



UPPER HUTT DISTRICT LICENSING AGENCY



Sale of Liquor Information Pack

New | OFF Licence



www.upperhuttcity.com

Sale of Liquor Information Sheet

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2 Applications for new: **ON Licence** **OFF Licence** **CLUB Licence**

2.1 Application process

- applicant applies for licence with District Licensing Agency (Upper Hutt City Council – “DLA”). Application to include additional information as required (see overleaf)
- application publicly notified by applicant (in The Leader on two separate dates)
- DLA obtains reports from Licensing Inspector, Police and Regional Public Health (as required)
- applicant seeks Certificate of Use from Town Planning (Upper Hutt City Council)
- applicant supplies copies of public notice (complete page) from The Leader to the DLA
- DLA approves application if no objection received
- if objections are received file sent to Liquor Licensing Authority - application is then granted or declined on paper at a hearing.

3 Applications for renewal: **ON Licence** **(with or without variation)** **OFF Licence** **CLUB Licence**

3.1 Application process

- reminder application form sent to applicant by District Licensing Agency (DLA) three months prior to expiry of licence
- applicant applies for licence with DLA (Upper Hutt City Council)
- application publicly notified by applicant (in The Leader on two separate dates), applicant copies supplied pages where advertisement appeared to DLA
- applicant to supply statement that building has evacuation scheme or that it is exempt (see note on application form)
- DLA obtains reports from Police, Licensing Inspector and Regional Public Health (for ON and CLUB only)
- if applicant seeks a variation then a Certificate of Use from Town Planning (Upper Hutt City Council) is required
- contested renewals (or contested variations) decided by Licensing Authority after file sent by DLA to Licensing Authority

- uncontested renewals (or uncontested variations) decided by DLA.

4 Variation other than at time of renewal

- applicant applies for variation of licence with District Licensing Agency (Upper Hutt City Council)
- application publicly notified by applicant (in The Leader on two separate dates)
- applicant supplies pages that public notice appeared from (The Leader) to DLA
- applicant seeks Certificate of Use from Town Planning (Upper Hutt City Council)
- DLA obtains reports from Police, Regional Public Health and Licensing Inspector
- DLA approves application if no objection
- if objection received file sent to Liquor Licensing Authority - application is granted or declined on paper at the hearing.

Rules of Variation

- o have to be a holder of a licence to vary it
- o need to consider carefully varying both ON and OFF licences or just one, may be different, remember to cover bars with OFF licence for over the counter takeaway sales
- o discuss timetable for converted licence issuance
- o discuss alternative – fresh licence
- o no ability to vary manager's certificate
- o variation at renewal time – see Part 2 on previous page.

5 Time Frames

Note - processing of any application begins once all information (including public notices) has been submitted to the DLA and the appropriate fee paid.

5.1 New Application

- five weeks for uncontested applications
- contested applications are subject to the Liquor Licensing Authority schedule

5.2 Renewals

- Five weeks in uncontested and no variations
- Contested and/or variation sought are subject to the Liquor Licensing Authority

6 Fees

(Figures include GST at 15%)

| | New | Renewal | Variation |
|----------------------|----------|----------|-----------|
| ON Licence | \$793.24 | \$793.24 | \$793.24 |
| OFF Licence | \$793.24 | \$793.24 | \$793.24 |
| CLUB Licence | \$793.24 | \$793.24 | \$793.24 |
| Temporary Authority | \$134.93 | | |
| BYO endorsement | \$134.93 | \$134.93 | |
| Caterers endorsement | \$134.93 | \$134.93 | |

For further information regarding Temporary Authority, BYO endorsement and Caterer endorsement contact the District Licensing Agency.

