

# Liquor Licensing Policy



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# 1. Aim of the Policy

This Policy aims to provide a framework for consistent decision-making about the sale of liquor within the Tararua District, with the intent of reducing alcohol abuse. It enables the Council to administer the Sale of Liquor Act 1989, through setting local standards to be used in conjunction with directions of the Liquor Licensing Authority (LLA).

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. This Policy is designed to assist the Council in meeting its obligations under the Act.

The Sale of Liquor Act 1989 requires the Council to be the District Licensing Agency (DLA) for Tararua. The Agency's role is to exercise its jurisdiction, powers and discretions under the Act, in the manner that is most likely to promote the object of this Act.

# 2. Background

The DLA's first Liquor Licensing Policy was produced in 1998. Since that time the Sale of Liquor Act 1989 has been amended and the DLA's increased responsibilities need to be recognised in its policy.

The LLA has expressed a clear expectation that each agency will develop its own policies and procedures to address all matters relating to licence applications. A Sale of Liquor Policy will help to ensure that:

- Transparent and consistent guidelines are provided to the DLA and Inspectors when undertaking their duties;
- Local guidelines will take into account local conditions;
- The DLA comprehensively addresses its responsibilities in relation to the object of the Act;
- Applicants will have reasonable level of certainty.

From time to time the LLA, pursuant to Section 96 of the Act, issues statements to DLAs setting out its views on the general administration of the Act or the policy to be followed in the administration of the Act. The DLA is obliged to observe any Section 96 statements when exercising its functions.

# 3. Definitions

## **Management**

Means the day to day running of a venue, location or conveyance, which may involve the licensee, general manager, managers or staff members, and may also mean in a collective sense, those persons responsible for the day to day running of a venue, location or conveyance.

## **Secretary of the District Licensing Agency**

Means the title applied to the principal administrative officer of the Council by the Sale of Liquor Act 1989.

## 4. Roles

### 4.1 District Licensing Agency

The Sale of Liquor Act 1989 provides that the Council is the DLA. This role generally includes administration, monitoring and enforcement, and a degree of decision-making. It includes:

- assessing and determining unopposed applications for liquor licences and managers' certificates;
- opposing applications where this is warranted, inspecting and monitoring licences and certificates, assessing and determining applications for special licences, temporary authorities, caterers and auctioneers licences,
- keeping records (including instances of non-compliance and complaints) and maintaining a register of applications.

Environmental Services staff carry out these functions. Reflected in the above role is the fact that the DLA is representing the community and is managing the interface between the community and activities involved in the sale and supply of liquor.

### 4.2 Liquor Licensing Authority

The LLA is a decision-making and appeal body. It is a tribunal administered by the Department of Courts consisting of a district judge and two other appointed members. The tribunal has support staff who provide advice to the DLA on request. The LLA's functions include the following:

- determining opposed applications for on, off and club licences, renewals, and managers' certificates,
- determining appeals against DLA decisions,
- determining applications from the Police or DLA for variation, suspension or cancellation for on, off and club licences and managers certificates.

Decisions of the LLA often involve the setting of precedents. The LLA also provides direction on sale and supply of liquor matters, including interpretation of the Sale of Liquor Act 1989.

### 4.3 Other agencies

The DLA administers liquor licensing in partnership with a number of other organisations. Each of these organisations has a particular focus for their input into the licensing process.

*Police* - concerned about the suitability of applicants, particularly those with criminal records, and premises with histories of anti-social behaviour.

*Medical Officer of Health (MoH)* - concerned with the wider impacts on public health associated with alcohol abuse.

*Fire Service* - assesses renewal applications for the presence of fire evacuation procedures.

### 4.4 Community

The community has specific interest in liquor licensing in respect of matters such as location, amenity or age groups. Public participation in licensing applications is important as the DLA

relies on the community to provide information and local community views on applications. This can be added to the specific information the DLA has about applications and the general information that it has on the liquor industry, infrastructure, historical patterns and precedents to allow it to make robust decisions.

## 5. Policy Principles

The following principles will be followed in the DLA's administration of liquor licensing:

**(i) Meeting the purpose of the Act**

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.

**Principle:** *All DLA actions will be consistent with the Sale of Liquor Act 1989.*

**(ii) Transparency**

It is considered important that the DLA's position on liquor licensing is clearly outlined in the policy. This will allow the public and applicants to clearly see how applications are evaluated and how, using the assessment criteria, decisions are made.

