcohol Act 2012, the Local Government Act 2002 and any regulations, we believe there should be a review of the current risk ranking.
15. In a practical sense, there are far fewer restrictions and regulations for off-licence holders in terms of the responsible sale and supply of alcohol when compared to on-licence holders.
16. For example, when serving alcohol in an on-licence venue, staff are bound by host responsibility requirements and must monitor intake to determine when they must stop service to prevent intoxication.
17. Alternatively, at an off-licence venue, customers can purchase as much alcohol as they want, to take home and then consume as much as they want without any restriction. There are minimal requirements for off-licence premises to ensure they are selling and supplying alcohol in line with the objectives of the Act, and this should be better reflected in the licensing fees framework.
18. We submit that:
  - 18.1. An on-licence Class 1 restaurant carries an equivalent risk of harm to an off-licence hotel or tavern.
  - 18.2. An on-licence Class 2 restaurant carries an equivalent risk of harm to an off-licence Class 1, 2 or 3 club, remote sale premises, other, and
  - 18.3. An on-licence Class 3 restaurant carries an equivalent risk of harm to an on-licence BYO restaurant, theatres, cinemas, winery cellar doors.
19. We therefore believe that a more fulsome review of the cost/risk rating of premises within the regulations to better reflect the actual risk of harm. The Restaurant Association's proposed cost/risk rating table is available at Appendix 2.
20. We recognise that the setting of cost/risk ratings is not within the control of the Wellington City Council, and therefore recommend that the Wellington City Council advocates to the Ministry of Justice for a review of the cost/risk ratings for different types of premises set by the Sale and Supply of Alcohol (Fees Regulations) to better reflect the risks of on-licence premises as compared to off-licence and club licence premises.

**Recommendation 2:** That the Wellington City Council advocates to the Ministry of Justice for a review of the cost/risk ratings for different types of premises set by the Sale and Supply of Alcohol (Fees Regulations) to better reflect the risks of on-licence premises as compared to off-licence and club licence premises.

### **About the Association**

21. The mission of the Restaurant Association of New Zealand is to be the link between good food and good business so that our Member's restaurant or café can succeed. We're passionate about our vibrant industry, which is full of interesting, talented and entrepreneurial people.
22. Since 1972, the Association has worked to offer advice, help and assistance in every facet of the vibrant and diverse hospitality industry. We are the representative body for more than 2,500 hospitality businesses, with Members covering the length and breadth of the country.



## Appendices

### Appendix 1: current cost/risk rating table

Licence type	Type of premises	Weighting
On-licence	Class 1 restaurant, night club, tavern, adult premises	15
	Class 2 restaurant, hotel, function centre	10
	Class 3 restaurant, other	5
	BYO restaurant, theatres, cinemas, winery cellar doors	2
Off-licence	Supermarket, grocery store, bottle store	15
	Hotel, tavern	10
	Class 1, 2 or 3 club, remote sale premises, other	5
	Winery cellar doors	2
Club licence	Class 1 club	10
	Class 2 club	5
	Class 3 club	2

**Appendix 2: proposed cost/risk rating table**

Licence type	Type of premises	Weighting			
		15	10	5	2
On-licence	Night club, tavern, adult premises	x			
	Class 1 restaurant		x		
	Class 2 restaurant, hotel, function centre			x	
	Class 3 restaurant (other), BYO restaurant, theatres, cinemas, winery cellar doors				x
Off-licence	Supermarket, grocery store, bottle store	x			
	Hotel, tavern		x		
	Class 1, 2 or 3 club, remote sale premises, other			x	
	Winery cellar doors				x
Club licence	Class 1 club		x		
	Class 2 club			x	
	Class 3 club				x



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**Responded At:** Jul 30, 2024 16:10:07 pm  
**Last Seen:** Jul 30, 2024 20:13:37 pm  
**IP Address:** 223.26.27.204

- Q1. **Name:** Zinnia Foster
- 
- Q2. **Email:** [REDACTED]
- 
- Q3. **I am making this submission:** **On behalf of an organisation. Organisation's name:**  
Hospitality NZ
- 
- Q4. **Do you hold an alcohol licence?** not answered
- 
- Q5. **I would like to make an oral submission to the Councillors:** not answered
- 
- Q6. **How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- 
- Q7. **Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**  
not answered
- 
- Q8. **How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?**
- 
- Q9. **Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?**  
not answered
- 
- Q10. **How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**
- 
- Q11. **Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**  
not answered
- 
- Q12. **Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**  
not answered
- 
- Q13. **File upload from PDF submissions** [https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/909ca17323775850fcb677446286279ef202407a/original/1722312605/d757d74c018336f73493e9e3093fac5c\\_WCC\\_\\_\\_HNZ\\_Alcohol\\_Fees\\_Bylaw\\_Submission\\_July\\_2024.docx.pdf?1722312605](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/909ca17323775850fcb677446286279ef202407a/original/1722312605/d757d74c018336f73493e9e3093fac5c_WCC___HNZ_Alcohol_Fees_Bylaw_Submission_July_2024.docx.pdf?1722312605)



## **Hospitality New Zealand**

**TO WELLINGTON CITY COUNCIL**

**SUBMISSION ON  
ALCOHOL FEES BYLAW**

**JULY 2024**

**CONTACT DETAILS:** **Hospitality New Zealand**  
Contact: Zinnia Foster  
Phone: [REDACTED]  
Email: [REDACTED]  
[www.hospitality.org.nz](http://www.hospitality.org.nz)

**About Hospitality New Zealand:**

1. Hospitality New Zealand (“Hospitality New Zealand”) is a member-led, not-for-profit organisation representing around 3,000 businesses, including cafés, restaurants, bars, nightclubs, commercial accommodation, country hotels and off-licences.
2. Hospitality New Zealand has a 122-year history of advocating on behalf of the hospitality and tourism sector. We work tirelessly on behalf of our members to promote the industry, partner with government to prevent restrictive legislation, protect commercial interests and to spearhead innovation for a sustainable future.
3. As the trusted body, we seek to unlock the industry’s full potential as a significant engine for growth in the New Zealand economy and to ensure that the industry’s needs are represented by engaging with the Government and wider industry.
4. This submission relates to the review of the Alcohol Fees Bylaw.
5. Enquiries relating to this submission should be referred to Zinnia Foster, Regional Manager, at [REDACTED] or [REDACTED]

**General Comments:**

6. Hospitality New Zealand welcomes the opportunity to comment on the review of the Alcohol Fees Bylaw.

**Specific Comments:**

7. Hospitality New Zealand supports the proposal to allow alcohol licence fees to be set by Council resolution as part of annual or long-term planning processes, as well as specifying the cost-recovery rate. This approach ensures consistency and will streamline the process, ensuring administrative efficiencies.
8. Hospitality New Zealand agrees that pre-application meetings are introduced for all new applicants. This approach can help clarify requirements, set expectations, and address any potential issues early on. It can also significantly reduce the administrative workload by minimising misunderstandings and the need for repeated communication.
9. Hospitality New Zealand agrees that implementing late application fees will encourage timely submission and help reduce last-minute processing demands.

