



Hauraki District Council

Sale of Liquor Policy



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1.0 INTRODUCTION AND OVERVIEW

1.1 Background

Council has determined that an important part of Council's overall policy framework is the review and adoption of a Sale of Liquor Policy. In reaching this conclusion Council recognises that to achieve a reduction in alcohol abuse there needs to be a multi dimensional and organisational response. This involves all stakeholders which include licensees, their patrons, the agencies recognised as having statutory reporting responsibilities, government and non-government agencies, owners and occupiers in the vicinity of licensed premises, and businesses, residents and visitors to the District generally.

1.1.1 *Co-operation between the Agencies*

There are a significant number of stakeholders involved in matters associated with the sale and supply of liquor. The Act determines that three agencies have a statutory responsibility for reporting on applications, the Police, Ministry of Health and Council Liquor Licensing Inspectors. The Fire Service also has responsibilities. Fundamental to the successful achievement of the object of the Act in Hauraki District is that these three agencies work together. It is the desire of all agencies, the District Licensing Agency and Council that this Policy support their individual and collective responsibilities.

1.1.2 *Host Responsibility*

Council believes that fundamental to achieving the object of the Act and the intent of this policy is excellence in host responsibility.

The requirement for host responsibility is contained within the Act and administered through the application process and ongoing monitoring. Applicants for new and the renewal of on, off and club licences together with special licences are required to submit a host responsibility policy.

1.1.3 *District Licensing Agencies*

The Sale of Liquor Act [1989] came into force on 1 April 1990, replacing long-standing legislation with a new licensing process. Significant in that change was the passing of responsibilities to Local Authorities, which became District Licensing Agencies.

An important function of the District Licensing Agency (DLA) was to make recommendations to the Liquor Licensing Authority regarding licence applications for On/Off and Club licenses and Managers certificates. These recommendations covered a range of issues, specified in the Act.

Special licences were dealt with by the District Agency.

The Liquor Licensing Authority, which made the final decision on the above applications, expressed a clear expectation that each Agency would develop its own policy to support its recommendations. Council developed a Sale of Liquor policy and this was adopted in April 1993. It was recognised at the time that this policy was a working document open to review. A number of issues arose with the implementation of the Act, which culminated in the 1999 amendments. This was seen as an opportune time to review our policy to incorporate these amendments and to make changes where the policy is perceived not to be meeting the objective of the Act in the Hauraki District.

The report of the Laking Working Party was quite clear as to the role it envisaged for Local Authorities in the licensing of liquor outlets and whilst the 1989 legislation retained a central Licensing Authority, it did not reduce the responsibility of Local Authorities.

The 1999 amendment has taken the Laking report a step further by delegating to District Licensing Agencies the power to deal with all unopposed applications. The Liquor Licensing Authority retains the power to cancel or suspend licenses and managers certificates.

Licensing inspectors continue to have clear responsibilities in the Act and continue to need guidelines and policies set by their employers.

There are three benefits arising from policy development which relate to all functions of the District Licensing Agency including, but not limited to, those involved in making recommendations to the Hearings Committee of the Agency and to the Liquor Licensing Authority.

It provides transparent and consistent guidelines for the District Licensing Agency in undertaking its functions and duties.

Secondly, it provides the opportunity for public involvement in developing these guidelines. It was intended that the establishment of District Licensing Agencies would enable local guidelines to be set in accordance with local conditions. It has been recognised (for example in the Laking Report, preceding the Sale of Liquor Act, and in statements made by the Liquor Licensing Authority) that significant community participation in this process is highly desirable. Such participation is also appropriate due to the wide interest in the subject and the variety of interest groups involved.

Thirdly, it enables the District Licensing Agency to comprehensively address its responsibilities in relation to the object of the Sale of Liquor Act.

2.0 THE SALE OF LIQUOR ACT (1989)

2.1 Objective of the Act

"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".