**Principle:** *All decisions will be comply with the Sale of Liquor Act 1989, this Policy and any related procedures.*

**(iii) Community involvement**

The policy describes what opportunities are available for public participation in the DLA's decision-making process. This is mainly through the public notification/objection process.

**Principle:** *The DLA will endeavour to address community concerns and issues where this is consistent with the purpose of the legislation.*

**(iv) Fairness**

**Principle:** *The DLA will promote a balance between the expectations of the wider community and owners, management and users of licensed premises.*

**(v) Conflict resolution**

The sale of liquor is clearly an issue for potential conflict. Parties to this potential conflict include commercial operators, local residents, customers and patrons and social services. All parties have both rights and obligations.

**Principle:** *The DLA will make all reasonable attempts to resolve issues or points of conflict before recourse to legal measures.*

## 6. Application of Policy

### 6:1 Assessing applications for licences

New and renewal applications for liquor licences are processed by the DLA. The DLA undertakes an assessment and seeks comments from the community through public submissions and from the Police, MoH and Fire Service.

The assessment is presented in the form of an inspector's report. It looks at the overall suitability of all elements of the proposed activity in relation to its impacts on the community through the sale and supply of liquor. The assessment considers any public comment received as a result of the public notification. If, as a result of the assessment, issues are identified that need to be addressed, the DLA will attempt to resolve them through discussions with the applicant. If issues cannot be resolved the application will be opposed.

If the application is unopposed, the DLA will approve it with such conditions as are appropriate. Where an application is opposed, the DLA's assessment in the form of an inspector's report and any attendant files, will be forwarded to the LLA for determination.

Criteria for assessing applications (on, off and club licences):

The Act sets out the criteria the DLA must have regard to:

- the suitability of the applicant,
- the days on which and the hours during which the applicant proposes to sell liquor,
- the areas of the premises or conveyance, if any, that the applicant proposes should be designated as restricted or supervised areas,
- the steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed,
- whether the applicant is engaged, or proposes to engage in-
  - (i) the sale or supply of any other goods besides liquor and food, or
  - (ii) the provision of any services other than those directly related to the sale and supply of liquor and food and if so, the nature of those goods and services,
- any matters dealt with in any report made by the Inspector, Police or MoH,

*(On licences only)*

- the applicants proposals relating to-
  - (i) the sale and supply of non-alcoholic refreshments and food, and
  - (ii) the sale and supply of low-alcoholic beverages, and
  - (iii) the provision of assistance with or information about alternative forms of transport from the licensed premises,

*(Club licences only)*

- The days on which and the hours during which the premises are used for the club's activities,
- The proportion of membership of the club who are prohibited persons.

### **Complete applications**

All applications must be complete before they will be accepted. That is, they must be accompanied by all relevant information, including showing that the activity:

- meets the requirements of the Resource Management Act 1991 and Tararua District Plan, including having all necessary resource consents,
- have all other necessary permissions.

### **Off licences**

The Sale of Liquor Act 1989 allows supermarkets and grocery stores to sell wine and beer. Host responsibility is still relevant to off licence premises but will focus more on the sale of alcohol, such as to minors or intoxicated persons, than to the behaviour of consumers on the

premises. Where on and off licence type activities are combined, two separate licence applications are required.

### **Club licences**

There is a great diversity of club activities and locations. Each application is assessed on its merits with an emphasis on how the sale and consumption of alcohol relates to the club's activities. The sale of liquor must remain ancillary to the club's activities. Where this is not the case, the DLA may recommend an on licence application be made. Some clubs hire their premises for other activities such as weddings. These activities should be covered by special licences.

### **6.1.1 Renewals and variations**

New licences must be renewed after the first year and then every three years thereafter. Licence holders may seek variations to licence conditions at any time. When processing renewals and variations, the DLA will look at how the operation deals with on and off site problems, whether the licence conditions have been met and the general approach to achieving the purpose of the Sale of Liquor Act 1989. The past performance of the management of premises will be a critical part of the assessment. The renewal applications are publicly notified and the DLA can take any public comment into account. While the DLA will send reminder notices to all licensees, it is the responsibility of licensees to ensure that renewal applications are lodged within the required timeframe.

### **Assessment criteria for renewal applications and any variations sought (for on, off or club licences):**

The Act sets out the criteria the DLA must have regard to:

- The suitability of the licensee,
- The conditions attached to the licence,
- The manner in which the licensee has conducted the sale and supply of liquor pursuant to the licence,
- Any matters dealt with in any reports from the Inspector, Police or MoH.

