

Liquor Licensing Policy

Adopted – Council 25 May 2007

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INTRODUCTION

The Queenstown Lakes District Council Liquor Licensing Policy aims to provide a framework for the operation of the Sale of Liquor Act 1989 in the Queenstown Lakes District.

The Policy outlines Council's approach, through the District Licensing Agency (DLA) to the sale of liquor, the interpretation of the Act and the operation of licensed premises within the district. The Policy also outlines Council's attitudes to liquor licensing issues in the district.

The Policy enables the DLA to administer the Sale of Liquor Act 1989 by establishing local standards to be implemented in conjunction with the decisions and directions of the Liquor Licensing Authority. (LLA)

The Queenstown Lakes DLA acknowledges the provisions in the Resource Management Act 1991 and the Local Government Act 2002 relating to liquor licensing issues.

SALE OF LIQUOR ACT 1989

The object of the Sale of Liquor Act 1989 ("the Act") is set out in Section 4:

The object of this 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 Licensing Authority, every District Licensing Agency, and any Court hearing any appeal against any decision of the Licensing Authority, shall exercise its jurisdiction, powers, and discretions under this Act in the manner that is most likely to promote the object of this Act.

The DLA therefore has a role to play in the reduction of liquor abuse through its responsibilities pursuant to the Sale of Liquor Act 1989.

The DLA and its Inspector carries out its role in conjunction with the Police and the Medical Officer of Health appointed by Public Health South.

All unopposed applications for licences and Manager's Certificates may be granted by the DLA. Any opposed applications must be forwarded to the Secretary of the LLA for determination.

ON-LICENCES

On-licences authorise the sale, supply and consumption of liquor on the premises to which the licence applies, for example, hotels, taverns, restaurants, function venues, theatres and conveyances.

The factors the DLA must have regard to in considering an application for an on-licence are as follows:

- Applicant Suitability
- Trading hours
- Provision of food and non-alcoholic beverages.
- Designations
- Planning and Building code compliance
- Police reports
- Medical Officer of Health reports

POLICY ON APPLICANT SUITABILITY

Any legal entity involved in the ownership and management of licensed premises may be deemed unsuitable by the regulatory agencies having considered the criteria listed above.

Non-compliance with any legislative requirements may impact on the applicant's suitability and result in the application being opposed.

In making a decision on whether an application is opposed the DLA will consider the application in accordance with the guidelines established in decisions of the Liquor Licensing Authority.

POLICY ON TRADING HOURS

The District Plan provisions relating to on-licences permit the sale of liquor between 7.00 am and 11.00 pm in the town centre zone pursuant to a tavern style on-licence.

Any applicant seeking to sell liquor outside of these hours and pursuant to a tavern style on-licence must obtain resource consent unless there is an existing use right.

TRADING HOURS FOR ON-LICENCES: QUEENSTOWN TOWN CENTRE ZONE

The maximum trading hours for all on-licences (other than trading for house guests in hotels and for restaurant style on-licences) in the Queenstown Central Business District (Town Centre Zone) will be 7.00 am to 4.00 am the following day, subject to the rules in the District Plan and the provisions of the Resource Management Act 1991.

TRADING HOURS FOR ON-LICENCES: QUEENSTOWN LAKES DISTRICT

The maximum trading hours for all on-licences (other than trading for house guests in hotels and for restaurant style on-licences) in the rest of the Queenstown Lakes District, other than Queenstown CBD will be 7.00 am to 2.30 am the following day, subject to the rules in the District Plan and the provisions of the Resource Management Act 1991.

TRADING HOURS FOR RESTAURANTS: QUEENSTOWN LAKES DISTRICT

The maximum trading hours for all restaurant style on-licence premises throughout the district will be 7.00 am to 2.00 am the following day, subject to the rules in the District Plan and the provisions of the Resource Management Act 1991.

The actual trading hours of each separate premises shall be determined on a case by case basis within the maximum times set out in the policy.

