



UPPER HUTT DISTRICT LICENSING AGENCY



Sale of Liquor Information Pack

Renewal | ON, OFF, CLUB Licences



www.upperhuttcity.com

Sale of Liquor Information Sheet



1 Council Staff Contacts:

Jeremy Peat
Kerrie Falconer

Ph: (04) 527 2109
Ph: (04) 527 2133

Email: eho@uhcc.govt.nz
Email: kerrie.falconer@uhcc.govt.nz

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: (with or without variation)

ON Licence
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

- have to be a holder of a licence to vary it
- 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
- discuss timetable for converted licence issuance
- discuss alternative – fresh licence
- no ability to vary manager’s certificate
- 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 ✓
<ul style="list-style-type: none"> 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	Yes
7. Unaccompanied spouse or member of licensee's or manager's family, any age	No	(unless supervised) 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 renewal of ON, OFF or CLUB licence



Upper Hutt City Council District Licensing Agency

Sections 18, 41 and 64 | 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 the renewal of a licence is made in accordance with the details set out below:

1 Details of Licensee

Full Name: _____

Postal address for service of documents: _____

Daytime contact name and telephone number: _____

2 Details of Manager(s)

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.

3 Details of Licence

Type of Licence (tick appropriate box): ON Licence OFF Licence CLUB Licence

Number: _____

Date of Expiry: _____

4 Details of Premises (to be included only where the licence applies to any premises)

Address: _____

Trading or other name (if any): _____

If a CLUB Licence, does the CLUB share the premises with another CLUB? YES NO

If Yes – what is the name of the other club? _____

What months of the year do the respective clubs use the premises? _____

5 Details of Conveyance (to be included only where the licence applies to any conveyance)

Type of conveyance: _____

Address of home base (if any): _____

Trading or other name (if any): _____

6 Conditions

Are any changes sought to the present conditions of the licence: YES NO

If yes – what changes are sought? _____

What are the full reasons for the changes sought? _____

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

Signature: _____
Licensee

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 should be filed with the District Licensing Agency no later than five weeks prior to the expiry of the licence. After that time, it may be filed only with the permission of the District Licensing Agency. **In no case may the application be filed after the licence has expired.**
3. This application shall be accompanied by two copies of the application and the prescribed fee of \$793.24.
4. Where the application related to any premises, it must be accompanied by a statement by the applicant that:
 - The building in which the premises are situated has an evacuation scheme for public safety which meets the requirements of Section 21A of the Fire Service Act 1975
5. Within 10 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.
6. 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).

Evacuation Scheme for Public Safety for Renewal of ON Licence, OFF Licence or CLUB Licence

Sections 18(2), 41(2) and 64(2) Sale of Liquor Act 1989

Applicant: _____

Trading as: _____

Please indicate the relevant statement by placing a tick ✓ in the appropriate box

Note – consultation with the Fire Safety Officer at the Fire Service is recommended before supplying this statement. The Fire Safety Officer can be contacted at Rimutaka Fire Station, telephone 526 3078.

The building in which the premises are situated has an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975; or

The building by reason of its current use does not require such a scheme, or that the building is exempt from having to meet the requirements for such a scheme.

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

Signature: _____
Applicant

FORM 1 | Precedent for Renewal Advertisement Public Notice

Sections 18(3), 41(3) and 64(3) Sale of Liquor Act 1989

Full Name, Address and Occupation:

has made application to the District Licensing Agency at Upper Hutt for the renewal of an ON Licence/OFF Licence/CLUB Licence (delete where appropriate) in respect of the premises situated at:

known as:

The general nature of the business conducted under the Licence is:

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

A variation has been sought as follows (set out full details, if a change in hours is sought, current and proposed hours must be included):

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 Renewal Advertisement Public Notice

Sections 18(3), 41(3) and 64(3) Sale of Liquor Act 1989

Full Name, Address and Occupation:

has made application to the District Licensing Agency at Upper Hutt for the renewal of an ON Licence/OFF Licence/CLUB Licence (delete where appropriate) in respect of the premises situated at:

known as:

The general nature of the business conducted under the Licence is:

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

A variation has been sought as follows (set out full details, if a change in hours is sought, current and proposed hours must be included):

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 filling 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) _____



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: _____