

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 5.30pm
Date: Wednesday, 19 August 2015
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown

Councillor Ahipene-Mercer
Councillor Coughlan
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Lee
Councillor Lester

Councillor Marsh
Councillor Pannett
Councillor Peck
Councillor Ritchie
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing public.participation@wcc.govt.nz or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.

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Questions

5. Public Excluded

Nil

1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Announcements by the Mayor

1.3 APW Awards

1.4 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.

1.5 Confirmation of Minutes

The minutes of the meeting held on 24 June 2015 will be put to the Council for confirmation.

1.6 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 Wellington City Council

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 meeting.

Minor Matters relating to the General Business of the Wellington City Council

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

1.7 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

3. General Business

APPOINTMENT OF ELECTORAL OFFICER

Purpose

1. To submit for the Council's consideration and approval, the appointment of Warwick Lampp from Council's election provider *electionnz.com* as Electoral Officer for Wellington City Council.

Recommendations

That the Council:

1. Receive the information.
2. Agree to appoint Warwick Lampp from *electionnz.com* as Electoral Officer of the Wellington City Council, with immediate effect from 19 August 2015.

Background

2. Section 12 of the Local Electoral Act 2001 (LEA) requires all local authorities to have an appointed electoral officer in place at all times.
3. The appointment of the Electoral Officer is one of only two staff positions where the Council itself makes the appointment based on a recommendation of the CEO. It also has the ability to dismiss the incumbent for poor performance or any other reason.
4. The Electoral Officer is appointed by the Council to exercise the powers and carry out the duties conferred on him/her by the LEA and any other enactment, in relation to that local authority.
5. The role of Electoral Officer is independent of the local authority to the degree that neither the Chief Executive nor the Council can direct the Electoral Officer in undertaking his/her role, other than under sections 8(1) and 9(1) of the LEA. These sections specifically enable the Council to direct the Electoral Officer to conduct an election or referendum that is not required to be held under the LEA or any other Act.
6. An electoral officer, unless he or she dies, resigns, is dismissed from office, or becomes incapable of acting, remains in office until his or her successor comes into office.
7. The Council has an election service provider - *electionnz.com* for the 2016 Triennial Elections. This provider was used for the 2013 triennial elections and carried out elections services for more than half of the councils in New Zealand, including many of the election administration tasks for Wellington City Council.

Discussion

8. Anusha Guler was delegated Deputy Electoral Officer by the Council's Electoral Officer Charlie Inggs prior to his resignation on 13 June 2015.
9. It is therefore necessary for the Council to appoint a new Electoral Officer whose appointment will take immediate effect from 19 August 2015.

10. The key benefits of appointing Warwick Lampp as Council's electoral officer are to:
- fully utilize Mr Lampp's considerable experience and knowledge in electoral matters
 - an external experienced EO who is separate from the internal relationships in the council and therefore able to treat all candidates and election matters on their merits and act independently and consistently
 - be able to respond quickly to electoral queries (from Council, candidates and the public generally) without the need to go elsewhere for answers or advice
 - be able to respond to and communicate authoritatively with the media on any electoral matter or concern
 - manage any operations electoral issues that may arise and deal with these promptly.

Next Actions

11. This is a statutory appointment and administrative decision of Council.
12. A contract variation between Wellington City Council and Council's election provider *electionnz.com* will be made to give effect to this decision.

Attachments

Nil

Author	Deb Howse, Manager, Iro/Acting Manager, Democratic Services
Authoriser	Anusha Guler, Acting Director Governance

SUPPORTING INFORMATION

Consultation and Engagement

No consultation is required

Treaty of Waitangi considerations

No Treaty of Waitangi considerations are required.

Financial implications

Budget for this appointment is provided for in the current Democratic Services Election budget

Policy and legislative implications

Risks / legal

There are no risks or legal implications

Climate Change impact and considerations

There are no climate change impacts or considerations

DISTRICT LICENSING COMMITTEE ANNUAL REPORT TO ARLA 2014-15

Purpose

1. To seek Council approval of the 2014/2015 Annual Report of the Wellington District Licensing Committee for submission to the Alcohol Regulatory and Licensing Authority.

