

POLICY: **SALE OF LIQUOR**

GROUP RESPONSIBLE: Regulatory Services

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POLICY DETAIL:

The object of the Sale of Liquor Act 1989 is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse. The Southland District Licensing Agency (the Agency) exercises its jurisdiction, powers and discretions under the Act in a manner that is most likely to promote the object of the Act. This Policy outlines how the Agency carries out some of its functions in the local context, particularly with respect to resource planning and administrative issues.

The Agency receives few complaints from the public, or concerns from authorities, with respect to licensed premises. Furthermore, where appropriate the Agency supports the issue of liquor licences that are flexible enough to provide a service where there is a demand. For these reasons the Agency is relatively unrestrictive in comparison to other District Licensing Agencies.

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INTRODUCTION

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A. ON/OFF/CLUB LICENCES

1. Hours During Which Liquor May Be Sold

The hours during which liquor may be sold are determined by the Licensing Agency in the event of an uncontested application, or the Liquor Licensing Authority after consideration of the reports from the Liquor Licensing Inspector, Police, Medical Officer of Health and any objections.

The hours authorising the sale and supply of liquor on licensed premises have regard to the site of the premises in relation to neighbouring land use, and also in respect of clubs, the days on which the club is being used in good faith for any purposes of the club.

Where considered appropriate twenty-four hour licences will be permitted to allow the licensee maximum flexibility in meeting the expectations of patrons. A resource management certificate will accompany any varied licence incorporating the maximum possible hours permitted under the Act, requiring ongoing compliance with the performance standards of the District Plan.

The Policy differentiates between “stand-alone” Off Licences (ie bottle shops) and those associated with an On or Club Licence where sales are across the bar. The hours for the latter Off Licences will usually follow those granted for the respective On or Club Licences.

The Southland District Plan does have application to licensed premises.

Policy

1. Urban Resource Areas

The Southland District Plan does not impose any limit in respect of hours in urban resource areas, however controlled activity resource consent is required for applications for hours outside the following times:

(i) On and Club Licences

Sunday - Thursday 7.00 am - 10.00 pm
Friday - Saturday 7.00 am - midnight

(ii) Stand-Alone Off Licences

Monday - Thursday 7.00 am - 10.00 pm
Friday - Saturday 7.00 am - midnight

[Note: The Liquor Licensing Authority has adopted a general policy of requiring stand-alone Off Licences to close at 11.00 pm unless there are exceptional circumstances].

2. Non-Urban Resource Areas

The Southland District Plan does not impose any limit in respect of hours in non-urban resource areas, however restrictions on hours may be imposed through a resource consent if the proposed licensed premises is likely to cause adverse effects, such as noise.

2. Host Responsibility

(a) On and Club Licences

To assist in the promotion of a safe drinking environment, On and Club Licence holders are required to have a Host Responsibility policy in respect of the operation of their premises. The Licensing Inspector and Medical Officer of Health will assess the suitability of each Host Responsibility policy.

A Host Responsibility policy should be administered so that all staff are aware of the policy and their particular responsibilities. The Host Responsibility policy should be comprehensive and individual to each particular premises, however, as a general rule, the Host Responsibility policy would include the following:

- (i) The provision of food and non-alcoholic drink, and the active encouragement of patrons to partake of them.
- (ii) Steps taken to ensure liquor is not supplied to minors or intoxicated people.
- (iii) The control of liquor abuse.
- (iv) The conduct and safety of patrons on the premises and entering or leaving the premises.
- (v) Appropriate signage and transport alternatives.

An important principle of Host Responsibility is the provision and promotion of appropriate food. As some licensed premises in the Southland District have long periods where there is little demand for food, it is necessary to define the Agency's minimum food requirements.

Policy

1. Host Responsibility Policy

All On and Club Licence holders are required to have a written and operative Host Responsibility policy in respect of the operation of their premises, and to display the policy at all times attached to the interior of the premises, so as to be easily read by persons using the premises.

2. Provision Of Food

The licensee is required to have at least pies or a similar kind of food conveniently available for all patrons at all times when the premises are authorised to be open for the sale of liquor.

The Agency encourages the licensee to have a range of food available such as pre-prepared meals, pizzas, sandwiches and the like.

The availability of the food is to be notified to patrons by appropriate notices throughout the premises. The notices must be prominent and attractive.

(b) Off Licences

Licensees of Off Licensed premises should also have their own modified Host Responsibility policy. While it is obvious that the requirements for an Off Licence are considerably different from that of an On or Club Licence activity, the District Licensing Agency believes that the Licensee of Off Licence premises should have their own Host Responsibility policy appropriate to their particular situation. The Host Responsibility policy for the operation of an Off Licence premise would include the more obvious requirements such as the adequacy of measures to ensure that sales to minors or intoxicated persons do not take place as well as other measures aimed at reducing alcohol abuse, such as the availability and promotion of low alcohol beers, non-alcoholic drinks and availability of non-alcoholic or low alcohol cocktail recipes etc.

