

DISTRICT LICENSING AGENCY

ALL ABOUT APPLYING FOR AN OFF-LICENCE

This is a guide to the process involved in obtaining an off-licence pursuant to the Sale of Liquor Act 1989. Please note that the suggestions contained in this document are intended as a guide only.

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 to enable the premises to lawfully operate until you obtain a licence and to sell and supply liquor under the same terms and conditions as the current licence. You should check with the District Licensing Agency (Timaru District Council) to ensure that the premises are licensed and what the terms and conditions of that licence are. The District Licensing Agency has the discretion to impose further reasonable conditions as it thinks fit.

Application forms for a Temporary Authority are available from the District Licensing Agency and should be lodged 20 working days prior to takeover. The Temporary Authority will be valid for a period of three months (providing that the existing off-licence must remain valid) and it is a standard condition of all Temporary Authorities issued by the District Licensing Agency that application for an off-licence must be made within one month of issue of the Temporary Authority.

If you are seeking an off-licence for a previously unlicensed premises then is it not possible to obtain a Temporary Authority. You will need to obtain the off-licence before operating your business to sell and supply liquor on the premises.

THE PREMISES

When making application for your off-licence you will need to submit with your application a number of details in order for the District Licensing Agency to consider the application. These matters are listed in Regulation 8 of the Sale of Liquor Regulations and include 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); and
 - ii) The requirements of the Building Code.

An application will not be accepted by the Liquor Licensing Agency without a Certificate of Compliance under the Resource Management Act relating to the use of the premises, and the Building Act. It is strongly suggested that before you make application for an off-licence or enter into any binding agreement in relation to any premises for which you are intending to obtain a Liquor 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 of the Building Code.

You will need to check this with the following staff of the Timaru/Mackenzie/Waimate District Council:

- *Certificate of Compliance, Resource Management Act:*
District Planning Officer
- *Building Act Compliance:*
District Building Official

In addition to the above you should also ensure that the proposed premises meets Health Department requirements. The application, when lodged, will be referred to one of the Council's Liquor Licensing Inspectors. It would be appropriate at this stage to approach the Environmental Health Officer in order to ascertain if the premises would be suitable for use as a licensed premises and meets the required standards. Contact should be made initially with Candice Ottley, Liquor Licensing Clerk, telephone (03) 687 7423.

THE LICENSEE

An off-licence may be held by:

- a) Any person who has attained the age of 20 years; or
- b) Any company within the meaning of the Companies Act 1993 or any company or other body incorporated outside New Zealand, that is authorised to sell liquor or to hold a licence under the Act or under the provisions of any enactment relating to the Sale of Liquor; or
- c) Any Licensing Trust; or
- d) Any partnership comprising of any persons, companies or trusts referred to in (a) or (c) of this subsection; or
- e) Any Government Department or other instrument of the Crown; or
- f) Any Local Authority expressly authorised by any other enactment to hold an off-licence under the Sale of Liquor Act; or
- g) Any trustee within the meaning of the Trustee Act 1956; or
- h) Any manager acting for any person pursuant to a property order made under the protection of the Personal and Property Rights Act 1988 if the order authorises the Manager to hold such a licence; or

- i) Any club that, immediately before the commencement of the Sale of Liquor Act 1989, held a charter under Section 164(f) of the Sale of Liquor Act 1962; or
- j) Any club, other than a Sports Club, that holds a Club Licence.

In addition to this, the Sale of Liquor Act requires a certificated manager to be on duty at all times when liquor is sold or supplied to the public in any licensed premises.

The holder of a General Manager's Certificate is required to be on the premises at all times. Application for a Manager's Certificate is made to the District Licensing Agency and must be accompanied by evidence of the applicant having undergone approved training. As of 1 April 2006 all applicants must hold the nationally recognised Licence Controller Qualifications (LCQ). Evidence of any experience and copies of references where applicable should also be submitted.

