

## Liquor Licensing 46

### 46.10 GENERAL POLICY

**Source :** Council Meeting 23/3/00

#### Functions

##### Secretary

Sign licenses previously determined by the District Licensing Agency.

##### District Licensing Agency

The District Licensing Agency “must observe” any statements issued from time to time by the Liquor Licensing Authority pursuant to Section 96 of the Act.

In addition, the Liquor Licensing Authority has an expectation that the District Licensing Agency will co-ordinate the activities of the supervisory agencies eg licensing inspectors, police and health interests.

The District Licensing Agency will operate primarily in accordance with the policy adopted by the Buller District Council by:

- Determining unopposed applications for on, off and club licences, managers certificates, and renewals
- Determining temporary authority applications
- Determining variations in conditions for on, off or club

licences issued by the District Licensing Agency

- Determining applications for special licences
- Appointing licensing inspectors
- Conducting such inquiries and making such reports as may be required of it by the Licensing Authority under Section 95 of the Act
- Carrying out other such functions as may be conferred on the District Licensing Agency by or under the Act or any other enactment

##### Licensing Inspector

The Licensing Inspector shall be responsible to the District Licensing Agency for:

- Receipt of applications and check for completeness and supporting documentation
- Inspection and interview in respect of all new licence applications
- Report on all applications, including a recommendation
- Forwarding opposed applications to Liquor Licensing Authority
- Preparation of draft licences and conditions and forwarding with complete application to District Licensing Agency for determination (unopposed applications)

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- Forward notices to remind licensees of pending expiry dates. However it is the responsibility of the licensee to ensure that the renewal application is lodged on time.
- Monitoring of licensed premises, including power of entry to any licensed premises at any reasonable time to ensure compliance with the Act. This includes the ability to require to see the premises' licence or any records reasonably required to establish compliance.

### Hours of Operation

Hours of operation are set by the Liquor Licensing Authority or the District Licensing Agency after consideration of the reports received from the inspector, police and medical officer of health and any objections. Generally applications for a licence should comply with the Resource Management Act and the Buller District Plan, however sometimes additional restrictions in respect of hours of operation may be required.

Following consultation with the Police and Crown Public Health, and in recognition of existing licence hours, the following guidelines are proposed.

**On Licences** - Monday to Sunday  
7.00 am - 3.00 am the following day

**Off Licences** - Monday to Sunday  
7.00 am 11.00 pm (stand alone bottle stores)

**Club Licences** - Case by case basis

These hours are intended as a guideline only and may be modified by the District Licensing Agency, taking each individual situation into consideration.

### Reports

An amendment to the Sale of Liquor Act allows that if no report is received from the Police or Medical Officer of Health within 20 working days after sending the application to them, then they are deemed not to have any matters in opposition to the application.

In view of the possible consequences of one of these agencies failing to provide a report (through perhaps unforeseen circumstances) the licensing inspector shall inquire as to whether there are any matters in opposition.

### Temporary Authorities

A temporary authority authorises the applicant or some suitable person to carry on the sale and supply of liquor in respect of

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premises where an existing On and/or Off licence currently exists.

- The temporary authority shall be issued for a period not exceeding three months.
- A qualified manager must be identified prior to the issue of a temporary authority.
- A temporary authority may be renewed for further periods not exceeding three months once new on and/or off licence applications have been received.

### New On/Off/Club Licence applications

All opposed applications are to be forwarded to the Liquor Licensing Authority.

In respect of hotels or taverns, the whole or one or more parts of the premises must be designated as either restricted or supervised.

A qualified manager must be identified prior to the issue of a licence.

Within 10 working days of application the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates unless the Secretary (or delegated authority) of the District Licensing Agency

agrees that it is impracticable or unreasonable to do so.

A copy of the application must be forwarded to:

- a member of the Police in charge of the Police station nearest to the premises
- the licensing inspector
- and in respect of any On Licence, to the Medical Officer of Health.

The reporting criteria for the licensing inspector shall include:

- The nature of the operation
- The suitability of the applicant
- The hours of operation and the proposed activity
- Compliance with liquor policy
- Compliance with other relevant legislation
- Matters raised in objection to the application

### **Host Responsibility Plan**

- Person or types of persons to whom liquor may be sold pursuant to the licence
- Any other matters in respect of the application promoting the responsible consumption of liquor
- A recommendation as to whether or not the licence should be granted and any special conditions/circumstances.

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On Licences shall be issued on green paper.

Off Licences shall be issued on beige paper.

Club licences shall be issued on blue paper.

### Renewal of On/Off/Club Licences

All applications for renewals should be submitted no later than 20 working days prior to the expiry of the licence or by such later date as the licensing inspector may allow (but not later than the date of expiry).

Within 10 working days of application the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates unless the Secretary (or delegated authority) of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

All opposed applications are to be forwarded to the Liquor Licensing Authority.

Any evidence of non compliance with the Act in which management of the premises is a factor must be taken into consideration.

Any licensee who does not currently have a written host responsibility policy on file is to

provide such a policy as part of their renewal application.

### Special Licences

A special licence authorises the holder of the licence to sell and supply liquor on the premises or conveyance described in this licence to anyone attending any occasion or event or series of occasions or events as described in the licence.

These occasions or events can be for any lawful purpose which falls outside the regular activity of any other category of licence specified in the Sale of Liquor Act.

All applications for special licences should be submitted at least 10 working days prior to the event. Applications received later will be accepted and processed only where, in the opinion of the licensing inspector, it is practicable to do so.

All applications for special licences will be referred to the Police (and where appropriate to an officer of Crown Public Health) for comment. Public notification of a special licence may be required.

### Managers Certificates

All opposed applications are to be forwarded to the Liquor Licensing Authority.

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The District Licensing Agency shall grant applications for Managers Certificates where the licensing inspector and Police have reported on the application in accordance with specified criteria and have raised no matters in opposition and the applicant has submitted proof of having obtained any prescribed qualifications.

The licensing inspector must have regard to the following matters:

- The applicants character and reputation
- Any criminal convictions
- Experience, in particular recent experience, in the control of a licensed premise
- Training that the applicant has undertaken
- For club managers certificate, the applicants involvement in the clubs activities
- Club Managers will not have to hold the prescribed qualifications but must complete a course approved by the District Licensing Agency.

### Renewals of Managers Certificates

The District Licensing Agency shall renew managers certificates where the licensing inspector and Police have raised no matters in opposition and the applicant has submitted proof of having obtained the prescribed qualifications.

### Enforcement Procedures

The District Licensing Agency is involved in the enforcement of the Sale of Liquor Act in association with the Police and other agencies such as Crown Public Health.

Where the agencies are aware of an enforcement issue with a licensed premise the following action should take place.

- Licensee requested to meet with the inspector and Police to discuss enforcement issues or infringements and to identify solutions or actions to be taken to rectify the situation.
- The meeting is documented noting any infringements, issues raised and the actions required to remedy the situation.
- Copies of documentation of the meeting and any related correspondence relating to the meeting to be placed on licensee file for future reference.
- Ongoing monitoring of the premises will continue.
- In cases where continual enforcement problems are encountered further action will be taken under the enforcement provisions of the Sale of Liquor Act including the ability to request a variation, suspension or cancellation of a licence or

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the suspension or cancellation of a managers certificate.

In addition, the Fire Service and Medical Officer of Health may request the suspension of a licence for non compliance with fire safety or public health requirements.

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