

MATAMATA – PIAKO DISTRICT

LICENSING AGENCY



DRAFT LIQUOR LICENSING POLICY

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1.0 INTRODUCTION

The Sale of Liquor Act 1989 came into force on 1 April 1990, replacing long standing legislation with a new, simpler licensing process. The object of the Act is as follows:

“To establish a reasonable system of control for 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.”

A significant feature of that change was the passing of various responsibilities, including the determination of all unopposed applications, to Local Authorities as District Licensing Agencies.

The Act, amendments and regulations set out the requirements and procedures to process and consider applications. However there are a number of areas where the District Licensing Agency can exercise discretion in its decision making.

1.1 SALE OF LIQUOR POLICY

The Liquor Licensing Authority has expressed a clear expectation that each Agency will develop its own policies and procedures to address all matters relating to licence applications. The development of a Sale of Liquor Policy will help to ensure;

- transparent and consistent guidelines for the District Licensing Agency and Inspectors to undertaking their functions and duties.
- local guidelines to be set in accordance with local conditions and issues.
- the District Licensing Agency comprehensively addresses its responsibilities in relation to the object of the Sale of Liquor Act.
- some certainty for applicants

Note: The term Agency will be used throughout this policy document to denote the Matamata-Piako District Licensing Agency.

1.2 SECTION 96 STATEMENTS

The Licensing Authority may, from time to time, issue to District Licensing Agencies a statement setting out its views on the general administration of the Act or the policy to be followed in the administration of the Act or any provision

of it, or any information obtained by the Authority from any inquiry held by it or from any other source.

Every District Licensing Agency must observe any statement issued under section 96 of the Act when exercising its functions under the Act.

It should also be noted that this Sale of Liquor Policy is not necessarily binding on the Licensing Authority but acts as a guide to local policy.

1.3 DECISION MAKING

The District licensing Agency will use the following criteria in determining applications;

- Where an application for which the Matamata-Piako Licensing Agency has jurisdiction meets the criteria set out in the Sale of Liquor Act 1989 and this policy, then the secretary shall, without recourse, issue the appropriate licence or certificate.
- Where the application is outside this policy but no objections have been received the application shall be determined by the Agency. This may be a public hearing if there are matters of public interest to be addressed.
- Where an objection to an application has been received the Agency will attempt to mediate an agreement between the parties. Any agreement reached shall be recorded as a memorandum of understanding.
- The Agency reserves the right to refer any application to the Licensing Authority for determination where the granting of that application could or would have a significant effect outside the Agency district.

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2.0 ON LICENCES

2.1 INTRODUCTION

An On Licence authorises the holder to sell liquor for consumption by the public on the premises to which the licence applies. This includes taverns, restaurants, night clubs, etc....

2.2 CRITERIA FOR GRANTING ON LICENCE.

Under the Sale of Liquor Act 1989, unopposed applications for On Licences are assessed by the Agency through the criteria listed below. The Liquor Licensing Authority hears all On Licence application where an objection(s) is received. Objections to an On Licence application should also be based on these factors.

- (a) The suitability of the applicant; ([See 9.2](#))
- (b) The days on which and the hours during which the applicant proposes to sell liquor;
- (c) The areas of the premises that the applicant proposes should be designated as restricted or supervised areas;
- (d) The steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed;
- (e) The applicant's proposal relating to;
 - (i) The sale and supply of non alcoholic refreshments and food; and
 - (ii) The sale and supply of low alcohol beverages: and
 - (iii) The provision of assistance with or information about alternative forms of transport from the licensed premises.
- (f) Whether the applicant is engaged, or proposes to engage, in:
 - (i) The sale and supply of any other goods beside liquor and food; or
 - (ii) The provision of any services other than those directly related to the sale or supply of liquor and goods, - and, if so, the nature of those goods or services;

- (g) Any matters dealt with in the statutory reports supplied by an Inspector, the Police or the Medical Officer of Health.

