



# Sale of Liquor Policy

SEPTEMBER 2005

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## 1.0 INTRODUCTION

The Central Otago District Council is the District Licensing Agency for the Central Otago area. The Agency's duties are established in the Sale of Liquor Act 1989.

The object of the Sale of Liquor Act 1989 is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse, so far as that can be achieved by legislative means.

Excessive consumption of alcohol causing intoxication frequently results in unnecessary harm and costs to the community. Assaults, disorder, property damage, road trauma, and family violence can all be a consequence of liquor abuse and intoxication.

For this reason, the Central Otago District Council views liquor abuse such as the sale of liquor to minors and allowing persons to become intoxicated on licensed premises extremely seriously. The Central Otago District Council (in conjunction with partner agencies) recognises the need to consider the impact of the sale of liquor within Central Otago and the need to:

- Provide a safe community environment
- Provide a public perception of a safe community environment
- Provide a safe tourist and holiday environment
- Reduce the effect of alcohol abuse on members of our community
- Reduce the social and financial costs of alcohol abuse.

The District Licensing Agency carries out its functions under the Act and reports to the Liquor Licensing Authority (LLA) based in Wellington. The LLA is part of the Tribunals Unit of the Ministry of Justice.

Significant amendments were made to the Sale of Liquor Act in 1999 and these are reflected in this policy. It also reflects directions from the Liquor Licensing Authority, received by 10 February 2005, in terms of Section 96 of the Act.

The Draft Policy was advertised for submissions in The Central Otago News on 21 April 2005 and submissions were heard by the Council in Alexandra on 29 June 2005. The Policy was adopted by the Council on 21 September 2005 after making further amendments in response to submissions.

All correspondence on liquor licensing matters should be addressed to:

The Secretary  
Central Otago District Licensing Agency  
Central Otago District Council  
PO Box 122  
**ALEXANDRA**

## **2.0 ON-LICENCES**

An on-licence authorises the sale and supply of liquor, on the premises or conveyance, for consumption on the premises or conveyance.

### **POLICY 2.1 – HOURS OF OPERATION**

- (i) The District Licensing Agency will consider all applications on their merits.**
- (ii) The maximum hours of operation for all on-licence premises, both new and existing premises (other than trading hours for house guests in premises that are subject to hotel style on-licences) will be Monday to Sunday 7.00 am to 2.30 am the following day.**
- (iii) Enforcement action under the Sale of Liquor Act 1989 may result in a variation and reduction of hours in certain circumstances.**

#### **Comment**

The Liquor Licensing Authority and the District Licensing Agency set the hours of operation after considering the reports from the Liquor Licensing Inspector, the Police, the Medical Officer of Health and any objectors.

The trading hours sought by an applicant must be permitted in the District Plan (Resource Management Act 1991), but often there are reasons for additional restrictions on hours. Such additional restrictions on hours may reflect the concerns of the Police, the Liquor Licensing Inspector or the general public.

In residential areas the effects on residential amenities are a major concern. Effects include (but are not limited to) noise from licensed premises, including noise from patrons travelling to and from the premises.

### **POLICY 2.2 – HOST RESPONSIBILITY**

**All applicants for an on-licence must have a written Host Responsibility Policy for the premises which must be included with the on-licence application.**

#### **Comment**

See Section 10 regarding contents for a Host Responsibility Policy.

### **POLICY 2.3 – FIRE SAFETY**

**The District Licensing Agency requires all licensees to forward a copy of a current fire evacuation scheme to the Agency within 30 days of the premises opening for business.**

**Alternatively the licensee must provide confirmation from the New Zealand Fire Service that they are not required to have an evacuation scheme in place.**

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on an on-licence application will include comment on criteria listed in Section 13 of the Act, namely:

1. The suitability of the applicant;
2. The hours of operation/suitability for the proposed activity;
3. Designation of areas within the premises;
4. Steps proposed to be taken to ensure requirements in relation to the sale of liquor to prohibited persons are observed;
5. The provision of food and non-alcoholic refreshments;
6. The nature of the operation, the provision of any service, or sale or supply of any goods other than liquor.

The following matters are also relevant for comment:

1. Compliance of the premises with relevant legislation, eg hygiene standards; noise and fire safety.
2. Matters raised by complaints or objections to the application;
3. The applicant's Host Responsibility Policy;
4. Any special conditions or circumstances.

## **RENEWAL OF ON-LICENCES**

The Sale of Liquor Act 1989 provides that all on-licences must be renewed after an initial 12 month period and every three years thereafter.

If there are any valid objections, the application must be forwarded to the Liquor Licensing Authority for consideration. Unopposed renewal applications are renewed by the District Licensing Agency.