**7 Documents required with: ON Licence application
OFF Licence application
CLUB Licence application**

| Your checklist of documentation required with your application | Supplied ✓ |
|---|--------------------------|
| • the prescribed fee (\$793.24 GST inclusive) | <input type="checkbox"/> |
| • a local authority Certificate of Use (\$81.78 fee) | <input type="checkbox"/> |
| • application form (original plus two copies for ON/CLUB and one copy only for OFF licence) | <input type="checkbox"/> |
| • a location map | <input type="checkbox"/> |
| • a photograph of the exterior or an artist's impression of the exterior of the proposed premises as they will look when they are finished | <input type="checkbox"/> |
| • a scale plan which indicates the parts of the premises to be used for the sale of liquor designated restricted/supervised areas, and principal entrances | <input type="checkbox"/> |
| • landlord/owner's consent if the applicant is not the landowner, and full details of owner and tenure (including term) | <input type="checkbox"/> |
| • details of proposals for food and non alcoholic refreshments | <input type="checkbox"/> |
| • a copy of the premises Host Responsibility Policy. | <input type="checkbox"/> |
| • full page from The Leader containing both the public notification advertisements which have been placed by applicant, two advertisements on separate dates are required | <input type="checkbox"/> |
| • in respect of incorporated applicants, documentary proof of incorporation and documentary evidence of authority to sell liquor | <input type="checkbox"/> |
| • local authority applicants may be required to produce documentary evidence of the alternative legislation which authorises it to hold a licence (local authorities can only hold a licence if expressly authorized by other legislation) | <input type="checkbox"/> |
| • Trustees under the Trustee Act and managers under the Protection of personal and Property rights Act can be expected to produce documentary proof of their trusteeship or manager ship (eg a copy of the Trust Deed or Property Order, as the case may require) | <input type="checkbox"/> |
| • individual applicants may be required to provide proof of age | <input type="checkbox"/> |
| • hotels or taverns or persons holding other licences under the legislation would be expected to provide reference/copies of other licences held | <input type="checkbox"/> |
| • in respect of CLUBS and OFF licences, proof of entitlement to obtain an OFF licence and proof that the club is not a sports club (documentary evidence which might satisfy this may include a copy of the CLUB licence and a copy of the club's constitution and, if relevant, a copy of the club's 1962 Act charter) | <input type="checkbox"/> |
| • for OFF licences where the principal business is neither the manufacture nor sale of liquor details are required of the principal business, floor area, and why it would not be economic to insist on exclusive liquor premises (i.e. goods sold are complementary to the sale of liquor) | <input type="checkbox"/> |
| • details of capital (authorised and paid up) in the case or private companies, details of shareholders in private companies and 20% or more shareholders in public companies, details or proposals for food and non-alcoholic refreshments | <input type="checkbox"/> |
| • details of shareholders in private companies and 20% or more shareholders in public companies | <input type="checkbox"/> |
| • for CLUB licences, provide a schedule of the Club's activities that includes the days and hours during which the premises are used for those activities | <input type="checkbox"/> |

| Your checklist of documentation required with your application | Supplied ✓ |
|---|--------------------------|
| • for CLUB licences, a copy of the constitution or rules | <input type="checkbox"/> |
| • in respect of caterers and auctioneers seeking section 51 or 52 endorsements, proof of the business of catering and auctioning (including a copy of the auctioneer's licence) | <input type="checkbox"/> |

8 Restrictions relating to minors under 18 years on licensed premises

When minors under 18 years may be on licensed premises:

| | Restricted Area | Supervised Area | Undesignated Area |
|--|-----------------|---------------------------|-------------------|
| 1. Employed to sell/serve liquor | No | Yes | Yes |
| 2. Employed other than sale/service of liquor | Yes | Yes | Yes |
| 3. Under 18 years and accompanied by parent or guardian | No | Yes | Yes |
| 4. Under 18 years and unaccompanied | No | No | Yes |
| 5. Employed spouse (<18) of adult | No | No | Yes |
| 6. Under 18 years and employed as a Performer | No | No (unless supervised) | Yes |
| 7. Unaccompanied spouse or member of licensee's or manager's family, any age | No | No | Yes |
| 8. Unaccompanied minor spouse of adult lodger | No | No | Yes |

Under no circumstances can a minor under 18 years old be sold or supplied with alcohol.

Only the following forms of identification are approved as evidence of age:-

- NZ and overseas passport
- Photographic drivers licence; or
- HANZ 18+ Card.

