



Gisborne District Licensing Agency - Sale of Liquor Policy

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These are the policies of the Gisborne District Licensing Agency with regard to the sale of liquor, as resolved on 27 May 2010. The Agency welcomes debate and suggestions. Amendments will readily be considered when deemed beneficial.

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INTRODUCTION

1.0 Introduction

The object of the Sale of Liquor 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**, as far as that can be achieved by legislative means. The Gisborne District Licensing Agency (GDLA) has a significant role to play in the reduction of liquor abuse by way of several pieces of legislation including obligations under the Sale of Liquor Act. The key to achieving the aims of this Act is in the promotion of responsible attitudes of both licensees and the public in achieving a mature approach to liquor consumption. This will occur through liaison, publicity, education, advice, surveillance and enforcement.

Some of the initiatives taken by the GDLA are detailed in this policy document which itself is seen by the GDLA as a further tool in achieving the agency's goals.

These policies have been based upon the original GDLA policies, adapted as a result of a Liquor Licensing Liaison Group Survey of public opinion, Liquor Licensing Authority and GDLA decisions, legal commentary, ongoing public/licensee comment and submissions and changes to the Act.

These policies are to assist the Gisborne populace. Licensees, Licensing Inspectors and the Gisborne District Licensing Agency itself in understanding and dealing with sale of liquor matters.

By stating the GDLA's philosophy and the objectives of the policy, and seeking ongoing public input to them, this has promoted further public awareness, and consequently responsibility. It is intended that these policies will be reviewed every four years as well as when any changes are made to the Act.

1.1 Policy

Policy Making

- ◆ *The Environment and Policy Committee will determine all policy related to Council's functions as a District Licensing Agency. The Hearings Committee will hear and determine all hearings.*
- ◆ *The Secretary of the Gisborne District Licensing Agency will be the Chief Environmental Health Officer. In his/her absence the Secretary will be the Environment and Planning Manager or the Chief Executive. Policy, support, monitoring and enforcement will be provided via the Chief Environmental Health Officer.*

1.2 Policy

Decision Making

- ◆ *If an application meets these policies and there is no objection, approval shall be granted and the licence or authority issued by the Secretary without recourse to the Agency.*
- ◆ *If an application is slightly outside of these policies, but there is no objection from the public, or opposition from the Reporting Agencies, the matter will be referred to the individual Committee members. The outcome will be determined by the majority decision of respondents.*
- ◆ *If approval is granted this matter will be referred to the Environment and Policy Committee at the first available opportunity with a view to determining whether policy should be altered.*
- ◆ *If an application varies significantly from these policies and there is no objection from the public, but there is opposition from the Reporting Agencies, or an applicant so requests, it may be heard by the Hearings Committee where the Act does not require it to be forwarded to the Licensing Authority.*

1.3 Policy

Administration

- ◆ *Excepting Special Licences, fee refunds will be made at the Chief Environmental Health Officer's discretion, and only in extra ordinary circumstances.*
- *If a refund is considered appropriate, an assessment of time involved based on Department charge out rates, will be charged to the applicant, prior to issuing of any refund. In most cases, there will be no refund.*
- ◆ *There will be no refunds for Special Licences.*

ON LICENSES

2.0 (A) CRITERIA

The Criteria for obtaining an On licence and the procedure involved is made available to applicants in the document “*All about Applying for an On-Licence*”. The applicant needs to be familiar with this document and the Sale of Liquor Act when making an application.

(B) HOURS OF OPERATION

The hours of operation are set by the Gisborne District Licensing Agency (GDLA), after consideration of the reports from the Licensing Inspector, Police, and Medical Officer of Health. If there are any objections the application is determined by the Liquor Licensing Authority (LLA). The application needs to meet the requirements of the Resource Management Act (RMA) before it can be considered.

(i) Residential Areas

Sometimes there are reasons for additional restrictions on hours over and above the requirements of the RMA. These relate in the main to nearby residential dwellings and are usually imposed because of nuisance potential, that may arise from activities at licensed premises. In these cases additional restrictions may be imposed because of public concern or opposition from the Reporting Agents.