When filing an application for renewal the applicant must attach a copy of a Host Responsibility Policy which has been reviewed and updated where necessary.

An application to vary the conditions of an on-licence may be filed with the application for renewal and if unopposed will be considered by the District Licensing Agency.

**It shall be the policy of the District Licensing Agency that the hours of operation for licensed premises will be reduced to Monday to Sunday 9.00 am to 1.00 am the following day in the event of any conviction from a judicial body in the 12 months preceding the expiry of the licence, unless the applicant can demonstrate exceptional reasons why this should not occur.**

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on an application for the renewal of an on-licence will include comment on criteria listed in Section 22 of the Act, namely:

1. Suitability of the licensee;
2. Conditions attached to the licence;
3. The manner in which the licensee has conducted the sale and supply of liquor pursuant to the licence.

The following matters are also relevant:

1. The adequacy and implementation of the premises' Host Responsibility Policy;
2. Any adverse environmental impacts;
3. Any objections or concerns raised by any affected parties;
4. Management's willingness to comply with the Sale of Liquor Act 1989 and its requirements;
5. Promotion of the premises and control of liquor abuse.

In undertaking the review of each premises, the Liquor Licensing Inspector may take into account the following:

- (a) Information obtained from any public complaints relating to the premises;
- (b) Information obtained from the Police, the Medical Officer of Health, the Fire Service or any other relevant source;
- (c) Any other information or sources that the Liquor Licensing Inspector deems appropriate.

## **VARIATION OF AN ON-LICENCE**

Licensees may apply for a variation of the conditions of the licence at any time.

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on an application for a variation of the conditions of an on-licence will include comment on:

1. The nature of the variation sought by the applicant;
2. Any adverse effects that the variation may have;
3. Matters raised by complaints or objections to the application.

## **3.0 OFF-LICENCES**

An off-licence authorises the sale and supply of liquor on or from the premises described in the licence and for consumption off the premises. Complimentary samples may be provided on the premises.

### **POLICY 3.1 – HOURS OF OPERATION**

**The maximum hours of operation for all off-licence premises with the exception of caterer's off-licences will be Monday to Sunday 9.00 am to 12.00 midnight.**

#### **Comment**

The Liquor Licensing Authority and the District Licensing Agency set the hours of operation after considering the reports from the Liquor Licensing Inspector, the Police, and any objectors.

The trading hours sought by an applicant must be permitted in the District Plan (Resource Management Act 1991), but often there are reasons for additional restrictions on hours. Such additional restrictions on hours may reflect the concerns of the Police, the Liquor Licensing Inspector or the general public.

### **POLICY 3.2 – HOST RESPONSIBILITY**

**All applicants for a caterer’s off-licence must provide a written Host Responsibility policy.**

See Section 10 regarding contents for a Host Responsibility Policy.

### **POLICY 3.3 – DESIGNATION OF STAND ALONE OFF-LICENCE AREAS**

**A supervised designation will be imposed in respect of all stand-alone “bottle store” off-licence premises.**

#### **Comment**

There is no need for unaccompanied minors to be in stand-alone bottle stores. With a supervised designation, minors who are accompanied by a parent or legal guardian may be present.

### **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector’s report on an off-licence application will comment on criteria listed in Section 35 of the Act, namely:

1. The suitability of the applicant;
2. The hours of operation/suitability for proposed activity;
3. Designation of areas within the premises;
4. Steps proposed to be taken to ensure requirements in relation to the sale of liquor to prohibited persons are observed;
5. The nature of the operation, the provision of any other service, sale or supply of any goods other than liquor.

The following matters are also relevant for comment:

1. Compliance of the premises with relevant legislation, eg hygiene standards, noise and fire safety;
2. Matters raised by complaints or objections to the application;
3. Any special conditions or circumstances.

### **RENEWAL OF OFF-LICENCES**

The Sale of Liquor Act 1989 provides that all off-licences must be renewed after an initial 12 month period and every three years thereafter.

If there are any objections to the renewal application it is then forwarded to the Liquor Licensing Authority for consideration. Unopposed renewal applications are renewed by the District Licensing Agency.

An application to vary the conditions of a licence may be filed with the application for renewal and if unopposed will be considered by the District Licensing Agency.

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on an application for renewal of an off-licence will include comment on criteria listed in Section 45 of the Act, namely:

1. Suitability of the licensee;
2. Conditions attaching to the licence;
3. The manner in which the licensee has conducted the sale and delivery of liquor pursuant to the licence.

The following matters are also relevant:

1. Any adverse environmental impacts;
2. Any objections/concerns raised through the public notification process or raised by any affected parties;
3. Management's willingness to comply with the Sale of Liquor Act 1989 and its requirements and;
4. Promotion of the premises and control of liquor abuse.