**Recommendations:**

10. While we support the proposal to include licence fee reviews to be set as part of annual or long-term planning, we urge transparency around proposals by ensuring that key stakeholders and licensees are notified about any proposed changes to alcohol licensing fees, to ensure they have opportunities to review.

11. While an element of cost recovery is appropriate, we need to have confidence that Council is looking to improve efficiencies continually - our experience from other jurisdictions is that cost recovery is used as a method to raise funds from license holders, and not legitimately recovering costs incurred.
12. Hospitality New Zealand recommends including a provision for leniency in certain limited circumstances, such as unforeseen or emergency events. We believe that allowing for discretion on a case-by-case basis is fair and accommodates those with valid reasons without unduly punishing them.
13. To implement this effectively, a clear set of criteria could be established to evaluate requests for leniency. This would provide transparency and consistency in decision-making while maintaining the primary goal of encouraging timely submissions.

**Conclusion:**

14. We thank the Wellington City Council for the opportunity to provide input into the consultation.
15. We would be happy to discuss any parts of this submission in more detail, and to provide any assistance that may be required.



**Respondent No:** 9  
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**Responded At:** Jul 30, 2024 16:12:29 pm  
**Last Seen:** Jul 30, 2024 20:13:37 pm  
**IP Address:** 223.26.27.204

- Q1. **Name:** Georgie Robertson
- 
- Q2. **Email:** [REDACTED]
- 
- Q3. **I am making this submission:** **On behalf of an organisation. Organisation's name:**  
Hospitality Licensing Limited
- 
- Q4. **Do you hold an alcohol licence?** not answered
- 
- Q5. **I would like to make an oral submission to the Councillors:** **Yes - please provide your phone number so that a submission time can be arranged:**  
[REDACTED]
- 
- Q6. **How much do you support or oppose the following two changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**
- 
- Q7. **Do you have any additional comments about our proposed changes to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**  
not answered
- 
- Q8. **How much do you support or oppose the following two changes we have identified to enable new fee components to make licensing fees more proportional to cost?**
- 
- Q9. **Do you have any additional comments about our proposed changes to enable new fee components to make licensing fees more proportional to cost?**  
not answered
- 
- Q10. **How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**
- 
- Q11. **Do you have any additional comments about our proposed changes make minor technical amendments to the Bylaw to improve its clarity and readability?**  
not answered
- 
- Q12. **Are there any other comments you wish to make on any part of the draft Alcohol Fees Bylaw 2024?**  
not answered
- 
- Q13. **File upload from PDF submissions** [https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/0405b218a92031e6eb4972d1715958d0253cfa65/original/1722312746/b7f731aa621120ded2ad61e4e268ac08\\_HLL\\_Submission\\_WCC\\_July\\_2024.pdf?1722312746](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/0405b218a92031e6eb4972d1715958d0253cfa65/original/1722312746/b7f731aa621120ded2ad61e4e268ac08_HLL_Submission_WCC_July_2024.pdf?1722312746)



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**HOSPITALITY LICENSING LIMITED  
SUBMISSION ON:  
WELLINGTON CITY COUNCIL  
ALCOHOL FEES BYLAW  
STATEMENT OF PROPOSAL JUNE 2024**

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**About Hospitality Licensing Limited:**

1. Hospitality Licensing Limited has been the leading alcohol licensing consultancy in New Zealand for the past 23 years. We offer licensing services nationwide and assist our clients in every aspect, from obtaining building and planning certificates right through to advice and support for licence hearings when needed. We have a strong focus on compliance with the Sale and Supply of Alcohol Act 2012.
2. We have an acute interest in alcohol licensing fees as these significantly affect our clients' businesses, and in turn our business. We have clients across almost every Council in New Zealand, with a number of clients located in the Wellington City Council catchment area.
3. This submission relates to the "Wellington City Council Alcohol Fees Bylaw - Statement of Proposal June 2024".
4. Enquires related to this submission should be referred to Georgie Robertson at [REDACTED] or [REDACTED]

**Overview:**

5. Hospitality Licensing Limited appreciates the opportunity to comment of the Statement of Proposal.
6. We have considerable concerns about the proposal, in particular:
  - Proposed Change One; and
  - Proposed Change Two.
7. In addition, we have concerns as to the lack of information, including lack of financial statements, lack of cost/benefit analysis, lack of information on accountability of council generally and the licensing department specifically, lack of information detailing the checks and balances that will be in place should this bylaw proceed as set out, and lack of information setting out how council will ensure costs to licensees are reduced or even



minimised. Information sent to licensees and on Council website is woefully short of any financial or other meaningful information which would allow for full scrutiny of Council alcohol licensing spending and costs by those burdened with paying for it.

