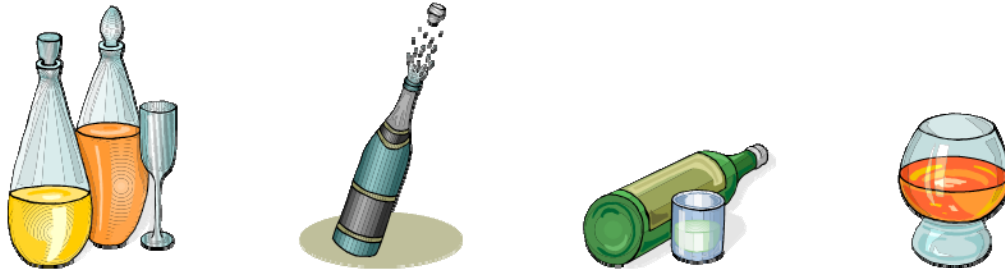




Risk Services Best Practices Bulletin

Bulletin #1: Liquor Licenses

Presented by Office of the President Risk Services — December 2, 2008
updated July 15, 2009



Introduction

The SALE OF LIQUOR ACT 1989 sets out the requirements that you must meet if you wish to apply for a liquor license to sell and supply liquor to be consumed on the premises. This is called an "on-license". To obtain an on-license, you will need to file an application and the necessary accompanying documents with your local council.

The Act also sets out the requirements for obtaining other types of licenses, such as an "off-license" (to sell liquor to be consumed off the premises) and a "club license".

Full on-licenses and temporary licenses

There are two main types of on-license: a full on-license and a temporary on-license.

A license to sell liquor is granted to a person, not to particular premises. Therefore if you buy or lease premises intending to use them to supply liquor, you will still need to apply for a license.

If the premises were not used to sell liquor, you will need to apply for a full on-license, which will include applying for a "Code Compliance Certificate", certifying that the premises comply with the RESOURCE MANAGEMENT ACT 1991 and with the Building Code.

If the premises were previously used to sell liquor, you can apply for a temporary license, which is valid for three months. You will be able to keep renewing this until you get a full on-license. When you apply for a temporary license, the standard procedure for public notification of your application (see below) doesn't apply, although the council can decide that particular people should be notified.

Who do I apply to?

Applications for full or temporary on-licenses must be made to your local council, which acts as your "District Licensing Agency" for the purposes of the SALE OF LIQUOR ACT 1989. Contact your local council, and they will send you out the relevant application forms.

What information will I need to include with my application?

You will need to include a number of documents with your application, including:

- ✓ a certificate of incorporation (if you are a body corporate such as a company);
- ✓ your partnership agreement (if a partnership);
- ✓ your company constitution or memorandum of association (if you are a company);
- ✓ a copy of your proposed food menu and information about any non-alcoholic drinks you will supply;
- ✓ photos or drawings of the outside of the premises;
- ✓ a plan of the interior, indicating areas to be used to sell liquor and "restricted" and "supervised" areas;
 - (restricted areas are those where a person can be present only if he or she is 18 or over;
 - supervised areas are areas such as pub restaurants and family lounge bars, where any person can enter if with a parent or guardian)
- ✓ a copy of the Certificate of Title for the premises (*you can get this from the Department of Survey and Land Information*);
- ✓ a Code Compliance Certificate.

Is there an application fee?

Yes, there is an application fee, and a further fee for the application for a Code Compliance Certificate. Contact your local council for details.

Public notification of your application

Within 20 days of filing the application you must advertise it in the Public Notices section of your local newspaper. You must do this on two separate occasions, at least six days and not more than 10 days apart.

Within 10 working days after filing the application, you must also attach a notice of the application in a conspicuous place on or next to the site to which the application relates.

Objectors

Any person who has a greater interest in your application than the public generally may file a written objection to your application with the council, within 10 working days after the first public notice of your application.

Reports from Police, Medical Officers of Health, and council inspectors

When the local council receives your application, it sends copies of it to the local Police and to the district Medical Officer of Health, who inquire into your application and report to the council

if they have any opposition to it. A council inspector appointed under the SALE OF LIQUOR ACT 1989 also makes inquiries and files a report with the council. The council will send you copies of all reports that it receives.

What happens if there are objectors or any reports opposing my application?

If there are no objectors and no reports opposing your application, the local council can proceed with your application and decide whether or not to grant it.

If there are objectors or reports opposing it, the council will notify you of this and your application will be referred to the Liquor Licensing Authority. The Authority will hold a court-type public hearing on your application. You will be given at least 10 working days' notice of the date of the hearing. The hearing will decide if you are fit to hold the license.

How will my application be decided?

In deciding whether to grant the license, the local council or the Liquor Licensing Authority will consider matters such as:

- your suitability to hold a license;
- the days on which and the hours during which you propose to sell liquor;
- the areas of the premises, if any, that you propose to designate as "restricted areas" or "supervised areas";
- the steps you propose to take to ensure that no liquor is sold to people who are under age or intoxicated;
- your proposals for supplying food and non-alcoholic and low-alcohol drinks, and for providing patrons with assistance and information about alternative forms of transport such as taxis.

Cautionary note

Because of the formality of the hearings held by the Liquor Licensing Authority, it is advisable that you have a lawyer represent you.