Summary

2. This report asks Council to approve the Wellington District Licensing Committee (DLC) Annual Report for the period from 1 July 2014 to 30 June 2015 for submission to the Alcohol Regulatory and Licensing Authority (ARLA).
3. The Wellington DLC is required by the Sale and Supply of Alcohol Act 2012 (the Act) to prepare and submit an annual report to ARLA within 3 months of the end of the Council's financial year.
4. ARLA has the power under the Act to specify the form and content of the annual report, which it did by a letter to the Secretary of the DLC. The 2014/2015 DLC Annual Report contains the information requested by ARLA.
5. Any DLC wishing the content of its annual report to be considered when ARLA prepares its own annual report to Parliament is asked to deliver its annual report to ARLA by mid-August 2015.

Recommendations

That the Council:

1. Receive the information.
2. Approve the 2014/2015 Annual Report of the Wellington District Licensing Committee for submission to the Alcohol Regulatory and Licensing Authority.

Background

6. The Wellington DLC is required by the Sale and Supply of Alcohol Act 2012 to prepare and submit an annual report to ARLA within 3 months of the end of Council's financial year. ARLA has the power under the Act to specify the form and content of the report:

199 Annual report

(1) Within 3 months after the end of every financial year, every territorial authority must prepare and send to the licensing authority a report of the proceedings and operations of its licensing committees during the year.

(2) The licensing authority may specify the form of the annual report and the matters to be included in the report.

7. The Secretary of ARLA wrote to the Secretary of the DLC specifying ARLA's requirements as follows:

Overview of DLC workload

DLCs structure and personnel

Any staff training undertaken relating to the Sale and Supply of Alcohol Act 2012

DLC meetings or hearings

Any noticeable trends or issues faced by the DLC

DLC initiatives

New initiatives adopted or tried by the DLC

Local Alcohol Policy

*Does the Territorial Authority have a draft, provisional or adopted local alcohol policy?
If so, any comment on this*

Current legislation

Any comment on the Sale and Supply of Alcohol Act 2012

Any other matter the Territorial Authority might wish to draw to the attention of the Authority

Statistical information

Annual return (in the proscribed format)

8. In the past the Authority has requested a list of all licensed premises but this is not being requested this year.
9. The Secretary of ARLA advised the Secretary of the Wellington DLC that “if you wish any relevant comment to be considered for ARLA’s annual report to Parliament, your report would need to be received by 18 August 2015.”
10. The Secretary of the DLC has confirmed with the Secretary of ARLA that delivery of the Wellington DLC Annual Report shortly after this deadline would still enable it to be considered by the Authority for its own annual report to Parliament.
11. The attached report to ARLA (comprising one Word and one Excel document) has been prepared by the Secretary of the DLC to comply with the above requirements. Council is asked to approve the submission of the attached report to ARLA.

Attachments

Attachment 1.	DLC Annual Report to ARLA for 2014-15	Page 14
Attachment 2.	DLC Annual Report to ARLA 2014-15 statistics	Page 25

Author	Clare Needham, Principal Advisor, District Licensing
Authoriser	Greg Orchard, Chief Operating Officer

SUPPORTING INFORMATION

Consultation and Engagement

The DLC Annual Report to ARLA for 2014/2015 was prepared by the DLC's Principal Advisor and the DLC Secretary in consultation with the Manager of Council's Public Health group.

Council's Service Development and Approvals Team was consulted on the content of the report concerned the Local Alcohol Policy.

The DLC Chairs were consulted on the content of the annual report in draft, in particular the sections on: trends/issues faced by the DLC, new DLC initiatives and current legislation.

ARLA provided its requirements with regard to the form and content of the DLC annual report to the DLC Secretary and confirmed that, provided the report was submitted shortly after 18 August 2015, its content could be considered when ARLA prepared its own annual report to Parliament.