2.1 Policy

In general unless RMA requirements are more stringent the maximum hours of operation of new On licence premises in or immediately adjacent to residential areas will be:

(i) *Sunday - Thursday 9.00 am - 10.30 pm*

Friday – Saturday 9.00 am - 11.30 pm

(ii) *In addition, a drink up and vacation time of thirty minutes applies for those premises used principally or exclusively for the sale, supply or consumption of liquor.*

(iii) *Any On licence application for premises open primarily for the purpose of entertainment after 10.00 pm be required to include a designation of the premises as a restricted area for that time.*

(iv) *Premises may not operate beyond midnight on the Thursday before Good Friday, Easter Saturday, Christmas Eve, and the day before ANZAC Day.*

These hours are intended as a guideline only. Each application will be considered on its merits by the Licensing Inspector or the District Licensing Agency on a case by case basis. All applications seeking hours in excess of policy 2.1 (i) will be considered against the criteria in policy 1.2

Renewals or applications for existing licensed premises will be considered against the recommendations of this policy.

Restrictions may be recommended by the Licensing Inspector in cases where complaints or objections have been received.

(ii) Non Residential Areas

Gisborne has a number of 18-20 hour licensed premises currently operating within non-residential areas. Problems are encountered with all classes of licence from time to time. In non-residential areas problems experienced do not necessarily relate to the hours of operation.

Some premises in non-residential areas that have licences extending beyond 1.00 am can be a focus for behavioural problems due to patrons arriving from other premises which have already closed. Indeed some premises with licenses extending beyond 1.00 am, choose to close earlier to avoid the very problem referred to above.

Some premises which remain open until 3.00 am do encounter problems with a troublesome element in the clientele which seems to be attracted to these premises when others are closed. The GDLA believes that a premises which chooses to operate on a late night basis needs to ensure that it has the appropriate measures in place to avoid problems with intoxication and unruly behaviour. This includes the responsibility for behaviour of patrons arriving and leaving the premises who obviously would not be there were it not for the fact that the premises was trading.

Management of premises operating to a late hour need to ensure that they can adequately provide supervision to ensure that the associated problems are kept to an absolute minimum.

In order to mitigate such problems one-way-door policies are often used. A one-way-door policy requires premises to refuse entry to incoming patrons after a pre determined time. The premises may continue to operate to their normal licensed hour with those patrons that remain on the premises. Patrons are free to leave at any time, but will not be re-admitted if after the one-way-door time. The use of one-way-door policies is increasing around the country.

One-way-door policies are an effective means of controlling people who migrate and/or loiter between licensed premises in the early hours of the morning. People moving between premises or wandering the street provides an opportunity for anti-social behaviour to occur. By reducing the number of people (loitering) on the streets opportunity for such incidents becomes less likely. An added advantage of a "one-way-door" is that patrons who remain inside licensed premises are catered for in a controlled drinking environment.

Where problems are encountered with the operation of such licensed premises, or the premises refuses to adopt a one-way-door policy the Licensing Inspectors, the GDLA or Police may request the LLA to reduce the licensed hours accordingly.

2.2 Policy

In general, unless RMA requirements are more stringent, the maximum hours of operation of new On licence premises in non-residential areas will be:

- (i) Monday to Sunday 7.00am to 2.00am.*
- (ii) Premises seeking to operate beyond these hours will be required to sign an undertaking that they will adopt a One-Way-Door policy prior to any application being granted.*
- (iii) Premises that agree to adopt a One-Way-Door policy may operate up to a maximum time of 3am.*
- (iv) In addition a drink-up and vacation time of thirty minutes should apply for those premises used principally or exclusively for the sale, supply or consumption of liquor.*
- (v) If operating after midnight, details of an enhanced host responsibility programme are required.*
- (vi) Any On licence application for premises open principally for the purpose of entertainment after 10.00 pm be required to include the designation of the premises as a restricted area from that time.*
- (vii) Premises may not operate beyond midnight on the Thursday before Good Friday, Easter Saturday, Christmas Eve, and the day before ANZAC Day except for the purpose of dining.*

These hours are intended as a guideline only. Each application will be considered on its merits by the Licensing Inspector or the District Licensing Agency on a case by case basis. All proposals seeking hours in excess of policy 2.2 will be considered against the criteria in policy 1.2.

