

CLUTHA DISTRICT LICENSING AGENCY

ON LICENCE APPLICATION GUIDE

The following is a guide to the process involved in obtaining an On Licence pursuant to the Sale and Supply of Alcohol Act 2012. Please note that the suggestions contained in this document are intended as a guide only and any person intending to make application for an On Licence should first obtain a copy of the Sale and Supply of Alcohol Act 2012 and familiarise themselves with the requirements of the Act.

1. TEMPORARY AUTHORITY

If you are seeking a licence for a premises that has previously been licensed and that licence is still current then you may be able to obtain a Temporary Authority from the District Licensing Committee to sell and supply alcohol under the same terms and conditions as the current licence. Therefore, if you are envisaging taking over a premises that is currently licensed you should first check with the District Licensing Committee (Clutha District Council) to ensure that the premises are licensed and what the terms and conditions of that licence are. If you take over a premises that is currently licensed you are obliged to obtain a Temporary Authority and then to make an On Licence application during the term of that Temporary Authority.

The Temporary Authority which will be issued by the District Licensing Committee will be for the same terms and conditions as the current licence relating to the premises, however the District Licensing Committee do have the discretion to impose such further reasonable conditions as it thinks fit.

Application forms for Temporary Authority are available from the District Licensing Agency and the application can be processed within a few days in most cases.

The purpose of a Temporary Authority in this case is to allow someone taking over an already licensed premises to continue to operate while obtaining an On Licence. It will be valid for a period of three months, or until the new licence is issued, or until the underlying substantive licence expires, and it is a standard condition of all Temporary Authority's issued by the Clutha District Licensing Committee that application for an On Licence must be made within this three month period.

If, however, you are seeking to obtain an On Licence for a previously unlicensed premises then it is not possible to obtain a Temporary Authority. You will therefore need to obtain the On Licence before operating your business to sell and supply alcohol on the premises.

2. THE PREMISES

When making application for your On Licence you will need to submit with your application a number of details in order for the Committee to consider the application. These matters are listed in regulation five of the Sale of and Supply of Alcohol Regulations (a copy of which is contained in this document) and includes the following:

- a) A Certificate by the Local Authority that the proposed use of the premises meets:
 - i) The requirements of the Resource Management Act 1991
(Relates to planning matters)
 - ii) The requirements of the Building Code

An application cannot be processed and will not be considered by the Alcohol Regulatory Licensing Authority without a Certificate of Compliance under the Resource Management Act, and the Building Act. It is therefore strongly suggested that before you make application for an On Licence or enter into any binding agreement in relation to any premises for which you are intending to obtain an Alcohol Licence that you check that the proposed use of the premises complies with the Resource Management Act and that the building meets all the relevant standards laid down in the Building Code.

In addition to the above you should also ensure that the proposed premises meets health requirements. The application when lodged will also be referred to the Environmental Health Officer for the area in which the premises is located in order to ascertain if the premises are suitable for use as a licensed premises and meet the required standards.

3. THE LICENSEE

An On Licence may be held by:

- a) Any person who has obtained the age of 20 years
- b) Any Company within the meaning of the Company's Act 1955 or any Company or other body corporate incorporated outside New Zealand, that is authorised to sell alcohol or to hold a licence under this Act or under the provisions of any previous enactment relating to the Sale and Supply of Alcohol.
- c) Any Licensing Trust
- d) Any partnership comprising any persons, companies or trusts referred to in a) or c)
- e) Any Government Department or other instrument of the Crown
- f) Any Local Authority expressly authorised by any other enactment to hold an On Licence under the Sale and Supply of Alcohol Act 2012
- g) Any trustee within the meaning of the Trustee Act 1956
- h) Any Manager acting for any person pursuant to a property order made under the Protection of Personal and Property Rights Act 1988 if the order authorises the Manager to hold such a licence

In addition to this, the Sale and Supply of Alcohol Act 2012 also requires the Licensee or a Manager to be on duty at all times when alcohol is being sold or supplied to the public in any licensed premises.

This means that, the holder of a Managers Certificate is required to be on the premises at all times. Therefore you also need to obtain a Managers Certificate. Application for a Managers Certificate is made to the District Licensing Committee and must be accompanied by evidence of the applicant having undergone sufficient training in the responsibilities of a Manager under the Sale and Supply of Alcohol Act as well as evidence of any experience and copies of references where applicable. A number of approved courses are 'recognised' by the Clutha District Licensing Committee and further information on these may be obtained from the Committee.

4. HOST RESPONSIBILITY

Council's Sale and Supply of Alcohol policy requires that all On Licence holders have a Host Responsibility policy in place. Your application for an On Licence will be referred to the Medical Officer of Health for a report as required by the Sale and Supply of Alcohol Act.

