

# STRATFORD DISTRICT COUNCIL

<b>SECTION:</b> REGULATORY	
<b>POLICY: <u>LIQUOR LICENSING</u></b>	
<b>RESPONSIBILITY:</b> Planning & Regulatory Manager	<b>REVIEW DATE:</b> February 2008
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The intent of the Sale of Liquor Act 1989 is to make licences, certificates, etc. “easy to get and easy to lose” as the Liquor Licensing Authority succinctly puts it. Alcohol is more readily available, but there is to be greater accountability for those supplying liquor.

The purpose of that accountability is to minimise the cost to the wider community of the abuse of alcohol as well as the negative health effects of what is described as being the most harmful of available drugs in terms of that cost.

Within the Sale of Liquor Act 1989, various matters are left to the discretion of the District Licensing Agencies either for their subsequent recommendation to the Liquor Licensing Authority or for the direct decision of the District Licensing Agencies. Such matters are therefore left to the collective personal opinions of the individuals either reporting to or making up those Agencies.

In order to help ensure that those opinions remain within the framework of the legislation and to ensure that at least the mechanisms for accountability for those decisions are in place, it is important that there is a clear policy statement relating to the implementation of the Sale of Liquor Act 1989 within the District. It is important that the Licensing Policy is a framework on which to place recommendations and decisions, ensuring that they reflect the local community as a whole.

To that end, the guiding intent of the Licensing Policy is:

1. To promote awareness and accountability regarding host responsibility and the requirements of the Sale of Liquor Act 1989 concerning all those individuals in the supply of liquor.
2. To contribute to the reduction of alcohol abuse as much as is practicably possible.

## **LEGISLATIVE FRAMEWORK FOR LICENSING POLICY**

### **On/Off/Club/Temporary Licences**

With regard to Temporary Authorities, an order for such is made by the District Licensing Agency pending completion of the processing of the full licence renewal. The Temporary Authority allows the applicant to operate whilst the renewal process runs its course.

The role of the District Licensing Agency regarding On, Off and Club Licence applications is to make appropriate recommendations to the Liquor Licensing Authority. Exceptions are unopposed renewal applications for which the District Licensing Agency may issue the renewed licence.

The purpose of the Licensing Policy, relating to these licences, is to clearly outline the areas of concern for reporting to the Liquor Licensing Authority. The summaries of these concerns are given as criteria for the licences under the Sale of Liquor Act 1989.

It is important to note that these criteria are not legally enforceable in their own right. The reported matters are drawn together by the Liquor Licensing Authority to give a full picture of the particular application. It is on the basis of this full picture that a decision is made - not on the basis of any single matter raised by a Licensing Inspector et al. It may happen that such a matter is translated into a condition of the licence but that again is for the decision of the Liquor Licensing Authority on the recommendation of the District Licensing Agency.

The Policy gives the current practice of the Agency and/or the expectations of the Liquor Licensing Authority in written form.

### **Special Licences**

Whilst other Licences are subject to the decision of the Liquor Licensing Authority, for Special Licences it is the District Licensing Agency which makes the decision (S80). For this reason, and because of the wider cross-section of the community which is likely to be directly involved with Special Licences, it is important that there is consistency in the decisions of the Agency and in the procedure by which those decisions are reached.

Special Licences may include a series of events “booked” in advance. In the Stratford District however, this has only applied to one otherwise unlicensed club and therefore a district policy on the matter may not be warranted.

There is, however, the need for accountability of service in providing liquor and hence the need for a Manager who is appointed in accordance with Part VI, Sale of Liquor Act 1989, where a Special Licence is intended to cover a series of events.

S75 allows clubs to hold a Special Licence. Once again, for accountability, a Manager in terms of Part VI, Sale of Liquor Act 1989, is required for unincorporated clubs.

The Policy is, in written form, the current practice of the Agency.

### **Manager’s Certificates**

The role of the District Licensing Agency regarding Certificates is to make appropriate recommendations to the Liquor Licensing Authority. The exception is for renewals only, where there have been no objections raised or where the District Licensing Agency has no concerns, in which case the Agency issues the renewed Certificate.

Relevant qualifications and training form part of the criteria for new Certificates (S121), but not for renewals (S126). It is important that there is a consistent approach with regard to the recommendations between District Licensing Agencies and that that approach is in line with Liquor Licensing Authority expectations.