Policy

All holders of an Off Licence are required to have a written operative Host Responsibility policy, and to display the policy at all times attached to the interior of the premises so as to be easily read by persons using the premises.



3. Temporary Authorities

The Agency encourages applicants for temporary authorities to simultaneously make application for an On or Off Licence in respect of the premises or conveyance to which the temporary authority will apply.

Policy

1. Applications

All applications for temporary authorities are required to be lodged at least 10 working days prior to the date the applicant wishes the temporary authorities to become operative. Applications received later than this will be accepted and processed only where it is practicable to do so.

2. Time Period of Temporary Authorities

The Agency will issue temporary authorities for an initial period of three months. Where the holder of a temporary authority has not made application for the respective On or Off Licence, or has made application but has not submitted all the documents required to be filed with the application, subsequent temporary authorities will only be issued for a period of one month.

B. SPECIAL LICENCES

A Special Licence can be obtained pursuant to either Section 73 or 74 of the Sale of Liquor Act. A Special Licence issued under Section 73 authorises the holder of the licence to sell and supply liquor on the premises or conveyance described in the licence to any person attending any occasion or event or series of occasions or events described in the licence. An occasion or an event is defined as an event or activity which is outside the usual/ regular activities of the applicant.

A Special Licence issued under Section 74 authorises the holder of an On Licence or the holder of a Club Licence to sell and supply liquor for consumption on the premises, at any time when the premises are required to be closed for the sale of liquor, to persons attending social gatherings of any kind specified in the licence.

A Special Licence is for an activity that does not fall into any other category of licence specified in the Sale of Liquor Act. A Special Licence will not be issued where, in the opinion of the Agency, the application is in fact a de facto change of hours of operation, or is sought for an activity for which an On or Club Licence is required.

Policy

1. Applications

All applications for special licences are required at least 10 working days prior to the event. Applications received later than 10 days prior to the event will be accepted and processed only where it is practicable to do so.

2. Objections

Where the Police or Licensing Inspector object to a Special Licence application as submitted, the applicant will be advised of the objection and given a copy of the relevant report. The applicant may resubmit a modified application after discussion of the contentious issues with the Police and Licensing Inspector, if the applicant does not want the application to proceed to a public hearing.

3. Number Of Events Permitted On One Special Licence

Up to six events may be included on one Special Licence, provided that the Special Licence applies to the same applicant and premises for each of the events.

4. **Display Of Special Licence**

The Agency may require the applicant to display the Special Licence prominently at the point of sale as a condition of the licence.

5. **Maximum Hours For Special Licences**

The Agency will not impose any general restrictions on the hours of operation for Special Licences but will do so if the Licensing Inspector considers it desirable, eg any environmental considerations which may require constraints on the hours of operation. Normally recommendations from the Police are adopted.

6. **Provision Of Food**

Applicants seeking a Special Licence are required to specify food and non alcoholic drink which will be available at the function, and conditions relating to the provision of food and non alcoholic drinks will be specified in all Special Licences issued.

7. **Certified Manager In Attendance**

Given the provisions of the Sale of Liquor Act the Agency may require, as a condition of a Special Licence, that the holder of a General or Club Manager's Certificate be responsible for the sale of liquor under that licence.

C. MANAGEMENT OF LICENSED PREMISES

1. New Applications

Applications for Manager's Certificates are processed by the Agency. The Police and Licensing Inspector are required to inquire into all new applications. Unopposed applications are granted by the Agency, opposed applications are forwarded to the Authority for determination.

Policy

The Agency requires applicants for new Manager's Certificates to:

1. attend an approved course in order to satisfy the Agency that they are conversant with the relevant sections of the Sale of Liquor Act; and
2. submit at least one testimonial with their application, commenting on the reputation and character of the applicant.

2. Manager's Certificate Renewals

Applications for renewal of Manager's Certificates are inquired into by the Police and Licensing Inspector.

Policy

The Agency may require applicants to complete a questionnaire to demonstrate adequate knowledge of the Sale of Liquor Act.

D. EXCHANGE OF INFORMATION WITH LICENSEES

1. Liaison With Licensees

The Agency encourages liaison with and feedback from licensees. This gives licensees the opportunity to meet with representatives of the Agency in order to exchange information, discuss items of concern and reinforce requirements of the Sale of Liquor Act and how it should operate.

Policy

Licensing Inspectors will be available to attend any meetings organised by licensees.

2. Renewal Notification

There is no way of reviving an expired licence, or Manager's Certificate, and so it is essential that the holder of the licence, or certificate, carefully notes the date on application for renewal must be lodged by.

Although the Agency endeavours to notify licensees, and managers, of the pending expiry of their licence, or certificate, this does not place any liability on the Agency.

The Sale of Liquor Act clearly places the responsibility of lodging applications for renewal on the holder of the licence, or certificate.