

# Rangitikei District Council

## Liquor Licensing Policy

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## **INTRODUCTION**

This liquor policy has been developed to support the object of the Sale of Liquor Act 1989 (the Act) which is “to establish a reasonable system of control over the sale and supply of liquor with the aim of contributing to the reduction of alcohol abuse as far as can be achieved by legislative means”, and the associated Sale of Liquor Regulations 1990 (the Regulations).

The policy sets out a framework for consistent decision making in the local administration of the Act, gives some guidance to those who may be seeking to obtain a licence under the Act and also attempts to reflect the communities’ expectation with respect to liquor issues.

## **BACKGROUND**

The Sale of Liquor Act 1989 provides that each territorial authority must establish a District Licensing Agency (the Agency) to administer the Council’s responsibilities under this Act.

In 1999 amendments to the Act gave even greater autonomy to District Licensing Agencies and at that time the Liquor Licensing Authority (the Authority) increasingly gave encouragement to the Agencies to develop local liquor licensing policies.

The Rangitikei District Council has written and developed this policy, in conjunction with other Agency policy documents, to devise a consistent, uniform and transparent approach to enforcement and administration in the effective implementation of the Act, and its amendments. This policy is additional to, and subject to, any views or policy issues by the Authority.

## **DUTIES AND FUNCTIONS**

### **District Licensing Agency**

The Act allocates the role of District Licensing Agency (the Agency) to the Council. The Agency is charged with the following functions:

- Assessing and determining unopposed applications for liquor licences and managers certificates;
- Assessing and determining applications for special licences and temporary authorities;
- Record keeping and maintenance of a register of licences and certificates.

Functions of the Inspector appointed by the Agency are:

- Opposing applications where this is considered warranted;
- Inspecting and monitoring licensed premises;
- Monitoring the management of licensed premises;

## **Liquor Licensing Authority**

The Liquor Licensing Authority (the Authority) is a tribunal administered by the Ministry of Justice. The Authority comprises a judge and one or two appointed members with particular relevant knowledge or experience. The Authority is charged with the following functions:

- Determining opposed liquor licence applications and renewals;
- Determining opposed applications for managers certificates and renewals;
- Determining applications for variation, suspension or cancellation of licences or certificates;
- Redefinition of licensed areas;
- Determining appeals against Agency decisions;
- The issuing of statements and directions with respect to administration and
- Enforcement of the Sale of Liquor Act 1989 aimed at achieving the object of the Act.

## **Reporting Authorities and Agencies involved in processing Liquor Licence applications**

The Act provides that, the Agency, in the processing of applications under the Act, shall obtain reports from the following authorities:

- Police - Concerned with the management of premises and the suitability of applicants to hold licences and certificates.
- Medical Officer of Health - Concerned with both specific and the wider impacts on public health associated with alcohol abuse within licensed premises and the community.
- Licensing Inspector - Concerned with taking both an administrative and enforcement overview of sale of liquor issues on behalf of the Agency. Powers include, if considered necessary, requesting the Authority to vary, suspend or cancel any licence or certificate.
- Council - Provides a certificate confirming that the proposed use of the premises meets the requirements of the Resource Management Act 1991 and meets, or when completed will meet, the requirements of the Building Code. This certificate must accompany any new application for an On, Off or Club licence.
- Community - This Policy and the Sale of Liquor Act 1989 encourages community input into liquor related issues. Society's standards and community expectations are constantly evolving and only by public input into the policy preparation process can the policies and requirements of the Agency reflect community expectations.

## DEFINITIONS

**“Club”** means –

- (a) any chartered club; or
- (b) any club that has as its object, or as one of its objects, participating in or prompting any sport or other recreational activity, otherwise than for gain; or
- (c) any other voluntary association of persons (whether incorporated or not) combined for any purpose other than gain.

**“Entertainment”** in relation to any licensed premises, means any activity, dance, performance, exhibition, amusement, sport, game or event carried out on a regular and ongoing basis which is calculated to attract and entertain members of the public.

**“Hotel”** means any premises used or intended to be used in the course of business principally for the provision to the public of –

- (a) lodging; and
- (b) liquor, meals, and refreshments for consumption on the premises.

**“Licensed premises”** means any premises, or part of any premises, on which liquor may be sold pursuant to a licence, and includes any conveyance, or part of any conveyance, in which liquor may be sold pursuant to a licence.

**“Prohibited persons”** means persons who are under the age of 18 years, persons to whom liquor may not be sold pursuant to the licence (for example, non-members of a Club) and Persons who are intoxicated:

**“Restaurant”** means any premises in which meals are regularly supplied on sale to the public for consumption on the premises.