In determining the manner in which the sale and supply of liquor has been managed (S126 (c)) it is reasonable that the applicant can demonstrate a basic knowledge of the Sale of Liquor Act 1989 and host responsibility issues, showing how these are related to the ongoing management of the Licence.

With regard to the lack of on-duty provisions for Club Managers (S115 (1)), the intent of the legislation is to ensure the responsible supervision of the supply of alcohol. For smaller clubs, this may simply mean the Manager being “on-call”, whereas for large organisations, or where there is a high level of patronage, high proportion of minors who are club members, etc, a Manager should be on duty. Hence the need, in some instances, for clubs to appoint more than one Manager (S71).

The comments made previously concerning the process of decision making and the limitations of the District Licensing Inspector’s et al role applies equally to Manager’s Certificates.

## **HOST RESPONSIBILITIES**

The purpose of the Host Responsibility initiative by the Alcohol Advisory Council (ALAC) is to promote and encourage the responsible sale and supply of liquor in all situations.

Although the five stated elements of Host Responsibility are not specifically stated as such within the Sale of Liquor Act 1989, they do clearly underpin the application of the Act.

This section is not intended to be a policy directive. It is intended to clearly signal a working partnership between those agencies involved in licensing the sale and supply of liquor and the licensees of the Stratford District Licensing Agency area.

### **1. POLICY STATEMENT - ON/OFF/CLUB LICENCES - PARTS I - III SALE OF LIQUOR ACT 1989**

#### **1.1 General**

On, Off and Club Licences allow the licensee to sell or supply liquor for consumption either on the premises, off the premises or to club members and their guests respectively.

#### **1.2 Inspections**

Inspections shall be made prior to each Report.

Sufficient inspections shall be made each year to ensure compliance with the Sale of Liquor Act 1989. All inspections should be made during the hours of operation, as much as is practicable.

#### **1.3 Suitability of Applicant**

Subject to Police Report and taking into account previous experience. Managers Certificate (Applications), previous Licence holding record and compliance with other legislation.

#### **1.4 Days/Hours**

Each application should be considered on its own merits with due regard to neighbouring uses.

In any event, the maximum hours of recommendations to the Liquor Licensing Authority shall not exceed 7.00 am to 3.00 am.

#### **1.5 Prevention of Prohibited Persons**

Appropriate signage relating to prohibited persons, being underage and intoxicated persons shall be required.

The Licensee must demonstrate staff training and the mechanisms in place to ensure that prohibited persons are not served.

Clubs are to provide membership cards and/or a visitors book with entry procedures to the Club being clearly signed, or to put in place such other means as appropriate in order to ensure that only those persons permitted under the Sale of Liquor Act are sold or supplied with alcohol.

1.6 **Supply of Non-Alcoholic Beverage and Food**

Food, in the nature of pies, pizzas, savouries and sandwiches shall be available for patron consumption at all times.

Confectionary, including salted potato chips or nuts, is discouraged.

1.7 **Notification of Renewals**

Any person, or body, having lodged a written complaint concerning a licensed premises during its operation, should be directly notified of the Renewal Application.

1.8 **Approved Newspapers**

The Stratford Press and Daily News are approved for the purposes of public notification.

2. **POLICY STATEMENT - TEMPORARY AUTHORITIES - SECTIONS 24 - 47 SALE OF LIQUOR ACT 1989**

2.1 **General**

An order for a Temporary Authority is generally made to allow the applicant for an On or Off Licence to operate their business whilst that application is being processed. It can only be issued where a liquor licence is already in place, ie. at time of renewal or transfer of ownership, etc.

2.2 **Reporting**

All applications for Temporary Authority shall be subject to Police and Inspector Reports.

2.3 **Duration**

Orders for Temporary Authorities shall be made for three months.

2.4 **Subsequent Authorities**

No further Temporary Authority Application shall be considered unless the application has been lodged prior to the expiry date of the initial Temporary Authority.

Where no adverse complaint has been received, subsequent applications shall require neither Police nor Inspector Reports.

Subsequent applications shall only be subject to prescribed fees where the applicant has failed to supply all necessary information regarding the On/Off Licence Application.

3. **POLICY STATEMENT - SPECIAL LICENCES - SECTIONS 73-84 SALE OF LIQUOR ACT 1989**

3.1 **General**

A Special Licence allows the holder, whether or not they already have a liquor licence, to sell or supply liquor for consumption on site during a one-off special event.