### **Variations to licence conditions**

Variations to licence conditions, particularly in relation to hours of operation, will be examined closely by the DLA. Much will depend on the past performance of the management of a premise. Variations are not as of right.

### **6.1.2 Use of information**

The DLA will use any information that it has available where this has the potential to assist it to make robust decisions. In assessing applications the DLA will use all appropriate information sources including:

- substantiated public complaints relating to the premises (either directly or indirectly),
- information obtained from the Police, MoH, Fire Service or other organisations deemed appropriate,
- monitoring carried out by the Council,
- any other information that is deemed relevant to the application.

## **6.2 Hours of operation**

Hours of operation may be prescribed, after consideration of the reports from the Inspector, Police and MoH and submissions of any objectors and the Council through the Resource Management Act (RMA) process. Because the RMA deals with the broader issue of land

use, rather than specific issues such as an applicant's suitability, there may be reasons why the hours prescribed through each process differ. The licensee will be required to comply with the lesser hours prescribed.

Although the Act sets no guidelines as to the hours of operation of licensed premises, the LLA has established some general principles for taverns and pubs:

*"Overall we continue to accept 7.00 am to 3.00 am hours as suitable for the whole country with twenty-four hour licences being the exceptional cases and 1. 00 am closing or earlier for taverns with residential properties nearby."*

In respect to other forms of licensed premises, the LLA has taken the view that the licensees may obtain whatever hours are appropriate, provided they can be justified.

It may be argued that problems of alcohol abuse relate more to the management of the premises where consumption is taking place than to the hours of operation. However, the adverse impacts on people's quality of life from activities, such as unruly behaviour and noise, become comparatively much greater in the late evenings and early mornings. Enforcement becomes more difficult and problematic during these hours.

For these reasons, the DLA views the limits specified in the following sections as maximums, unless circumstances exist where it can be shown that:

- there are specific, justifiable reasons for extensions to the hours of operation,
- that an exemplary management regime is operating, and
- that any adverse impacts on community amenity and safety are prevented from occurring or are satisfactorily managed.

### **6.2.1 On licence**

On licences are held for a wide variety of venues, from taverns and pubs through to cafes and restaurants, all with different trading patterns. Although the Act has no guidelines for hours of operations of licensed premises, it is accepted practise that on licences hours are generally 7.00 am to 3.00 am daily, with 1.00 am or earlier closing for taverns with residential property nearby.

For hotels and taverns, Good Friday, Easter Sunday and Christmas Day are limited to diners and lodgers only. No casual drinking can occur at anytime on these days, that is, it must finish at midnight of the day before. Prior to 1.00 pm on ANZAC Day, only diners and lodgers may be served alcohol.

### **6.2.2 Off licences**

As well as bottle stores, many hotels and taverns and some clubs hold off licences. The hours of operation for these latter venues are the same as provided for in their on licences, if the alcohol is sold over the bar. Sales from other outlets are generally required to cease at 11.00 pm.

The trading hours represent a precautionary approach that is supported by precedent. While there is some evidence to suggest that off licenses do contribute to alcohol abuse, it is recognised that this is not clear-cut. The DLA will not amend these hours until it is satisfied that to do so will not add to the abuse of alcohol.

### **6.2.3 Club licences**

The hours of operation of a club premises must be in relation to the nature of the club's activities and the sale of liquor must remain ancillary to the club's activities. The DLA will require the club to substantiate the number of hours requested.

Hours of operation for clubs in residential areas will be more limited than those in non-residential areas. Only in exceptional circumstances will the hours of operation be allowed to exceed the general limits identified in this policy.

### **6.2.4 Extensions to hours**

To protect the amenity of residential areas and to promote district safety, the DLA must look carefully at applications that wish to extend the hours of operations for venues or activities. Consideration of applications for extensions beyond 3.00 am will only be considered in exceptional circumstances and when supported by the Police.

Extensions to hours of operation past those described in sections 6.2.1 and 6.2.3 will only be supported where:

- the operation has been, and continues to be, conducted in full compliance with the licence conditions and the Sale of Liquor Act 1989 and relevant aspects of this Policy,
- there has been no substantiated noise complaints received by the Council that have not been resolved,
- any adverse impacts on other activities (including residential uses) are mitigated because of location or technical solutions,
- no substantiated objections are received, at the time of application, to the licence or to any variation,
- the management has proven to be exemplary, including responding to any DLA's requests and concerns promptly, and
- the management of the premises has, as far as is practical, proved to be fully responsible for the behaviour of patrons arriving and leaving the premises.

