

## Guidance notes

Please read these pages before completing the form

This page answers frequently-asked questions about objections to applications for liquor licences.

If you have any further questions, please contact a Licensing Inspector on 06 374 4080.

## Objections to applications

Section 102 of the Sale and Supply of Alcohol Act 2012 (“the Act”) gives clear guidance on the rules for objections. A person may object to the grant of a licence only if he or she has a greater interest in the application for it than the public generally. You would be considered to have a greater interest if you live close to the proposed premises, operate a business or organisation close to the premises, or have some other close connection with the proposed premises.

### 102 Objections to applications

- (1) A person may object to the grant of a licence only if he or she has a greater interest in the application for it than the public generally.
- (2) An objection must be in writing and filed with the licensing committee within 15 working days after the first publication of the public notice of the making of the application.
- (3) No objection may be made in relation to a matter other than a matter specified in section 105.
- (4) This subsection applies to an application—
  - (a) for a licence for premises that is of the same kind as the licence currently in force for those premises; and
  - (b) in which the conditions sought are the same as apply to that licence.
- (4A) In the case of an application to which subsection (4) applies, the ground for an objection may not relate to any matter other than the suitability of the applicant.
- (5) The secretary of the licensing committee concerned must give a copy of every objection to the applicant.

## What does section 102 (4) mean?

If a current licensee sells the business and there is a current licence in force and the new owner is looking to carry on with the same licence type – e.g. a tavern is sold and the new owner wishes to keep on trading as a tavern – then subsection 4 applies.

## Where can I find the public notice?

Public notices for licence applications can be found in the public notice pages of the Bush Telegraph. A notice is also displayed at the premise or site concerned.

## On what grounds can an objection be made?

New Alcohol Licence Application

### 105 Criteria for issue of licences

- (1) In deciding whether to issue a licence, the licensing authority or committee concerned must have regard to the following matters
  - (a) the object of this Act;
  - (b) the suitability of the applicant;
  - (c) any relevant local alcohol policy;
  - (d) the days on which and the hours during which the applicant proposes to sell alcohol;
  - (e) the design and layout of any proposed premises;
  - (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods;
  - (g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services;

- (h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;
  - (i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
    - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
    - (ii) it is nevertheless desirable not to issue any further licences;
  - (j) whether the applicant has appropriate systems, staff, and training to comply with the law;
  - (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.
- (2) The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

For renewal applications, there is separate criteria under Section 131:

### 131 Criteria for renewal

- (1) In deciding whether to renew a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:
  - (a) the matters set out in paragraphs (a) to (g), (j), and (k) of section 105(1):
  - (b) whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:
  - (c) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made by virtue of section 129:
  - (d) the manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.
- (2) The authority or committee must not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.

## What is the object of the Sale and Supply of Alcohol Act 2012?

The object of the Act is that "the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised."

## What is meant by the amenity and good order of the locality?

When considering the impact of a licence application on the amenity and good order of the locality, the committee will have regard to current and possible future noise levels, nuisance and vandalism, and the number of premises for which licences of the same kind are already held. For new applications the committee will also consider the compatibility of the purposes for which land near the premises concerned is used, and the purposes for which those premises will be used if the licence is issued.

## Is commercial competition a valid grounds for objection?

No, the committee must not take into account any prejudicial effect that the issue of the licence may have on any other licensed business.

## Are anonymous objections accepted?

No, we need to identify the person objecting so we can establish whether they have a greater interest than the public generally and therefore whether it is a valid objection. Anonymous objections cannot be accepted as valid.

## Is my objection confidential?

No, a copy of your objection has to be provided to the applicant, so your identity and the details of your objection are not confidential.

## What happens if I make an objection?

A copy of any objections received are given to the applicant, and the Licensing Inspector may discuss them with the applicant. Sometimes the applicant will offer to make changes to appease the objectors, such as reducing hours or changing aspects of the business. If this occurs, objectors will be contacted to see if they agree to the changes and wish to withdraw their objection, or if they continue to object. If no agreement is reached and the application continues to be objected, it will go to a public hearing.

The District Licensing Committee of three members will hear the matter. The objectors and the applicants will be invited to attend and state their case, and the Committee will then deliberate and decide whether to grant or decline the application, or what conditions should be imposed on the licence.

# Objection to an application for an alcohol licence

## Please read this first

This form is for objecting to an application for a new alcohol licence, or the renewal of an existing alcohol licence, or the variation of the conditions of an existing licence. This covers on-licences, off-licences, club licences, and in some circumstances special licences.

Please read the guidance notes accompanying this form to ensure your objection is valid and contains sufficient detail.

As the form will be scanned by electronic equipment, it is important that you:

- use a blue or black pen to mark your answers; and
- print clearly.

## Your contact details (Please print in CAPITALS)

Title:  Mr  Mrs  Miss  Ms

First names

Surname

Postal address

Town

Postcode

Home phone number

Work phone number

Mobile phone number

Email

If you are submitting on behalf of an organisation, please indicate your position and the organisation:

Organisation

Position

## Your objection

Would you like to present your objection in person at a hearing?  Yes  No

How do you have a greater interest than the public generally?

Live close to the premises  Operate organisation or business close to the premises

Other

## Office use only

Record number       Date received   /   /



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## Decision of the District Licensing Committee

The decision you would like the District Licensing Committee to make is:

- Refuse the application       Grant the application with the following conditions (*please suggest any conditions below*)

Please detail any conditions you would like to see imposed on the licence if it were to be granted, e.g. days and hours etc.


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## Signature

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Signature of objector

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Date