### 3.2 **Filing of Applications**

Applications should be filed at least 10 working days in advance of the date, except where the Application requires Public Notification, in which case it should be filed at least 40 working days in advance of the date.

### 3.3 **Notification**

All applications shall be notified to the Police and to the Inspector for Reports.

Public Notification shall be required where there has been a history of written complaint(s) concerning the licensee premises or event, or where the bar attendance is likely to be over 2,000 people.

Public notice shall be given within 20 working days of the application. Objections shall be made and filed with the District Licensing Agency within 10 working days of the date of notice.

### 3.4 **Duration**

All Special Licences shall be issued for a duration not exceeding twelve months.

### 3.5 **Suitability of Applicant**

Subject to the Police Report and taking previous experience into account.

### 3.6 **Managers**

Applicants may be exempted from the requirement for a Certificated Manager, as defined by the Sale of Liquor Act 1989, but must nominate a Manager and provide sufficient information as to their suitability. Information relating to previous experience concerning the selling of liquor shall be sufficient.

This exemption does not apply to either multiple event applications or those relating to unincorporated clubs. In either case a Certificated Manager will be required.

### 3.7 **Days/Hours**

As a general guideline the maximum available hours for Special Licences shall be from 9.00 am to 3.00 am.

Each application shall be assessed regarding its likely impact on neighbouring land use with limits set accordingly.

### 3.8 **Designated Areas**

Not normally required except where special circumstances relating to the need for accessibility by minors may require a review of designation.

### 3.9 **Prevention of Sale to Prohibited Persons**

All private social gatherings under the Sale of Liquor Act 1989 S78 (3) shall be restricted to those persons holding or promoting the event and their specifically invited guests.

Appropriate signage relating to underage persons and/or intoxicated persons will be required. Display of the Licence may be required.

### 3.10 **Supply of Non-alcoholic Beverage and Food**

Food, in the nature of pies, pizzas, savouries and sandwiches shall be available for patron consumption at all times.

Confectionary, including salted potato chips or nuts, is discouraged.

Adequate toilet facilities must be provided.

### 3.11 **Right to Exercise Discretion**

The Stratford District Licensing Agency reserves the right at all times to treat each application in the manner in which it considers most appropriate for that application.

## 4. **POLICY STATEMENT - MANAGER'S CERTIFICATES - SECTIONS 115-127 SALE OF LIQUOR ACT 1989**

### 4.1 **General**

Manager's Certificates are issued to those persons legally responsible for the supply of alcohol on licensed premises.

### 4.2 **Manager's Training**

All new applications must have successfully completed an approved Manager's Training Course, ie. New Plymouth Polytechnic Sale of Liquor Course, Open Polytechnic Liquor Manager's Programme (Correspondence) or other New Zealand Qualification Authority Accredited training course as approved by the District Licensing Agency. Where such a course has not been completed within the previous 12 months, then the applicant will be required to gain at least 75% on the District Licensing Agency Manager's Questionnaire.

### 4.3 **New Applications**

All new applications must be accompanied by two character references and details of completed training/qualifications.

### 4.4 **Club Managers**

Where a club has either more than 33% of its members under the age of 20 years or where it has over 100 members, then the club will be required to appoint more than one Club Manager.

Club Managers, although not required to be on duty at all times, are expected to be present during periods of high patronage or at other times when there is an increased likelihood of needing to actively enforce the provisions of the Sale of Liquor Act 1989.

## 5. **POLICY STATEMENT - HOST RESPONSIBILITY**

### 5.1 **General**

Host Responsibility is a major Alcohol Advisory Council initiative for promoting and encouraging the responsible sale and supply of liquor.

The promotion of Host Responsibility by the Stratford District Licensing Agency and its adoption by licensees is intended to shift the emphasis from the imposition of conditions to voluntary self regulation. The implementation of Host Responsibility gives a clear indication of the measures intended by a liquor supplier to meet their responsibilities under the Sale of Liquor Act 1989.

## 5.2 **Host Responsibility Plans**

Applicants for on, off and club licences and renewals are expected to provide an operational plan for the implementation of Host Responsibility.

The areas addressed under Host Responsibility are:

- (a) Provision of non-alcoholic and low-alcoholic beverages.
- (b) Provision of appropriate food.
- (c) Responsible serving of alcohol.
- (d) Identifying and dealing with underage or intoxicated people.
- (e) Arranging and encouraging safe transport.