In undertaking the review of each premises, the Liquor Licensing Inspector may take into account the following:

- (a) Information gained from any public complaints;
- (b) Information obtained from the Police, the Medical Officer of Health, the Fire Service, or any other relevant source;
- (c) Any other information/source that the Liquor Licensing Inspector deems appropriate.

## **VARIATION OF AN OFF-LICENCE**

Licensees may apply for a variation of the conditions of the licence at any time.

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on an application for variation of conditions on an off-licence will include comment on:

1. The nature of the variation sought by the applicant;
2. Any adverse effects that the variation may have;
3. Matters raised by complaints or objections to the application.

### **4.0 CLUB LICENCES**

A club licence authorises the holder to sell and supply liquor, on the premises, for consumption on the premises, to:

- (a) Any member of the club; or
- (b) Any person who is a guest of, and is accompanied by, a member of the club; or
- (c) Any member of any other club with which the holder of the licence has an arrangement for reciprocal visiting rights for members of the clubs.

## **POLICY 4.1 – HOURS OF OPERATION**

**The maximum hours of operation for all club licences will be Monday to Sunday 9.00 am to 1.00 am the following day.**

### **Comment**

The Liquor Licensing Authority and the District Licensing Agency set the hours of operation after considering the reports from the Liquor Licensing Inspector, the Police, Medical Officer of Health and any objectors.

The trading hours sought by an applicant must be permitted in the District Plan (Resource Management Act 1991), but often there are reasons for additional restrictions on hours. Such additional restrictions on hours may reflect the concerns of the Police, the Liquor Licensing Inspector or the general public.

In residential areas the effects on residential amenities are a major concern. Effects include (but are not limited to) noise from licensed premises, including noise from patrons travelling to and from the premises.

It is essential that the sale of liquor remains ancillary to the club's activities.

## **POLICY 4.2 – HOST RESPONSIBILITY**

**All applicants for a club licence must have a written Host Responsibility Policy and this must accompany the application.**

### **Comment**

See Section 10 regarding contents for a Host Responsibility Policy.

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS:**

The Liquor Licensing Inspector's report on a club licence application will comment on criteria listed in Section 59 of the Act, namely:

1. The suitability of the applicant;
2. The relevance of the prime activity of the club to the hours sought for the liquor licence, i.e. the days on which and the hours during which the applicant proposes to sell liquor; compared with the days on which and the hours during which the premises are used for the club's activities;
3. The designation of areas within the premises;
4. The proportion of the membership of the club who are prohibited persons;
5. The steps proposed to be taken to ensure requirements in relation to sale of liquor to prohibited persons are observed;
6. The provision of food and non-alcoholic refreshments.

The following matters are also relevant for comment:

1. The nature and activities of the club;
2. Compliance of the premises with relevant legislation, eg hygiene standards, noise and fire safety.

3. The club's Host Responsibility Policy and practice;
4. Matters raised by complaint or objection to the application;
5. Any special conditions or circumstances.

### **RENEWAL OF CLUB LICENCES**

All club licences must be renewed after an initial 12 month period and every three years thereafter. Unopposed applications are renewed by the District Licensing Agency.

An application to vary the conditions of a licence may be filed with the application for renewal and if unopposed will be considered by the District Licensing Agency.

When filing an application for renewal the applicant must attach a copy of a Host Responsibility Policy which has been reviewed and updated where necessary.

### **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on an application for renewal of a club licence will include comment on criteria listed in Section 45 of the Act, namely:

1. Suitability of the licensee;
2. Conditions attaching to the licence;
3. The manner in which the licensee has conducted the sale and delivery of liquor pursuant to the licence.

The following matters are also relevant:

1. The adequacy and implementation of the club's Host Responsibility Policy and control of minors on the club premises;
2. Any adverse environmental impacts;
3. Any objections/concerns received through the public notification process or raised by any affected parties;
4. Management's willingness to comply with the Sale of Liquor Act 1989 and its requirements;
5. Promotion of the premises and control of liquor abuse.

In undertaking the review of each club, the Liquor Licensing Inspector may take into account the following:

- (a) Information gained from any public complaints;
- (b) Information obtained from the Police, the Medical Officer of Health, the Fire Service, or any other relevant source;
- (c) Any other information/source that the Liquor Licensing Inspector deems appropriate.

### **VARIATION OF A CLUB LICENCE**

Licensees may apply for a variation of conditions of the licence at any time.

### **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on an application for variation of conditions on a club licence will include comment on:

1. The nature of the variation sought by the club;
2. Any adverse effects that the variation may have;
3. Matters raised by complaints or objections to the application.

## **5.0 SPECIAL LICENCES**

A special licence may be sought pursuant to Section 73 or Section 74 of the Sale of Liquor Act 1989.