Renewals or applications for existing licensed premises will be considered in line with the recommendations of this policy.

Restrictions may be recommended in cases where complaints or objections have been received.

Note:

For the purpose of this policy a residential area can be "any area zoned residential in the District Plan and any area where in the opinion of the Licensing Inspector the establishment or operation of licensed premises may have an adverse impact on residential dwellings".

For example: a licensed premises may be located in a non residential area, however the effect of traffic travelling to and from the premises through an adjacent residential area could have a detrimental effect on that adjacent residential area.

(C) REPORTING CRITERIA FOR LICENSING INSPECTOR

2.3 Policy

The Licensing Inspector's report in respect of an On licence application will take into account the following:

- (i) The nature of the operation.*
- (ii) The suitability of the applicant.*
- (iii) The hours of operation/suitability for proposed activity and recommendations.*
- (iv) Compliance of the premises with relevant legislation, e.g. hygiene standards, relevant District Plan requirements or any resource consent decision/conditions.*
- (v) Matters raised by complaint or objection to the application.*
- (vi) Provision of food and non-alcoholic drinks.*
- (vii) The applicant's Host Responsibility policy.*
- (viii) The need to recommend whether or not the licence should be granted and any special conditions/circumstances.*
- (ix) Objections reports and certificates that are lodged for the application.*

Note:

- (i) The Licensing Inspector shall be given copies of all objections that are lodged for an application to ensure that these are taken into account in his/her report and*
- (ii) Any concerns raised in the Police, or Medical Officer of Health reports shall be brought to the Licensing Inspectors notice in order that he/she is aware of concerns before completing their report and the application is forwarded to the LLA.*

(D) HOST RESPONSIBILITY

The need for an applicant for an On licence to have an operative Host Responsibility policy is detailed in the document "All about applying for an On licence". The Licensing Inspector and the Medical Officer of Health will both address the applicant's Host Responsibility policy as a matter of course.

2.4 Policy

- 2.4.1 That all applicants for a new or renewal of an On licence are required to submit a copy of their written proposed or operative Host Responsibility policy for the premises and how this is promoted to staff and patrons.*
- 2.4.2 With the exclusion of restaurants the minimum standard in respect of the provision of food should be a minimum of three types of finger food such as savouries, sandwiches, pies, pizzas, sausage rolls, etc.*

(E) MANUFACTURERS

Breweries, wineries and distilleries wishing to sell liquor to members of the public need to obtain an on licence required by the Sale of Liquor Act. Requirements for manufacturers are identical to any other applicant of an on licence

(F) MAXIMUM OCCUPANCY NUMBERS

The GDLA considers it prudent that all on licensed premises be required to display signage of the maximum occupancy numbers of the premises at the principal entrance. This is to prevent overcrowding and ensure compliance with fire safety requirements.

(G) EXCHANGE OF INFORMATION WITH LICENSEES

The GDLA consider it important to have regular liaison with and feedback from, licensees. Meetings with licensees have been held in the past. This will continue with the Liquor Accord for Reporting Agencies (LARA) group in an effort to ensure that licensees have the opportunity to meet with representatives of the GDLA, the Police and other authorities involved in the licensing process in order to exchange information, discuss items of concern and reinforce requirements of the Sale of Liquor Act and how it should operate.

2.5 Policy

The Gisborne District Licensing Agency via the Liquor Accord for Reporting Agencies group will convene at least one annual meeting to which On licence holders are invited to discuss matters relating to the implementation of the Sale of Liquor Act.

(H) RENEWAL OF ON LICENSES

All On licenses issued are required to be renewed after an initial 12-month period and then every three years thereafter. The renewal process is similar to the application process and may include an application to vary the conditions of the licence. If there are any objections the application is forwarded to the LLA for their consideration. Unopposed and varied renewal applications are renewed by the GDLA.

2.6 Policy

The criteria under which the Gisborne District Licensing Agency and its inspectors will consider an application for renewal of an On licence are as follows:

2.6.1 On Licence Renewal Applications

- (i) Any evidence of poor management in relation to the premises and related wider effects.*
- (ii) The adequacy and implementation of the premises Host Responsibility policy.*

- (iii) Any adverse environmental impact.
- (iv) Any objections lodged through the public process.
- (v) Any concerns raised by affected parties, which have been verified by the Inspector.
- (vi) The management of the premises approach to the Sale of Liquor Act and its requirements and
- (vii) Promotion of the premises and control of liquor abuse. Whether the management philosophy in keeping with the spirit of the Sale of Liquor Act.