Treaty of Waitangi considerations

Nil

Financial implications

Nil

Policy and legislative implications

The DLC Annual Report has been prepared, and will be submitted, in accordance with the requirements of the Sale and Supply of Alcohol Act 2012.

Risks / legal

n/a

Climate Change impact and considerations

n/a

Communications Plan

The Annual Report will initially be provided to ARLA without design embellishments. A version of the report will then be prepared with the assistance of the Council design team so that we can provide it to interested persons as a hard copy and online, in accordance with the requirements of the Act:

199 Annual report...

...

(3) The licensing authority or the licensing committee must, on payment of any reasonable fee it may prescribe, provide a copy of each report to any person who asks for one.

...

(5) A copy of every annual report must be made available by the territorial authority for inspection free of charge and be made available on an Internet site maintained by or on behalf of the territorial authority for a period of not less than 5 years.

Annual Report

2014–2015

Wellington District Licensing Committees

Wellington City Council

Contents

1. Overview
2. DLC initiatives
3. Local Alcohol Policy
4. Current legislation
5. Other matters
6. Statistical information
 - a. Annual return

Annual Report to Alcohol Regulatory Licensing Authority

The following report is a summary of activities for the Wellington District Licensing Committees, pursuant to section 199(1) of the Sale and Supply of Alcohol Act 2012, for the financial year 1 July 2014 to 30 June 2015.

This report has been prepared by the Wellington District Licensing Committees and approved by the Wellington City Council for the Alcohol Regulatory Licensing Authority.

[To be signed by:]

Cr Andy Foster and Cr Iona Pannett, Deputy Chairs, Wellington District Licensing Committees

Kevin Lavery, Secretary, Wellington District Licensing Committees

1. Overview

1.1 District Licensing Committee structure and personnel

District Licensing Committees of Wellington City Council

Chairs

Commissioner Hon Sir Douglas Kidd
Commissioner Rex Woodhouse
Commissioner Murray Clearwater

Deputy Chairs

Cr Andy Foster
Cr Iona Pannett

Members

Zoe Doole
Mary Hubble
Sandra Kirby
Kiri Rikihana
Kate Thomson
Luke Tuffs
Hon Sir Douglas Kidd

Secretariat and support staff

Kevin Lavery	Chief Executive Officer (Secretary of District Licensing Committee)
Jane Hill	Manager, Community Networks (Secretary of District Licensing Committee)
Julie Sleep	Team Leader Approvals & Process Innovation (Secretary of District Licensing Committee)
Clare Needham	Principal Advisor to the District Licensing Committee (Secretary of District Licensing Committee)
Karen Binnie	Approvals and Operations Officer
Aviashni Kumar	Approvals and Operations Officer
Ana Meehan	Approvals and Operations Officer
Jared Plummer	Approvals and Operations Officer
Andrew Reid	Approvals and Operations Officer
Andrew Buchanan	Governance Advisor (Committee Advisor to the DLC)
Antoinette Bliss	Governance Advisor (Committee Advisor to the DLC)

The Wellington District Licensing Committees (DLCs) were appointed by Wellington City Council from 18 December 2013 in accordance with the Sale and Supply of Alcohol Act 2012 (the Act) and with Council's *Terms of Reference and Delegations for the 2013/16 Triennium*, adopted on 14

November 2013. The DLCs are charged under the Act with dealing with alcohol licensing matters for Wellington City.

Three Wellington DLCs were appointed, chaired by Commissioners Hon Sir Douglas Kidd (District Licensing Commissioner A), Rex Woodhouse (District Licensing Commissioner B) and Murray Clearwater (District Licensing Commissioner C).

1.2 Staff training relating to the Sale and Supply of Alcohol Act 2012

DLC Members, Chairs and Principal Advisor attended the Wellington regional forum "One Year On" The Sale and Supply of Alcohol Act 2012" convened by the Health Promotion Agency. Commissioner Murray Clearwater gave a presentation at the Wellington and Rotorua fora on the role of the DLC.