Any application for an on-licence seeking trading hours wider than those authorised in the policy will be forwarded to the LLA for determination.

POLICY ON DESIGNATIONS

Designations will be imposed as appropriate in accordance with the mandatory provisions of the Act and the nature of the premises.

In addition to the mandatory designations, a restricted designation (no persons under 18 allowed) will be imposed in respect of all areas where gaming machines are located where it is practical to do so.

OFF-LICENCES

An off-licence authorises the holder to sell liquor, on the premises to which the licence applies, for consumption off the premises and to allow complimentary tasting of liquor on the premises, for example, bottle stores, supermarkets, souvenir shops.

The factors the DLA must have regard to in considering an application for an off-licence are as follows:

- Applicant Suitability
- Trading hours
- Designations
- Planning and Building code compliance
- Police reports

POLICY ON APPLICANT SUITABILITY

Any legal entity involved in the ownership and management of licensed premises may be deemed unsuitable by the regulatory agencies having considered the criteria listed above.

Non-compliance with any legislative requirements may impact on the applicant's suitability and result in the application being opposed.

In making a decision on whether an application is opposed the DLA will consider the application in accordance with the guidelines established in decisions of the Liquor Licensing Authority.

POLICY ON TRADING HOURS

The District Plan provisions relating to off-licences, permit the retail sale of liquor at any time on any day in the commercial zone.

The maximum trading hours for all off-licence premises throughout the district, other than caterers' off-licences will be 7.00 am to 12.00 midnight, subject to the rules in the District Plan and the provisions of the Resource Management Act 1991.

Any application for an off-licence seeking trading hours wider than those authorised in the policy will be forwarded to the LLA for determination.

POLICY ON DESIGNATIONS

A supervised designation will be imposed in respect of all stand-alone bottle store premises.

CLUB LICENCES

A club licence can be issued to any kind of incorporated club. It authorises the holder to sell liquor to club members and their guests for consumption on the premises to which the licence applies.

The key factors in considering an application for a club-licence are as follows:

- Applicant Suitability
- Trading hours
- Provision of food and non-alcoholic beverages.
- Designations
- Police reports
- Medical Officer of Health reports

The Policy in respect of applicant suitability, the provision and food and non-alcoholic beverages and designations is as for on-licences.

POLICY ON TRADING HOURS

The maximum trading hours for all club licence premises throughout the district will be 7.00 am to 1.00 am the following day, subject to the rules in the District Plan and the provisions of the Resource Management Act 1991.

Clubs will also need to prove to the DLA that the predominant use of the premises is an activity other than the sale of liquor.

Any application for a club-licence seeking trading hours wider than those authorised in the policy will be forwarded to the LLA for determination.

RENEWAL OF ON-LICENCES AND CLUB LICENCES

All applications for renewal of on and club licences must provide a copy of a current written Host Responsibility Policy. This gives the licensee the impetus to review the policy and to update it if necessary, incorporating any amendments to the Sale of Liquor Act or associated legislation.

It also enables the licensee to demonstrate a real commitment to host responsibility and the responsible management of the premises.

DUTY MANAGERS

- The name of the duty manager must be prominently displayed in the licensed premises and easily read by any person on the premises.
- As provided in the Act, there may be only one duty manager at any one time. However, all licensed premises should employ more than one certified manager, the ratio being in keeping with operating hours. In limited circumstances one duty manager may be considered adequate.

TEMPORARY AUTHORITIES

Temporary authorities may be granted by the DLA to authorise any entity having an interest in a business holding a current on-licence or off-licence, to carry on the sale and supply of liquor for a period of up to three months whilst a new application is being processed.

POLICY ON TEMPORARY AUTHORITIES

- Applicants must provide written evidence confirming they have an interest in the business.
- The DLA will not grant more than one temporary authority other than in exceptional circumstances.
- A Police report must be obtained in respect of all applications for a temporary authority.
- An opposed application will require a hearing before the DLA.