8. Wellington City Council ("WCC") fees are already one of the highest in the country, yet the service standards, service levels, and timeliness are arguably at the other end of the spectrum.
9. It is noted that there is public commentary that Wellington City Council has a history of fiscal mismanagement and wasteful spending.
10. We are especially concerned that WCC has not provided any information, reports, or other communication as to how they are cutting costs, ensuring wasteful spending is eliminated, and ensuring efficiencies are increased.
11. In 2021, we submitted on the then proposed fees increase bylaw and said

*"WCC have provided no information or transparency around how the existing deficit occurred; what cost saving mechanisms have been researched, trialed, or implemented; or how they are going to ensure that Council will not continue to overspend in this area. If WCC feels the need to cover their overspending, it should not be left to licensees to make up for the inefficiency or poor time and fiscal management."*

12. In 2024, our concerns and above comments still apply. The consistent overspending of WCC fails to be halted and addressed.
13. It is our view that, like any other responsible organisation, WCC must live within its means. WCC knows how many licenses it has and should have data on how many changes to those numbers can reasonably be expected in any given period. This should therefore provide the foundation for a budget based on the predicted revenue and ensure that costs do not exceed the same.
14. Annual licensing fees were introduced with the Sale and Supply of Alcohol (Fees) Regulations 2013 and were reviewed again in 2017 by Ministry of Justice ("MoJ"). We note that in 2017 MoJ did not find reason or justification to increase the fees.
15. We are concerned that WCC cannot cover the costs of its licensing obligations under the standard already increased fee structure as researched, studied, set and reviewed by MoJ – especially when most other Councils appear to do so.
16. Any costs over and above incoming revenue must be looked at as an overspend of budget and addressed as such, not looked at as a shortfall of revenue. Licensees should not be considered as an easy and free pool of money with which to fund a blowout of budget, or any other form of fiscal mismanagement by Council.
17. The Local Government Act 2002 ("LGA") puts a number of requirements on a local authority, and WCC is not exempt from this. We are concerned that WCC has not met its obligations under the LGA, and if it believes it has, has not provided evidence of this in an open and transparent way as is required.

18. Section 77 of the LGA requires a local authority to seek to identify all reasonably practicable options for the achievement of the objective of a decision; and assess the options in terms of their advantages and disadvantages.
19. WCC do not appear to have provided any information on the cost effectiveness of the performance of regulatory functions for alcohol licensing, nor have they provided a cost / benefit analysis, nor have they provided any alternative options for the achievement of the objective of a decision.

### **Specific Comments:**

#### **Proposed Change One – changing fees by resolution:**

20. Given WCC's inability to properly manage spending and costs and implement required cost cutting, it is extremely concerning that Council now want to bypass public consultation, scrutiny, justification and accountability on all future alcohol licensing fees by adding a mechanism in the bylaw which will effectively allow unilateral increases without any checks and balances against this.
21. By including the alleged "cost recovery" as a percentage figure within the bylaw, this allows WCC unfettered and unlimited spending unchecked and without deserved scrutiny.
22. In the bylaw set out in the Statement of Proposal, there is no review time period set out for the bylaw, there is no mechanism for any checks and balances against WCC spending, and there is no mechanism written into the bylaw which democratically enables those who are burdened with the cost to have it reviewed.
23. We are disturbed that before looking to increase any fees, there hasn't been a thorough independent review of the alcohol licensing department's performance, spending, and costs.
24. As mentioned earlier, we have a number of clients in the WCC catchment area. Some examples of where WCC has fallen well short of expectations, basic service and timeliness are included in the appendix to this document. In short, licensees are not receiving the service that is expected when alcohol licensing fees are the highest in the country.

**We do not support a percentage figure being included as the only mechanism of fee increases in the bylaw.**

**We do not support the ability for Council to unilaterally increase fees without proper scrutiny, checks and balances, cost/benefit analysis, financial information, or consultation.**

**We do not support a bylaw that does not have a review date.**

**We do support Council reducing its overheads and costs to ensure it does not overspend its budget.**

**We do support an independent review of Council's alcohol licensing department performance and costs.**

## **Proposed Change Two – enable new fee components**

### ***Pre-Application Meetings:***

25. We are concerned with this proposal – and with the lack of specific detail accompanying it. WCC has provided no evidence as to why this is necessary, how long it would take to get an appointment at a convenient time, nor how \$100 per hour is justified.
26. In addition to this our concerns are two fold – firstly, that this reads like it is a mandatory requirement and secondly, that there is no definition of “first-time applicants”.
27. We do not believe that it is acceptable, or appropriate, for WCC to imposing a mandatory requirement that is over and above the requirement of the Act.
28. We also have concerns around the definition of “first-time applicants”. What is a “first-time applicant”? Is it a first-time applicant in Wellington, or a first-time applicant for a particular type of licence, or a first-time applicant for a licence in general? And further, who makes the decision on “first-time applicant”, and what is the disputes process to challenge the decision? None of this information is included in the Statement of Proposal, and nor is there any supporting documentation for this proposal.
29. While the Statement of Proposal does state that *“this meeting can be waived for new applicants who have proven licensing experience”*. We have similar concerns with this wording, including what information would need to be provided to prove licensing experience? And who makes that decision? What mechanisms are in place for a dispute resolution around this decision? None of this information is included in the Statement of Proposal, and nor is there any supporting documentation for this proposal.
30. We can foresee numerous issues occurring with this proposal including as just some examples:
- If you have held a licence in Auckland, for example, would you still be considered a “first-time applicant” by WCC?
  - If you previously held a licence, but haven’t had one for five, seven, eight, ten years, would you still be considered a “first-time applicant” by WCC? If so, what is the cut off period, who makes that decision, what proof would be needed, what evidence is it based on?
  - If you have been a manager of a licensed premises and hold a managers certificate, then it is accepted that you are aware of the issues and responsibilities involved with licensing. Would you still be considered a “first-time applicant” by WCC if you applied for a licence? If so, is there a period of time holding a managers certificate after which you wouldn’t be considered a first-time applicant, and if so what is it, who makes that decision, and what evidence is it based on?
  - If you held an on-licence, and wanted to hold an off-licence (or vice-versa) would you be considered a first-time applicant by WCC? If so, would it depend on the type of licence previously held compared to the one applying for? Who will be making that decision, and what evidence is it based on?
  - If you have already engaged with a licensing consultant, or are a member of an industry association, both of which help educate applicants and ensure they are aware of the issues and responsibilities involved with licensing, would you still need to have a

mandatory pre-application meeting with WCC? Who will make that decision, and what evidence is it based on?

- What is the time period that WCC will guarantee to have pre-application meetings available for applicants? WCC will be well aware that there are often time constraints around leases, settlement dates etc – requiring a mandatory pre-application meeting will add on an additional time frame.
- What evidence does WCC have that “first-time applicants” who do not attend a pre-application meeting are not aware of the issues and responsibilities involved with licensing?
- What is the disputes process for challenging a determination of a “first-time applicant”, and what is the timeframe for disputes to be resolved?
- What is the disputes process for challenging a determination of “proven licensing experience” and what is the timeframe for disputes to be resolved?
- Would meetings need to be done in person at Council? What alternatives have been considered, and why does there not appear to be an option to have this done virtually which would reduce the additional costs on both the applicant and on Council? This would be most pertinent to my company given that we are not based in Wellington.
- If Council makes a mistake in determining ‘first time applicants’ or ‘proven licensing experience’ or otherwise obstructs time-frames for leases and settlements etc, what compensation would be available for licensees?