DLC Secretariat and support staff, and DLC Members and Chairs, receive ongoing internal guidance and training on process and case law developments. This includes monthly newsletters referring to significant case law developments.

DLC Members, Chairs and support staff meet annually to discuss relevant matters including the process at DLC hearings, decision-making, legal developments, trends and issues in the sector.

1.3 DLC meetings and hearings

During this reporting period, the Wellington DLCs have convened the following meetings and hearings:

- 43 meetings to consider and determine 93 Temporary Authority applications; and
- 23 public hearings to consider and determine:
 - 2 on-site special licence applications
 - 4 new on-licence applications
 - 6 on-licence renewal applications
 - 4 new off-licence applications
 - 4 off-licence renewal applications
 - 8 manager's certificates.

In the period from 1 July 2014 to 30 June 2015, the Wellington DLCs received a total of 1892 applications, being 82 less than was received by the Wellington District Licensing Agency and Wellington DLCs in the previous financial year.¹

1.4 Trends/issues faced by the DLC

The Wellington DLC has noted a trend among the reporting agencies, in particular the Police and Medical Officer of Health, as regards new off-licence applications for bottle stores. These agencies seek to have applicants restrict trading hours by agreement, often to 9pm, although there appears to be some inconsistency in this practice.

There is also a trend towards off-licence bottle store premises styling themselves as ‘upmarket’ or ‘craft’ and agreeing to restrict their product ranges to products that tend to sell in smaller quantities at higher price points.

The Wellington DLC has noted a practice among some supermarket applicants to seek an extension of time under s115 not only to put their single alcohol areas in place, but also to prepare plans as required by sections 112-114. By way of preliminary directions, the Wellington DLC has been making it clear that time extensions for the latter purpose are not contemplated under the Act.

Applicant supermarkets have to date to our knowledge been compliant with DLC requirements to move alcohol areas away from the entrance to and exit from premises.

The DLC understands there is some uncertainty in the community as to whether it was intended by Parliament to exclude the sale and supply of alcohol in certain family entertainment style venues, such as cinemas, on the sacrosanct days found in the Act.

2. New DLC initiatives

Wellington DLC Member Luke Tuffs has been working with the Health Promotion Agency on a pilot Local Area Network for DLCs in the Central North Island area. Mr Tuffs developed and trialled an online forum tool for DLC Members, Chairs and support staff in the region. A full report on the pilot schemes prepared for the Health Promotion Agency can be found here:

<http://www.alcohol.org.nz/alcohol-management-laws/nz-alcohol-laws/sale-and-supply-of-alcohol-act-2012/ssaa-regional-forums>

The DLC’s Principal Advisor contributed to the preparation of the Health Promotion Agency’s “Guide to Hearings” for Applicants and Objectors, and

¹ During the period from 1 July 2013 to 17 December 2013 inclusive, licensing matters were dealt with by the former Wellington District Licensing Agency, which ceased operations from 18 December 2013 when the Wellington DLCs commenced operations.

also to the Local Government New Zealand Guide to Preparing a Local Alcohol Policy, which can be found here:

<http://www.lgnz.co.nz/assets/KnowHow-pdf-documents/LAP-KnowHow-Guidance-v11-FINAL-at-3.6.15.pdf>

Council's DLC support staff are currently engaged in a process of reviewing the application forms and supporting documentation for alcohol licence applicants with a view to simplifying and stream-lining these for customers and providing them with better guidance around the requirements of the Act.

A project is underway to launch an online public notice service whereby licence applicants will be able meet their public notice obligations under the Act and Regulations on the Council's website. This project is due for delivery later in 2015.

The Wellington DLC has developed a set of template licence conditions for various licence types based on the requirements of the Act. These are designed to remind licensees of their obligations under the Act and are being made available for applicants, reporting agencies and others who may wish to refer to them.

3. Local Alcohol Policy

In accordance with Part 2, subpart 2 of the Sale and Supply of Alcohol Act 2012, Wellington City Council has developed a provisional Local Alcohol Policy (the PLAP).