**“Restricted area”**, in relation to any licensed premises, means any part of those premises so designated by the Licensing Authority or the District Agency to which persons under the age of eighteen years shall not be admitted.

**“School”** means any education facility at which a student (6-17 years of age) can receive teaching instruction in accordance with the New Zealand curriculum.

**“Supervised area”**, in relation to any licensed premises, means any part of those premises so designated by the Licensing Authority or the District Licensing Agency to which a person under the age of eighteen years may not be admitted unless accompanied by the person’s parent or legal guardian.

**“Tavern”** means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments.

**“Undesignated area”**, in relation to any licensed premises means any part of the licensed premises which is not designated restricted or supervised and into which persons under the age of eighteen years may be admitted but in which areas they may not consume liquor unless accompanied by their parent or legal guardian. These areas normally include restaurants or clubs. A coach or team leader is not a legal guardian and cannot supply liquor to team members under the age of eighteen years.

## **POLICY PRINCIPLES**

The following policy principles are intended to promote fairness, consistency, transparency and to give applicants for liquor licences and the community, some certainty with respect to the administration of the Sale of Liquor Act 1989 and the Sale of Liquor Regulations 1990 within the Rangitikei District.

### **POLICY 1 – Processing of Applications and Issue of Licenses**

All applications are processed as soon as possible, in accordance with processes defined in the Act and Regulations.

The Secretary of the District Licensing Agency is authorised to issue unopposed liquor licence applications, special licence applications, managers' certificates and temporary authorities which comply with the requirements of the Act and Regulations, and which satisfy the provisions of this policy document.

### **POLICY 2 – Licensed Premises: Hours of Operation**

#### **On Licences**

The following operating hours, with any associated conditions for operation apply:

- in respect of general premises holding an on-licence operating hours up to a maximum of 9.00 am to 4.00 am on the following day with a “one-way” door<sup>1</sup> from 2 am.

#### **Off-Licences**

The following operating hours, with any associated conditions for operation apply:

- in respect of general premises holding an off-licence operating hours up to a maximum of 9am to 10pm.
- in respect of club premises holding an off-licence operating hours up to a maximum of 9am to 10pm.

#### **Club licences**

The following operating hours, with any associated conditions for operation apply:

- in respect of premises holding a club licence operating hours up to a maximum of 9.00 am to 4.00 am on the following day with a “one-way” door<sup>2</sup> from 2 am.

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<sup>1</sup> The one-way door requirement means that people cannot enter after 2 am but do not have to leave until 4 am or the premises closing time, whichever is the earlier.

<sup>2</sup> The one-way door requirement means that people cannot enter after 2 am but do not have to leave until 4 am or the premises closing time, whichever is the earlier.

It is intended that these hours be “normal maximum” hours of operation. Applicants seeking more extensive hours should provide written justification for those hours. Applicants would be required to provide evidence that the main source of revenue resulting from more extensive hours would not be the sale of liquor. An application may be referred to the Agency for consideration which may authorise the hours sought or request that the application be referred to the Authority for determination.

Licence holders who are currently permitted to operate outside of these hours will be brought into alignment with the operating hours stated in this policy when the licence is renewed.

### **POLICY 3 - Designations**

#### **On licences**

Premises which are clearly restaurants, by their nature, are to be undesignated.

“Public bars” and “places of entertainment” are to be designated as supervised areas. Bar areas providing adult entertainment will be restricted.

Council encourages the use of street areas for the purpose of dining. Where the street area is to be included in the licence, this area is also to be noted on the licence application for consideration by the Agency. Tavern style drinking will not to be permitted to be conducted in the street.

#### **Off-Licences**

Off-licence areas of hotels, taverns and stand alone bottle stores are to be designated as supervised areas. Clubs holding an off licence are required to designate the off licence sales area as supervised.

#### **Clubs**

Clubs will generally be undesignated, except in circumstances where prohibited persons would have access to an area that is predominantly for the purpose of the sale of liquor, where the area will be designated as supervised.

### **POLICY 4 – Proximity to specified premises**

No new off-licence shall be granted to a premise that is directly adjacent to or within close proximity of a school.

### **POLICY 5 – Special Licences**

Special licences can cover any event or series of related events (up to 15 per year) and can be issued for up to one year ahead.

Generally, each event will require a special licence, regardless of whether the same premises are used. A special licence will not be granted to cover two unrelated events.

However, where premises are used on a regular monthly basis by the same organisation e.g. a service club or recurring social club function, the Agency may issue one special licence

covering the whole year, provided that the Agency is satisfied that a full on licence or club licence would not be more appropriate.