As part of that report the Health Promotion Adviser of the Public Health South will contact you in order to discuss your application and the Host Responsibility measures that you will take. Your Host Responsibility policy should be comprehensive and cover all aspects of Host Responsibility. A checklist for a Host Responsibility policy is attached. A copy of your policy must be provided to Council before your licence will be issued.

It is suggested that prior to making application for an On Licence you should talk to the Council Officer responsible for promoting and advising on Host Responsibility matters.

5. THE APPLICATION

An application for an On Licence should be made in the standard form, a copy of which is attached. Each application should include the following: (Sale and Supply of Alcohol Regulations)

- a) Fully completed application form.
- b) Where the applicant is incorporated, a copy of the Certificate of Incorporation or other documentary evidence of its incorporation
- c) Where the applicant is a company, a copy of the Memorandum of Association or other documentary evidence of its authority to sell alcohol or to hold a licence under the Act or under the provisions of any previous enactment relating to the Sale and Supply of Alcohol
- d) Where the applicant is a Local Authority, a reference to the enactment by which the applicant is expressly authorised to hold an On Licence under the Act
- e) Where the applicant is Manager, acting for any person pursuant to a property order made under the protection of Personal and Property Rights Act 1988, a copy of the property order
- f) A photograph of the exterior of the premises or an artists impression of the exterior of the proposed premises as they will look when they are finished
- g) A map or copy of a map or a portion of a map showing the location of the premises
- h) A scale plan showing:
 - i) Those parts of the premises that are to be used for the sale or supply of alcohol
 - ii) Those parts of the premises (if any) that the applicant intends should be designated as restricted areas or as supervised areas
 - iii) Each entrance to the premises that the applicant intends should be designated as a principal entrance
- i) Where the applicant is not the owner of the premises, a written statement from the owner to the effect that the owner has no objection to the grant of a licence
- j) A certificate by the Local Authority that the proposed use of the premises meets:
 - i) The requirements of the Resource Management Act 1991
 - ii) The requirements of the Building Code
- k) A copy of the full menu and bar menu proposed for the premises.
- l) A Host Responsibility Policy must be written addressing the following points:
 - ◆ Sale and supply of non alcoholic refreshments and food
 - ◆ Sale and supply of low alcohol beverages
 - ◆ Provision of assistance with, or information about alternative forms of transport from the licensed premises.
 - ◆ Restrictions on sale of alcohol to minors and intoxicated persons.
- m) The prescribed fee according to the risk rating for the premises.

Your application should be submitted to the District Licensing Committee and should include all relevant matters listed above pertaining to your application/premises. Ensure that you complete the questions in the application in full. Submit further details and additional papers where necessary. If you are selling food include a copy of the menu. Within 20 working days of filing the application the applicant shall give public notice of the application in the prescribed form. A copy of the required public notice is attached and it should be noted that this public notice is required to be given twice in at least one newspaper circulating throughout the district, unless otherwise approved, with an interval of not less than five nor more than 10 days between each notification. The simplest way to do this is to advertise the first and second public notices on the same day of the week for two consecutive weeks. Full pages showing each advert must be sent to Council. A copy of the public notice must also be displayed on the premises where it is clearly visible to persons passing the premises, over the public notice period. A declaration form is sent to all applicants. This must be filled in and returned when the public notice period is up.

Once the application has been lodged, the Clutha District Licensing Committee will then refer the application to the:

- i) Police
- ii) The Licensing Inspector
- iii) Medical Officer of Health at Public Health South for reports.

Each of the above Officers then forwards his or her report to the Secretary of the District Licensing Committee which, in due course, will be made available to the applicant.

Any objection to an application will be lodged with the District Licensing Committee, copies of which will also be made available to the applicant. Following the objection period and when the above reports have been obtained, and if everything is in order with the application, it will be then forwarded to the District Licensing Committee for consideration. If there are no objections to the application, the District Licensing Committee will consider the application on the information provided and issue a decision accordingly. If however there are objections, the application will be sent to the Alcohol Licensing Authority who will convene a public hearing to consider the application.

BYO Endorsed On-licence (Section 37)

The process for obtaining a BYO endorsed on-licence is the same as for any other licence.

They authorise the holder to allow patrons to bring their own alcohol to the premises for consumption on the premises if they are present for the purpose of dining. The licensee cannot sell alcohol themselves unless it is an ingredient in hot food or drinks. Any food or drink supplied cannot contain more than 14.33% alcohol by volume.

Premises with this style of licence may be required to have a certified manager present during busy periods. The DLC will make that determination.

For further information contact:

Alcohol Licensing Inspector
or
Regulatory Services Administrator

Clutha District Licensing Agency
1 Rosebank Terrace
PO Box 25
Balclutha 9240

Phone: (03)419 0200
Fax: (03)418 3185