The PLAP was notified on January 21, 2014. Appeals were lodged by eight parties which were heard by the Authority over eight days between October 20 and November 5, 2014.

The Authority released its decision on January 20, 2015 which asked the Council to reconsider elements of its PLAP. The Council resolved on March 18, 2015 to receive a *"report to the February 2016 meeting of the Community, Sport, and Recreation Committee on the opportunities to resubmit an amended Provisional Local Alcohol Policy taking into account updated local data and the parameters for local alcohol polices arising from the decision on appeals"*.

4. Current legislation

The Sale and Supply of Alcohol Act 2012 has now been in full force for more than 18 months.

The following is a list of issues with the Act that the Wellington DLC considers warrant clarification, guidance and/or legislative amendment.

4.1. Temporary Authorities

Temporary authority orders allow an applicant who has leased or purchased licensed premises to continue trading at the premises on the base licence held by the current licence holder. While most temporary authorities are granted for only one three month period, we have seen some premises trading for up to nine months on temporary authority orders. Furthermore, once an applicant is trading on a temporary authority, there is some degree of expectation that they will be able to continue doing so.

The holders of temporary authorities must comply with the conditions of the base licence and with the Act. Nevertheless, we consider that there is potential for risk to arise to the community given the very limited range of factors a DLC may consider when assessing an application under s136. As currently drafted, the only express statutory consideration the Committee is required to make when assessing temporary authority applications is whether an applicant appears to have a "right, title, estate, or interest in any premises, or any business conducted in any premises for which an on-licence or off-licence is in force... ." Section 136 does not authorise the DLC to consider the criteria in s105, for example the "suitability" of the applicant. Further, there is no requirement for reporting agencies to consider and report on a temporary authority application, although in practice inspectors do so and the Police are also asked their position.

The Wellington DLC would like to see section 136 expanded to provide Committees with the statutory power to consider a broader range of factors for temporary authority applications. It would also be of assistance if there were reporting requirements and an express power for the DLC to consider any matters raised in reports.

Temporary authority order applications must be considered by a DLC Committee of three due to the provisions of s191. It is suggested that this is unnecessary for most such applications and we recommend that temporary authorities be added to the list in s191(3). Where a DLC Chair considers that a temporary authority application warrants a public hearing, this could be directed under s202(1) and a 3 person quorum convened.

4.2. Caterers' licences

We have written to the Authority seeking guidance on the correct process for converting caterers' off licences issued under the Sale of Liquor Act 1989 to endorsed caterers' on licences under the Sale and Supply of Alcohol Act 2012. It may be that this issue could be resolved by way of legislative amendment.

4.3. Special licences for supply only events

There continues to be difficulty in the lack of clarity around the issue of whether or not special licences are required for supply only events where

alcohol is not included in ticket prices or “in the nature of a sale” situations. Legislative clarity on this point would be of great assistance.

4.4. Notice period for special licence hearings

It would be of assistance if provision were made to enable the Secretary of the DLC to truncate the ten working day notice period for special licence hearings where such applications need to be dealt with urgently. In some instances there has been insufficient time for a special licence hearing after opposition has been raised.

4.5. Objections and oppositions to new and renewal applications should trigger a public hearing

It is suggested that both reporting agency opposition and public objection, for all premises applications (but not for specials, unless public notification is required) should trigger a public hearing. Natural justice requires this, in the view of the Wellington DLC, in any case. The current provisions are inconsistent and draw a distinction between new and renewal applications² that does not appear justified on any policy grounds.

4.6. Split designations

The current designation requirements for hotel style on licensed premises are not in line with modern reality. The vast majority of hotels, at least in urban centres such as Wellington, no longer include a separate “public bar” area in which patrons gather for the specific purpose of drinking. More common in such premises now are “lobby bar” areas, which are often not distinct from the reception/thoroughfare to the hotel rooms. These areas often are not used for the sale and supply of alcohol all day long. Designating such areas to exclude children can pose real practical problems for licensees.

