
LIQUOR LICENSING POLICY

POLICY TYPE: *RESOLUTION OF COUNCIL:*

ADOPTED: *21 July 2004*

MINUTE REFERENCE: *WE.6*

COMMITTEE RESPONSIBILITY: *Works & Environment*

CONTACT DIVISION: *Environment Services*

CONTACT OFFICER: *Environmental Programmes Manager*

DATE OF LAST REVIEW:

DATE OF NEXT REVIEW:

INTRODUCTION

The object of the Sale of Liquor 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.” ... The object of the Act further requires that every District Licensing Agency “shall exercise its jurisdiction powers, and discretions under the Act in the manner that is most likely to promote the object of this Act.”

POLICY

The North Shore District Licensing Agency will:

- Administer the Sale of Liquor Act to achieve a high level of compliance with legislative requirements.
- Encourage awareness of the Sale of Liquor Act and its requirements.
- Encourage awareness of licensee and public responsibility in ensuring the need for moderation in alcohol consumption.

- **Be involved in regular liaison meetings with other statutory agencies and interested parties.**
- **Encourage educational initiatives.**
- **Promote safe and responsible attitudes towards alcohol use.**
- **Encourage venue owners and managers to promote responsible behaviour to their customers in regard to alcohol use.**
- **Process Manager's Certificates in accordance with the criteria set out in the Sale of Liquor Act 1989.**
- **Work together with the Police and Public Health Officers in carrying out monitoring of licensed premises and enforcement action when this is necessary.**

It is the intention of the North Shore District Licensing Agency that this Policy be used to compliment the controls of the North Shore City District Plan or consents issued under that plan. The granting of Liquor Licenses will be undertaken in harmony with hours of operation described in resource consents issued under the District Plan.

1. HOST RESPONSIBILITY

Host responsibility is a statutory requirement of the Act. The principles of Host Responsibility include the promotion and availability of low- and non-alcoholic beverages and food, serving alcohol with care and responsibility, responsible approaches to dealing with intoxicated and underage people and information about safe transport options. Host responsibility policies may go beyond the minimum requirements of the Sale of Liquor Act and include appropriate staff training together with verification of ID of those persons appearing to be under 25 years of age.

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- **All licensed premises are required to have a written operative Host Responsibility Policy, which is to be observed at all times.**
- **A copy of the premises' current Host Responsibility Policy must be submitted to the District Licensing Authority with all on-, off- and club licences and renewal applications.**
- **The licensee is encouraged to display in a visible position a copy of the Host Responsibility Policy on the premises, together with appropriate educational and information signage.**
- **That as part of host responsibility policies licensed premises and liquor outlets be encouraged to request ID if they believe the customer may be under 25 years of age.**

2. CRITERIA FOR ON-, OFF- AND CLUB LICENCES

The Liquor Licensing Authority or District Licensing Agency sets the hours of operation after consideration of the reports from the Licensing Inspector, Police, Medical Officer of Health and any objectors.

Before a liquor licence application can be made, each applicant must satisfy the requirement of the District Plan to ensure the type of licensed premises can be established on-site. Where the licensing hour sought are outside of the District plan requirements an appropriate planning certificate or resource consent will be required.

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- **That applications for an on-, off- or club licence be processed in accordance with Sale Of Liquor Act 1989 requirements and that each situation be treated on its merits on the basis of such considerations as location, management regime, marketing and clientele and community impacts.**
- **That one operator has extended hours will have no bearing on whether another operator gains similar conditions.**
- **Extensions to the stated hours of operation will only be considered on renewal or as variations so that the District Licensing Agency can be sure that responsible management is occurring.**

3. CRITERIA FOR SPECIAL LICENCES

A special licence under Section 73 permits 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 under Section 74 permits the holder of any on- or club licence to sell and supply liquor 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.

Occasions or Events

An occasion or event or series of occasions or events can be any lawful purpose. A social gathering must involve people sharing a common interest with the principal activity of the function being other than the consumption of liquor. There is a need to separate an "occasion or event or series of occasions or events" and "social gatherings" from a regular activity that would be covered by an on-, off- or club licence. A special licence must not be used as a device to usurp the function of a substantive licence.

Private Functions

A special licence is required for a private social gathering (i.e., a wedding or birthday party) in the following circumstances:

- The function is being held in licensed premises outside the hours or conditions of the licence.
- The function is being held in unlicensed premises and the host is purchasing the liquor from the owner of those premises. The premise owner must apply for a licence.
- If a Council-owned facility is being used and alcohol is to be consumed on the premises.

If a private function is being held in unlicensed premises and liquor is brought to the premises by the host or guests, usually no special licence is required. Consideration must be given to the purpose of the gathering, if the premises are being used as a place of resort for the consumption of alcohol. This is to protect Council from any problems arising from the premises being used as a place of resort under Section 153 of the Sale of Liquor Act (previous legal opinion gained by Waitakere City Council in October 1992).

Wine/Liquor Tastings

If no liquor is to be sold at the site, as a result of a complimentary wine/liquor tasting to promote or introduce a new product at a non-licensed venue, a special licence is not required.

Paid Wine/Liquor Tastings or Appreciation Courses Conducted at Off-Licence Premises

The legislation has not addressed this type of activity. These activities could be in breach of the Act because a charge is being made and liquor is being consumed on the premises, however they do not warrant a full on-licence for the following reasons:

- The tastings are limited to the liquor selected by the presenter.
- Limited to member of club or invitees.
- Conducted on specific days during specific hours.
- The purpose is education or promotion of product, not consumption of liquor.