2.3 HOURS OF OPERATION

Hours of operation may be prescribed, after consideration of the reports from the Inspector, Police, and Medical Officer of Health and the submissions of any objectors, and by the local authority through the Resource Management Act process. Because the Resource Management Act deals with the broader issues of land use, rather than considering specific issues such as applicant suitability, there may be reasons that the hours prescribed through each process differ. As enforcement is possible under both the Sale of Liquor Act 1989 and the Resource Management Act 1991 licensees will effectively be required to comply with the lesser hours prescribed.

Although the Act sets out no guidelines as to the hours of operation of licensed premises, the authority has itself established some general principles in setting hours for taverns:

“Overall we continue to accept 7.00am to 3.00am hours as suitable for the whole of the country with twenty four hour licences being the exceptional cases, and 1.00am closing or earlier for taverns with residential properties nearby. “

The above policy of the Liquor Licensing Authority relates mainly to hotels and taverns. With regard to other forms of licensed premises, such as night clubs, restaurants, wine bars, etc... the Authority has taken the view that the licensee may obtain whatever hours are appropriate for that facility provided that the applicant can justify them. In general a licence to trade during normal working hours in a non-residential area may not require an explicit rationale, whereas an application to trade 24 hours each day will require detailed justification

2.4 RENEWAL OF ON LICENCE

All On Licences issued are required to be renewed after an initial twelve month period and then every three years thereafter. Although the District Licensing Agency will endeavour to remind licence holders to lodge a renewal application prior to their license expiring the ultimate responsibility remains with the holder. Failure to lodge a renewal application within the time frame specified in the Act may raise doubts as to the holder's suitability to hold a licence.

The renewal process is similar to the application process. If there are any objections to the application, it is forwarded to the Liquor Licensing Authority for determination.

- (a) *The maximum hours for all On-Licences shall not exceed 7.00am to 3.00 am the following day, seven days a week.*

Note: *Residential and non residential areas referred to above are not definitions from the Councils District Plan. For the purpose of this policy a residential area is an area where, in the opinion of the Secretary of the Matamata-Piako District Licensing Agency, the establishment or operation of licensed premises may have an adverse impact on residential accommodation.*

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3.0 OFF LICENCES

3.1 INTRODUCTION

An Off Licence authorises the holder to sell liquor, on the premises to which the licence applies, for consumption off the premises.

3.2 CRITERIA FOR GRANTING AN OFF LICENCE

Under the Sale of Liquor Act 1989, unopposed applications for Off Licences are assessed by the Agency through the criteria listed below. The Liquor Licensing Authority hears all Off Licence application where an objection(s) is received. Objections to an Off Licence application should also be based on these factors.

- (a) The suitability of the applicant; ([See 9.2](#))
- (b) The days on which and the hours during which the applicant proposes to sell liquor;
- (c) The areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas;
- (d) The steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed;
- (e) Whether the applicant is engaged or proposes to engage in:
 - (i) the sale and supply of any other goods besides liquor, or
 - (ii) the provision of any services other than those directly related to the sale or supply of liquor,and, if so, the nature of those goods or services;
- (f) Any matters dealt with in the statutory reports supplied by an Inspector or the Police.

3.3 HOURS OF OPERATION

Hours of operation may be prescribed, after consideration of the reports from the Inspector, Police, and Medical Officer of Health and the submissions of any objectors, and by the local authority through the Resource Management

Act process. Because the Resource Management Act deals with the broader issues of land use, rather than considering specific issues such as applicant suitability, there may be reasons that the hours prescribed through each process differ. As enforcement is possible under both the Sale of Liquor Act 1989 and the Resource Management Act 1991 licensees will effectively be required to comply with the lesser hours prescribed.

Although the Act sets out no guidelines as to the hours of operation of licensed premises, the authority has itself established some general principles in setting hours for taverns:

"[The Authority] has reconsidered its approach to late hours of the sales from bottle stores whilst each individual application will be treated on its merits, having regard to any special circumstances... Generally speaking we do not see any real requirements for off sales beyond 11.00pm"

The Authority's approach is to have bottle stores, as distinct from bars, close at 11.00pm but to allow bar Off sales for the same hours as granted for any On licence in respect of the same hotel or tavern premises.