HOST RESPONSIBILITY

It is a policy of the District Licensing Agency that all off-licence holders have a Host Responsibility Policy in place. As an applicant for an off-licence you must have a Host Responsibility policy in terms of your premises and you will be expected to enforce it and ensure that your staff enforce it also.

THE APPLICATION

An application for an off-licence is to be made in the standard form, a copy of which is attached. Each application should include the following (Regulation 8, Sale of Liquor Regulations 1990):

- a) The 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 liquor or to hold a licence under the Act or under the provisions of any previous enactment relating to the Sale of Liquor Act.
- d) Where the applicant is a Local Authority, a reference to the enactment by which the applicant is expressly authorised to hold an off-licence under the Act.
- e) Where the applicant is a manager, acting for any persons pursuant to a property order made under the protection of Personal and Property Rights Act 1988, a copy of the property order.
- f) Where the applicant is a club, evidence that the club:

- i) Held a charter under Section 164 of the Sale of Liquor Act 1962 immediately before the first day of April 1990; or
 - ii) Holds a Club Licence under the Sale of Liquor Act 1989, and is not a sports club.
- g) Where the application relates to a hotel or tavern a reference to the number of the On Licence held by the applicant in respect of the hotel or tavern.
- h) Where the application relates to premises in which the principal business is the manufacturer or sale of liquor particulars of the principal business conducted on the premises, and where that principal business is wine making the number of the licence held under the Wine Makers Act 1981.
- i) Where the application relates to a supermarket, particulars of the floor area of the supermarket, including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.
- j) Where the applicant relates to a grocery store, particulars of the principal business of the store.
- k) Where the application is made in reliance on Section 36(2)(a) of the Act evidence to show that the sale of liquor in premises of a kind described in paragraph (c) or paragraph (d) of Section 36(1) of the Act would not be economic.
- l) Where the application is made in reliance on Section 36(2)(b) of the Act particulars of the kind of goods sold in the premises to which it is claimed the sale of liquor would be complementary.
- m) Where the application is made by the holder of an Auctioneer's Licence the number of the licence held under the Auctioneer's Act 1928.
- n) 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.
- o) A map or copy of a map or a portion of a map showing the location of the premises.
- p) A scale plan showing:
- i) Those parts of the premises that are to be used for the sale or supply of liquor;
 - ii) Those parts of the premise (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.

- q) 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 granting of a licence.
- r) 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.
- s) The prescribed fee, \$793.24 (GST inclusive).

Your application must be submitted to the District Licensing Agency. Please ensure that you complete the questions in the application in full and submit further details and additional papers where necessary.

Within 20 working days of filing the application the applicant must 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 the Timaru Herald with an interval of not less than five nor more than ten 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.

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

- a) New Zealand Police
- b) The Licensing Inspector

for reports.

OBJECTIONS

Each of the above officers will provide a report to the Secretary of the District Licensing Agency. A copy of the reports will be made available to the applicant.

An objection may be made by any of the above agencies or from the general public. An objection to an application must be lodged with the District Licensing Agency.

If there are objections to the application, the Liquor Licensing Authority, Wellington, will convene a public hearing to consider the application.

Following the objection period, if there are no objections to the application, the District Licensing Agency will consider the application on the information provided and issue a decision accordingly.

THE COST

The costs associated with applying for an off-licence are as follows:

- a) Application fee for an off-licence \$793.24
- b) Application fee for an Endorsed (Caterer) off-licence \$134.93
- b) Advertising costs - two public notices.
- c) Application for Manager's Certificate \$134.93.
- d) Application for Temporary Authority \$134.93.
- e) Application for Resource Management Act/Building Certificate \$82.00.

RELATED DOCUMENTS

Attached to this document are:

- a) Application for Compliance Certificate with the Resource Management Act/Building Code.
- b) Application for off-licence.
- c) Draft Public Notice Form.
- d) Public Notice Form 1A.

FOR FURTHER INFORMATION CONTACT:

Licensing Clerk
District Licensing Agency
Timaru District Council
P O Box 522
Timaru 7940

Telephone (03) 687 7200