By granting a special licence for such functions, the Agency could require that a suitable Host Responsibility Policy be in place and observed.

Criteria for Assessing Special Licence Applications

In considering any application for a special licence, the District Licensing Agency shall have regard to the following matters:

- The nature of the particular occasion or event or series of events or social gatherings.
- The suitability of the applicant.
- The days on which, and the hours during which, the applicant proposes to sell liquor.
- The areas of the premises or conveyance, if any, that the applicant proposes should be designated as restricted areas or supervised areas.
- The steps proposed to be taken by the applicant to ensure that the requirements of this Act in relation to the sale of liquor to prohibited persons are observed.
- The applicant's proposals relating to Host Responsibility.

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- **A special licence can be issued for any occasion or event, or a series of occasions or events that is clearly defined and has a specific beginning and ending.**
- **A special licence is required for a private social function if the function is being held on Council-owned property and liquor is going to be consumed at that function.**
- **When approving a special licence, consideration must be given to the type of function, and the effect on the neighbouring environment.**
- **In all cases, the supplier of alcohol to be sold under the special licence must be the applicant. A special licence is not required for complimentary promotional tastings on non-licensed premises where no sales take place.**
- **A special licence is required for paid tastings/appreciation classes on off-licence premises.**
- **In normal circumstances, 10 working days are needed for reporting and approval of the application as per the 10-day timeframe specified under Sections 73 and 74 of the Sale of Liquor Act 1989.**

4. PUBLIC PARTICIPATION

All new and renewal applications for on-, off- and club licences and any application for variations to licence conditions are publicly notified in either the local community newspapers or the New Zealand Herald, and the community has the ability to comment or object. A notice is also required to be fixed to a conspicuous place on or adjacent to the site. The grounds for objection are set out in the Sale of Liquor Act 1989 and are as follows:

For On- and Off-Licences

- (a) suitability of the applicant;
- (b) days and hours liquor will be sold;
- (c) designation of the whole or part of proposed premises as a restricted or supervised area;
- (d) steps taken to ensure prohibited persons are not served;
- (e) supply of food and non-alcoholic refreshments (does not apply to off-licences);
- (f) whether the applicant intends the sale or supply of any other goods besides liquor and food, or any services other than those directly related to the sale or supply of liquor and food.

For Club Licences

- (a) suitability of the applicant
- (b) days and hours liquor will be sold
- (c) days and hours club premises will be used for club activities
- (d) designation of the whole or part of the proposed premises as a restricted or supervised area
- (e) proportion of club membership who are prohibited persons
- (f) steps taken to ensure prohibited persons are not served
- (g) supply of food and non-alcoholic refreshments.

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The criteria for assessing applications for (new licences, renewals and variations as set out in the Sale of Liquor Act 1989) guide the District Licensing Agency in making its decisions. Any submissions received will be included in this decision-making process. Where community complaints about a venue or activity involving alcohol have been received by the Council, these will also be considered in the assessment of applications.

5. LIQUOR BANS

Prior to the enactment of the Local Government Act 2002 Council could resolve to approve one off liquor bans in specified public areas where problems with alcohol consumption may be likely to arise. The Local Government Act 2002 requires that local authorities institute a specific bylaw to create a permanent liquor ban in a public place. To create a liquor ban in a particular area the local authority needs to assess whether there is an actual problem and give the reasons as to why a liquor ban is necessary. In some cases a liquor ban may be necessary for one off events such as outdoor music concerts, Guy Fawkes Night or for example the area surrounding the Devonport Wine and Food Festival. A suitable bylaw is therefore required and the wording of the bylaw would need to make provision for one off liquor bans as well as any permanent bans. A liquor ban gives the Police the power to search for liquor, seize liquor or arrest a person contravening the liquor restriction.

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- **One-off and permanent liquor bans will be dealt with in accordance with the requirements of section 147 of the Local Government Act 2002.**
- **Where a liquor ban has been approved by council resolution, public notice will be given at least 14 days in advance specifying the public place and the dates and times of the ban.**
- **Notices will be put in or adjacent to the public places involved unless this is impracticable or unreasonable (s170 (3) LGA 2002).**

6. YOUTH & EDUCATIONAL STRATEGY

Following the amendments to the Sale of Liquor Act 1989 when the legal drinking age was lowered there has been significant concern about youth under 18 being able to purchase alcohol from licensed premises and liquor outlets. It is important that management and staff that work in licensed premises are vigilant in checking the ID of anyone they think could be under-age. The under 25 ID check is therefore encouraged to ensure that under-18s are not able to purchase alcohol.

It is also important that young people are made aware of the possible effects of alcohol abuse and associated problems such as binge drinking, mixing alcohol with other substances and driving while under the influence. The need for moderation in regard to alcohol consumption is a key message for those over 18 that choose to drink. The DLA works in closely with ALAC, Alcohol Health Watch, Auckland Public Health, the Police and other agencies in regard to alcohol related educational strategies.

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- **That as part of host responsibility policies licensed premises and liquor outlets be encouraged to request ID if they believe the customer may be under 25.**
- **That educational initiatives target youth and emphasise moderation in alcohol consumption for those over the age of 18.**
- **That the DLA be proactive in working with other agencies such as ALAC, Alcohol Healthwatch, Auckland Public Health and the Police in regard to educational initiatives and broader based alcohol educational strategies**
- **That the DLA actively promote appropriate signage and educational material to licensed premises and liquor outlets.**
- **That officers monitor offences related to liquor within North Shore City through the Police last drinks survey statistics as provided at the regular meetings of the Liquor Liaison Group.**

(End of Policy)