2.2 Sale of Liquor Act 1989 Amendments (Effective from Dec 1999)

Summary of Major changes: -

1. The minimum legal drinking age has been lowered to 18 years.
2. An evidence of age regime has been introduced.
3. Police are now able to impose instant fines on minors purchasing liquor.
4. All On-licence premises are permitted to sell liquor on Sundays.
5. All Off-licence premises are permitted to sell liquor on Sundays.
6. Supermarkets and Grocery stores can sell beer as well as wine.
7. All holders of General Manager's certificates will be required to hold a prescribed qualification by Dec 2002.
8. To further recognise Host responsibility, applicants will have to make provision for low alcohol beverages and assistance or information concerning transport.
9. A Special licence no longer has to be for a particular occasion or event.
10. Home stays up to a maximum of 10 persons are exempt from holding a licence.

2.3 Policy Process

Community input will be sought on the review process via the Special Consultative Procedure of the Local Government Act, 2002.

3.0 ON LICENCES

3.1 Introduction

An On-licence authorises the holder of the licence to: -

- (a) To sell and supply liquor, to any person present on the premises or conveyance described in the licence, for consumption on the premises or conveyance: and
- (b) To allow the consumption of liquor on the premises or conveyance described in the licence.

3.2 Days and hours

An on-licence is potentially available twenty four (24) hours a day, seven (7) days a week, 365 days of the year. (Anzac Day, Christmas Day, Easter Sunday and Good Friday excluding for Hotels and Taverns).

The District Licensing Agency does not have the power to reject an application simply on the grounds that the siting of the premises is unsuitable. This matter was dealt with in a liquor licensing authority decision 432/92:

"The submissions of counsel for the objectors that the site is unsuitable 'in relation to neighbouring land use' completely overlooked the fact that we are restricted to subsections (7) and (5) of ss 14 and 37 to having regard to the site of premises in relation to neighbouring land use when determining the days on which and the hours during which liquor may be sold and not in determining whether or not the site is suitable for a tavern. The latter is a matter for the planning authorities."

3.3 Temporary suspension of a designation

A practice that is becoming popular is the temporary suspension of an on licence designation to allow for liquor-free events for persons under the age of 18 years. It is the Liquor licencing authorities view that special licences should not be used to enable the holder to host such an event on licenced premises. Where licensees regularly allow premises to be used for teen-age liquor-free events then where the premises carries a designation, the licensee will be required to apply to vary the relevant condition of the licence by seeking the temporary removal of the designation. An associated off-licence carrying the same designation would also need to be amended.

3.4 Policy relating to hours

1. In general the maximum hours of operation in proximity to residential areas or dwellings are: -

Monday to Thursday 7.00 am – 11.00 pm

Friday, to Sunday 7.00 am - 1.00 am the following day

2. Troublesome, unruly and noisy behaviour, while of concern, does not have the same effect where there are no residences nearby and accordingly longer opening hours maybe acceptable.

Generally the following hours have been accepted, but this is a guide only:

Monday to Sunday 7.00 am – 1.00 am the following day.

The drink up and vacation time of thirty minutes applies only to premises that have an on licence as a hotel or tavern.

Hours must also comply with the relevant zoning provisions of the District Plan.

3.5 Policy in respect to an application

A report in respect of an On Licence application should take into account the following:

- The nature of the operation.
- The suitability of the applicant.
- The hours of operation, suitability for the proposed activity and recommendations.
- Compliance of premises with relevant legislation, District Plan requirements and any resource consent decisions.
- Any objections.
- Provision of food and non-alcoholic drinks.
- The applicants Host responsibility policy.

Applications must include the following information:

- Fully completed application accompanied by the correct fee.
- Floor plan including designations and Principal entrances.
- Photographs.
- Location map.
- Owners consent.

- Partnership/Company/Incorporation details.
- Justification for seeking licence, hours sought and concept details.
- Details of food and copy of menu.
- Proposed managers and staff training.
- Host responsibility programme.

