

UPPER HUTT DISTRICT LICENSING COMMITTEE

Sale and supply of alcohol

ON Licence | **new/renewal**



upperhuttcity.com

Sale of Liquor Information Sheet



1 Council Staff Contacts:

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2 Applications for new | renewal: ON Licence

2.1 Application process

- applicant applies for a Certificate of Use from Council which are two separate certificates issued from Planning and Building Departments – this must be done prior to lodging any liquor licence application as it must be attached to the application
- applicant applies for licence with District Licensing Committee (Upper Hutt City Council "DLC"). Application to include additional information as required (see overleaf)
- application publicly notified by applicant (in The Leader on two separate dates) **only after you have applied first at Council**
- DLC obtains reports from Licensing Inspector, Police and Regional Public Health (as required)
- applicant supplies copies of public notice (complete page) from The Leader to the DLC
- DLC approves or declines application depending if objections were received
- if objections are received the file may be transferred to Alcohol & Regulatory Licensing Authority - application is then granted or declined on paper at a hearing.

3 Variation other than at time of renewal

- applicant applies for a Certificate of Use from Council which are two separate certificates issued from Planning and Building Departments – this must be done prior to lodging any liquor licence application as it must be attached to the application
- applicant applies for variation of licence with District Licensing Committee (Upper Hutt City Council)
- application publicly notified by applicant (in The Leader on two separate dates) **only after you have applied first at Council**
- applicant supplies pages that public notice appeared from (The Leader) to DLC
- DLC obtains reports from Police, Regional Public Health and Licensing Inspector
- DLC approves or declines application depending if objections were received
- if objections are received the file may be transferred to Alcohol & Regulatory Licensing Authority - application is then granted or declined on paper at a hearing.

Rules of Variation

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

4 Time Frames

Note - processing of any application begins once all information has been submitted to the DLC and the appropriate fee paid:

- five weeks for uncontested applications
- contested applications are subject to the Alcohol & Regulatory Licensing Authority schedule

5 Fees

Refer to schedule of fees and charges.

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

6 Documents required with: ON Licence application

Your checklist of documentation required with your application	Supplied ✓
• the prescribed fee – refer to schedule of fees and charges	<input type="checkbox"/>
• a copy of the Certificate of Use (certificates from Planning and Building Departments)	<input type="checkbox"/>
• application form (original plus two copies for ON/CLUB and one copy only for OFF licence)	<input type="checkbox"/>
• a location map	<input type="checkbox"/>
• a photograph of the exterior or an artist's impression of the exterior of the proposed premises as they will look when they are finished	<input type="checkbox"/>
• a scale plan which indicates the parts of the premises to be used for the sale of liquor designated restricted/supervised/undesignated areas, and principal entrances	<input type="checkbox"/>
• landlord/owner's consent if the applicant is not the landowner, and full details of owner and tenure (including term)	<input type="checkbox"/>
• details of proposals for food and non-alcoholic refreshments	<input type="checkbox"/>
• a copy of the premises Host Responsibility Policy.	<input type="checkbox"/>
• in respect of incorporated applicants, documentary proof of incorporation and documentary evidence of authority to sell liquor	<input type="checkbox"/>
• local authority applicants may be required to produce documentary evidence of the alternative legislation which authorises it to hold a licence (local authorities can only hold a licence if expressly authorized by other legislation)	<input type="checkbox"/>
• Trustees under the Trustee Act and managers under the Protection of personal and Property rights Act can be expected to produce documentary proof of their trusteeship or manager ship (e.g. a copy of the Trust Deed or Property Order, as the case may require)	<input type="checkbox"/>
• individual applicants may be required to provide proof of age	<input type="checkbox"/>
• hotels or taverns or persons holding other licences under the legislation would be expected to provide reference/copies of other licences held	<input type="checkbox"/>

Your checklist of documentation required with your application	Supplied ✓
<ul style="list-style-type: none"> in respect of CLUBS and OFF licences, proof of entitlement to obtain an OFF licence and proof that the club is not a sports club (documentary evidence which might satisfy this may include a copy of the CLUB licence and a copy of the club's constitution and, if relevant, a copy of the club's 1962 Act charter) 	<input type="checkbox"/>
<ul style="list-style-type: none"> for OFF licences where the principal business is neither the manufacture nor sale of liquor details are required of the principal business, floor area, and why it would not be economic to insist on exclusive liquor premises (i.e. goods sold are complementary to the sale of liquor) 	<input type="checkbox"/>
<ul style="list-style-type: none"> details of capital (authorised and paid up) in the case of private companies, details of shareholders in private companies and 20% or more shareholders in public companies, details or proposals for food and non-alcoholic refreshments 	<input type="checkbox"/>
<ul style="list-style-type: none"> details of shareholders in private companies and 20% or more shareholders in public companies 	<input type="checkbox"/>
<ul style="list-style-type: none"> for CLUB licences, provide a schedule of the Club's activities that includes the days and hours during which the premises are used for those activities 	<input type="checkbox"/>
<ul style="list-style-type: none"> for CLUB licences, a copy of the constitution or rules 	<input type="checkbox"/>
<ul style="list-style-type: none"> in respect of caterers and auctioneers seeking section 51 or 52 endorsements, proof of the business of catering and auctioning (including a copy of the auctioneer's licence) 	<input type="checkbox"/>
<ul style="list-style-type: none"> 	<input type="checkbox"/>