3.4 RENEWAL OF OFF LICENCES

All Off Licences issued are required to be renewed after an initial twelve month period and then every three years thereafter. Although the District Licensing Agency will endeavour to remind licence holders to lodge a renewal application prior to their license expiring the ultimate responsibility remains with the holder. Failure to lodge a renewal application within the time frame specified in the Act may raise doubts as to the holder's suitability to hold a licence.

The renewal process is similar to the application process. If there are any objections to the renewal it is forwarded to the Liquor Licensing Authority for determination.

The criteria under which the District Licensing Agency will consider an application for renewal of an Off Licence are as follows:

- (a) Any evidence of poor management in relation to the premises including the supply of liquor to minors, sales to intoxicated persons or any other anti-social acts or consequences in which the management of the premises is a factor.
- (b) Any adverse environmental impacts. e.g. noise, traffic, or unruliness.
- (c) Any objections or concerns lodged through the public notification process or raised by any affected parties during the term of the licence prior to renewal.

- (d) The management's approach to the Sale of Liquor Act and its requirements. This assessment will take into account the provision of a Host Responsibility Policy, or lack thereof, and the management's commitment to it.
- (e) The general suitability of the applicant. ([See 9.2](#))
- (f) The suitability and justification of any variation sought by the applicant.

Note: Any application (be it for a new licence, renewal or variation) will normally be determined without calling a formal public hearing if there are no objections raised by the public and no opposition from the reporting agencies.

POLICIES

1. ***The Agency will not impose any general restrictions on the hours of operation for Off licences in non residential areas, as there is little likelihood of environmental problems arising, but will do so if the Licensing Inspector considers it desirable in respect of any particular application.***

Notwithstanding the foregoing however, the Agency notes that it's preferred hours of operation are:

Across bar sales: Hours should reflect those hours granted in the On licence.

All other Off licences: 7.00am to 11.00pm.

2. ***That there be a restriction on the operation of Off licence premises in residential areas as follows:***

Monday to Wednesday and Sunday 7.00am to 10.00pm

Thursday to Saturday 7.00am to 11.00pm

3. ***That applications for Off Licences in excess of the hours and dates specified in policies 1 and 2 above, be referred to a meeting of the District Licensing Agency for their determination.***

Note: Residential and non residential areas referred to above are not definitions from the Councils District Plan. For the purpose of this policy a residential area is an area where, in the opinion of the Secretary of the Matamata-Piako District Licensing Agency, the establishment or operation of licensed premises may have an adverse impact on residential accommodation.

4. The following policies will apply to Off Licences for Supermarkets;

- (i) The Agency will consider the 1000 sq. metre rule as defined in section 36 of the Act to apply to the gross floor area of the store.**
- (ii) A supermarket with a gross floor area of less than 1000 sq. metres that sells main order household items will be defined as a grocery store.**
- (iii) In terms of section 36(d)(ii) of the Act, the term “principal business” will be defined as meaning that at least 50% of the turnover of the grocery store is derived from the sale of main order household goods.**
- (iv) Applications where it is intended that the sale of liquor will be made pursuant to section 36(2)(b), “appropriate compliment to the kinds of goods sold in the premises”, will be treated on their merits with regard to their own particular set of facts.**

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4.0 CLUB LICENCES

4.1 INTRODUCTION

A Club licence can be issued to any kind of club and authorises the holder to sell liquor to club members, and their guests, for consumption on the premises. Club licenses are predominantly held by sports clubs, social clubs, RSA's, etc....

4.2 CRITERIA FOR GRANTING A CLUB LICENCE

Under the Sale of Liquor Act 1989 unopposed applications for Club Licences are assessed by the Agency through the criteria listed below. The Liquor Licensing Authority hears all Club Licence applications where an objection(s) is received. Objections to a Club Licence application should also be based on these factors.

- (a) The suitability of the applicant; ([See 9.2](#))
- (b) The days on which and the hours during which the applicant proposes to sell liquor;
- (c) The days on which and the hours during which the premises are used for the Clubs activities;
- (d) The areas of the premises that the applicant proposes should be designated as restricted or supervised areas;
- (e) The proportion of the membership of the club who are prohibited persons;
- (f) The steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed;
- (g) The applicant's proposals relating to -
 - (i) The sale and supply of non-alcoholic refreshments and food; and
 - (i) The sale and supply of low alcohol beverages; and
 - (ii) The provision of assistance with or information about alternative transport from the licensed premises.
- (h) Any matters dealt with in the statutory reports supplied by a Liquor Licensing Inspector, the Police or the Medical Officer of Health.