Similarly, the requirement to designate a “tavern” causes difficulty for premises that trade more in the nature of a café during the day and a bar at night. Time split designations have been adopted for this purpose on the basis that the operation morphs from a restaurant to a tavern at a particular time of night, which section 118 appears to permit. It would be helpful to have clearer legislative support for such an approach.

4.7. Regulations/Forms

It is suggested that a review of the Forms in the Regulations could be of real benefit. The secretariat to the Wellington DLC finds that applicants who are able to submit an application that is complete and correct following the Regulatory forms on their first try is the exception rather than the rule. There is a significant workload for the administrative staff of the DLC in shepherding applicants through the process of completing the forms. In response to this, the Wellington secretariat is undertaking a complete review of its forms and intends amending these substantially to improve their readability and to

² New licence applications that are the subject of reporting agency opposition are not automatically required to be considered at a public hearing, whereas renewal applications with such opposition are.

address such issues as information requested that is no longer legally relevant (e.g. the forms preserve a distinction between public and private companies that no longer exists under the Companies Act 1993 and request details of “nominal” and “paid up” capital, terminology which is no longer in use.) In addition, there are errors in the forms, including:

- forms 9 and 10 should include “Easter Sunday” in condition (a)
- form 11 should refer to from Part 6 to Subpart 7 of Part 2
- form 12 and 13 should refer to Subpart 6 to Subpart 7
- form 14 should refer to Section 120 not to Sections 280 and 283.

4.8. Matters that could be dealt with by a DLC Chair alone

It is suggested that section 231(4) of the Act i.e. notice of non-approval of appointment of temporary or acting manager be added to the list in section 191(3) of matters than can be determined by a District Licensing Commissioner alone. Such applications need to be addressed quickly and DLC Chairs are, in our view, up to the task to addressing them.

5. Other matters

The DLCs and the Wellington City Council would welcome further coordinated, centralised promotion of best practice in the operation of the new Act and its Regulations and would like to see this made available to the alcohol sector nationwide. The Health Promotion Agency has undertaken some exemplary work in this regard.

6. Statistics

During the reporting period, the Wellington DLCs accepted 1892 applications, which is 82 less than were received by the DLA and DLC in the previous financial year.

Below is a table showing a comparison of previous years. Please note that these figures include renewal and endorsed licence applications.

Number of applications received

Application type	2011–2012	2012–2013	2013–2014	2014–2015
On-licences	231	215	197	252
Off-licences	70	65	52	61
Club licences	26	31	9	17
Temporary authority	62	55	81	88
Manager’s certificates	1267	1376	1281	1178
Special licences	426	374	354	296
TOTAL	2082	2116	1974	1892

Licence fees during the period 1 July 2014 to 30 June 2015 compared with previous years are as follows.

Annual fees for alcohol licences (GST inclusive)

	2011-2012	2012-2013	2013-2014	2014-2015
Fees paid to the Alcohol Regulatory and Licensing Authority	\$67,178	\$67,701	\$63,280	\$76,803

The liquor licences in force during the period 1 July 2014 to 30 June 2015 are shown in the table below, with a comparison from previous years.

Licences in force	2011-2012	2012-2013	2013-2014	2014-2015
On-licence	497	506	491	486
Off-licence	153	156	149	142
Club licence	70	68	65	60
Total	720	728	705	688

7. Annual Report

See attached spreadsheet

TERRITORIAL AUTHORITY:
MONTHLY RETURN FOR YEAR ENDING:

Wellington City Council TA 49
30 June 2015

On-Licence, off-licence and club licence applications received:

Application type	Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
On-licence new	2	24	36	17	0
On-licence variation	0	2	7	13	0
On-licence renewal	4	51	66	27	3
Off-licence new	0	1	11	6	0
Off-licence variation	0	0	0	0	1
Off-licence renewal	1	9	20	12	0
Club licence new	1	0	0	0	0
Club licence variation	0	0	0	0	0
Club licence renewal	9	7	0	0	0
Total number	17	94	140	75	4
Total Fee paid to ARLA (GST incl)	\$293.25	\$3,243.00	\$7,245.00	\$6,468.75	\$690.00