Only a parent or legal guardian (as defined in the Guardianship Act) can accompany a minor under 18 years.

All fines have doubled from 1 December 1999 – for example:

- Permitting a minor to be in a restricted area or a supervised area unaccompanied by a parent or legal guardian has a maximum penalty of \$2,000.
- Allowing a person on licensed premises outside licensing hours carries a maximum penalty of \$2,000.
- Bar staff can be fined \$2,000 for serving or supplying alcohol to intoxicated or underage patrons.
- The licensee and/or management can be fined up to \$10,000 for serving or supplying alcohol to intoxicated patrons.

9 Host responsibility and the Sale of Liquor Act

Various sections of the Sale of Liquor Act 1989 require the licensee to observe certain criteria and conditions in keeping with the object of the Act. The object of the Act 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, so far as that can be achieved by legislative means. **To accomplish this objective, the Upper Hutt City Council requires that a written host Responsibility Policy accompany all applications for ON, OFF or CLUB licences. A Host Responsibility Policy should cover issues such as:-**

- ensuring that there will be no sale or supply of alcohol to minor's or intoxicated persons (ON, OFF or CLUB licence)
- the provision of non-alcoholic refreshments and food (ON, OFF or CLUB licence)
- assistance with or information about alternative forms of transport from the licensed premises (ON, OFF or CLUB licence)
- ensuring that promotions do not encourage persons to consume alcohol excessively (ON, OFF or CLUB licence).

The following are Host Responsibility policies that can be used as examples. We recommend that rather than copying the examples given, refer to them as a guide and alter where appropriate to suit the nature of your premises.

Example 1 ON or CLUB Licence

Host Responsibility House Policy

We wish to ensure that all our patrons enjoy themselves and we encourage responsible drinking practices.

- *Intoxicated persons are not permitted on the premises.*
- *Those under 18 years old will not be served alcoholic beverages.*
- *As well as canned and bottled brands, low alcohol beer is available.*
- *We offer a range of fruit juices, non-alcoholic and hot beverages.*
- *We have a great selection of light snacks and main meals available at all times while the bar is open.*
- *Patrons behaving in a disorderly manner will be asked to leave.*
- *Please do not drive if you are nearing or over the limit. Free phones are available or let us know and we are happy to call a friend or taxi.*
- *If you are a designated driver let us know and it is FREE alcohol-free drinks all night.*
- *Our bar is a 'supervised area' under the Sale of Liquor Act.*
- *All our staff are required to ask for evidence of age.*

Example 2 OFF Licence

Host Responsibility House Policy

Our aim is to promote the Sale of Liquor in a responsible manner and encourage responsible drinking practices by our customers.

- *Intoxicated persons are not permitted on the premise.*
- *Those under 18 years old will not be served alcoholic beverage.*
- *As well as canned and bottled brands, low alcohol beer is available.*
- *All our staff are required to ask for evidence of age.*

Application for new OFF licence



Upper Hutt City Council District Licensing Agency (for premises) Section 31 | Sale of Liquor Act 1989

\$793.24
GL 5137150

To: The Secretary, District Licensing Agency, Upper Hutt City Council
Private Bag 907
Upper Hutt 5140

Application for an ON Licence is made in accordance with the details set out below:

1 Details of Applicant(s)

Full name, address and occupation: _____

Postal address for service of documents: _____

Daytime contact name and telephone number: _____

Full names and address of all managers currently employed, and certificate numbers of managers certificates (supply further names on separate piece of paper if required):

| Name | Address | Certificate No. |
|------|---------|-----------------|
| | | |
| | | |
| | | |
| | | |

Status of applicant (tick appropriate box)

| | | |
|---|--|--|
| Natural Person <input type="checkbox"/> | Private Company <input type="checkbox"/> | Public Company <input type="checkbox"/> |
| Licensing Trust <input type="checkbox"/> | Partnership <input type="checkbox"/> | Local Authority <input type="checkbox"/> |
| Trustee <input type="checkbox"/> | Club <input type="checkbox"/> | Government Department or other instrument of Crown <input type="checkbox"/> |
| Body Corporate to which section 30(1)(ba) of the Act applies <input type="checkbox"/> | Manager under the protection of Personal and Property Rights Act 1988 <input type="checkbox"/> | Board, organisation or other body to which section 30(1)(bb) of the Act applies <input type="checkbox"/> |