A premise that wishes to operate on a late night basis needs to satisfy the DLA that it has the appropriate management measures in place to avoid problems with intoxication and unruly behaviour. This includes the responsibility for behaviour of patrons arriving and leaving the premises. Specific licence conditions may be imposed on operators that gain extended hours of operation.

## **6.3 Temporary authorities**

Temporary authorities are granted to allow a person to use a licence that is attached to a premise. These are generally needed when an establishment changes hands. They are issued for three months and can only be issued if there is a current licence for the premises. A temporary authority will be granted subject to the following conditions:

- that the applicant operates in accordance with the conditions of the underlying licence,
- that an appropriate licence application be made within 15 working days of having the temporary authority granted, and
- that the applicant is a suitable person to hold a licence.

Before a second temporary authority can be applied for, a completed licence application must be at the stage of awaiting a decision from the DLA or, if opposed, from the Liquor Licensing Authority. The time limit of 15 days is designed to encourage operators to make the application for the substantive licence. The experience of the DLA is that without such

an incentive being in place applications are not promptly made. The options are then to continue to issue temporary authorities (which are unsatisfactory where substantive licences should be in place) or to refuse to issue a licence, at which point the business would not be able to trade.

## **6.4 Special licences**

Special licences are used to authorise the sale and supply of liquor for events or social gatherings where an on, *off* or club licence is not appropriate. Where an event or social gathering occurs in a licensed premise, but outside the hours of operation, a special licence will be required.

The activity for which a special licence is being sought must be outside the regular activities of an on, *off* or club licensed premises and not of a regular nature where an on, *off* or club licence should be in force. Where a series of events or social gatherings is being considered there must be a specific start and end point.

The hours for any special licence will have to be justified in terms of the activities and the times at which they occur.

A special licence will not be issued where the extent or regularity of the activity is such that the Sale of Liquor Act intends an on, *off* or club licence should exist. In relation to extensions for hours of operation, special licences may be issued for trial purposes but not past the point where a variation to licence conditions or licence renewal application should be made.

Applications for special licences from clubs may be considered for a series of occasions or events when circumstances justify such applications. In these circumstances, the DLA will not authorise more than 20 occasions or events on each licence, but will not limit the number of special licences sought annually.

### **Criteria for assessing special licence applications**

In considering any application for a special licence, the DLA will have regard to the following matters:

- the nature of the particular occasion or event or series of events or social gatherings,
- the suitability of the applicant,
- the days on which, and the hours during which, the applicant proposes to sell liquor,
- the areas of the premises or conveyance, if any, that the applicant proposes should be designated as restricted areas or supervised,
- the steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed,
- the applicant's proposals relating to Host Responsibility and
- matters raised in reports from the Inspector and the Police.

### **Time needed for processing a special licence:**

The DLA will refer all applications to the Police and the Licensing Inspector for reports as required by the Act. In normal circumstances 10 working days are needed for reporting and approval of the application.

Where an applicant does not allow for the 10 working days the DLA will not generally be able to issue a special licence. Urgent processing of applications that do not allow adequate processing time may be possible if the applicant can justify in writing to the

Secretary of the DLA that there are mitigating circumstances why the application should be considered. The Police and the Licensing Inspector must also be able to properly investigate and report on the application.

If there is opposition from the Police or Licensing Inspector to an application, a pre-hearing meeting with all interested parties will be held to try to resolve differences. If no satisfactory agreement has been reached, a hearing of the DLA will take place. The Act requires 20 working days for notification and hearing. If applications do not allow enough time for notification and possibly a hearing, the application will not be able to be processed in time.

#### **Notification of special licences**

The DLA has the ability to require public notification of special licences if there is a particularly significant public issue that needs to be considered. In general, special licences are not publicly notified because they usually relate to one off events of short duration or are community or social gatherings, such as weddings or fairs. The DLA is mindful of the impacts that such events can have and conditions are imposed to control them.

If there is not enough time to undertake the public notification and to hold a hearing, if necessary, then the application will not be able to be processed in time.

### **6.5 Enforcement**

The DLA inspector, Police and Public Health officials do carry out random inspections of licensed premises for compliance with the licence conditions and the requirements of the Sale of Liquor Act. Often these organisations will work together where an enforcement action is seen to be necessary.

Where licence conditions are breached or on-going non-compliance with liquor legislation is identified and not addressed, the DLA inspector may seek licence variation, suspension or cancellation of the licence. Where problems with a premise's hours of operation are identified, action may be taken by the DLA inspector to reduce the hours of operation.