SPECIAL LICENCES

A special licence authorises the holder to sell or supply liquor for an occasion or event, or series of occasions or events or for a social gathering. Special licences may be granted in respect of premises with existing liquor licences or premises that are unlicensed.

The following guidelines will apply in respect of special licences:

Special licence applications must be filed with the DLA 40 working days before an event in order to allow for the possibility of a public hearing.

However, uncontentious applications will be accepted and processed in a shorter timeframe of 20 working days.

All applications will be considered on their merits and in accordance with the case law.

- A special licence will not be issued on the papers when in the opinion of the reporting agencies, the nature and extent of the activities should be covered by an on, off or club licence. A special licence will not be issued as a substitute for a permanent licence.

A special licence will not be issued for any extension of trading hours for a social gathering that cannot be distinguished from the ordinary day to day trading of the premises.

- Special licences will generally be granted for up to 12 days in respect of events or occasions in a calendar year.

TRADING HOURS

- The trading hours granted will be discretionary, however, where the hours or the nature of the operation are restricted by the conditions of resource consent, a special licence may not be granted.

HOST RESPONSIBILITY PLANS

- All applicants for special licences in respect of large public events are required to provide and implement a robust written host responsibility plan.
- Host responsibility plans must also be provided when required by the reporting agencies, particularly for any series of events such as sporting telecasts.

PROVISION OF FOOD

- Food will be required at all on-licence type events. The amount and nature of the food required will be discretionary dependent on the nature of the event. The applicant for a special licence will be required to supply information to the DLA in respect of the food that will be available at the event.
- Food stall permits will be required to be obtained for events held other than on premises that are already registered under the Food Hygiene Regulations 1974 to sell food to the public.

DUTY MANAGERS

- The DLA will require the holder of a General or Club Manager's Certificate to be responsible for the sale or supply of liquor when a special licence is in force. However, an exception will be considered for small events if the DLA is satisfied that the licensee or some other person nominated by the licensee, will manage the sale or supply of liquor pursuant to the licence and will monitor the conduct of the premises.

NEW YEAR'S EVE

The DLA may issue special licences on New Year's Eve.

Any special licences for New Year's Eve will be for an extension of trading hours until 3.00 am on 1 January.

SPECIAL LICENCES FOR EASTER, CHRISTMAS AND ANZAC DAY

- Applications will be considered in accordance with the precedent decisions of the DLA and the LLA.

USE OF PRIVATE AND PUBLIC LAND

The applicant must obtain the relevant landlord consents and must clearly define the area that will be the subject of the special licence.

USE OF COUNCIL RESERVES

Any applicant for a special licence must adhere to Council's policies regarding the use of public reserves.

In some cases additional action may be required to mitigate damage to the public reserve.

OUTDOOR EVENTS

It may be a requirement of any special licence issued in respect of an outdoor area that liquor can only be sold in plastic or cans.

RECYCLING PLANS

Applicants for special licences for large public events may be required to provide a recycling plan.

HEARINGS IN RESPECT OF SPECIAL LICENCES

- Any applicant for a special licence that does not meet any of the criteria for special licences will require a hearing before the DLA.
- Any applicant seeking a special licence for more than 12 specific dates will require a hearing before the DLA.

HOST RESPONSIBILITY

All applicants for on, off and club licences must provide a written host responsibility policy with the application. The policy must be approved by the reporting agencies and be clearly visible to staff and patrons. The policy must also be adhered to at all times by the management and staff of the licensed premises.

Host Responsibility must be a genuine policy document specific to the licensed premises.

Host Responsibility strategies need to be continually implemented, monitored and the policy updated as necessary.

POLICIES ON HOST RESPONSIBILITY

Provision and promotion of food for on-licence and club licence premises:

A sufficient amount of reasonably priced food of a substantial nature must be readily available for patrons and immediately accessible from the licensed premises itself at all times that the premises are trading. The food you have available must be appealing and should be aligned with the menu submitted with your liquor licence application or a range of food in the nature of pies, sandwiches, filled rolls, pizzas and the like.