Annual fees for existing licences received

Licence Type	Number received in fee category: Very Low	Number received in fee category: Low	Number received in fee category: Medium	Number received in fee category: High	Number received in fee category: Very High
On-licence	11	100	133	73	3
Off-licence	1	24	47	33	1
Club licence	33	23	0	0	0
Total number	45	147	180	106	4
Total Fee paid to ARLA (GST incl)	\$776.25	\$5,071.50	\$9,315.00	\$9,142.50	\$690.00

Managers' certificate applications received

	Number received
Manager's certificate new	642
Manager's certificate renewal	536
Total number	1178
Total Fee paid to ARLA (GST incl)	\$33,867.50

Special Licence applications received:

	Number received in category: Class 1	Number received in category: Class 2	Number received in category: Class 3
Special licence	34	190	89

Temporary Authority applications received:

	Number received
Temporary authority	87

Permanent club charter payments received:

	Number received
Permanent club charter payments	1

Total Payable to ARLA for period (GST incl):

\$76,802.75

Julie Sleep
Secretary
District Licensing Committee
Wellington City Council

Licences in force	30/06/14	30/06/15
On-licence	491	486
Off-licence	149	142
Club Licence	65	60
Total	705	688

Item 3.2 Attachment 2

Applications received and issued 1 July 2014 to 30 June 2015	Received	Determined/ Issued
On (new)	79	74
On Renewal/ variation	173	188
Off (new)	18	12
Off renewal/ variation	43	45
Club (new)	1	2
Club renewal/variation	16	11
New Manager's Certificates received	642	671
Manager renewals received	536	581
Special	296	268
Temporary Authority	88	83
Total	1892	1935

	Received 2014/15	Received 2013/14	Issued 2014/15	Issued 2013/14
On (new)	79	64	74	67
On Renewal/ variation	173	133	188	126
Off (new)	18	5	12	10
Off renewal/ variation	43	47	45	39
Club (new)	1	1	2	1
Club renewal/variation	16	8	11	9
New Manager's Certificates received	642	623	671	547
Manager renewals received	536	658	581	633

Special	296	354	268	330
Temporary Authority	88	81	83	77
Total	1892	1974	1935	1839

4. Committee Reports

REPORT OF THE TRANSPORT AND URBAN DEVELOPMENT COMMITTEE MEETING OF 5 AUGUST 2015

Members: Mayor Wade-Brown, Councillor Ahipene-Mercer, Councillor Coughlan, Councillor Eagle, Councillor Foster (Chair), Councillor Free, Councillor Lee, Councillor Lester, Councillor Marsh, Councillor Pannett, Councillor Peck, Councillor Ritchie, Councillor Sparrow, Councillor Woolf, Councillor Young.

The Committee recommends:

VERANDAHS BYLAW: REPORT ON SUBMISSIONS AND ADOPTION OF BYLAW

Recommendation

That Council:

1. Agree to adopt (as amended) *Part 10: Structures in Public Places - Verandahs* of the Wellington City Consolidated Bylaw 2008 (Attachment 1).

BUS RAPID TRANSIT - BUSINESS CASE FUNDING

Recommendation

That Council:

1. Approves bringing forward \$1.5m of CAPEX funding for the Bus Rapid Transit Detailed Business Case and other Bus Rapid Transit related works (*noting that GWRC will contribute \$375,000 and NZTA will contribute \$750,000*) and notes that this will be reflected in the 2015/16 Annual Report as an capital expenditure overspend.

Attachments

Attachment 1. Part 10: Structures in Public Places - Verandahs of the Wellington City Consolidated Bylaw 2008

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Verandahs Bylaw amended to include mark-up changes as agreed by the Transport and Urban Development Committee on 5 August 2015, and new proposed introduction in highlight (red).