2.6.2 In considering (i) above the Licensing Inspector may take into account the following:

- (i) Information obtained from any public complaint relating to the premises directly or indirectly.
- (ii) Information obtained from the Police, Medical Officer of Health, Fire Service or any other body considered appropriate by the Inspector.
- (iii) Information obtained from any inspector or from any independent study or monitoring commissioned by or undertaken on behalf of the Gisborne District Licensing Agency.
- (iv) Any other information/source that the Inspector deems appropriate. In addition to the above criteria the Licensing Inspector will also take into account the required reporting criteria for new On licence applications.

2.6.3 Renewals seeking variation

For renewal applications in which a variation of hours or conditions is sought the Gisborne District Licensing Agency and its inspectors will take into account the following:

- (i) The reporting criteria listed in Clause 2.6.1.
- (ii) The suitability and justification of the variation sought by the applicant.
- (iii) Any adverse effect that the variation sought may have.
- (iv) Any concerns expressed by any other party in respect of the variation sought, including compliance with Resource Management and Building Act provisions.
- (v) Relevant District Plan requirements or any resource consent decision/conditions.

(I) TEMPORARY AUTHORITIES

2.7 Policy

Temporary Authorities are subject to the following policies:

- (i) 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 days of the date of commencement of the first Temporary Authority.
- (ii) The above policy may be altered in exceptional circumstances only, upon recommendation of a Licensing Inspector, and will be subject to confirmation by a meeting of the Gisborne District Licensing Agency.
- (iii) Applications are to be lodged at least ten working days prior to takeover date and at least ten working days prior to expiry.
- (iv) Applications for Temporary Authorities will be submitted to the Police and Licensing Inspector for comment and/or report.
- (v) In the event of the Police or Licensing Inspector making adverse comments on such applications, this will be referred to the applicant and unless agreement is reached, a hearing will be convened.
- (vi) If there is no adverse comment or agreement is reached, a Temporary Authority may issue.
- (vii) No Temporary Authority will be issued unless there is an underlying licence in force for its duration.

(J) APPLICATIONS

2.8 Policy

2.8.1 Applications for On licenses must include the following information:

- (i) Fully completed application form and fee.
- (ii) Floor plan of the premises with a broad black line showing the extent of the proposed licensed premises, clearly showing the proposed designations and principal entrances.
- (iii) Photographs or artists' sketch clearly showing principal entrances.
- (iv) Location Map.
- (v) Owners consent in writing (if applicant is not the owner).
- (vi) Partnership/Company/Incorporation details including legal documentation and percentage interests of all partners.
- (vii) Justification for seeking licence, hours sought and concept details.
- (viii) Details of food, copy of menu, what food is available when the kitchen is closed and how it is promoted/advertised.
- (ix) Proposed managers and staff training.
- (x) Host responsibility programme, how applicant will deal with minors and intoxicated people, security, ID requirements, training undertaken and proposed.
- (xi) Any other authorisations obtained or being sought.

2.8.2 Failure to supply all information within 20 working days (or other such time determined by the Chief Environmental Health Officer) of a written request will be returned to the applicant as not being a valid application and any request for a refund of fees will be considered against policy 1.3.

2.8.3 Renewal applications must be lodged at least 20 working days (or other such time determined by the Chief Environmental Health Officer) prior to expiry of the previous licence.

OFF LICENSES

3.0 (A) CRITERIA

The criteria for obtaining an Off licence and the procedure involved is made available to applicants in the document "All About Applying for an Off-Licence". The applicant needs to be familiar with this document and the Sale of Liquor Act when making an application.

(B) HOURS OF OPERATION

The hours of operation are set by the Gisborne District Licensing Agency (GDLA) after consideration of the reports from the Licensing Inspector and Police. If there are any objections the application is determined by the Liquor Licensing authority (LLA). The application needs to fall within the scope of the Resource Management Act (RMA) before it can be considered.