4.3 HOURS OF OPERATION

Hours of operation may be prescribed after consideration of the reports from the Inspector, Police, and Medical Officer of Health and the submissions of any objectors, and by the local authority through the Resource Management Act process. Because the Resource Management Act deals with the broader issues of land use, rather than considering specific issues such as applicant suitability, there may be reasons that the hours prescribed through each process differ. As enforcement is possible under both the Sale of Liquor Act 1989 and the Resource Management Act 1991 licensees will effectively be required to comply with the lesser hours prescribed.

This is particularly relevant in the Club licence situation as a significant number of club premises are located in, or adjacent to, residential areas.

The hours of operation of a Club Licence premises must be in relation to the nature of the club's activities and it is important that the sale of liquor remains ancillary to the club's activities.

4.4 RENEWAL OF CLUB LICENCES

All Club Licences issued are required to be renewed after an initial twelve month period and then every three years thereafter. Although the District Licensing Agency will endeavour to remind licence holders to lodge a renewal application prior to their license expiring the ultimate responsibility remains with the holder. Failure to lodge a renewal application within the time frame specified in the Act may raise doubts as to the holder's suitability to hold a licence.

The renewal process is similar to the application process. If there are any objections to the application, it is forwarded to the Liquor Licensing Authority for determination.

The criteria under which the District Licensing Agency will consider an application for renewal of a Club Licence are as follows:

- (a) Any evidence of poor management in relation to the club including underage drinking, the presence of intoxication or of behavioural problems, motor vehicle accidents, violence or any other anti-social acts or consequences in which the management of the premises is a factor.
- (b) The control of minors on the club premises.
- (c) Any adverse environmental impacts.(e.g. noise, traffic, or unruliness)
- (d) Any objections or concerns lodged through the public process or raised by any affected parties.

5.0 SPECIAL LICENCES

5.1 INTRODUCTION

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 anyone attending any occasion or event or series of occasions or events described in the licence.

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.

5.2 OCCASION, OR EVENT OR A SERIES OF OCCASIONS OR EVENTS

The Sale of Liquor Act does not clearly define what constitutes a social gathering, an occasion or an event, or a series of occasions or events. This results in confusion and various interpretations of the type or number of functions for which special licences may be obtained. The District Licensing Agency, by way of this policy, intends to clarify what it means by an occasion or event, or series of occasions or events for which a special licence may be obtained.

There is also a need to separate “social gatherings” (Section 74) and an “occasion or event” or “series of occasions or events” (Section 73) from normal licensed activities, to identify the point at which an application for a special licence is in fact a de facto change of hours of operation for the holder of an On or Club Licence, and to clarify the circumstances in which it would be more appropriate for an On or Club Licence to be obtained, rather than a Special Licence. The following policies are intended to provide clarification on these issues.

5.3 PRIVATE SOCIAL GATHERING

A private social gathering is a social gathering (as defined above) which only invited guests may attend, i.e. it is closed to the public.

For example: A wedding, 21st birthday party, a staff social function.

5.4 PUBLIC FUNCTION

Every activity at which liquor is sold and which cannot be described as a private social gathering shall be deemed to be a public function. Public functions include those operated by private individuals/groups/clubs where ticket sales are available, or where the general public can attend whether by payment of admission or not.

POLICIES:

1. ***A social gathering must have the following characteristics:***
 - (i) ***There must be a principal purpose apart from liquor consumption.***
 - (ii) ***The attendees must be only the promoters, the participants, and the specially invited guests who are participators in or spectators to the principal activity.***
 - (iii) ***The gathering must come close to being special.***
 - (iv) ***The gathering must be outside the normal licensed activities of the applicant.***
2. ***An occasion or event must be separately identifiable by some characteristic, and outside the normal licensed activities of the applicant (if there is an On or Club Licence in force). In addition a series of occasions or events must have a specific beginning and end point and show that they are serial in nature.***
3. ***A special licence will not be issued where, in the opinion of the District Licensing Agency, the extent of the activity is such that an On or Club licence would be more appropriate.***

5.5 SPECIAL LICENCE PROCEDURE

- (a) All applications for special licences which comply with the provisions of this policy document and the criteria listed in Section 79 of the Act are required no less than ten working days prior to the event.