31. These are just a few of the issues that we bring to the attention of WCC. We would request proper and adequate consultation, with supporting evidence, before this option is even contemplated by WCC.

**We do not support mandatory pre-application meetings.**

**We submit that a better option would be to have pre-application meetings available to any applicant that wishes to have one, rather than make them a mandatory requirement.**

***Late application fee penalty:***

*Late Special Licences*

32. We do not oppose an additional fee for late Special Licence applications. We agree that these do cause a need for priority over other applications.

*Late Renewals*

33. We do not support an additional fee for late renewals. While a late renewal application does require a waiver, it does not require any further prioritisation over other licences. Police and MooH still get a full 15 days to report, and there is no time frame required for an Inspector to report due to an underlying licence being able to remain valid (provided the late waiver is granted). until the renewal is determined. The application still needs to be publicly notified and the public still get the full 25 working days as an objection period.

34. As set out in the Appendix, you will see that in some instances, Wellington City Council is taking over a year to process and issue a renewal of licence. It is clear that there is no prioritisation given to renewals over other licences.

*Public objectors:*

35. Our concern with the proposed additional charges is that it is unfairly and biasedly proposed to be imposed only on licensees – yet, in our experience there is increasing late waivers being requested by public objectors. An Inspector and the DLC also has to prioritise those over other licences. If a licensee has to pay for a late waiver, then it is only fair that a public objector who wishes to apply for a late waiver incurs the same cost, especially as they now have an extended timeframe of 25 working days within which to object.
36. As an aside, we do not believe that there is the ability to grant waivers for late filing of public objections. WCC would already be aware of the case law in regards to this, but I am happy to provide if required.

**We do not support an additional fee for late renewal applications.**

**We do support an additional fee for late Special Licence applications.**

**We would not oppose late waiver fees applying to public objectors.**

**Alternative Options:**

37. We are concerned that nowhere in the statement of proposal is any information provided regarding alternative options.
38. We can provide some examples that WCC should have been able to identify, as a starter:
- Introducing a bylaw making it an offence to be intoxicated in a public place.
  - Introducing a discount, or reduction in fees, for good operators who have had no proven issues within a year.
  - Changing IT systems used by WCC to a more cost-effective system. We note that this was an extraordinary expense in 2021, and to our knowledge was never addressed and nor was information requested from WCC on this matter forthcoming.
39. We submit that Wellington City Council abandons the proposed fees bylaw as it is currently proposed and instead looks to significantly reduce costs in addition to adopting a bylaw making it an offence to be intoxicated (by alcohol and other substances) in a public place. This would target alcohol (and drug) related harm in Wellington, and set behaviour standards for the City.
40. That type of bylaw has been proposed to WCC before by Hospitality New Zealand, who went as far to draft a bylaw and presented this to Council. We recommend that WCC investigate this option before proceeding with any increased fees for licensees.
41. In addition, and notwithstanding our comments above, we offer two other proposals for Wellington City Council to implement:
- Increase Public Notice charges. Currently this sits at \$150. We would support an increase in Public Notice charges – for example to \$200. This would increase Council revenue and would more fairly share the costs across licence holders.

## **Summary:**

Hospitality Licensing Limited has concerns with Wellington City Council proposed Alcohol Fees Bylaw, the fee structure of a percentage imbedded into a bylaw, and the additional extra charges.

**We do not support increased fees or a percentage cost recovery mechanism being added into the bylaw.**

**We do not support Wellington City Council having an unfettered ability to spend and recoup that spending from licensees without robust checks and balances.**

**We do not support mandatory pre-application Meetings.**

**We do not support Late Waiver Fees only being imposed on licensees.**

**We do not support Wellington City Council's failure to provide robust financial information as part of this consultation.**

**We do support Wellington City Council cutting their costs and keeping to within the budget of income obtained from the current fees – although we would prefer the licence fees to be restored to the national default fees.**

**We do support Wellington City Council investigating other options – like a bylaw making it an offence to be intoxicated in a public place.**

Hospitality Licensing thanks Wellington City council for the opportunity to comment on the proposals, and we are happy to be contacted should Council want further information.

Appendix 1 – Examples from WCC alcohol licensing service and timeliness.

Example one:

Application to renew a long-standing on-licence was submitted on 23<sup>rd</sup> January 2023 within the required timeframes. To date, this application still has not been completed and the renewed licence has still not been issued.

Example two:

A new on-licence application was submitted on 21<sup>st</sup> May 2024. WCC forms states that an Inspector will send the applicant a copy of the public notice to display. It is a requirement under the Act that an applicant displays an on-site public notice within 10 working days. However, in this instance, WCC did not send the public notice for the applicant to display until 28 working days after the application was lodged.

# Alcohol Fees Bylaw Review 2024

Absolutely Positively  
Wellington City Council  
Me Heke Ki Pōneke

Summary of submissions, officers' response, and recommendations for final bylaw

## Background

Wellington City Council has undertaken a review of the Alcohol Fees Bylaw (the Bylaw). The Bylaw allows the Council to set fees for alcohol licensing that differ from the national default fees prescribed in the Sale and Supply of Alcohol (Fees) Regulations 2013 (Regulations). The Bylaw ensures the costs of the licensing programme are adequately recovered.

Our review found that:

- the Bylaw remains the appropriate mechanism under the Sale and Supply of Alcohol Act 2012 (the Act) to meet cost-recovery of alcohol licensing;
- the Council has only partly achieved its cost-recovery goals since introducing the Bylaw due to temporary fee relief to businesses in 2020 and 2022-23;
- industry stakeholder feedback has expressed desire for a more flexible fees framework recognising timely and complete applications with fees more proportional to licensing costs; and
- it is administratively burdensome to adjust fees to meet cost-recovery through amending the Bylaw.