All instances of non-compliance will be recorded for reference purposes and will be used in the assessment of renewal or variation applications. The DLA will address its enforcement responsibilities by:

- inspecting all licensed premises routinely while the premises are open for trading,
- inspecting taverns and hotels at night, during the busiest hours of operation, as well as near the end of the hours of operation,
- targeting inspection efforts to premises where non-compliance with licence conditions or with the Sale of Liquor Act 1989 is observed,
- targeting inspection efforts to premises which generate public complaints or police intervention,
- randomly inspecting special licences,
- routinely monitoring temporary authorities.

### **6.6 Management**

The DLA believes that the people with the greatest influence on preventing alcohol abuse are those directly involved with the sale and supply of alcohol. Management training and host responsibility are therefore crucial elements for the control of alcohol abuse. In particular, managers with a good understanding of the Sale of Liquor Act are more likely to be responsible and operate in accordance with the Act. Police advice will be an important aspect of assessing applications.

### **6.6.1 Managers' certificates**

New and renewal unopposed applications for managers' certificates are processed and approved by the DLA. The LLA determines opposed applications. There are two types of managers' certificates, general or club.

The criteria for assessing new applications for general managers' certificates are:

- the applicant's character and reputation,
- any convictions recorded against the applicant,
- relevant experience, in particular recent experience,
- training, in particular recent training and any relevant qualifications, and
- any matters raised in the Inspector or Police reports.

For club managers' certificates, consideration will also be given to the extent of the applicant's involvement in the club's activities. For larger clubs a general managers' certificate may be more appropriate.

With renewal applications, consideration will also be given to the manager's performance during the term of the certificate.

### **Interviews and tests for managers' certificates**

The DLA will conduct interviews and tests with applicants for managers' certificates. This is to assist the DLA in establishing the suitability of the applicant.

Appointments will be made for applicants to attend interviews. If an applicant fails to attend three appointments for an interview, without providing the DLA with a sound reason for non-attendance, the applicant may be deemed unsuitable and the application will therefore be opposed.

An applicant will be given the opportunity to sit the managers' certificate test a maximum of three times.

### **6.6.2 Training**

Applicants for managers' certificates and liquor licences must have successfully completed a training course within the last 24 months.

The training courses and training providers are those deemed suitable by the DLA or that may be listed from time to time in the Sale of Liquor Regulations.

### **6.6.3 Preventing the promotion of excessive drinking**

The DLA will work with the management of venues to implement the national protocols on prevention of excessive drinking. This will be with the assistance of the organisations that were party to the development of the protocols.

## **6.7 Public participation**

All new and renewal applications for on, off and club licences, and any application for variations to licence conditions, are publicly notified and the community has the ability to comment or object.

The criteria for assessing applications guide the DLA in making its decisions about approving or opposing applications. Any submissions received will be included in this decision-making process.

Where community complaints about a venue or activity involving alcohol have been received by the DLA these will also be considered in the assessment of applications.

## **6.8 Promotion and education**

The DLA will work in partnership with other organisations, such as the LLA, Hospitality Association of New Zealand (HANZ), MoH, Police and Alcohol Advisory Council of New Zealand (ALAC), to educate the community about alcohol abuse and its consequences. A major part of this will be to encourage venue owners and managers to promote responsible behaviour to patrons and consumers.

In particular the DLA, as part of the licensing and inspection of premises, will promote the principles of "Host Responsibility" and will require a Host Responsibility programme to be in place.

The basic elements of a Host Responsibility programme are:

- (i) serving alcohol responsibly,
- (ii) providing and actively promoting low and non-alcoholic alternatives,
- (iii) providing and actively promoting appropriate food,
- (iv) identifying and responsibly dealing with underage and intoxicated people,
- (v) arranging safe transport options,
- (vi) ensuring that management and staff are trained in Host Responsibility practices and continue to update their skills,
- (vii) having an in-house policy on Host Responsibility and adhering to it.

## **7. Process of Objection Introduction**

The following provides a basic overview of what objectors need to know prior to filing objections against liquor licences. It contains information that will assist potential objectors in filing objections and having them heard by the LLA.

### **The role of District Licensing Agency**

All liquor licence applications are filed with the local authority nearest to the site of a proposed licensed premise. In this case the Tararua District Council administers all licensed premises within its boundaries. The Sale of Liquor Act 1989 gives the Council the power to act as the DLA.