All applications that do not meet the criteria listed in this document or the provisions of the Act should be lodged no less than one month prior to the event in order that a hearing can be called if this should prove necessary. Because of the many circumstances which can arise in the processing of applications the Agency cannot guarantee that any application will be fully processed within the periods prescribed above.

- (b) All applications for special licences for public functions will be referred to the Police and Licensing Inspector for their report.
- (c) Where the Secretary is aware that there is opposition to the granting of any Special Licence, or there is likely to be, the Secretary may exercise the discretion allowed in the Act to require the application to be publicly notified.
- (d) Applications for private social gatherings will not require a report from the Police.

The Secretary of the District Licensing Agency may however request a Police report if this is considered desirable.

- (e) Applications for special licences which are given favourable reports will be granted, and licences issued.
- (f) Where the Police or Licensing Inspector oppose a special licence application, or the application attracts formal objections, the applicant will be advised of the opposition and given a copy of the reports and any objection. The matter will then proceed to a public hearing unless it is withdrawn.
- (g) In all cases where the Police or a Licensing Inspector objects to an application the applicant will be afforded the opportunity for mediation with the Police and/or the Licensing Inspector in relation to their objection(s), before the application proceeds to a public hearing.

5.6 CRITERIA FOR GRANTING A SPECIAL LICENCE

Under the Sale of Liquor Act 1989 applications for Special Licences are assessed by the Agency through the criteria listed below. Objections to a Special Licence application should also be based on these factors.

- (a) The nature of the particular occasion or event or series of occasions or events in respect of which the licence is sought.
- (b) The suitability of the applicant ([See 9.2](#));
- (c) The days on which and the hours during which the applicant proposes to sell liquor;
- (d) The areas of the premises that the applicant proposes should be designated as restricted or supervised areas;

- (e) The steps proposed to be taken by the applicant to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons are observed;
- (f) The applicant's proposals relating to -
 - (i) The sale and supply of non-alcoholic refreshments and food; and
 - (iii) The sale and supply of low alcohol beverages; and
 - (iv) The provision of assistance with or information about alternative transport from the licensed premises.
- (g) Any matters dealt with in the statutory reports supplied by a Liquor Licensing Inspector or the Police.

5.7 HOURS OF OPERATION

The following guideline for hours of operation have been identified by the District Licensing Agency and it is recommended that these be the parameters within which all Special Licences should fall.

POLICIES

1. ***The maximum hours for public and private functions located more than 250m from any residential areas shall not exceed 7.00am to 1.00am the following day, seven days a week. This may be extended to 2.00am the following day for New Year.***
2. ***The maximum hours for private and public functions located less than 250m from any residential areas shall not exceed 7.00am to 12.00 midnight, seven days a week.***
3. ***Applications for Licences in excess of the hours and dates specified will be referred to a meeting of the District Licensing Agency for their determination.***

Note: Residential and non-residential areas referred to above are not definitions from the Council's District Plan. For the purpose of this policy a residential area is an area where, in the opinion of the Secretary of the Matamata-Piako District Licensing Agency, the establishment or operation of licensed premises may have an adverse impact on residential accommodation.

5.8 CONDITIONS FOR SPECIAL LICENCES

- (a) For Special Licences for functions where the public will be attending the Licensing Inspector may require a designation in a particular area. Any

such designation will be recommended by the Licensing Inspector in his/her report.