2 Further detail where applicant is a company

Date of incorporation: _____

Place of incorporation: _____

Full details of each director and the secretary as follows:

| Name | Address | Date of Birth | Place of Birth | Designation |
|------|---------|---------------|----------------|-------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

In the case only of a private company:

Authorised capital _____ Paid-up Capital _____

In the case only of a private company:

Full details of each person who holds any shares issued by the company:

| Name | Address | Date of Birth | Place of Birth | Designation |
|------|---------------------------|---------------|----------------|-------------|
| | | | | |
| | Face Value of Shares Held | \$ | | |
| | | | | |
| | Face Value of Shares Held | \$ | | |
| | | | | |
| | Face Value of Shares Held | \$ | | |
| | | | | |
| | Face Value of Shares Held | \$ | | |

In the case only of a public company:

Full details of each person who holds 20 percent or more of the shares, or of any particular class of shares, issued by the company:

| Name | Address | Date of Birth | Place of Birth | Designation |
|------|---------|---------------|----------------|-------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

3 Further details where applicant is a partnership

Full details of each partner as follows:

| Name | Address | Date of Birth | Place of Birth | Designation |
|------|---------|---------------|----------------|-------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Signature of each partner:

4 Premise details

Address of proposed licensed premises: _____

Type of premises (tick appropriate box):

| | | |
|---|---|---|
| Hotel or Tavern <input type="checkbox"/> | Club <input type="checkbox"/> | Premises on which principal business is manufacture or sale of liquor <input type="checkbox"/> |
| Supermarket <input type="checkbox"/> | Grocery Store <input type="checkbox"/> | Other <input type="checkbox"/> |

Proposed trading name for premises, if any: _____

Is a licence sought conditional upon construction or completion of the premises: YES/NO

Does the applicant own the proposed licensed premises: YES/NO

If NO: What is the full name and address of the owner: _____

If NO: What form of tenure of the premises will the applicant have (including term of tenure)? ____

What part (if any) of the premises does the applicant intend should designated as:

A restricted area: _____

A supervised area: _____

5 Business details

Does the applicant seek the licence in connection with the business of a caterer? YES/NO

Does the applicant seek the licence in connection with the business of an auctioneer? YES/NO

Is the sale of liquor intended to be the principal purpose of the business? YES/NO

If NO: What is intended to be the principal purpose of the business? _____

If NO: What part of section 36 of the Act is applicable to this application? _____

Is the applicant engaged, or intending to be engaged, in the sale or supply of any goods, other than liquor and food, or in the provision of any services other than those directly related to the sale or supply of liquor and food? YES/NO

If YES: What is the nature of those other goods or services? _____

On which days and during which hours does the applicant intend to sell liquor under the licence?

Does the applicant intend to provide complimentary samples of liquor on the premises? YES/NO

6 Conditions

What steps does the applicant propose to take to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed:

Where the principal business is other than the manufacture or sale of liquor, what kinds or kinds of liquor does the applicant intend to sell or deliver under the licence?

Dated at _____ this _____ day of _____ 20____
City Day Month Year

Applicant: _____

as at July 2011

Notes

1. This form should be used in respect of ON licences, OFF licences and CLUB licences. Special licences are not renewable.
2. This application shall be accompanied by three copies of the application and the prescribed fee of \$793.24.
3. All new applications must also apply for a Certificate of Use and submit to the Planning Department with the prescribed fee of \$81.78 using the enclosed application.
4. Within 20 working days after filing this application with the District Licensing Agency, the applicant must give public notice of the application in form 1. The notice must be published twice in the Upper Hutt Leader with not less than five days and not more than 10 days between the two dates of publication.
5. Within 10 working days after filing this application with the District Licensing Agency, the applicant must ensure that notice of the application in form 1A is attached in a conspicuous place on or adjacent to the site to which the application relates (unless the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so).
6. In respect of the status of the applicant, see section 8 of the Sale of Liquor Act 1989:

Who may hold an ON Licence:

(1) *An ON 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 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or*
- ba) *Any body corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under any previous enactment relating to the sale of liquor; or*
- bb) *Any board, organisation, or other body that is authorised by another Act to sell liquor or hold an ON Licence under this Act; or*
- c) *Any licensing trust; or*
- d) *Any partnership comprising any persons, companies, or trusts referred to in paragraphs (a) to (c) of this subsection; or*
- e) *Any Government department or other instrument of the Crown; or*
- f) *Any local authority whether or not expressly authorised by any other enactment to hold an ON Licence under this 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 Personal and Property Rights Act 1988, if the order authorises the manager to hold such a licence.*

(2) *An On Licence may not be held by a club.*

Please note that it takes approximately five weeks once all the information has been received by the applicant to process the application.



Application for Certificate of Use of Premises

Under the Sale of Liquor Act 1989

Name:

Address of premises:

Legal description of property (if known) – please attach copy of Certificate of Title if available:

Daytime contact and phone number:

Type of licence (e.g. ON, OFF, CLUB):

Proposed use (e.g. restaurant, bar):

Cost: \$81.78

Receipt of payment: _____

FORM 1 | Precedent for New Advertisement Public Notice

Section

Sale of Liquor Act 1989

(insert relevant section: New ON Licence – section 9(4); New OFF Licence – section 31(3); New CLUB Licence – section 55(3), Special Licence (if required) – section 76(4)).

Full name of company, partnership or individual, address and occupation:

has made application to the District Licensing Agency at Upper Hutt for the grant of a:

(specify type of licence e.g. ON, OFF, CLUB Licence)

In respect of the premises situated at:

Known as:

or the

(specify type of conveyance)

known as

The general nature of the business conducted (or to be conducted) under the Licence is:

(e.g. restaurant, cafe, hotel, sports club, nightclub etc)

The days on which and the hours during which liquor is intended to be sold under the licence are:

The application may be inspected during ordinary office hours at the office of Upper Hutt District Licensing Agency at the Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt.

Any person who is entitled to object and who wishes to object to the granting of the application may, not later than 10 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Agency at Upper Hutt City Council, Private Bag 907, Upper Hutt 5140.

This is the first (or second) publication of this notice (delete where not applicable).

The first publication was made on:

FORM 1A | Precedent for New Advertisement Public Notice

Section Sale of Liquor Act 1989

(insert relevant section: New ON Licence – section 9(4); New OFF Licence – section 31(3); New CLUB Licence – section 55(3), Special Licence (if required) – section 76(4)).

Full name of company, partnership or individual, address and occupation:

has made application to the District Licensing Agency at Upper Hutt for the grant of a:

(specify type of licence e.g. ON, OFF, CLUB Licence)

In respect of the premises situated at:

Known as:

or the (specify type of conveyance) known as

The general nature of the business conducted (or to be conducted) under the Licence is:

(e.g. restaurant, cafe, hotel, sports club, nightclub etc)

The days on which and the hours during which liquor is intended to be sold under the licence are:

The application may be inspected during ordinary office hours at the office of Upper Hutt District Licensing Agency at the Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt.

Any person who is entitled to object and who wishes to object to the granting of the application may, not later than 10 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Agency at Upper Hutt City Council, Private Bag 907, Upper Hutt 5140.

This is the first (or second) publication of this notice (delete where not applicable).

The first publication was made on:

Declaration Relating to Display of Public Notice at Premise

I (print name) _____ declare that Form 1A "Public Notice" has been completed and displayed as per the requirements of the Act as stated below:

Within 10 working days after filing the application with the District Licensing Agency, the applicant must ensure that notice of the application is attached in a conspicuous place on or adjacent to the site to which the application relates (unless the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so).

Applicant signature(s) _____