A special licence issued under Section 73 authorises the holder of the licence to sell and supply liquor on the premises or conveyance described in the licence to anyone attending any occasions or events described in the licence.

This section does not restrict a special licence to liquor being sold for consumption on the premises. Off-licence sales can be authorised under a special licence issued pursuant to Section 73 of the Act.

A special licence issued under Section 74 authorises the holder of an on-licence, or the holder of a club licence, to sell and supply liquor for consumption on the premises, at any time when the premises are required to be closed for the sale of liquor, to any persons attending social gatherings of any kind specified in the licence.

Special licences should not be viewed as an alternative to other types of licences provided for in the Act or as a means of regularly extending normal trading hours beyond those authorised in a full licence.

Special licences should not be seen as a means of circumventing the requirements of the Act in respect to Good Friday, Easter Sunday, Christmas Day and ANZAC Day.

### **POLICY 5.1 – WHEN A SPECIAL LICENCE CAN BE ISSUED**

- (i) **An “occasion” or an “event” is defined as any event or activity which is outside the usual/regular activities of the applicant.**
- (ii) **A “social gathering” is a group of people who share a common interest or purpose who gather primarily to enjoy the company of like-minded people.**
- (iii) **In terms of the Act, a “series of occasions or events” is defined as a number of events of which each is similar to or connected with the preceding one, i.e. the events have something in common other than being held at the same place.**

**A special licence covers an activity that does not fall into any other category of licence specified in the Sale of Liquor Act 1989. A special licence will not be issued where the extent of the activity is such that a substantive licence is more appropriate.**

## **Comment**

The Sale of Liquor Act 1989 does not clearly define what constitutes an occasion or an event, or series of occasions or events.

There is a need to separate “social gatherings” and an “occasion or event” or series of occasions or events, from normal licensed activities. There is also a need to identify the point at which an application for a special licence is a de facto change of hours of operation. It may also be sought for an activity for which an on, off or club licence should be obtained, without public input or opportunity for objection.

The trading hours of licensed premises (on or club licences) may be extended for specific *bona fide* social gatherings.

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS:**

The Liquor Licensing Inspector’s report on a special licence application will comment on criteria listed in Section 79 of the Act, namely:

1. The nature of the event, occasion or social gathering;
2. The suitability of the applicant;
3. The days on which and hours during which the special licence is sought;
4. The area(s) of premises that are proposed to be designated;
5. The steps proposed to be taken to ensure requirements in relation to sale of liquor to prohibited persons are observed;
6. The provision of food, low and non-alcoholic beverages, and assistance with transport;
7. The responsibility/adequacy of the management of the function;
8. Compliance of the premises with relevant legislation, eg hygiene standards, noise and fire safety;
9. Any special conditions/circumstances which should be taken into account.

The District Licensing Agency may impose conditions on the special licence in respect of any of the above matters.

## **POLICY 5.2 – HOURS FOR SPECIAL LICENCES**

- (i) **The District Licensing Agency will consider each application on its merits.**
- (ii) **The maximum hours of operation for a special licence will be 7.00 am to 3.00 am the following day unless a specific reason for longer hours can be justified by the applicant.**

## **POLICY 5.3 – RESPONSIBLE MANAGEMENT**

**Applicants for special licences must show how the occasion or event will be managed responsibly.**

The District Licensing Agency may require, as a condition of a special licence, that the holder of a General or Club Manager’s Certificate, be responsible for the sale of

liquor under the licence and be in attendance and actively managing the event during the time that liquor is available for sale and supply.

The District Licensing Agency may exempt the holder from this requirement if it is satisfied that person nominated by the licensee will adequately manage the sale of liquor pursuant to the licence.

Such an exemption may be appropriate when:

- A decision with respect to an application to the Liquor Licensing Authority or District Licensing Agency for a Manager's Certificate is pending; or
- The person nominated by the licensee has demonstrated knowledge of the Sale of Liquor Act 1989 and the responsibilities it imposes; or
- The nature, duration or other characteristic of the occasion, event or social gathering indicates that such knowledge may not be necessary.

#### **POLICY 5.4 – HOST RESPONSIBILITY & CONDITIONS OF SPECIAL LICENCES**

**Applicants for special licences are required to consider the following host responsibility matters and provide appropriate information when this is required by the District Licensing Agency:**

- **The nature of food provided when liquor is available**
- **Notices advising that food is available**
- **Non-alcoholic and low-alcohol beverages**
- **Provision of information about alternative forms of transport**
- **Display of the licence**
- **Duty managers and staffing**
- **An estimate of the number of people who will attend an event**
- **Proposals for security staff in respect of the event**
- **A formal written host responsibility policy for large public events.**

**The District Licensing Agency may impose conditions on the special licence in respect of any of the above matters.**

The District Licensing Agency generally requires that food be available at all events for which a special licence is issued, for the time that liquor is available for sale or supply. The amount and nature of the food required will be discretionary dependent on the nature of the event.