- (b) The District Licensing Agency requires that food, non-alcoholic and low alcoholic beverages are available at all functions for which a special licence is issued. Applicants seeking a special licence are required to specify food and beverages that will be available at the function. Conditions relating to the provision of food and beverages will be specified in all special licences issued. The Agency may also impose conditions relating to the containers in which liquor may be sold and the provision of assistance with or information about alternative forms of transport
- (c) Given the provisions of the Sale of Liquor Act the District Licensing 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.
- (d) The Act specifically excludes trading under an On or Off Licence on Christmas Day and Good Friday, except in certain circumstances. The Agency will oppose the granting of a Special Licence to holders of an On Licence for these days unless the applicant can demonstrate that the purpose of the Special Licence is not merely to obtain a de-facto extension to their normal trading hours.
- (e) It is apparent that the current legislation does not cater for service clubs which cannot justify making application for a Club Licence due to their small size, the fact that they meet infrequently, that they use various rented premises, or any combination of these factors. In circumstances where any Club wishes to meet on an infrequent basis (i.e. no more than monthly) the Agency will look favourably on the issuing of a special licence to allow these occasions. Where meetings are held at more frequent intervals it is suggested that clubs consider becoming affiliated with the host club by inserting the following wording in the host club's constitution:

"Clause X: Notwithstanding [any other membership clause or Clauses x to y (insert membership clauses)] herein there shall be a separate category of members of the [name of your organisation] known as "[Social', 'Honorary', 'Casual' (choose one)] Members". Such members shall be financial members of the [name other organisation(s), i.e. the X Rugby Football Club, the Y Toastmasters Club or the Z Lions Club] or participants in the [name of annual tournament(s) sponsored by the organisation], whose annual subscription to the organisation or tournament fee shall have been paid, and shall have the right to the use and enjoyment of the facilities of the [name of your organisation] subject to any rules which may be prescribed from time to time

but shall not be entitled to attend meetings of the [name of your organisation] or to vote thereat.”

Note: The above clause is intended as a guide only. Should any organisation wish to use it as a base for a variation to their rules, care must be taken to ensure that all related or affected clauses are modified appropriately.

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6.0 MANAGER'S CERTIFICATE

6.1 INTRODUCTION

At all times when liquor is being sold or supplied to the public on any licensed premises a manager must be on duty and responsible for compliance with this Act and the conditions of the licence.

- (a) General Manager's Certificate – shall authorise the holder to manage any licensed premises where a licence is in force.
- (b) Club Manager's Certificate – shall authorise the holder to manage any premises where a club licence or a special licence is in force.

6.2 CRITERIA FOR GRANTING A MANAGER'S CERTIFICATE

Under the Sale of Liquor Act 1989, unopposed applications for managers' certificates are assessed by the Agency after receiving reports from the Police and Licensing Inspector.

Unopposed applications for Off Licences are assessed by the Agency through the criteria listed below. The Liquor Licensing Authority hears all manager's certificates where an objection(s) or unfavourable report from the Police or Inspector is received.

- (a) The suitability of the applicant; (See 9.2)
- (b) Training and qualifications.
- (c) Relevant experience in the hospitality industry.

The Licensing Inspector's report is issued only when the Licensing Inspector is satisfied that the details provided by the applicant are sufficient.

Details required to be provided by the applicant are evidence of experience, training, involvement with a club or society (club applications only) relevant references and details of the licensed premises on which the applicant is working, or intending to work. In the majority of cases evidence of the applicant having recently undergone a training programme conducted by a training provider approved by the District Licensing Agency is also required.

POLICIES:

- 1. *The suitability of the applicant will be determined in relation to the criteria set out in section 9.2.***

- 2. Applicants for a General Manager's certificate will be required to hold a qualification from an approved NZQA trainer. The qualification will preferably cover units 4646 and 16705.**
- 3. Applicants for a Club Manager's Certificate will need to demonstrate competence with the requirements of the role and understanding of the provisions of the Act. The Agency may require applicants to complete an approved assessment. Applicants will need to demonstrate significant involvement in the management and activities of the club.**
- 4. The Agency will not require any applicant to hold the prescribed qualifications under section 117A of the Act until 1 December 2002.**

6.3 RENEWALS OF MANAGERS' CERTIFICATES

All managers' certificates issued are required to be renewed after an initial twelve month period and then every three years thereafter. Although the District Licensing Agency will endeavour to remind certificate holders to lodge a renewal application prior to their certificate expiring the ultimate responsibility remains with the holder. Failure to lodge a renewal application within the time frame specified in the Act may raise doubts as to the holder's suitability to hold a licence.