Our early engagement survey with licensees in March 2024 showed support for introducing new fee components which streamline the application process. The findings from our review and the early engagement informed amendments to the existing Bylaw which were presented in a Statement of Proposal with a draft Alcohol Fees Bylaw 2024. This was publicly consulted on between 17 June and midday 22 July 2024. We received nine written submissions, of which two have requested oral submissions to be heard before the Social, Cultural and Economic Committee on 29 August 2024.

Analysis of the submissions, officers' responses, and recommended changes as a result of consultation feedback to the final Alcohol Fees Bylaw are presented below.

## Summary of submissions

The following summarises the feedback received during consultation regarding the proposed changes to the Bylaw, with additional comments by theme. Officer responses to the feedback and recommended changes to the Bylaw or follow-up actions are also provided.

Of the nine written submissions received, three were from individuals, two from hospitality industry associations, two from current alcohol licence-holders, one from an alcohol licensing consultancy and one from a health organisation. Five of the submissions were made through the Let's Talk online tool, three were received by email and one through the hard copy submission form.

We asked a total of nine questions, five of which were multi-choice based on the level of support for the proposed changes (from strongly support to strongly oppose), and four were long answer questions asking for additional comments regarding the proposed changes and the Bylaw more generally.

Note that three of the nine submissions did not answer the consultation questions directly in the Let's Talk engagement tool and only the general themes of their comments are included.



**Question 1: How much do you support or oppose changes we have identified to future-proof the Alcohol Fees Bylaw to support a sustainable cost-recovery model?**

Proposed change	Response from submitters	Recommendation
Allowing alcohol licence fees to be set by Council resolution, as part of annual planning or long-term planning, which is consistent with other fees at the Council.	Of the six that answered the consultation questions: <ul style="list-style-type: none"> <li>Three strongly supported;</li> <li>Three somewhat supported.</li> </ul> Two generally supported; One generally opposed.	Keep proposed changes as drafted in the Bylaw (clauses 6.1 and 6.3).
Specifying the cost-recovery rate in the Bylaw to provide certainty for future fee adjustments.	Of the six that answered the consultation questions: <ul style="list-style-type: none"> <li>Three strongly supported;</li> <li>One somewhat supported;</li> <li>One somewhat opposed;</li> <li>One strongly opposed.</li> </ul> Two generally supported; One generally opposed.	Keep proposed changes as drafted in the Bylaw (clauses 6.1 and 6.2).

Additional comment themes from submitters	Officers' response	Recommendation
The Council should focus on efficiency when costs are being recovered from other parties. (two submitters)	Noted, and the alcohol licensing team has an active continuous improvement programme to identify and implement operational efficiencies.	No changes to the Bylaw.
The Council should introduce a fee discount for compliant operators. (two submitters)	Officers note that while the fees framework under the Act and Regulations can allow additional fee components including penalty fees to be set by bylaw, it does not permit fee discounts.	No changes to the Bylaw.
The Council should report to or notify key stakeholders and licensees about any proposed changes to alcohol licensing fees. (two submitters)	Noted, and in line with best practice, fee change proposals will be publicly consulted as part of annual plan and long-term plan processes.  Officers will notify the Restaurant Association and Hospitality New Zealand before future public consultations of alcohol licensing fees.	Introduce sub-clause 6.2.1 that states proposed fee changes will be publicly <a href="#">consulted as part of</a> annual plan and long-term plan processes before any proposed changes to Schedule 1 of the Bylaw are resolved.
Cost-recovery should be 100% and there should be no subsidy by ratepayers towards alcohol	The Council agreed in 2018 that the cost-recovery of 85% was appropriate for the alcohol licensing operation, to recognise a component of community	Keep cost-recovery at 85% as drafted in the Bylaw (clause 6.2).

licensing as there is little public good. (one submitter)	benefit in objecting to licence applications and participating in DLC hearings.	
Future fee increases need to take into account impacts on small businesses which have been struggling to recover in the past four years. (one submitter)	Noted, and the current fees are tiered by their risk-rating, with proportionately lower fees for lower risk operators (which are more likely to be small businesses).	Introduce sub-clause 6.2.2 that states fee-setting will be proportional to the operational costs for each fee category of licences.
Changing fees by resolution will allow the Council to unilaterally increase fees without scrutiny, cost-benefit analysis, financial information or consultation. (one submitter)	Alcohol licensing fee changes proposed through the annual plan or the long-term plan will involve the same level of scrutiny and consultation as other fees and charges at the Council.  Best practice cost-recovery principles set out in Section of 150(4) of the Local Government Act 2002 provide that fees prescribed under that Act must not provide for the Council to recover more than the reasonable costs incurred for the matter for which the fee is charged.	As above - Introduce sub-clause 6.2.1 that states proposed fee changes will be publicly consulted as part of annual plan or long-term plan processes before any proposed changes to Schedule 1 of the Bylaw are resolved.

**Question 2: How much do you support or oppose the changes we have identified to enable new fee components to make licensing fees more proportional to cost?**

Proposed change	Response from submitters	Recommendation
Pre-application meetings – for Council officers to support new applicants to understand their licensing responsibilities and help them to complete their applications.	Of the six that answered the consultation questions: <ul style="list-style-type: none"> <li>• Five strongly supported;</li> <li>• One strongly opposed.</li> </ul> Two generally supported; One generally opposed.	Keep proposed changes as drafted in the Bylaw (clause 6.4.1).
Late application fee penalties for special licences and licence renewals <ul style="list-style-type: none"> <li>• between 11 and 20 days of the licence date</li> <li>• within 10 days of the licence date.</li> </ul>	Of the six that answered the consultation questions: <ul style="list-style-type: none"> <li>• Four strongly supported;</li> <li>• Two somewhat supported.</li> </ul> One generally supported; One generally opposed.	Keep proposed changes as drafted in the Bylaw (clause 6.4.2).