(Note: The type of food provided must be bulky and filling in nature in order to slow down the absorption of alcohol into the blood stream.)

Menus should be displayed on tables and at the bar, and should be available on request by patrons at all times. Food should be promoted using visible signage and menu boards.

Bar staff should be encouraged to actively promote the range of food options available.

The provision of free bar snacks that smell and taste appealing is encouraged to entice people to think about and maybe purchase further food, thereby reducing the chance of intoxication.

If the supply of food is exhausted, it would be expected that liquor can no longer be sold.

Where possible menus and signage should be placed at the principal entrance to the premises so as to be clearly visible to passers-by.

LOW AND NON-ALCOHOLIC DRINKS

Low alcohol drinks, including light beers, and alcohol free drinks must be readily available and promoted on menus and by staff.

TRANSPORT

Safe transport services must be promoted by staff and signage should be visible throughout the premises and at the entrance/exit to the premises.

Licensed premises should make taxis as available and easy to use as possible by offering to call a taxi for customers, having a free phone available for customer usage, having taxi signage and investing in discount taxi schemes.

Licensed premises should encourage groups to designate-a-sober-driver and provide them with free non-alcoholic drinks.

SIGNAGE

Signage in respect of the law relating to serving minors and intoxicated patrons must be displayed in a prominent position and should be readable from a distance.

MANAGERS CERTIFICATES

The factors the DLA must have regard to in considering an application for a Manager's Certificate are as follows

- The applicant's character and reputation.
- Any convictions recorded against the applicant.
- Any experience that the applicant has had in managing licensed premises.
- Relevant training and relevant qualifications.
- Police report.

POLICY ON MANAGERS CERTIFICATES

All applications will be considered on their merits.

However, all applicants will be required to:

- Be employed in the hospitality industry at the time of the application being filed and determined.
- Have six months experience in the sale and supply of liquor.
- Provide two signed references dated in the year before the application is filed, either from previous employees or another person stating the applicant is of suitable character.
- Attend an interview with the DLA's staff where required and display a satisfactory understanding of the Act and host responsibility.
- **Obtain the Licence Controller Qualification comprising the two NZQA unit standards, Sale of Liquor Theory, (Unit 4646) and Host Responsibility Theory (16705).**
- Applications for renewal will be based on the continued suitability of the applicant and compliance with the requirements of the Act since the date of the last renewal.
- **All applicants for renewal must also hold the Licence Controller Qualification.**

Applications for new Managers Certificates and renewals will be opposed and may require determination by the LLA in the following situations:

- Non disclosure of convictions.
- A pattern of offending and/or behaviour indicating unsuitability
- Alcohol and drug related convictions.
- Serious convictions.
- Any other matters as outlined in previous decisions of the LLA.

In considering applications the reporting agencies will consider the guidelines established in the precedent decisions of the LLA.

CANCELLATION AND SUSPENSION OF CERTIFICATES

If any holder of a Manager's Certificate is convicted of a drink driving offence between the issue of the Certificate and any subsequent renewal, it shall be the policy of the Police and DLA Inspector to file an application for suspension or cancellation of the Manager's Certificate.

In all other cases, the decision of the Police and DLA Inspector to file an application for suspension or cancellation of a Manager's Certificate will be considered on a case by case basis.

MONITORING AND ENFORCEMENT

The DLA supports a proactive approach to the monitoring of licensed premises and encourages the regulatory agencies to strictly enforce the provisions of the Act.

Breaches of the Act will be viewed seriously by the DLA including noise related matters where noise from licensed premises is detrimentally impacting on neighbouring residents and businesses.

The DLA encourages the regulatory agencies to carry out regular Controlled Purchase Operations to ensure compliance with the legislation relating to the sale and supply of liquor to minors.