Draft Part 10: Structures in Public Places – Verandahs of the Wellington City Consolidated Bylaw 2008

Introduction

The Wellington City District Plan requires buildings to have verandahs mainly along designated routes within the Central Business District and City Centres. This part of the bylaw requires building owners to repair and maintain their verandahs to a reasonable standard.

The purpose of this part of the bylaw is to help maintain an important city amenity. Well maintained verandahs will improve public safety, contribute to the city's resilience, protect people from the weather, and make the city an attractive place to visit and shop.

This part of the bylaw is made pursuant to the Local Government Act 2002 Section 146 (a) and (b) and Section 146 (b)(vi).

1. Definitions

Good repair includes the absence of: visible rust; holed, rotted or otherwise damaged materials or elements; loose, visible or exposed electrical wires; and/or projections or other features that pose a danger to persons using a public place.

Verandah a roofed space extending from a building and includes any structure, assembly, machinery or equipment erected on, or attached to the side or underside of, a verandah.

2. Verandahs

2.1 Written approval required

2.1.1 No person may:

- (a) construct a new verandah over a public place; or
 - (b) demolish an existing verandah over a public place; or
 - (c) enlarge, extend, or add to an existing verandah over a public place;
- without prior written approval of the Council.

2.2 Maintenance and repair of verandahs

2.2.1 Any verandah constructed over a public place shall be maintained in a waterproof condition and in a state of good repair.

2.2.2 If the Council considers that a verandah constructed over a public place is not in a waterproof condition or a state of good repair, the Council may serve a written notice on the owner of the building to which the verandah is attached, requiring the owner to clean, repair, or alter the verandah so that it complies with this Bylaw.

2.2.3 If the Council considers that the alteration of a verandah constructed over a public place is required for roading purposes, asset protection and/or public safety, the Council may serve a written notice on the owner of the building to which the verandah is attached, requiring the owner to alter the verandah, as stated in the notice. Council must consult with the building owner before notice is served.

2.2.4 Any action required by a notice served on an owner under clause 2.2.2 or clause 2.2.3 must be carried out by the date stated in the notice.

2.2.5 If an owner fails to carry out any action required by a notice served under clause 2.2.2 or clause 2.2.3 by the date stated in the notice, the Council may authorise the cleaning, alteration or removal of the verandah in accordance with Part 1, clauses 1.10.1 to 1.10.3 of this Bylaw.

2.2.6 No person shall stand on or otherwise occupy any verandah constructed over a public place, except for the purpose of inspection, cleaning, maintenance, repair, alteration, emergency egress, or carrying out work in accordance with this Bylaw.

2.3 Clarifying Provisions

2.3.1 For the avoidance of doubt, clauses 2.2.1 to 2.2.6:

(a) are additional to the provisions of any encroachment licence or encroachment lease granted by the Council under this Bylaw or the Local Government Act 1974;

(b) are additional to any other provisions of this Bylaw, any enactment, or any Council policy relating to or affecting a verandah over a public place;

(c) do not relieve any person of any duty or responsibility arising under any other provisions of this Bylaw, any enactment, or any Council policy relating to or affecting a verandah over a public place; and

(d) do not limit the Council's decision-making or enforcement powers under any other provisions of this Bylaw, any enactment, or any Council policy.

REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 6 AUGUST 2015

Members: Mayor Wade-Brown, Councillor Ahipene-Mercer (Chair), Councillor Foster, Councillor Lee, Councillor Pannett, Councillor Sparrow.

The Committee recommends:

PROPOSED ROAD STOPPING - 121 BING LUCAS DRIVE, TAWA

Recommendations

That Council:

1. Recommends to the Council that it:
 - a. Agrees that approximately 675m² of unformed legal road land on Bing Lucas Drive, Tawa, shown as 'Land for Road Stopping' on the Cardno Plan NZ0110180-C111, revision 2, dated 30/4/2015 (the Land) and adjoining 121 Bing Lucas Drive, Tawa (being Lot 31 DP 384648, CFR 338417) is not required for a public work and surplus to requirements.
 - b. Agrees to dispose of the Land.
 - c. Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.

Attachments

Nil