If the application does not proceed, the fee will be refunded in part taking into account costs incurred.

3.6 Policy in respect to a Renewal application

The following matters should be considered:

- Any evidence of poor management.
- The adequacy and implementation of the premises Host responsibility policy.
- Any objections.

In reviewing these issues information from the Public, Police, Medical Officer of Health and the Fire service shall be considered. The NZ Fire service is to be advised of all new or renewal applications.

3.7 Policy in respect to a Temporary Authority

- A second Temporary Authority will not be available to applicants unless the applicant has lodged a full On Licence application together with all supporting documentation within thirty (30) days of the date of commencement of the first Temporary Authority.
- The above policy will apply except in exceptional circumstances with the approval of the Agency.
- Applications should be lodged at least ten working days prior to takeover date and at least ten working days prior to expiry.
- No temporary authority can be issued where there is no underlying licence.

4.0 REDEFINITION

Pursuant to regulation 7 of the Sale of Liquor Regulations the District Licencing Agency may approve the redefinition of a premises that involves the use of areas such as footpaths outside the existing licenced premises for the purpose of Al Fresco dining.

The Territorial Authority may also address this issue through the development of appropriate bylaws.

5.0 OFF LICENCES

5.1 Introduction

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

5.2 Day and Hours

An off-licence is potentially available for twenty four (24) hours a day trading, seven (7) days per week 365 days of the year (Good Friday, Easter Sunday, Anzac day before 1.00pm and Christmas Day excluded).

The only control over hours appears in Section 37(4) and (5) of the Act where the Agency can determine hours having regard to the site of the premises in relation to neighbouring land use.

The Agency who now makes the final decision on the application does not have the power to reject an application simply on the grounds that the siting of the premises is unsuitable.

The suitability of the site for the use is a matter for the planning certificate that is required for each application.

5.3 Policy in respect to hours

Maximum hours of operation:-

Stand alone operations (e.g.) Supermarkets, Hotels, Taverns

(i) Residential areas nearby:-

Monday to Thursday 7.00 am – 11.00 pm
Friday, Saturday, Sunday 7.00 am - 1.00 am the following day

(ii) Isolated from residential houses

Monday to Sunday 7.00 am – 1.00 am the following day

Hours must also comply with the relevant zoning provisions of the District Plan.

5.4 Policy in respect to an Off licence application

The Licensing Inspector's report should take into account the following matters:

- Nature of the operation.
- Suitability of the applicant.
- Hours of operation.
- Suitability of the activity.
- Compliance with relevant legislation.
- Matters raised by an objector.
- Completed application form and fee.
- Floor plan of premises showing designations and principal entrances.
- Photographs of principal entrances.
- Location map.
- Owners consent in writing.
- Partnership/ Company/ Incorporation details.
- Hours sought.
- Proposed managers and staff training.
- Host responsibility policy.

Failure to supply all information upon a written request within twenty (20) days will invalidate the application and the fee will be refunded minus a charge for costs.

5.5 Policy in respect to a renewal application

The following matters should be considered:

- Any evidence of poor management.
- Any objections lodged through the public process.
- Any concerns in respect of the Resource Management Act and the Building Act.
- Any adverse effect that a variation sought may have.

5.6 Policy for a Temporary Authority

- A second authority will not be issued unless the applicant has lodged a full Off licence together with supporting documentation within thirty (30) days of the date of issue of the first authority.
- This policy will apply except in exceptional circumstances with the approval of the Agency.

6.0 SPECIAL LICENCES

6.1 Introduction

A special licence: Authorises the holder to sell and supply liquor on the premises to which the licence applies, to any person attending any occasion or series of occasions described in the licence. Previously applicants for special licences were required to describe the particular event or series of events.

Applications pursuant to s.73 of the Act: are made in respect of premises that generally are unlicensed. There are now no restrictions on the types of events or occasions for which a special licence can be issued pursuant to S.73 and applications could also include private social gatherings where liquor is sold and supplied on premises that are not licensed such as community halls being used for a community fundraising dinner or for an unlicensed clubs annual prize giving.