Additional comment themes from submitters	Officers' response	Recommendation
Pre-application meetings should be mandatory (two submitters).	Officers highly recommend pre-application meetings and will offer them by default for new	Amend explanatory note of the Bylaw to state that pre-application meetings are highly

Pre-application meetings should not be mandatory (one submitter).	applicants, but they will not be mandatory.	recommended for new applicants.
Pre-application meetings should be delivered online where possible. (two submitters)	Noted, and this is already provided as an option to applicants.	State in the explanatory note of the Bylaw that pre-application meetings can be delivered online.
Pre-application meetings are a requirement over and above the requirement of the Act. (one submitter)	Pre-application meetings are intended to help applicants understand their responsibilities under the Act and support them to meet the Act's requirements for a successful and efficient application process.	No changes to the Bylaw.
The definition of "first-time applicants" is unclear as well as the, decision-making process and dispute procedures for the mandatory pre-application meeting requirement. (one submitter)	Officers acknowledge the definitions required to mandate pre-application meetings with exceptions. Pre-application meetings will not be mandatory, and applicants can opt out. However, officers highly recommend these meetings for new operators and the first meeting is not charged to the applicant.	As above - Amend explanatory note in the Bylaw to state that pre-application meetings are highly recommended for new applicants.
Late application penalties should come with a guarantee of timely processing or a clear warning. (one submitter)	Noted, and this feedback has been passed to officers in the alcohol licensing department.	No change to the Bylaw
Late application penalties should include a provision for leniency in certain limited circumstances, such as unforeseen or emergency events. (one submitter)	Officers note that the District Licensing Committee (DLC) decides whether to issue a late waiver, not the Council.  Leniency for Council officers to then charge a late penalty would only be considered for very exceptional circumstances.	In the explanatory note of the Bylaw state that exceptions can be made for charging a late penalty only under extenuating circumstances beyond the applicant's control, such as family bereavement or emergency events.
Late renewal applications should not be penalised as they are not prioritised over other applications. (one submitter)	While late renewal applications can continue to operate before their renewal is processed, the DLC will still need to issue a late waiver, which results in additional processing.	No change to the Bylaw.
Consider late waiver fees applying to public objectors. (one submitter)	Officers note that late public objections rarely occur.  Officers consider it inappropriate to charge public objectors. Alcohol licensing is 15% rates-funded to support natural justice for community members when objecting to licence applications.	No change to the Bylaw.

**Question 3: How much do you support or oppose the changes we have identified to make minor technical amendments to the Bylaw to improve its clarity and readability?**

Proposed change	Response from submitters	Recommendation
Specifying the legislation that give effect to the Bylaw and its powers; Updating defined terms; Additional clauses to clarify the scope of the Bylaw; and Explanatory notes to support the application of the Bylaw and its context.	Of the six that answered the consultation questions: <ul style="list-style-type: none"> <li>• Three strongly supported;</li> <li>• Three somewhat supported.</li> </ul>	No change to the Bylaw.

Note that submitters did not make any additional comments regarding question 3.

**Additional general comments regarding the Alcohol Fees Bylaw**

Submitters made additional comments on the draft Alcohol Fees Bylaw that did not relate to the proposed changes.

Additional comments from submitters	Officers' response	Recommendation
There should be a review date of the Bylaw. (one submitter)	Due to the changes made during this review to allow for efficient and sustainable cost recovery, future bylaw reviews will be conducted on an as-needed basis. However we follow the best practice set out in the Local Government Act 2002 (LGA) which requires a further review in ten years.	No change to the Bylaw.

**Additional comments related to alcohol licensing**

Submitters made additional comments that related to alcohol licensing and its process, but were not matters covered by the Alcohol Fees Bylaw.

Additional comment themes from submitters	Officers' response
Introduce stronger public intoxication bylaws and higher fines for breaching alcohol bans. (two submitters)	The Council has considered and rejected a public intoxication bylaw in the past; it would likely have Bill of Rights Act 1990 issues around freedom of movement and expression. The Summary Offences Act 1981 is a better mechanism for addressing disorderly behaviour.  The Council's Public Places Bylaw may also address issues of public nuisance, offensive behaviour, and maintain public health and safety in Council-managed spaces.  Officers note that the Council does not have the power to designate higher fines for alcohol ban

	breaches (this would require an amendment to the Local Government Act 2002).
The Council should not use licensing fees to recover costs relating to customers who should carry their own responsibility for their choices to over-consume alcohol and then behave badly. (one submitter)	Officers note licensing fees recover the costs of administering, inspecting premises, and ensuring compliance of licences by the Council under the Act. They do not cover the costs to individual licensees to carry out their obligations to serve and sell alcohol safely, nor the costs of managing the public behaviours of intoxicated people.
Public notices for requesting a licence are not visible to the passing public and are not serving their primary purpose of letting local residents know so they can engage democratically. (one submitter)	Noted, and this feedback has been passed to officers in the alcohol licensing department. Public notification requirements are provided in the Act and Regulations.
Wellington City Council has one of the highest fees but poorest service. (one submitter)	Officers note that other councils in the Wellington region (Hutt, Porirua, Kapiti) will be increasing their alcohol fees, some markedly more than Wellington City Council.  The Council's alcohol licensing team has an active continuous improvement programme to identify and implement operational efficiencies.
The Council fails to comply with section 77 of the Local Government Act 2002. (one submitter)	Section 77 has been complied with during this review as all reasonably practicable options have been considered on their merits and costs.
The Ministry of Justice did not find reasons to increase the default licensing fees in its 2017 review. (one submitter)	Officers note that the Ministry of Justice did not rule out a fee increase in its 2017 review because cost-recovery was sufficient across councils in New Zealand. It found that councils were inconsistently reporting on their cost-recovery so new guidance was issued for the next review period.  The Act requires the Ministry to review the regulations every five years. The current review of the national fees framework is now overdue.
Affordability, promotion and excess alcohol, especially in low socioeconomic communities, must be included in any harm reduction planning going forward for the Council. (one submitter)	Noted, and the Council is already taking this approach to alcohol licensing. For example, conducting social media scans for promotions, considering single serve affordability in sensitive areas (near schools, churches, community halls, social housing) for off-licences, and infringing for irresponsible promotion (two-for-one happy hours).
Recommend that the Council implement a comprehensive Local Alcohol Policy to support other aspects of alcohol harm reduction, such as times that alcohol stores are open. (one submitter)	The Council is currently gathering information and evidence to determine whether a Local Alcohol Policy is recommended for managing alcohol-related harm in the city.
Recommend that the Council advocate to the Ministry of Justice for a review of the cost/risk ratings for premises set by the Sale and Supply of Alcohol (Fees) Regulations 2013. (one submitter)	Noted. As above, the Ministry's review of the national fees framework is overdue. The Council will make a submission when this review reaches the consultation stage.