7 Documents required with: **ON Licence application renewal**

Your checklist of documentation required with your application	Supplied ✓
<ul style="list-style-type: none"> the prescribed fee – refer to schedule of fees and charges 	<input type="checkbox"/>
<ul style="list-style-type: none"> a copy of Certificate of Use if variation applied 	<input type="checkbox"/>
<ul style="list-style-type: none"> application form (original plus two copies for ON/CLUB and one copy only for OFF licence) – please make sure the form is completed in full, including adding the date and your signature 	<input type="checkbox"/>
<ul style="list-style-type: none"> copies of Form 7 and Form 7A as supplied within the application documentation 	<input type="checkbox"/>
<ul style="list-style-type: none"> evacuation scheme for public safety completed and signed 	<input type="checkbox"/>
<ul style="list-style-type: none"> declaration form completed relating to display of public notice at the premise 	<input type="checkbox"/>
<ul style="list-style-type: none"> any relevant documentation required to support your variation (i.e. floor plan if extending licenced area) 	<input type="checkbox"/>

8 Restrictions relating to minors under 18 years on licensed premises

When minors under 18 years may be on licensed premises:

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

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

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

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

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

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

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

9 Host responsibility and the Sale and Supply of Alcohol Act

Various sections of the Sale and Supply of Alcohol Act 2012 require the licensee to observe certain criteria and conditions in keeping with the object of the Act. The object of the Act is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse, so far as that can be achieved by legislative means. **To accomplish this objective, the Upper Hutt City Council requires that a written host Responsibility Policy accompany all applications for ON, OFF or CLUB licences. A Host Responsibility Policy should cover issues such as:-**

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

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

Example 1 ON or CLUB Licence

Host Responsibility House Policy

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

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

Example 2 OFF Licence

Host Responsibility House Policy

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

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

Application for new ON licence or renewal of ON licence



GL 5137150

Upper Hutt City Council District Licensing Committee

Sections 100 and 127(2) | Sale and Supply of Alcohol Act 2012

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

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

New Licence
Renewal of licence Licence number and expiry date: _____

1 Details of the applicant(s)

Full name and address of company: _____

Postal address for service of documents: _____

Occupation: _____ Male Female

Date of birth: _____ Place of birth: _____

Daytime contact name and telephone number: _____

Email address: _____

Preferred mode of contact: _____

Has the applicant been convicted of any offence (since issue of previous licence)?

Yes No

If Yes, what are the details of each offence?

Nature of offence: _____

Date of conviction: _____

Penalty suffered: _____

Status of applicant(s) (tick appropriate box)

Natural Person <input type="checkbox"/>	Private Company <input type="checkbox"/>	Public Company <input type="checkbox"/>
Licensing Trust <input type="checkbox"/>	Partnership <input type="checkbox"/>	Local Authority <input type="checkbox"/>
Trustee <input type="checkbox"/>	Board, organisation or other body to which section 21(1)(c) of the Act applies <input type="checkbox"/>	Government Department or other instrument of Crown <input type="checkbox"/>
Body Corporate to which section 28(1)(ba) of the Act applies <input type="checkbox"/>	Manager under the protection of Personal and Property Rights Act 1988 <input type="checkbox"/>	

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

Name	Address	Certificate No.

2 Further detail where applicant is a company - New Applications Only

Company name: _____

Date of incorporation: _____ Place of incorporation: _____

Full details of each director and the secretary as follows:

Name	Address	Date of Birth	Place of Birth	Designation

In the case of a private company:

Authorised capital _____ Paid-up Capital _____

In the case only of a private company:

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

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

In the case only of a public company:

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

Name	Address	Date of Birth	Place of Birth	Designation

3 Further details where applicant is a partnership - New Applications Only

Full details of each partner as follows:

Name	Address	Date of Birth	Place of Birth	Designation

Signature of each partner:

4 Premise details

Address of proposed licensed premises: _____

Proposed trading name for premises, if any: _____

Is a licence sought conditional upon construction or completion of the premises: Yes No

Does the applicant own the proposed licensed premises: Yes No

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

What form of tenure of the premises will the applicant have (including term of tenure)?

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

A restricted area: _____

A supervised area: _____

5 Conveyance

Type of conveyance: _____

Address of home base (if any): _____

Trading name of premises (if any): _____

Registration number (if any): _____

Is a licence sought conditional upon construction or completion of the conveyance?

Yes No

Does the applicant own the conveyance? Yes No

If No, what is the full name and address of the owner: _____

What form of tenure of the conveyance will the applicant have (including term of tenure)?