Non-alcoholic and low-alcohol beverages must be available.

The provision of assistance with information about alternative forms of transport from the licensed premises is essential.

#### **POLICY 5.5 – SPECIAL LICENCE APPLICATION PROCEDURES**

**All applications for special licence must be submitted to the District Licensing Agency at least 20 working days prior to the event. Applications filed later than this may be accepted and will be processed if it is practicable to do so. If the licence has not been issued, no liquor may be sold or supplied.**

**Note: The Council acknowledges that occasions can arise, such as a bereavement that requires applications to be processed with urgency. In such cases the Council will do its utmost to assist.**

#### **Comment**

The Agency requires sufficient time to exercise the discretion in Section 76(4) to have an application advertised and to receive objections. Similarly sufficient time is necessary for reports to be requested, prepared and considered and for the application to be processed even when advertising is not required. The District Licensing Agency estimates that it may require at least 20 working days to process an application. However where public notification is required additional time may be needed.

#### **POLICY 5.6 – PUBLIC NOTIFICATION**

**If any aspect of an application for a special licence is, in the opinion of the Secretary of the District Licensing Agency likely to be controversial or to have significant implications for the public or an affected party, it shall be publicly notified in a form as decided by the Secretary.**

#### **Comment**

The Sale of Liquor Act 1989 provides for public notification under Section 76(4). It is anticipated that advertising would in practice be the exception rather than the rule.

In arriving at a decision whether an application should be advertised the Secretary shall have regard to reports made pursuant to Section 78 by the Police or a Liquor Licensing Inspector and comments made by any other party with a legitimate interest.

If notification is to occur, it shall consist of notices, with appropriate modification, as set out in Form 1 of the Sale of Liquor Regulations 1990. The notices should be erected as a site notice where feasible, and published as the Secretary directs.

#### **POLICY 5.7 – PROCEDURES WHEN OBJECTIONS ARE RECEIVED**

**Where the Police or the Liquor Licensing Inspector opposes an application, or objections are received, the applicant will be advised that the application is opposed and given a copy of the relevant report. If the applicant wishes to proceed, the matter will then go to a public hearing**

**The District Licensing Agency will encourage consultation between the Police, the Liquor Licensing Inspector and the applicant. The District Licensing Agency will attempt to facilitate resolution of differences by non-adversarial means.**

#### **Comment**

Hearings are time consuming and expensive but may be necessary to resolve issues relating to potentially controversial, or poorly planned events or occasions.

## **6.0 MANAGER'S CERTIFICATE APPLICATIONS**

A Manager's Certificate is either:

- (a) A General Manager's Certificate, which authorises the holder to manage any licensed premises in respect of which a licence is in force; or
- (b) A Club Manager's certificate, which authorises the holder to manage any premises in respect of which a club licence or a special licence is in force.

### **POLICY 6.1 – QUALIFICATIONS REQUIRED**

The District Licensing Agency will require applicants to obtain qualifications as follows:

- For General Managers' Certificates – both NZQA unit standards, (Sale of Liquor Theory (Unit 4646) and Host Responsibility Theory (16705))
- For Club Managers' Certificates - either General Managers' training as outlined above or SCANZ training.

Evidence of such training must be provided with the application.

Those applying to renew managers' certificates will be required to demonstrate a good working knowledge of the Sale of Liquor Act 1989 and its amendments.

From 1 April 2006, all applicants for General Managers' Certificates will also be required to obtain the Licence Controller Qualification from the Hospitality Standards Institute.

#### **Comment**

Applicants must undertake a training course prior to applying for a Manager's Certificate.

Ideally the course should have been completed within two years of the application so that the knowledge is current. However this may not be required where the person has held a Certificate in the past and can prove that their knowledge of the Act and its requirements is satisfactory.

### **POLICY 6.2 – REFERENCES**

The applicant must submit two references either from previous employers or persons stating the applicant is of suitable character.

### **POLICY 6.3 - UNDERTAKINGS**

Undertakings from applicants that they will only work in a specified premises, may be accepted from those seeking a General Manager's Certificate if they have limited work experience.

## **Comment**

In some cases applicants may have little or no experience of managing licensed premises. An example is a person who will be conducting mail-order or internet sales only. The District Licensing Agency has no ability to apply conditions to a Manager's Certificate. However, where an applicant has no intention of working in another premises the Agency may accept an undertaking reflecting that intention.