The DLA accepts and processes all liquor licence applications. Where there are no objections, the DLA approves licence and certificate applications. Where there are objections to applications for new, or renewals of on, off and club licences, and managers' certificates, these are forwarded to the LLA for determination. The DLA determines applications for special licences and temporary authorities. Both the LLA and DLA hold public hearings should objections be filed against particular applications.

### **The application process**

Once liquor licence applications are filed with the DLA copies are sent to the Police and Licensing Inspector. Applications for on or club licences are also sent to the Public Health Unit. All investigate and report back to the District Licensing Agency.

Within 20 working days after filing an application for an on, off or club licence, the applicant is required to give public notice of the application in a form set out in the Sale of Liquor Regulations. The notice must be published twice in a newspaper or newspapers circulating in the district of the proposed licensed premises and nominated by the Secretary of the DLA.

There must not be less than five days and not more than ten days between the two dates of publication. Objections must be filed within ten working days after the first date of publication of the notices.

Where objections are raised by the above agencies or by the public, the DLA sends all documents and any public objections to the LLA. The Authority will then decide whether or not the matter will be determined at a public hearing or on the papers.

### **Who may object**

Any person who has a greater interest in the application than the public generally may object to the grant of a liquor licence.

### **Status of objectors: What is a greater interest?**

A person with a greater interest could be likened to a resident living in the same street as the proposed premises. A member of the public residing ten kilometres away and who is concerned about the effects of alcohol on the community could be considered as not having a greater interest in the application.

The LLA may give less weight to objections from persons who will not be directly affected by the proposed licensed premises.

### **Grounds for objection**

The grounds for objection are set out in the Sale of Liquor Act. They are:

#### **For on and off licences**

- a) suitability of the applicant
- b) days and hours liquor will be sold
- c) designation of the whole or part of proposed premises as a restricted or supervised area
- d) steps taken to ensure prohibited persons are not served
- e) supply of food and non alcoholic refreshments (does not apply to off licences)
- f) whether the applicant intends the sale or supply of any other goods besides liquor and food, or any services other than those directly related to the sale or supply of liquor and food.

#### **For club licences**

- a) suitability of the applicant
- b) days and hours liquor will be sold
- c) days and hours club premises will be used for club activities
- d) designation of the whole or part of proposed premises as a restricted or supervised area
- e) proportion of club membership who are prohibited persons
- f) steps taken to ensure prohibited persons are not served
- g) supply of food and non alcoholic refreshments.

## Making an objection

To make an objection simply write a letter stating you wish to object and why. You must address the criteria set out above and the objection must be filed with the DLA within 10 working days of the first public notice appearing in the newspaper.

Upon receipt of an objection, the DLA will send an acknowledgement letter. The complete application will then be sent to the LLA who will check the validity of the objection. A time will be set for a hearing and objectors will be asked whether they wish to speak at the hearing.

## Liquor Licensing Authority hearing procedure

The LLA is a Tribunal administered by the Department for Courts. A District Court Judge and two appointed members make up the Authority.

On the day of the hearing all parties wishing to be heard, including objectors, must complete a registration form and give it to the Court Registrar before the hearing commences.

The Judge will explain the order of proceedings on the day of the hearing. In most cases the applicant will speak first, giving evidence and calling witnesses in support of the application. Objectors then have a chance to speak to their objections. The Police and DLA Inspector will follow either presenting evidence or making submissions. The Authority will give all parties a chance to ask witnesses questions. All witnesses are sworn in before giving evidence.

The LLA is less formal than a District Court but normal court procedures are observed.

## The Resource Management Act and District Plan

The district plan came into force in 1998 and was prepared under the Resource Management Act 1991. The philosophy of this Act differs considerably from the former Town and Country Planning Act and new approaches were required. One major difference was the requirement for councils to control the effects of activities or development rather than controlling the type of activity.

Before a liquor licence application can be made each applicant must satisfy the requirements of the district plan to ensure the type of licensed premises proposed can be established on a site. Sometimes a resource consent application will be needed.

## Summary

It is easy to make an objection to a liquor licence application. Write a letter to the Secretary of the Tararua DIA and include the grounds for the objection. Give full details. Ensure the objection is filed within 10 working days of the first public notice appearing in the newspaper. The LLA will eventually notify you of a date of hearing and will discuss with you whether you wish to appear and speak to your objection.

Most importantly, remember district plan issues such as parking, noise, and the proposed site of the premises are not grounds for objection.