Applications pursuant to S.74 of the Act: are made by the holders of on-licences in respect of hotels or taverns and club licences and are for those licensed premises. The S.74 applications are for social gatherings or any kind specified in the licence to be held at times when the premises are required to be closed for the sale of liquor. Each special licence will be peculiar to the applicant licensee and cover a period not exceeding 12 months.

In respect of clubs the number of occasions was restricted to the regular fixtures on the clubs calendar such as opening day, closing day, annual prize giving or a monthly social when a specific event was organised and it was not just an extension of trading hours. They were known as blanket permits and each one was tailored to the requirements of the particular club.

The Licensing Agency should be careful to distinguish between special licences for intermittent special events or functions and special licences which are seeking to effect a regular extension of ON or Club licences. In those cases the correct procedure may well be to seek and advertise a variation of the licence.

6.2 Timing of Application

There is no time fixed in the Act by which an application for a special licence should be made. But the agency must be able to exercise the discretion in S.76 (4) to have an application advertised and in S.77 (2) prescribing time for lodging objections. It is recommended that public notices should not be less than five or more than ten days apart and it would not be unreasonable to allow ten days for objection from the first publication of the notice. Therefore, where an application is to be publicly advertised then 20 working days notification of the application could be required. Clearly the discretion would need to be exercised liberally in

respect of special licences for one off social gatherings for private functions, but it does give the agency the ability to refuse applications made at very short notice.

The agency can impose an additional charge where an application is required to be processed within a shorter period than 10 days.

6.3 Sale and Supply

A special licence authorises the sale and supply of liquor. We have been made aware of instances where there has been no sale, yet special licences have been issued. The following examples may be helpful:-

1. Club premises are hired for a wedding reception; the liquor is sold and supplied by the club but supplied at no charge to the wedding guests - special licence required
2. Club premises are hired for a wedding reception, but it is all supplied by the wedding party and supplied at no charge to guests - no special licence is required.
3. A theatrical group advertises in the press a performance where liquor is to be brought along on a BYO basis - no special licence required in terms of the Sale of Liquor Act 1989. The enforcement authorities will be concerned that there will be no breach of local bylaws or the Summary Offences Act 1981.
4. 21st birthday party in an unlicensed community hall where all the liquor is supplied by the host there being no sale - no special licence is required.

6.4 Fire Reports

S.78 does not specifically require a fire report be obtained when granting a special licence. However, if the Inspector is concerned about the suitability of some premises it would be quite in order to seek a report from the fire authorities. This certainly was a practice of the Licensing Control Commission, particularly when temporary premises such as a marquee was being used.

One should note that a marquee over 30m² is required to have a building consent under the Building Act 1991.

6.5 Policy for a special licence application

Matters to be considered:-

- The nature of the particular occasion or event or series of occasions or events in respect of which the licence is sought;
- 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 the sale and supply of non-alcoholic refreshments and food;
- The reports made under section 78 of this Act.
- The provision of a licensed security guard or other qualified person to which the NZ Police have no objection, for events where the NZ Police consider it warranted.

6.6 Policy concerning hours and conditions

The Days On Which And The Hours During Which The Applicant Proposes To Sell Liquor

As with the previous criteria the Police have the opportunity to make comment on the proposed hours of operation.

Also the Licensing Inspector may make comment if he/she is of the opinion the hours requested are sufficiently long for there to be any likelihood of alcohol abuse arising as a result of the issue of the licence.

It is not felt there is any need for a general policy on hours for special licences due to the individual nature of each application. However, generally any application giving concern to either the Police or the Inspector will be referred to the Agency for determination. Hours must also comply with the relevant zoning provisions of the District Plan.

In making its determination, the Agency may take into account the following considerations:

- Location of the event, and in particular its proximity to residential properties.
- Number of persons attending the event.
- Whether the event is an outdoor event.
- A history of previous complaints or problems concerning the applicant or the proposed venue.
- The applicant's intentions with respect to the provision of food and Host responsibility.