This will enable the issue of a General Manager's Certificate which limits the holder to working at specific premises. The undertaking can be reviewed at any time by the Liquor Licensing Inspector or via a hearing of the Liquor Licensing Authority.

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on a Manager's Certificate application will comment on criteria listed in Section 121 of the Act, namely:

1. The character and reputation of the applicant;
2. Any convictions recorded against the applicant;
3. Any experience that the applicant has had in managing any premises in respect of which a licence was in force;
4. Any relevant training that the applicant has undertaken and any relevant qualification that the applicant holds.

Applications will be opposed and may require determination by the Liquor Licensing Authority in any of the following situations:

1. Non-disclosure of convictions
2. A pattern of offending and/or behaviour indicating unsuitability
3. Alcohol and drug related convictions
4. Serious convictions
5. Any other matters as outlined in previous decisions of the LLA.

## **RENEWAL OF MANAGER'S CERTIFICATES**

All Managers' Certificates must be renewed after an initial 12 month period and every three years thereafter. Unopposed applications are renewed by the District Licensing Agency.

## **REPORTING CRITERIA FOR LIQUOR LICENSING INSPECTORS**

The Liquor Licensing Inspector's report on an application for renewal of a Manager's Certificate will include comment on criteria listed in Section 126 of the Act, namely:

1. The character and reputation of the applicant;
2. Any convictions recorded against the applicant since the certificate was issued or last renewed;
3. The manner in which the manager has managed the sale of supply of liquor pursuant to the licence.

Applications for renewals will be opposed and may require determination by the Liquor Licensing Authority in any of the following situations:

1. Non-disclosure of convictions
2. A pattern of offending and/or behaviour indicating unsuitability
3. Alcohol and drug related convictions
4. Serious convictions
5. Any other matters as outlined in previous decisions of the LLA.

### **POLICY 6.3 - CANCELLATION AND SUSPENSION OF MANAGER'S CERTIFICATES**

**If any person who holds a Manager's Certificate is convicted of driving with excess breath or blood alcohol and/or is convicted in respect of any serious criminal offence between the issue of the certificate and any subsequent renewal a suspension application should be filed by the Police and/or the Liquor Licensing Inspector.**

## **7.0 TEMPORARY AUTHORITIES**

A temporary authority is an authority granted by the District Licensing Agency to carry on, for a period not exceeding three months –

- (a) The sale and supply of liquor on any premises or conveyance in respect of which an on-licence is in force; or
- (b) The sale and delivery of liquor on or from any premises in respect of which an off-licence is in force.

Applicants must provide written evidence confirming they have an interest in the business.

The issue of a temporary authority is usually an interim measure to allow a licensed premises to continue to trade while a new owner applies for a full licence.

### **POLICY 7.1 – FILING APPLICATIONS**

**All applications for temporary authorities should be filed at least ten working days prior to the business takeover date. Applications filed later than this will be accepted and processed where it is practicable to do so.**

### **POLICY 7.2 - DURATION**

**The District Licensing Agency will generally issue temporary authorities for an initial period of three months. Where the holder of a temporary authority has not made application for the respective on or off-licence, subsequent temporary authorities will only be issued for a period of one month.**

#### **Comment**

The District Licensing Agency will encourage applicants for temporary authorities to simultaneously make application for an on or off- licence in respect of the premises or conveyance to which the temporary authority will apply. Temporary authorities

should not be allowed to become a device to allow trade to continue ad infinitum in the absence of a full licence.

### **POLICY 7.3 – POLICE COMMENT REQUIRED**

**Applications for temporary authorities must be forwarded to the Police for a report prior to the application being determined. A report from the Liquor Licensing Inspector may also be required.**

#### **Comment**

While reports from the agencies are not mandatory under the Sale of Liquor Act 1989 in respect of applications for temporary authorities, the Agency may choose to request a report before making a decision on the application. In a statement from the Liquor Licensing Authority, issued on 15 May 2000, it was suggested that it would be prudent for District Licensing Agencies to refer all applications for temporary authorities to the Police for comment.

## **8.0 COMPLIANCE ISSUES**

### **POLICY 8.1 - MONITORING**

**The District Licensing Agency via its Liquor Licensing Inspector(s) and in conjunction with the Police and other agencies, will monitor the operation of all licensed premises within the district and take appropriate action when necessary.**

**Where an inspection of a licensed premises by the Police or the Liquor Licensing Inspector identifies serious breaches of the Act a prior warning shall not be required before the agencies commence enforcement action.**

#### **Comment**

Enforcement problems are brought to the District Licensing Agency's notice from a number of sources including the Police, Liquor Licensing Inspectors, other agencies, members of the public, and other licensees. The District Licensing Agency has some flexibility in the way in which enforcement problems are handled.