Where a Special Licence is sought for an event or occasion where the time of the event, the location or the theme creates a risk of alcohol related harm, the Agency will consult, along with the Police, the Medical Officer of Health to ensure effective joint planning is in place to minimise such risk. In such circumstances, the applicant may be required to file an Alcohol Management Plan for the event.

The Agency can waive the requirement for the Licensee to appoint a person with a Manager's certificate, but will only do so in the following circumstances:

- Where the main source of revenue resulting from the event is not from the sale of liquor
- Where the Agency is satisfied that the event is well managed, and that anti-social behaviour resulting from the sale of liquor will be prevented
- Where the applicant demonstrates a good understanding of their responsibilities of the Sale of Liquor Act 1989, including evidence of having undertaken relevant training.

#### **POLICY 6 – Manager's Certificates**

Applicants for a general manager's certificate, in addition to completing the Licence Controller Qualification, are expected to have at least six months experience working in a licensed premise. Applicants for new general manager's certificates where the applicant has or is purchasing licensed premises, will be issued with a manager's certificate tagged to their premises.

Applicants for a club manager's certificate, are expected to have at least six months experience working in a licensed premise.

#### **POLICY 7 – Suitability of applicants**

Applicants with minor convictions (where the conviction did not result in imprisonment), will be considered on a case-by-case basis. The general guideline will be that the applicant has observed a stand down period of two years or more. Alcohol related offences, such as drink-driving will generally require the applicant to observe a stand down period of three years before the application would be considered.

Where applicants have a history of convictions, particularly alcohol related offences, the Agency would consider that the applicant would be unsuitable to hold a licence or certificate.

#### **POLICY 8 – Temporary Authorities and Acting Managers**

A temporary authority will only be granted where an existing on licence is in place and for a period of three months or less. All applications for temporary authority will be subject to Police and Inspector's report, and may also be subject to consultation with the Medical

Officer of Health. A maximum of two temporary authorities can be granted for a single premise within a 12 month period.

Acting managers can be appointed no more than three times within a 12 month period, and it is expected that the acting manager would be encouraged to apply for a manager's certificate.

### **POLICY 9 – Host Responsibility Policy**

All licensed premises are to have a written and operative Host Responsibility Policy which is to be observed at all times. Host responsibility includes that Licensees observe responsible practices in relation to alcohol promotions, and have regard to the National Protocol on Alcohol Promotions developed by the Alcohol Advisory Council (ALAC), Hospitality Association of New Zealand (HANZ), New Zealand Police and Local Government New Zealand in 2008.

A draft Host Responsibility Policy is attached as Appendix 1.

Confectionery, salted potato chips or nuts and the like are not considered substantial food and will not meet the requirements for on licence premises in isolation. On licenses are required to have a minimum of three types of substantial food, such as pies, hot chips and sandwiches available at all times that the license is operating.

On licence premises will be required to clearly display a list of alternative transport options, such as taxi services and alternative driver services in the premises. The availability of courtesy coaches should be widely publicised where these are in operation, and be run at regular times as so to discourage drink driving.

## **APPENDIX 1 - HOST RESPONSIBILITY POLICY**

*(Premises Name)*

### **HOST RESPONSIBILITY POLICY**

NON-ALCOHOLIC DRINKS are available and advertised by signage in every bar, as well as listed in our beverage menu.

Free water will always be available to all our customers.

Hot and Cold food or a range of snack foods in the nature of pies, sandwiches, filled rolls and pizzas are available at all times and will be advertised throughout the premise. We will ensure that all our staff are aware of, and able to offer, at least three food options at all times that the premise is open.

LOW ALCOHOL BEVERAGES such as low alcohol beer will be available and promoted by signage in all bars.

Our staff will be fully trained in identifying and dealing with potentially intoxicated persons.

INTOXICATED PERSONS will not be served and will be asked to leave our premises. Your safety is however paramount and we will endeavour to ensure that you come to no harm.

It is our wish that you have a safe method of TRANSPORT HOME and actively promote safe driver schemes. We will advertise through signage that our bar staff are happy to arrange transport home for you if necessary.

This area is designated SUPERVISED, which means that if under 18, you must be supervised by a parent or legally appointed guardian.

As advertised throughout our premises, we will not sell alcohol to minors and our staff will ask for PROOF OF AGE if you look under 25. Please do not be offended - this is part of their job.

### **Your Hosts**

*(Name)*

Liquor Licensing Policy - FINAL

Adopted by Council on 29 July 2010 for enactment on 1 August 2010.