6.7 Policy in respect to objections

Any application that has attracted an unfavourable report from either the Police (and their report is not confined to offences against the liquor licensing laws) or from the licensing inspector requires a hearing of the licensing agency to determine the application.

6.8 Small club applications for a multi licence:

Introduction: The current policy that has been adopted by Council by way of resolution concerns applications for multi event special licenses by small clubs for which it is considered a full on licence would be inappropriate.

Definition of Small Clubs: To be considered, clubs and premises shall meet the following criteria:-

- (a) The maximum membership of the club shall not exceed 30 persons over the age of 20 years.
- (b) In the opinion of the Inspector the premises are not suitable or likely to be used for larger social gatherings.
- (c) The club shall in all other respects be bone fide and meet the definition of clubs contained in the Sale of Liquor Act 1989.

Number of Events: The maximum number of events to be permitted under this procedure is 24 at an average frequency of not more than two per calendar month per year. The events must be specified in the application.

Management: Clubs requesting licences under this procedure shall appoint at least one member as Manager who shall: -

- (a) Be an active committee member of the club;
- (b) Obtain a Club Managers Certificate under the Act.

Public Notice: All applications for consideration under these procedures shall be subject to public notice under the provisions of the Act.

Reports: (Inspector and Police).

Premises: The premises shall comply with all other relevant legislation (i.e. Food Hygiene etc.)

7.0 POLICY WITH RESPECT TO APPLICATIONS FOR A MULTI SPECIAL LICENCE

- That with the exception of applications received under the small club policy the number of events or occasions covered by one or more special licence issued to any applicant shall be limited to no more than twelve (12) in any twelve-month period.
- That for any social gathering a special licence shall be necessary for each such gathering.
- That the Police be asked to report on all applications for special licences.
- That the Licensing Inspector be asked to report on all applications for special licences.
- That direct notification of affected parties or public notice for a special licence be undertaken at the discretion of the District Licensing Agency.

The following factors shall be taken into account when exercising this discretion:

- Location of the event and in particular its proximity to residential properties.
- The hours requested.
- Number of persons attending the event
- Whether the event is an outdoor event.
- A history of previous complaints or problems concerning the applicant or the proposed venue.

8.0 CLUB LICENCES

8.1 Introduction

A Club licence authorises the sale or supply of liquor, to any member of the club, their invited guests and any member of an affiliated club or clubs with reciprocal visiting rights.

The question of who is or who is not a member of the club is fixed by reference to the rules of the club.

An Off licence may only be held by: -

1. Any club that, immediately before the commencement of this Act, held a charter under Section 164 of the Sale of Liquor Act 1962 and:
2. Any club, other than a sports club, that holds a club licence.

A Club shall be a voluntary association of persons who combine to promote private social intercourse and promote common aims to which the provision of alcohol is an added amenity. The supply of liquor shall not be the sole purpose of the club. Whilst guests may be invited, no regular attendance should be allowed by non-members who live locally if such attendance involves use of the licensed areas. The club should ideally be an incorporated society. The club should have membership cards or a register.

Signage shall be displayed indicating the availability of food and non alcoholic refreshments, and concerning the sale of liquor to prohibited and intoxicated persons. A guest book and signage on how visitors shall be signed in shall be displayed in any areas of a clubs premises designated as restricted or supervised areas. Food and non-alcoholic refreshments shall be available at all times that liquor is sold. Food shall be at least sufficiently substantial to be in the nature of pies, savouries, pizzas, filled rolls, sandwiches or the like. A suitable adequate kitchen shall be provided.