Where the District Licensing Agency is aware of a licensee not operating within the requirements of the Sale of Liquor Act 1989, the following enforcement actions are available to the Agency:

1. The Police and/or the Liquor Licensing Inspector(s) may be requested to monitor a particular premises and report to the District Licensing Agency;
2. The licensee may be invited to meet with representatives of the District Licensing Agency and the Police to discuss any enforcement problems or infringements of the Sale of Liquor Act 1989, and solutions or action that should be taken in order to rectify the situation;
3. The District Licensing Agency may advise the licensee in writing of its concern in relation to any enforcement problems, noting any infringements of the Act

that may have taken place, and the action that the District Licensing Agency and/or the Police require in order to remedy the situation;

4. Copies of any meeting notes or correspondence will be placed on a licensee's file and referred to in relation to subsequent applications/renewals etc.

The District Licensing Agency will, if appropriate, attempt to resolve matters at a local level and prevent the need for legal action, recognising the statutory rights of the Police, the Medical Officer of Health, the Fire Service and the Liquor Licensing Inspector(s) to initiate enforcement action in their own right.

Enforcement action, which may be taken under the Sale of Liquor Act 1989, includes:

Section 132 – Variation, suspension, or cancellation of licences other than special licences. Applied for by a member of the Police or the Liquor Licensing Inspector to the Liquor Licensing Authority.

Section 133 – Variation, suspension, or cancellation of special licences. Applied for by a member of the Police or the Liquor Licensing Inspector to the District Licensing Agency.

Section 134 – Suspension of licence for non-compliance with public health or fire precaution requirements. Applied for by a Medical Officer of Health or any member of the New Zealand Fire Service to the District Licensing Agency.

Section 135 – Suspension or cancellation of managers' certificates. Applied for by a member of the Police or the Liquor Licensing Inspector to the Liquor Licensing Authority.

It is important that the District Licensing Agency and its Liquor Licensing Inspectors meet regularly with other agencies such as the Police and Medical Officer of Health at a local level. This enables discussion on compliance matters within the district.

## **9.0 SALE OF LIQUOR IN GLASS CONTAINERS**

### **POLICY 9.1**

**All licensed premises are discouraged from selling liquor in glass containers for consumption off the premises after 10.00 pm.**

#### **Comment**

Due to the concerns raised in respect of the litter caused by discarded glass bottles in the streets, it is believed that a reduction of sales of liquor in glass bottles after 10.00 pm would reduce the volume of this litter.

Accordingly, all licensed premises in the district are requested to participate in a voluntary restriction on the sale of liquor in glass bottles after 10.00 pm.

## 10.0 HOST RESPONSIBILITY

### POLICY 10.1 – REQUIREMENT FOR HOST RESPONSIBILITY POLICY

**All holders of on-licences and club licences must have a written Host Responsibility Policy for the premises and must observe it at all times.**

**A copy of the policy must also be provided when an application is made for the renewal of an on-licence or a club licence.**

#### **Comment**

The Sale of Liquor Act 1989 places a significant emphasis on Host Responsibility.

The Act provides that the Liquor Licensing Authority and the District Licensing Agency may impose specific conditions relating to host responsibility matters, such as the provision of food, low-alcohol beverages, non-alcoholic beverages and other matters aimed at promoting the responsible consumption of liquor.

Steps must be taken to ensure that liquor is not sold or supplied to prohibited persons eg minors or intoxicated persons.

Responsibility for the operation of the premises in accordance with the Act is also placed on the licensee or manager of the premises. It is an offence to:

- Sell liquor to minors or intoxicated patrons;
- Allow people to become intoxicated on the premises;
- Allow an intoxicated person to remain on the premises;
- Allow any violent, quarrelsome or disorderly conduct to take place on licensed premises.

Applicants are interviewed in respect of their Host Responsibility policies. This is a significant factor in the ongoing monitoring of licensed premises, and reporting at the time of any applications for renewal or variation.

In conjunction with the Alcohol Advisory Council of New Zealand and the Medical Officer of Health, the District Licensing Agency has material relating to the Host Responsibility requirements, which is available to licensees or any interested member of the public.

A responsible host must avoid any promotion or activity on the premises, which may encourage alcohol abuse or irresponsible behaviour. Such activities on licensed premises will result in appropriate actions being taken by the District Licensing Agency in conjunction with other authorities.

Licensees are encouraged to provide courtesy coaches and the promotion of safe transport options for patrons.

All staff must be aware of the Host Responsibility Policy, which must be in writing. The policy should include the following:

1. The availability and promotion of substantial food, low and non alcoholic drinks;

2. Provision of assistance with information about alternative forms of transport from the licensed premises;
3. Steps taken to ensure liquor is not supplied to minors or intoxicated persons;
4. Steps taken to prevent liquor abuse;
5. The conduct and safety of patrons on the premises.