The DLA notes that it is an offence to be intoxicated on licensed premises and to purchase liquor on licensed premises when intoxicated. The DLA views these offences as serious breaches of the Sale of Liquor Act 1989.

The DLA Inspector will carry out monitoring of licensed premises in the district. Generally monitoring will be carried out each month, subject to resources.

The DLA Inspector will work in partnership with Police and Public Health South in the monitoring of licensed premises.

STAFF TRAINING

The DLA recognises that staff training is an integral aspect of host responsibility and compliance with the Sale of Liquor Act 1989.

The DLA also acknowledges that in a community where employees in the hospitality industry tend to be transient, licensees will need to have an ongoing training programme in place.

When filing an application for a new licence in respect of any licensed premises, all applicants must provide information in relation to the staff training proposed.

When filing an application for the renewal of any licence, the applicant must provide information regarding the training they have provided for all staff, since the licence was originally issued or last renewed. Applicants must also outline their proposals for ongoing training.

In particular staff of licensed premises must be trained to recognise the signs of intoxication and understand how to intervene.

Staff must be trained to identify underage people and ensure they are not served liquor.

PROMOTIONS

- The Sale of Liquor Act 1989 provides that it is an offence for any licensee or manager of licensed premises, to do anything in the promotion of the business conducted on the premises, or in the promotion of any event or activity held or conducted on the premises, that is intended or likely to encourage persons on the licensed premises to consume alcohol to an excessive extent.
- Licensees and managers are encouraged to obtain the approval of the reporting agencies for any other promotions.
- The DLA supports the national protocol on alcohol promotions as endorsed by ALAC.

Any “happy hour” style promotions are restricted to a 60 minute timeframe within a 24-hour period and “happy hour” style promotions are not permitted after 10.00 pm.

PARTY PILLS

Products known as “party pills” must not be sold from any licensed premises.

ENVIRONMENTAL HEALTH

All applicants for on-licences, club licences and for renewals of on-licences and club licences must comply with the Food Hygiene Regulations 1974 and be registered accordingly.

Ashtrays and rubbish bins must be provided for licensed outdoor areas that are privately owned.

Licensees are encouraged to have recycling plans in place.

FIRE SAFETY

All licensed premises must have an approved fire safety evacuation scheme or confirmation from the New Zealand Fire Service that a scheme is not required

LIQUOR BANS

The DLA supports Council in implementing liquor ban by-laws where appropriate via the Local Government Act 2002, to reduce liquor abuse in public places.

SECURITY ISSUES

All licensees are encouraged to provide appropriate lighting or security areas for coats and bags to increase security and help prevent theft.

Licensees are encourage to equip the main bar areas with effective camera surveillance.

LIAISON AND COMMUNICATION

Liaison and advocacy are important roles for the DLA in terms of contributing to the reduction of liquor abuse. This includes the following:

- A Liquor Liaison Group including Police, DLA staff, Public Health South, HANZ and any other interested agencies will meet on a bi-monthly basis.
- The DLA will generally meet with licensees and the reporting agencies on a yearly basis.
- The DLA will send newsletters to all licensees in the district on a quarterly basis.

LEGISLATIVE CHANGES

The DLA is committed to advocacy and lobbying central government on relevant liquor licensing issues.

The DLA shall where appropriate become involved in the formulation of national legislation relating to liquor licensing by preparing submissions on relevant issues.

COMMUNITY EDUCATION AND HEALTH PROMOTION

- The DLA will encourage and support health promotion and community education and training carried out in the district including training workshops for licensees. The DLA will also encourage and support any other promotional work aimed at reducing alcohol related harm and liquor abuse.
- The DLA will encourage and support any projects and initiatives aimed at reducing alcohol related problems amongst the youth in the district.

The DLA supports the ALAC (Alcohol Advisory Council) Culture Change Campaign and any social marketing campaigns aimed at promoting responsible drinking.