Applications for renewal of Manager's Certificates require reports from the Police and Licensing Inspector based on the performance of the applicant since the date of the last renewal ([See 9.2](#)). If the reports do not raise any matters in opposition the renewal is issued by the Agency. In some instances it may be required that a manager undertake a refresher course before the reporting agencies are prepared to issue a clear report.

6.4 KNOWLEDGE OF LICENSEES

It is recognised that staff employed by the licensee to manage the sale and supply of liquor maybe subjected to undue pressure by the licensee to ignore lawful requirements, generally in pursuit of greater income. It is therefore considered important that when reporting on any application the Inspector enquires into the knowledge and experience of the licensee to ensure that they are familiar with the requirements of the Act. Where a licensee does not have sufficient knowledge or experience the Inspector may recommend remedial action, such as attendance at an approved training programme.

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7.0 ENFORCEMENT

The District Licensing Agency is involved in the enforcement of the Sale of Liquor Act and works closely with the Police and the Medical Officer of Health in this respect. The Police regularly monitor the operation of a licensed premises within the District Licensing Agency area and report on any problems encountered to the Agency. Both the Police and Inspectors have the authority to enter and inspect any licensed premises for enforcement purposes.

In addition, the Agency welcomes public input in respect of enforcement problems and will follow any enforcement enquiries/complaints lodged and take the appropriate action where necessary.

Enforcement problems are brought to the Agency's notice from a number of sources including the Police, Agency Inspectors, the Medical Officer of Health, members of the public, and other licensees. Therefore some flexibility in the way in which enforcement problems are handled is required. Where the Agency is aware of a licensee not operating within the requirements of the Sale of Liquor Act the following enforcement actions are available and may be taken by the Agency.

- (a) Monitor a particular premises and report in specific terms to the Agency.
- (b) Invite Licensee to meet with representatives of the Agency and Police to discuss any enforcement problems or infringements of the Sale of Liquor Act, and solutions or actions that should be taken in order to rectify the situation.
- (c) Advise the licensee in writing of its concern in relation to any enforcement problems, noting any infringements of the Act that may have taken place, and the action that the Inspector and/or the Police require in order to remedy the situation.
- (d) Place copies of any meeting notes or correspondence on licensee's records for future reference.
- (e) Continue to monitoring a premises that has had an enforcement issue that has been addressed.
- (f) The Police or Licensing Inspector may take further action under the enforcement provisions of the Sale of Liquor Act in those cases where continual enforcement problems are encountered without satisfactory remedial measures being undertaken by the licensee. These include the ability to request a variation, suspension, or cancellation of a Licence or a manager's certificate.

POLICIES:

- 1. The Matamata-Piako District Licensing Agency in conjunction with the Police and the Medical Officer of Health will monitor the operation of all licensed premises within the district and take appropriate action where necessary.***
- 2. A number of licensed premises will be audited by an Inspector on an annual basis, and that every premises that fails to comply will be re-visited within six months of remediation.***
- 3. Regular meetings of the reporting agencies will be held to discuss issue of common concern, including managers and licensed premises.***

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8.0 HOST RESPONSIBILITY

The Sale of Liquor Act places a significant emphasis on Host Responsibility. The Liquor Licensing Authority and District Licensing Agencies are required by the Act to take into consideration the provision of food and non alcoholic drinks as well as the steps to ensure that liquor is not sold or supplied to prohibited persons (e.g. minors or intoxicated people) by the applicant when considering an application for a new licence or renewal.

In conjunction with the Alcohol Advisory Council of New Zealand, District Licensing Agencies and Health Waikato have material relating to the Host Responsibility requirements which is available to licensees or any interested member of the public.

A Host Responsibility policy should be written with all staff 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:

- (a) The provision of food, non-alcoholic and low alcohol drink and the active encouragement of patrons to partake of them.
- (b) Steps taken to ensure liquor is not supplied to minors or intoxicated people.
- (c) The control of liquor misuse.
- (d) The conduct and safety of patrons on the premises and entering or leaving the premises.