8.2 Policy for a Club licence application.

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

- The suitability of the applicant;
- The days on which and the hours during which the applicant proposes to sell liquor;
- The days on which and the hours during which the premises are used for the club's activities;

- The areas of the premises, if any, that the applicant proposes should be designated as restricted areas or supervised areas;
- The proportion of the membership of the club who are prohibited persons;
- 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 the sale and supply of non-alcoholic refreshments and food:
- Any matters dealt with in any report made under section 57 of this Act;
- Host responsibility programme.
- Suitability of the premises,.

8.2.1 Prohibited persons

In addition to the standard provisions regarding under age patrons and intoxicated persons, entry is restricted to members and their invited guests. These restrictions of course only apply to the area of the club premises designated by the licence as the "licensed premises", and any conditions imposed will only apply to that part of the clubs facilities.

In addition it is appropriate that signage to the effect that underage and intoxicated persons will not be served be displayed. Also, in any restricted or supervised areas it would be appropriate to supply a visitors book with a sign clearly indicating procedures for signing in guests

8.2.2 Sale and supply of food and non-alcoholic refreshments

The applicants proposals relating to the sale and supply of non-alcoholic refreshments and food

Clubs must provide or have available for sale food and non-alcoholic refreshments at all times that liquor is available.

A menu no matter how basic should be supplied with the application for a licence and the standard of that menu maintained thereafter.

Substantial food in the nature of pies, savouries, pizzas, filled rolls and sandwiches should be available at all times liquor is available.

Signage indicating the availability of both food and non-alcoholic refreshments should be prominently displayed.

Provision should be made for minors to obtain food and non-alcoholic beverages from some suitable place.

The club premises should have suitably equipped kitchens to a standard sufficient for the storage and preparation of food of the types supplied.

8.2.3 Policy concerning hours

The days on which and the hours during which the premises are used for the club activities

This policy was developed at the time of the first renewal of club's licences under the new Act when variations to hours were being sought. The policy is:-

"That the Agency makes no comment on any proposed variation of hours sought in respect to the renewal of Club Licences where the proposal is adequately supported by relevant information and no objections have been received."

In practice club hours that have been granted to Sports Clubs tend to be unique to each code. For example the hours that apply to a Golf Club will be different to those that relate to a Bowling club or a Rugby Club.

Note: Clubs should only be permitted to sell liquor outside code seasons in conjunction with associated club activities. Hours should relate to Club activities and sale of liquor remain ancillary to the Clubs activities. Where justified, hours between 8.00 am and 1.00 am the following day would be considered as appropriate by the agency.

Clubs

Monday to Sunday 8.00 am – 1.00 am the following day.

Hours must also comply with the relevant zoning provisions of the District Plan.

8.2.4 Policy with respect to renewal applications

In undertaking a review the following matters will be taken into account:

- Any evidence of poor management in relation to the club and related wider effects.
- The adequacy and implementation of the Club's Host Responsibility policy and control of minors on the club premises.
- Any objections lodged through the public process.
- The management of the premises and implementation of their Host responsibility programme.
- Information from the Police and Medical Officer of Health.

8.2.5 Policy with respect to a renewal with variation

In undertaking a review the following matters will be taken into account:-

- The suitability and justification of the variation.
- Any adverse effect the variation might have.
- Any concerns expressed by any other party.
- District plan requirements.

9.0 MANAGER'S CERTIFICATES

9.1 Introduction

There are two types of Managers certificate - a Club Managers certificate and a General Managers certificate. The latter enables a person to manage any form of licensed premises.

9.2 Policy with respect to a Managers application

1. In considering any application for a General Manager's Certificate, the Agency shall have regard to the following matters:-
 - (a) The character and reputation of the applicant;
 - (b) Any convictions recorded against the applicant;
 - (c) Any experience that the applicant has had in managing any premises or conveyance in respect of which a licence was in force;
 - (d) Any relevant training that the applicant has undertaken and any relevant qualifications that the applicant holds;
 - (e) Any matters dealt with in any report made under section 119 of this Act.