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Recommend that the Council's public notice charges increase from \$150 to \$200. (one submitter)	Noted, and this feedback has been passed to officers in the alcohol licensing department.
There should be an independent review of the Council's alcohol licensing department performance and costs. (one submitter)	The alcohol licensing department has an active continuous improvement programme to identify and implement operational efficiencies.  Officers note that the independent review of the alcohol licensing department in 2019 recommended upgrading the IT system to create cost efficiencies. This has been in progress since the review and the Council has started the roll-out of an online application system this year.
The Council should change its IT system to be more cost-effective. (one submitter)	As above, the IT system upgrade is complete and will soon be available for all applications. Process and cost-efficiencies can then occur over time, for example, reductions in Arapaki Service Centre enquiries for manual applications.

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## Final Alcohol Fees Bylaw 2024 (tracked changes)

### **Wellington City Council Alcohol Fees Bylaw 2024**

Adopted by Council resolution ~~insert date~~ 5 September 2024.

Effective 1 October 2024.

This bylaw is made pursuant to section 405 of the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (Fees) Regulations 2013 and under the authority of the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013.

#### **1. Title**

1.1 This bylaw is the Wellington Alcohol Fees Bylaw 2024.

#### **2. Commencement**

2.1 This bylaw comes into force on 1 October 2024.

#### **3. Application**

3.1 This bylaw applies to the Wellington City District.

#### **4. Purpose**

4.1 The purpose of this bylaw is to set Council's fees for matters which fees payable to territorial authorities are prescribed in the Sale and Supply of Alcohol (Fees) Regulations 2013, and additional fees payable relating to functions exercised by territorial authorities under the Sale and Supply of Alcohol Act 2012.

#### **5. Interpretation**

5.1 Unless the context otherwise requires, words and phrases in the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (Fees) Regulations 2013 have the same meaning in this bylaw.

**Act** means the Sale and Supply of Alcohol Act 2012.

**Council** means the Wellington City Council.

**Regulations** means the Sale and Supply of Alcohol (Fees) Regulations 2013.

5.2 Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended, and revoked without formality.

5.3 The Legislation Act 2019 applies to this bylaw.

5.4 All fees include GST where applicable.

#### **6. Fees Payable**

6.1 The fees payable to Council are set out in Schedule 1 of this bylaw.

6.2 Fees will be set by Council resolution to meet a cost-recovery rate of 85%, whereby 85% of the total costs to Council relating to licensing and other matters under the Act are recovered in the fees payable.

6.2.1 Proposed fee changes to Schedule 1 will be publicly consulted as part of annual plan or long term plan processes before they are resolved.

6.2.2 Fees will be set in proportion to the costs to Council for each category of licences.

6.3 Fees payable for on-licence, off-licence, or club licence premises in this bylaw must follow the fee category framework consistent with clause 7(2) of the Regulations.

6.4 Fees may be set for additional functions exercised by Council under the Act including:

6.4.1 Pre-application meetings between officers and an applicant

6.4.2 Late fee penalties for special licence applications and licence renewals.

Any such fees will be set by Council resolution and are set out in Schedule 1 of this bylaw.

Explanatory Note:

*Application and annual fees for premises must be set within the fee categories provided in clauses 4 to 6 in the Regulations. The new fees set in Schedule 1 of this bylaw will replace the fees payable, under clause 7 of the Regulations.*

*Fees for manager’s certificates are set in the Regulations and as provided in clause 11(2)(a) must be the same as the fees charged by every other territorial authority.*

*Pre-application meetings are highly recommended ~~mandatory~~ for new applicants but ~~can~~ may be waived if they demonstrate have prior licensing experience. Meetings may be online by request.*

*Late fee penalties may be waived at officer discretion in extenuating circumstances beyond the applicant’s control, such as family bereavement or emergency events.*

*Related legislation:*

<b>Statutory Instrument</b>	<b>Scope and purpose</b>
<a href="#">Sale and Supply of Alcohol Act 2012</a>	<i>The purpose of this Act is to provide a legal framework for the sale, supply and consumption of alcohol and the associated systems of control and licensing.</i>
<a href="#">Sale and Supply of Alcohol (Fees) Regulations 2013</a>	<i>Provides regulations for the fees that can be charged and how fees are established for alcohol licensing related functions of territorial authorities.</i>
<a href="#">Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013</a>	<i>Every territorial authority is authorised to prescribe, by bylaw, fees for any matter for which a fee payable to territorial authorities can be prescribed by regulations made under the Sale and Supply of Alcohol Act 2012.</i>



## **Schedule 1 – Fees payable prescribed by Council resolution as at 1 October 2024**

### **Application fees for premises**

Fees Category (based on cost/risk rating in the Regulations):

Very Low - \$486.00

Low - \$805.00

Medium - \$1078.00

High - \$2351.00

Very High - \$3594.00

### **Annual Fees for premises**

Fees Category (based on cost/risk rating in the Regulations):

Very Low - \$213.00

Low - \$516.00

Medium - \$835.00

High - \$2366.00

Very High - \$3898.00

### **Special licence fees**

Special Licence Class:

Class 1 - \$759.00

Class 2 - \$273.00

Class 3 - \$83.00

### **Other Licence Fees**

Temporary Authority - \$392.00

Temporary Licence - \$392.00

### **Additional Fee Components**

Pre-application meeting - \$100.00 per hour (first meeting will not be charged). Charges will take effect from 1 October 2025.

Late application fee penalties for special licence applications and licence renewals:

- Between 11 to 20 days from the licence start date – 10% of the application fee
- Within 10 days of the licence start date – 20% of the application fee.

## Alcohol Fees Bylaw 2024

### **Wellington City Council Alcohol Fees Bylaw 2024**

Adopted by Council resolution 5 September 2024.

Effective 1 October 2024.

This bylaw is made pursuant to section 405 of the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (Fees) Regulations 2013 and under the authority of the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013.

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#### **3. Application**

3.1 This bylaw applies to the Wellington City District.

#### **4. Purpose**

4.1 The purpose of this bylaw is to set Council's fees for matters which fees payable to territorial authorities are prescribed in the Sale and Supply of Alcohol (Fees) Regulations 2013, and additional fees payable relating to functions exercised by territorial authorities under the Sale and Supply of Alcohol Act 2012.

