



A Guide to The Sale of Liquor

Sale of Liquor

The sale of liquor can be a complex and expensive process. Potential applicants are strongly urged to contact the District Licensing Agency, or a consultant dealing in liquor issues (listed under Liquor Industry Consultants in the yellow pages), before starting the application process.

When do I need a licence to sell liquor?

The Sale of Liquor Act 1989 requires a person to hold a licence at all times when alcohol is being sold. This includes everything from one-off functions to the operation of a tavern.

What types of licences are there?

A licence under the Act is the document that gives authority for alcohol to be sold from a particular premise. There are four main types of licence:

- an on-licence that permits consumption on the premises from which it is sold e.g. taverns and restaurants, and includes BYO;
- an off-licence where sales are consumed elsewhere e.g. bottle stores;
- a club licence for club premises;
- a special licence for occasions and events.

Can anyone hold a licence?

The Act clearly states who is eligible to hold a licence and this includes partnerships, companies etc as well as individuals. However, these people need to demonstrate to the District Licensing Agency or Liquor Licensing Authority that they are suitable to hold the licence or certificate. Knowledge of the Act, experience and qualifications, as well as convictions and any other relevant information can be considered during the process.

A person with no experience is unlikely to be considered suitable unless they are the owner of the business. Every licence is subject to a number of conditions, including employing a certificated manager.

What is a manager's certificate?

It is a condition on most licences that a certificated manager must be on the premises at all times when liquor is being sold. A manager's certificate is a bit like a driver's licence. It gives the holder the authority to manage premises where a licence is in force. A certificate is issued for a year initially, and then renewed every three years, provided an application is received before it expires.

There are two types of certificate, a General Manager's Certificate that allows a person to manage any type of licensed premise, and a Club Manager's Certificate that restricts their management to a specified club premises.

Can anyone hold a manager's certificate?

Like a licence, the Act defines who can hold a certificate, and the issuing agencies need to be sure that the person is suitable to hold a certificate. This person needs to demonstrate experience and qualifications, and consideration will be given to convictions and other relevant information.

What is a qualification certificate?

In the near future it will become compulsory for all holders of a manager's certificate to also hold a nationally recognised qualification. It is like having to do your practical driving test before getting a driver's licence. A person must complete the qualification to keep a current certificate, or before applying for a new one. Course information may be available from the District Licensing Agency, Polytechnics and private training providers.

What is the district licensing agency?

A District Licensing Agency (DLA), is a separate part of a District or City Council and is the agency to whom you apply for manager's certificates and licences, including renewals. Provided there are no objections, they are also the Agency that approves and issues those



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documents on behalf of the Liquor Licensing Authority. District Licensing Agencies also employ inspectors who investigate each application, and have a role in monitoring and enforcement of the Act. While reporting to the DLA, they are somewhat autonomous, and will be the manager's or licensee's main point of contact with the DLA.

What is the liquor licensing authority?

The Liquor Licensing Authority (LLA) in Wellington is a part of the Department of Courts and has overall responsibility for sale of liquor issues. Each DLA reports to the LLA, and undertakes activities, on their behalf. The LLA also determines any applications that are opposed or contested, or applications for suspension or cancellation of licences or certificates, normally at a public hearing.

What other agencies are involved?

In the case of a manager's certificate, each application is investigated and reported on by the DLA Inspector and a member of the Police. Each has the right to oppose an application, and also have the power to apply for suspension or cancellation of a certificate where this is warranted.

A licence application needs to be accompanied by a number of documents before it can be considered. The list of what must accompany the application is given as a checklist with the application. In addition, the Police, DLA Inspector, the Medical Officer of Health, and in some cases the Fire Service, will be required to report on the application as well.

Do the public get the opportunity to comment?

Most applications for a licence are required to be publicly notified in a local newspaper. There is a set form and wording that must be used, and the notices must appear within a certain time period. Details are given with the applications. This gives members of the public the chance to comment. This is an additional cost of which the applicant needs to be aware. Applications for manager's certificates are not normally advertised.

What about a special licence?

Special licences giving a person or organisation permission to sell liquor for an occasion or event are not subject to all requirements of an on, off or club licence. They are however investigated by the

Police and Inspector, and come with conditions imposed by the DLA. If you have never applied for a Special Licence it would be advisable to discuss this with a DLA Inspector beforehand. It is possible to get a number of related events authorised on one special licence.

What are the current costs involved?

Applications for new on, off or club licences, and renewals will cost the applicant \$776.00 for each application. There may be additional costs such as advertising of the application.

An application for manager's certificate will cost \$132.00, not including the cost of any qualification, which will vary from provider to provider.

A special licence application will cost \$63.00.

It needs to be noted that these fees are application fees, and are set by law. If for any reason, the application does not proceed, or is unsuccessful, these fees may not be refunded. Parliament may revise fees from time to time.

What about food?

It is a condition of all on and club licences, and most special licences, that substantial food must be available at all times that liquor is being sold. On and club licensed premises will also be required to comply with the Food Hygiene Regulations 1974. See the information sheet "Sale of Food" for more information.

Any other considerations?

One of the objectives of the Sale of Liquor Act 1989 is to reduce liquor abuse, and it places an emphasis on host responsibilities. The Act also details a number of offences, with considerable penalties for breaches. The LLA has also indicated that it considers one of its main roles to be increasing the standard of licensed premises and their management.

What are the consequences of not complying with the Act?

Offences against the Sale of Liquor Act 1989 are dealt with by the Police and DLA.

Most offences are punishable by conviction, fines or imprisonment.

Further information?

Specific questions can be directed to a DLA Inspector at either of Council's Offices in Te Awamutu or Cambridge.

Copies of the Sale of Liquor Act 1989 can be purchased from Whitcoulls and Bennett Bookshops and some other outlets.