2. In considering any application for a Club manager's certificate, the Agency shall have regard to the following matters:-
 - (a) The character and reputation of the applicant;
 - (b) Any convictions recorded against the applicant;
 - (c) Any experience that the applicant has had in managing any premises or conveyance in respect of which a licence was in force;
 - (d) Any relevant training that the applicant has undertaken and any relevant qualifications that the applicant holds;
 - (e) Any matters dealt with in any report made under section 119 of this Act;
 - (f) Where the applicant intends to be the manager of a particular club, the extent of the applicant's involvement in the management and activities of the club.

9.3 Character of the Applicant

This is a matter on which it is pointless for the Agency to have any policy other than to support the local police. It is unlikely that an applicant will be refused a certificate on the grounds of poor character and reputation unless he/she has

more than one conviction for dishonesty or alcohol related offences, particularly in the last five years.

9.4 Training

All holders of General Managers Certificates are required to hold a prescribed qualification the Licence Controller Qualification Holders of Club Managers Certificates do not have to hold a prescribed qualification but applicants will be expected to provide satisfactory evidence of training from an NZQA registered trainer or other approved training organisation.

9.5 Liquor Licensing Liaison Group

The District Licensing Agency has formed a local committee of representatives of various organizations involved in Liquor Licensing in the District. The organizations represented are the District Licensing Agency, Police and Medical Officer of Health. The purpose of the group is to: -

- share information
- educate
- improve co-ordination
- address problems.

In terms of community education and health promotion, the District Licensing Agency will encourage and support health promotion and community education and training carried out in the district including training workshops for licensees.

The District Licensing Agency will also encourage and support any other promotional work aimed at reducing alcohol related harm and liquor abuse.

The District Licensing Agency will encourage and support any projects and initiatives aimed at reducing alcohol related problems amongst the youth in the district.

9.6 Policy

The District Licensing Agency will continue to promote the Liaison group and liaise with other interested parties.

10.0 PROCEDURAL MATTERS

10.1 Decision Making

10.1.1 *Delegation*

The 1999 amendment to the 1989 Sale of Liquor Act delegated power to the District Licensing Agency to deal with all unopposed applications. Previous to this special licence applications and renewals with no variation were decided under delegated authority and signed by the secretary.

Presently all unopposed applications are delegated to Council staff and signed by the secretary.

Opposed applications will be sent to the Liquor Licencing Authority.

10.1.2 *Policy*

- An application that meets the requirements of this policy document shall be granted by the Secretary.
- An application that is outside this Policy document but with no objections should be determined by the Hearings Committee of Council.

10.2 Administration

10.2.1 *Charges*

- All charges are set in the Sale of Liquor Regulations, 1990.

10.2.2 *Policy*

- Excepting special licences, if an application has not been processed at the time of withdrawal actual and reasonable charges shall be levied on the applicant and the balance refunded.
- No refund will be given for special licences.

10.3 Policy Making

10.3.1 Policy

The Hauraki District Council shall determine all policy.

10.4 Enforcement

The District Licensing Agency has a responsibility to enforce the requirements of the Sale of Liquor Act and works closely with the Police and Medical Officer of Health through the Liquor Liaison Group. The Police monitor the operation of licensed premises on a regular basis in the course of their routine daily operations. Enforcement of the penal provisions of the Act is the responsibility of the Police. The Licensing Inspector's role is limited to ensuring compliance with the conditions of the licence and carrying out inspections of the licensed premises for licensing purposes. Any problems encountered or reported are followed up with the licensee. Serious matters are addressed through the liaison group and the appropriate action taken where necessary.

10.4.1 Policy

- The District Licensing Agency shall monitor the operation of all licensed premises, liaise with the Police and Medical Officer of Health and take action where necessary.
- The District Licensing Agency will inspect all licensed premises (excluding special licenses) at least once each year for compliance with its licence conditions.
- The District Licensing Agency will inspect at least one event of a multi special license each year.

Date adopted: 13 September 2007

Next Review Date: April 2010

Signed:

L. D. Cavers
Chief Executive