#### **5. Interpretation**

5.1 Unless the context otherwise requires, words and phrases in the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (Fees) Regulations 2013 have the same meaning in this bylaw.

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5.3 The Legislation Act 2019 applies to this bylaw.

5.4 All fees include GST where applicable.

#### **6. Fees Payable**

6.1 The fees payable to Council are set out in Schedule 1 of this bylaw.

6.2 Fees will be set by Council resolution to meet a cost-recovery rate of 85%, whereby 85% of the total costs to Council relating to licensing and other matters under the Act are recovered in the fees payable.

6.2.1 Proposed fee changes to Schedule 1 will be publicly consulted as part of annual plan or long term plan processes before they are resolved.

6.2.2 Fees will be set in proportion to the costs to Council for each category of licences.

6.3 Fees payable for on-licence, off-licence, or club licence premises in this bylaw must follow the fee category framework consistent with clause 7(2) of the Regulations.

6.4 Fees may be set for additional functions exercised by Council under the Act including:

6.4.1 Pre-application meetings between officers and an applicant

6.4.2 Late fee penalties for special licence applications and licence renewals.

Any such fees will be set by Council resolution and are set out in Schedule 1 of this bylaw.

Explanatory Note:

*Application and annual fees for premises must be set within the fee categories provided in clauses 4 to 6 in the Regulations. The new fees set in Schedule 1 of this bylaw will replace the fees payable, under clause 7 of the Regulations.*

*Fees for manager’s certificates are set in the Regulations and as provided in clause 11(2)(a) must be the same as the fees charged by every other territorial authority.*

*Pre-application meetings are highly recommended for new applicants but may be waived if they have prior licensing experience. Meetings may be online by request.*

*Late fee penalties may be waived at officer discretion in extenuating circumstances beyond the applicant’s control, such as family bereavement or emergency events.*

Related legislation:

<b>Statutory Instrument</b>	<b>Scope and purpose</b>
<a href="#">Sale and Supply of Alcohol Act 2012</a>	<i>The purpose of this Act is to provide a legal framework for the sale, supply and consumption of alcohol and the associated systems of control and licensing.</i>
<a href="#">Sale and Supply of Alcohol (Fees) Regulations 2013</a>	<i>Provides regulations for the fees that can be charged and how fees are established for alcohol licensing related functions of territorial authorities.</i>
<a href="#">Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013</a>	<i>Every territorial authority is authorised to prescribe, by bylaw, fees for any matter for which a fee payable to territorial authorities can be prescribed by regulations made under the Sale and Supply of Alcohol Act 2012.</i>

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## **Schedule 1 – Fees payable prescribed by Council resolution as at 1 October 2024**

### **Application fees for premises**

Fees Category (based on cost/risk rating in the Regulations):

Very Low - \$486.00

Low - \$805.00

Medium - \$1078.00

High - \$2351.00

Very High - \$3594.00

### **Annual Fees for premises**

Fees Category (based on cost/risk rating in the Regulations):

Very Low - \$213.00

Low - \$516.00

Medium - \$835.00

High - \$2366.00

Very High - \$3898.00

### **Special licence fees**

Special Licence Class:

Class 1 - \$759.00

Class 2 - \$273.00

Class 3 - \$83.00

### **Other Licence Fees**

Temporary Authority - \$392.00

Temporary Licence - \$392.00

### **Additional Fee Components**

Pre-application meeting - \$100.00 per hour (first meeting will not be charged). Charges will take effect from 1 October 2025.

Late application fee penalties for special licence applications and licence renewals:

- Between 11 to 20 days from the licence start date – 10% of the application fee
- Within 10 days of the licence start date – 20% of the application fee.

# DECISION REGISTER UPDATES AND UPCOMING REPORTS

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## Kōrero taunaki | Summary of considerations

### Purpose

1. This report provides an update on which previous decisions have been implemented and which are still outstanding. It also provides a list of items scheduled to be considered at the next two meetings (hui).

### Why this report is being considered

2. This report is considered at every ordinary meeting and assists in monitoring progress on previous decisions and planning for future meetings.

## Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Kōrau Mātinitini | Social, Cultural, and Economic Committee:

1. Receive the information.

Author	Steph James, Democracy Advisor
Authoriser	Sean Johnson, Democracy Team Leader James Roberts, Chief Operating Officer

## Whakarāpopoto | Executive Summary

### Decision register updates

3. A full list of decisions, with a status and staff comments, is available at all times on the Council website. Decisions where work is still in progress, or was completed since the last version of this report can be viewed at this link:  
<https://meetings.wellington.govt.nz/your-council/decision-register?CommitteeName=K%C5%8Drau+M%C4%81tinitini+%7C+Social%2C+Cultural%2C+and+Economic+Committee&UpdatedSinceLastMeeting=true>
4. If members have questions about specific resolutions, the best place to ask is through the written Q&A process.
5. This body passed 32 resolutions at the last meeting:
  - 15 are complete and 17 are still in progress.
6. 24 in progress resolutions were carried forward from previous reports:
  - 5 are now complete and 19 are still in progress.

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### Upcoming reports

7. The following items are scheduled to go to the next two hui:
8. Rāpare, 10 Whiringa-ā-nuku 2024 (Thursday, 10 October 2024):
  - Advisory Groups Annual Report and Workplans (Chief Strategy and Finance Officer)
  - Economic Wellbeing Strategy Annual Report (Chief Economic and Engagement Officer)
  - Sport Fees & Charges Review (Chief Operating Officer)
9. Rāpare, 21 Whiringa-ā-rangi 2024 (Thursday, 21 November 2024)
  - International Relations Policy Adoption (Chief Economic and Engagement Officer)
  - Aho Tini 2030 report (Chief Operating Officer)
  - Grants Review (Chief Operating Officer)

### Takenga mai | Background

10. The purpose of the decisions register is to ensure that all resolutions are being actioned over time. It does not take the place of performance monitoring or full updates. A resolution could be made to receive a full update report on an item, if desired.
11. Resolutions from relevant decision-making bodies in previous trienniums are also included.
12. Elected members are able to view public excluded clauses on the Council website: <https://meetings.wellington.govt.nz/your-council/decision-register?CalendarYear=last12Months>.
13. The upcoming reports list is subject to change on a regular basis.

### Attachments

Nil