## **11.0 LIAISON WITH LICENSEES**

**The District Licensing Agency may hold and is willing to be party to liaison meetings to which all licensees are invited to discuss matters relating to the enforcement of the Sale of Liquor Act 1989.**

### **Comment**

The District Licensing Agency believes that liaison meetings with licensees, the Police and other authorities involved in the liquor licensing process to exchange information and discuss items of concern are of value.

## **12.0 PUBLIC CONSULTATION, PARTICIPATION AND LIAISON**

### **POLICY 12.1 – PUBLIC PARTICIPATION**

**The District Licensing Agency will offer opportunities for public involvement in policy and will take appropriate action to publicise its role and functions. This will include notification to community agencies as well as to regulatory agencies and licensees.**

### **Comment**

The District Licensing Agency encourages input to licensing administration from the general public.

### **POLICY 12.2 – CONTINUING EDUCATION**

**The District Licensing Agency will maintain a continuing education role with emphasis on the need for moderation in liquor consumption.**

### **Comment**

The District Licensing Agency recognises the need for greater public awareness and education in relation to liquor. There needs to be initiatives from agencies and organisations (eg District Licensing Agencies, Police, Health Promotion Authorities, ALAC, and licensee organisations such as HANZ and SCANZ) to foster ongoing education and awareness of the problems associated with liquor consumption and abuse.

Education applies to many levels in many areas, not only the important role of education of youth, but also groups such as licensees, the general public and people involved in administering the Act itself. This education should be ongoing.

The District Licensing Agency will act in a role of promoting a more responsible attitude towards the use of liquor. The following groups will be targeted:

## **YOUTH**

The District Licensing Agency, in conjunction with other organisations will support the education of youth in the Central Otago district.

## **LICENSEES AND THEIR STAFF**

The District Licensing Agency is involved in promoting awareness of licensee and staff responsibilities under the Sale of Liquor Act 1989. The policies of the District Licensing Agency in relation to applications reflect the District Licensing Agency's requirements for licensees and their staff to have appropriate levels of training.

## **THE GENERAL PUBLIC**

The District Licensing Agency will take such initiatives as deemed appropriate to make the general public more aware of their collective responsibility in relation to the Sale of Liquor Act 1989.

## **DISTRICT LICENSING AGENCIES AND OTHER AGENCIES INVOLVED IN LIQUOR LICENSING**

The District Licensing Agency recognises that in order to operate in the manner required by the Sale of Liquor Act 1989, it is essential for the Agency's staff and other organisations involved in the administration of the Act to be aware of the responsibilities and requirements of the legislation.

In order for all agencies to work together to ensure that the Sale of Liquor Act 1989 is administered properly, it is essential that the agencies communicate regularly, and are working towards the same goals (within the bounds of their own legislative requirements and purposes). For this reason the District Licensing Agency may promote and take part in seminars aimed specifically at the reporting agencies and their staff.

## **13.0 LIQUOR BANS**

### **POLICY 13.1 – LIQUOR BANS**

**The Council may use the provisions of the Local Government Act 2002 to address problems of consumption and abuse of liquor in public places.**

#### **Comment**

The Council has imposed bans during specified events, which have been supported the Police. An example is Blossom festival weekend each year. The Council's reason for these prohibitions is to prevent the abuse of liquor and threats to public safety arising from such events.

## 14.0 ALCOHOL ACCORDS

### POLICY 14.1 – SUPPORT FOR ACCORDS

**The District Licensing Agency supports the concept of Alcohol Accords as a way of addressing problems arising from the consumption of liquor and will be a willing party to any initiative to establish an Alcohol Accord.**

#### **Comment**

Alcohol accords are a concept promoted by the Alcohol Advisory Council, the Police and the Prime Minister's Crime Prevention Unit.

"An accord is a written agreement between people and/or organisations to support or work together ... to prevent the inappropriate service and consumption of alcohol in licensed premises and to lessen the harm and anti-social behavior ... that result from excessive alcohol consumption."

An accord would be a partnership between the Police, the District Licensing Agency, and the owners or proprietors of licensed premises in the accord coverage area. Other groups, such as Health Agencies, the Chamber of Commerce, retailers' associations, transport operators, security firms, and iwi and Pacific peoples' representatives may be involved.

Success of an accord relies on:

- A willingness to put resources into brokering the accord by a lead agency e.g. the Police, the District Licensing Agency, or the Hospitality Association;
- "Buy in" to the provisions of the accord by all stakeholders;
- Ongoing commitment to maintaining the accord through regular meetings.

The District Licensing Agency notes the potential for alcohol accords to successfully address problems on a co-operative and non-regulatory basis arising from consumption of liquor.