While it is obvious that the requirements for an Off Licence are considerably different from that of On or Club licence activity, the District Licensing Agency believes that an Off Licence premises should have its own Host Responsibility policy appropriate to its particular situation.

The Host Responsibility policy for an Off Licence premises would include 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 misuse, such as the availability and promotion of low alcohol beers, non-alcoholic drinks, the display of appropriate cautionary measures, and availability of non-alcoholic or low alcohol cocktail recipes.

POLICY:

- 1. All holders of an On Licence or a Club Licence are required to have a written operative Host Responsibility policy for the premises and to observe it at all times.**
- 2. All holders of an Off licence are required to have a written operative Host Responsibility policy relating to the sale of liquor for consumption off the premises and to observe it at all times.**

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9.0 INTERNAL POLICY

9.1 OPERATIONAL REQUIREMENTS

The Matamata-Piako District Licensing Agency is committed to establishing 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 misuse, while at the same time providing applicants with an efficient and effective service which ensures that applications are processed quickly and without compromising quality standards.

Where the time frames specified below are exceeded in order to ensure that:

- (a) The public is afforded an opportunity to voice support or opposition to the application; and
- (b) That environmental standards are not compromised;

the Agency will ensure that the applicant is always kept informed.

In order to achieve these commitments the Agency has adopted the following:

POLICIES:

- 1. *The Council's Hearings Commission are delegated all of the powers of the Matamata-Piako District Licensing Agency.***
- 2. *The Secretary of the Matamata-Piako District Licensing Agency (who is the Council's General Manager) is delegated authority to:***
 - (a) *Issue Special Licences where they are not opposed by the Police or Licensing Inspector and no objections has been received if the application is required to be advertised.***
 - (b) *Issue Notices of Renewal for uncontested On, Off and Club Licences and for Managers' Certificates.***
 - (c) *Issue Temporary Authorities.***
 - (d) *Perform such other duties as may be delegated by the Agency from time to time.***
 - (e) *Grant applications for unopposed On, Off, and Club Licences.***
 - (f) *Grant applications for unopposed Managers' Certificates.***

- (g) Grant unopposed applications to vary or cancel any conditions of On, Off or Club Licences**
- 3. In the absence of the Secretary, the Manager – Environmental Services is delegated authority to act as Secretary..**
 - 4. Inspectors will endeavour to lodge their reports within the following time frames:**
 - Special Licences - 5 working days**
 - Managers Certificates - 10 working days**
 - Club Licences and stand-alone Off Licences - 15 working days**
 - On Licences and associated Off Licences - 20 working days**
 - 5. This Sale of Liquor Policy will be reviewed on a five yearly basis or when an amendment to the Sale of Liquor Act necessitates its review.**

9.2 SUITABILITY OF APPLICANT

This policy applies to all applicants for premises licences, special licences and manager's certificates.

POLICIES:

- 1. The suitability of an applicant will include consideration of their experience in the hospitality industry, their management ability as determined from their personal history and their personal integrity as determined by their demeanour at the interview.**
- 2. In determining suitability an assessment will be made of the likelihood of a potential licensee or manager to uphold the law in light of the evidence provided. Due consideration will be given to reports from the Police and Licensing Inspector. If either of these reports raise any matters in opposition to the suitability of the applicant then the application will be referred to the Licensing Authority for determination. Matters in opposition can include evidence relating to applicants past management of a licensed premises in such a manner that caused annoyance to neighbours, particularly in residential areas, and particularly in relation to the emission of noise.**
- 3. In considering the effect of individual convictions on the suitability of an applicant, the Agency may give less weight to convictions:**

- (a) more than 10 years old, provided there has been no offending of any kind since that conviction,*
 - (b) relating to minor traffic or parking offences not involving liquor or*
 - (c) resulting from youthful indiscretions.*
- 4. In considering the effect of individual convictions on the suitability of an applicant, the Agency may give added weight to convictions:**
- (a) For any offence occurring on or involved or arising from conduct on licensed premises.*
 - (b) Relating to or involving the use or abuse of drugs or liquor, including drink-driving.*
 - (c) Disclosing two or more serious offences of a similar type; and*
 - (d) For assault or violence offences against any person.*

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