6 Business details - New Applications Only

Is a licence already held for the premises or conveyance concerned? Yes No

What is the general nature of the business to be conducted by the applicant in the premises if the licence is granted? (for example, hotel, tavern, restaurant, and entertainment/nightclub):

Is the sale of liquor intended to be the principal purpose of the business: Yes No

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

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

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

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

In the case of a BYO restaurant; does the applicant wish to have the licence under section 37 of the Act? Yes No

In the case of a caterer; does the applicant wish to have the licence endorsed under section 38 of the Act? Yes No

7 Conditions

What provision does the applicant intend to make for the sale and supply of:

Food: _____

Non-alcoholic refreshments: _____

Low-alcohol beverages: _____

To what extent, and where, is drinking water intended to be freely available to patrons:

If no access to water mains, is potable water intended to be available: _____

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

What steps does the applicant propose to take to provide assistance with or information about alternative forms of transport from the licensed premises:

What other steps does the applicant propose to take aimed at promoting the responsible consumption of liquor:

State the experience and training of the applicant: _____

8 Variation

Does the applicant seek a change to any conditions on their current licence? Yes No

If Yes, what changes are requested? _____

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

Applicant: _____

Notes

1. This form should be used in respect to ON licences. Special licences are not renewable.
2. This application shall be accompanied by two complete copies of the application, any attachments and the prescribed fee.
3. Within 20 working days after filing this application with the District Licensing Committee, the applicant must give public notice of the application in form 7. The notice must be published twice in the Upper Hutt Leader with not less than five days and not more than 10 days between the two dates of publication.
4. Within 10 working days after filing this application with the District Licensing Committee, the applicant must ensure that notice of the application in form 7A is attached in a conspicuous place on or adjacent to the site to which the application relates (unless the Secretary of the District Licensing Committee agrees that it is impracticable or unreasonable to do so).
5. *Who may hold an ON Licence:*
 - (1) *An ON Licence may be held by:*
 - a) *Any person who has attained the age of 20 years; or*
 - b) *Any company within the meaning of the Companies Act 1993 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or*
 - ba) *Anybody corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under any previous enactment relating to the sale of liquor; or*
 - bb) *Any board, organisation, or other body that is authorised by another Act to sell liquor or hold an ON Licence under this Act; or*
 - c) *Any licensing trust; or*
 - d) *Any partnership comprising any persons, companies, or trusts referred to in paragraphs (a) to (c) of this subsection; or*
 - e) *Any Government department or other instrument of the Crown; or*
 - f) *Any local authority whether or not expressly authorised by any other enactment to hold an ON Licence under this Act; or*
 - g) *Any trustee within the meaning of the Trustee Act 1956; or*
 - h) *Any manager acting for any person pursuant to a property order made under the Protection of Personal and Property Rights Act 1988, if the order authorises the manager to hold such a licence.*
 - (2) *An On Licence may not be held by a club.*

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

DECLARATION RELATION TO BUILDING EVACUATION SCHEME FOR PUBLIC SAFETY

Sections 100 and 127 of the Sale and Supply of Alcohol Act 2012

(This must accompany renewal applications for on-licence (including BYO licenses), off-licence and club licence)

Applicant: _____

Trading as: _____

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

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

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

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

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

Signature: _____

Form 7 | Public notice of application for on-licence, off-licence, or club licence

Section 101, Sale and Supply of Alcohol Act 2012

Note: All new applications must advertise twice. Renewal applications with a risk rating of Very Low or Low are only required to advertise one public notice.

New Renewal Variation of conditions

ON Licence OFF Licence Club Licence

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

Has made application to the District Licensing Committee at: _____

In respect of the premises situated at (or specify kind of conveyance): _____

Known as: _____

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

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

The application may be inspected during ordinary office hours at the office of Upper Hutt District Licensing Committee at the Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt. Any person who is entitled to object and who wishes to object to the granting of the application may, not later than 15 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Upper Hutt City Council, Private Bag 907, Upper Hutt 5140.

No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012.

No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.

Is this the first or second publication of this notice? First Second

The first publication was made on: _____

(Fill out if this is the second publication)

A copy from the newspaper, of each notice (preferably the full page) showing the date must be sent to the District Licensing Committee.

Form 7A | Public notice of application for on-licence, off-licence, or club licence

Section 101, Sale and Supply of Alcohol Act 2012

New Renewal Variation of conditions

ON Licence OFF Licence Club Licence

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

Has made application to the District Licensing Committee at: _____

In respect of the premises situated at (or specify kind of conveyance): _____

Known as: _____

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

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

The application may be inspected during ordinary office hours at the office of Upper Hutt District Licensing Committee at the Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt. Any person who is entitled to object and who wishes to object to the granting of the application may, not later than 15 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Upper Hutt City Council, Private Bag 907, Upper Hutt 5140.

No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012.

No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.

Section 39 Notices also to be displayed on premise

A copy of an application to which regulation 36, 37, or 38 applies must be displayed:

(a) On the premises to which it relates, in a place (whether inside or outside) where it can be easily read by a person outside the premises.

(b) For at least 10 days after a copy was first published (in accordance with these regulations) in a newspaper.

Declaration Relating to Display of Public Notice at Premise

I (print name) _____ declare that Form 7A
"Public Notice" has been completed and displayed as per the requirements of the Act as stated below:

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

Applicant signature(s) _____