Presentation to HPA / Alcohol Healthwatch forum

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1. Key Learning’s from Regional DLC perspective over last year.

* Unknown field. Goal posts shifted during the game.
* Preparation was perhaps not quite what it could have should have been. Training was more focussed on running hearings.
* Large numbers of Chairs and Commissioners already had experience in running meetings and enquiries, more emphasis on Interpretation and the Parameters of the Act would have been of a greater assistance to many.
* In many areas the workload was not what was expected, a number of Committee members especially have had little work, this has impacted on their ability / willingness to keep involved in the process.
* From a Chairs perspective this can be damaging when seeking the input from Members so as to achieve robust quality decision making.
* Decision making is complex; the parameters of the Act are probably not what the Law Commission expected in their final report. Constraints within the Act have been frustrating for Communities in some respect.

1. What are the DLC requirements of the statutory agencies and Community Members are; Levels of evidence

* Confusion over roles; Inspectorate and Police often not communicating. Little if any adherence to the provisions of s. 295 of the Act, that is the Duty to Collaborate.
* Where applications are Opposed Jointly by any or all of the Agencies then Chairs want to hear from one of the Agencies as the lead. A simple Opposed Managers Certificate for instance where the Opposition is based on recent Convictions should be led by the Police.
* Likewise when matters are opposed by the Public and those Objections are largely the same, then it would be beneficial if prior to any Hearing a consensus is reached and there is one or two presenters if possible.
* More applicable is the application of that evidence.
* A recent decision by ARLA on Appeal the Authority said;

[24] What is in dispute is how the DLC treated that evidence. The DLC, implicitly applying the principle in *Otara-Papatoetoe Local Board* (supra), looked for a causal nexus between the evidence of alcohol-related harm adduced by the appellant and the way in which the licence has been operated. The DLC stated:

*“That without categorical evidence that the provision of alcohol by the applicant will lead to the harms as outlined in section 4(2) of the Act, that the holding of an on-licence by the applicant is appropriate in the circumstances.”*

[25] Further, at paragraph 58 it stated:

*“In this matter we believe that the criteria under section 131 of the Act have generally been met given the positive report from the Inspector, lack of opposition or objection from the Police or public, and also that the premises are not recorded as operating in such a manner as to lead to alcohol harm given the current research and information available to the Committee at this time.”*

[26] The Authority considers that the approach by the DLC was correct. The DLC did appreciate that the new object of the legislation as contained in s.4 of the Act applied. It did stand back and review the whole of the evidence against that object. However, unlike the appellant, it considered that there needed to be a link between the manner in which the premises have sold and promoted alcohol and the evidence of alcohol-related harm as adduced by the appellant. The appellant gave no evidence of any such link. The DLC recognised that if such a link existed, then it was of a tenuous nature.

* Objectors need to recognise that unless they can identify the harms as contained in s. 4 of the Act and tie them directly to the premises, then they should expect that their objections will fail.
* The Police must be more familiar with the dicta found at Joban and the Otara Papatoetoe Community Board, simple Database analysis of premises contribution to Community Harm can no longer be supported. This is not to say that every application need be investigated to a high level. In many Police areas Communication between those responsible for reporting and the Local Police is already high; this needs to be communicated to the DLC’s through the Inspectors in their report to us. A simple “No Opposition” report is in my mind no longer sufficient. Police reports should outline what the area looks like, whether there are specific interventions in the area such as Neighbourhood Policing or other such programs, and this needs to be conveyed to the Inspectorate, there is in my mind little risk in exposing any confidential information, and the sharing of Intelligence is in my opinion a basic requirement of s. 295.
* The Inspectorate needs to ensure that as much information as they can gather should be placed into their reports, in many Instances the current Template format is sufficient to use when making decisions based on unopposed applications. However once there is opposition or objection then the use of a pre-formatted report has its limitations. The Inspectors report is the encompassing document on any file referred to us as Chairs; we use it to form a picture of the premises and the operation of such. Where quality reporting is used then often there is no need for site visits.
* Community based organisations are in my opinion learning the constraints of the Act, it has been disappointing for me as an Individual Chair in dismissing those concerns of the public where they have been unable to demonstrate the harms outlined in their objections and the link to the individual premises.
* Over the past twelve (12) months I have seen a shift in behaviour that is beginning to align the constraints we face with the Act and the meaning of Amenity and Good Order, in one particular application the sole Objector had put together an impressive brief of evidence and photographic evidence that caused me no difficulty at all in restricting hours and issuing a statement that the premises needed to be more compliant with the CPTED guidelines so as to be more in line with the Amenity and Good Order provisions found in the Act.

1. Does the DLC need any help / tools from National Agencies to improve their processes / build their skill or Knowledge capacity?

* This is an area where the HPA have already put in a considerable resource, many will be aware of the three (3) Local Area Network Pilots that have been funded, some here will have participated in at least one (1) if not more of the seminars and forums based on this concept.
* The HPA is piloting "Local Area DLC Networks" to support a platform of shared learning and needs assessment on further professional development for DLC's and their key support staff. These Networks are being implemented with the view that establishing regular communication locally between Chairs, Commissioners and key support staff such as Principal advisors and/or DLC Secretaries will facilitate learning/development opportunities and help inform national agencies such as HPA and Local Government NZ of the wider needs of the sector.
* One initiative that has come out of this project is the development and introduction of an Information Sharing platform for DLC Chairs, Members and other Support Staff involved in the Licensing Process, this has been set up using the i-hub Networking Platform and is a controlled secure Network, whilst still in development the site is operational and full of information including ready access to the list of important decisions
* The project is well advanced and a final report by the three (3) contractors has been submitted.
* Amongst other recommendations is that;

1. That; Local Area Networks as established by the Pilots are maintained and amended to capture other relevant Territorial Local Authorities (TLA) as may be required.
2. That; The I-Hub Database as developed for the Central LAN be the platform used for Communication and Information sharing between members of the various LAN, and that funding is sought for that continuation.
3. That; A National meeting (Hui) for DLC LAN members be established on an Annual basis and that funding for such is sought from within those Government Agencies tasked with Alcohol Harm Prevention to achieve that on an Ongoing basis.

* That; Consideration be given to the establishment of a “Professional Body” for DLC Chairs and Commissioners so as to achieve competency in that role so as to deliver strong engaged participation, and robust decision-making.