3.1 Policy

In general unless RMA requirements are more stringent the maximum hours of operation of stand-alone Off-licenses will be:

- (i) Monday- Sunday 9.00 am - 10.00 pm.*
- (ii) Stand-alone Off licence premises will be required to hold either a supervised or restricted designation*

These hours are intended as a guideline only. Each application will be considered on its merits by the Licensing Inspector or the District Licensing Agency on a case by case basis. All applications seeking hours in excess of policy 3.1 (i) will be considered against the criteria in policy 1.2.

Renewals or applications for existing licensed premises will be considered against the recommendations of this policy.

Restrictions may also be recommended in cases where complaints or objections have been received.

(C) REPORTING CRITERIA FOR LICENSING INSPECTOR

3.2 Policy

The Licensing Inspector's report in respect of an Off licence application will take into account the following:

- (i) The nature of the operation.*
- (ii) The suitability of the applicant.*
- (iii) The hours of operation/suitability for proposed activity and recommendations.*

- (iv) *Compliance of the premises with relevant legislation, e.g. hygiene standards, relevant District Plan requirements or any resource consent decision/conditions.*
- (v) *Proposed designations*
- (vi) *Matters raised by complaint on objection to the application.*
- (vii) *The need to recommend whether or not the licence should be granted and any special conditions/circumstances.*
- (viii) *Reports and certificates that are lodged for an application.*

Note:

- (i) *The Licensing Inspector shall be given copies of all objections that are lodged for an application to ensure that these are taken into account in his/her report and*
- (ii) *Any concerns raised in the Police report shall be brought to the Licensing Inspectors notice in order that he/she is aware of concerns before completing their report and the application is forwarded to the Liquor Licensing Authority.*

(D) EXCHANGE OF INFORMATION WITH LICENSEES

The GDLA consider it important to have regular liaison with, and feedback from, licensees. Meetings with licensees have been held in the past. This will continue with the Liquor Accord for Reporting Agencies group (LARA) in an effort to ensure that licensees have the opportunity to meet with representatives of the GDLA and other authorities involved in the licensing process, in order to exchange information, discuss items of concern and reinforce requirements of the Sale of Liquor Act and how it should operate.

3.3 Policy

The Gisborne District Licensing Agency via the Liquor Accord for Reporting Agencies group will convene at least one annual meeting to which Off licence holders are invited to discuss matters relating to the enforcement of the Sale of Liquor Act.

(E) RENEWAL OF OFF LICENCES

All Off licences issued are required to be renewed after an initial 12-month period and then every three years thereafter. The renewal process requires similar public notice and involvement as the application process and details of the renewal procedure are included in the appendices. If the applicant wishes to vary the conditions of the licence, this can be done at the time of renewal. If there is opposition or objections the application is determined by the LLA. Unopposed renewal applications, whether varied or not, are renewed by the GDLA.

3.4 Policy

The criteria under which the Gisborne District Licensing Agency and its inspectors will consider an application for renewal of an Off licence are as follows:

3.4.1 Off Licence Renewal Applications

- (i) Any evidence of poor management in relation to the premises and related wider effects.*
- (ii) Any adverse environmental impact.*
- (iii) Any objections lodged through the public process.*
- (iv) Any concerns raised by affected parties that have been verified by the Inspector.*
- (v) The management of the premises approach to the Sale of Liquor Act and its requirements and*
- (vi) Promotion of the premises and control of liquor abuse, whether the management philosophy in keeping with the spirit of the Sale of Liquor Act.*

3.4.2 In considering (i) above the Licensing Inspector may take into account the following:

- (i) Information obtained from any public complaint relating to the premises directly or indirectly.*
 - (ii) Information obtained from the Police, Medical Officer of Health, Fire Service or any other body considered appropriate by the Inspector.*
 - (iii) Information obtained from any Inspector or from any independent study or monitoring commissioned by or undertaken on behalf of the Gisborne District Licensing Agency.*
 - (iv) Any other information/source that the inspector deems appropriate.*
- In addition to the above criteria the Licensing Inspector will also take into account the required reporting criteria for new Off licence applications.*

3.4.3 Renewals seeking variation

For renewal applications in which a variation of hours or conditions is sought the Gisborne District Licensing Agency and its inspectors will take into account the following:

- (i) The reporting criteria listed in clause 3.4.1 above.*
- (ii) The suitability and justification of the variation sought by the applicant.*
- (iii) Any adverse effect that the variation sought may have.*
- (iv) Any concerns expressed by any other party in respect of the variation sought including compliance with Resource Management and Building Act provisions.*
- (v) Relevant District Plan requirements or any resource consent decision/ conditions.*

(F) TEMPORARY AUTHORITIES

3.5 Policy

Temporary Authorities will be subject to the following policies:

- (i) A second Temporary Authority will not be available to applicants unless the applicant has lodged a full Off Licence application together with all supporting documentation within thirty days of the date of issue of the first Temporary Authority.*
- (ii) The above policy may be altered in exceptional circumstances only, and will be subject to confirmation by a meeting of the Gisborne District Licensing Agency.*
- (iii) Applications are to be lodged at least ten working days prior to takeover date and at least ten working days prior to expiry.*
- (iv) Applications for Temporary Authorities will be submitted to the Police and Licensing Inspector for comment and/or report.*
- (v) In the event of the Police or Licensing Inspector making adverse comments on such applications, this will be referred to the applicant and unless agreement is reached a hearing will be convened.*
- (vi) If there is no adverse comment or agreement is reached a Temporary Authority may issue.*
- (vii) No Temporary Authority will be issued unless there is an underlying licence in force for its duration.*

(G) SUPERMARKETS - OFF LICENCES

The Sale of Liquor Act provides for supermarkets or grocery stores that meet certain criteria to hold an Off licence to sell wine and beer. The GDLA, when considering an application from such premises, will take into account all criteria listed in the policy relating to other Off licence applications noting the scale of the operation of the premises that currently operates, and if the sale of wine or beer from the premises will create any environmental or other effects which will have to be taken into consideration.

(H) MANUFACTURERS

Breweries, wineries and distilleries wishing to sell liquor to members of the public need to obtain an off licence required by the Sale of Liquor Act. Requirements for manufacturers are identical to any other applicant for an off licence.

3.6 Policy

All Off Licence criteria will be considered for supermarkets and grocery stores.

(I) HOST RESPONSIBILITY

While it is obvious that the requirements for an Off licence are considerably different from that of an On or Club licence activity, the GDLA believe that it would be advantageous for each Off licence premises to have its own Host Responsibility policy appropriate to its particular situation.

The Host Responsibility policy for an Off licence premises would include the more obvious requirements such as the adequacy of measures to ensure that sales to minors or intoxicated persons do not take place as well as other measures aimed at reducing alcohol abuse, such as the availability and promotion of low alcohol alternatives, non-alcoholic drinks, the display of appropriate cautionary measures, and availability of non-alcoholic or low alcohol cocktail recipes etc.

3.7 Policy

Applicants for new or renewal of Off licences shall provide details of any proposed or operative host responsibility policies.

(J) APPLICATIONS

3.8 Policy

3.8.1 Applications for Off licences must include the following information:

- (i) Fully completed application form and fee.*
- (ii) Floor plan of the premises with a broad black line showing the extent of the proposed licensed premises, clearly showing the proposed designations and principal entrances.*
- (iii) Photographs or an artists sketch clearly showing principal entrances.*
- (iv) Location Map.*
- (v) Owners consent in writing (if applicant is not the owner).*
- (vi) Partnership/Company/Incorporation details including legal documentation and percentage interests of all partners.*
- (vii) Justification for seeking licence, hours sought and concept details.*
- (viii) Proposed managers and staff training.*
- (ix) A Host Responsibility Policy. How the applicant will deal with minors and intoxicated people.*
- (x) Any other authorisations obtained or being sought.*

3.8.2 *Failure to supply all information within 20 working days (or other such time determined by the Chief Environmental Health Officer) of a written request will either be returned to the application as not being a valid application, and any request for a refund of fees will be considered against policy 1.3.*

3.8.3 *Renewal applications must be lodged at least 20 working days (or other such time determined by the Chief Environmental Health Officer) prior to expiry of the previous licence.*

CLUB LICENSES

4.0 (A) CRITERIA

The Criteria for obtaining a Club licence and the procedure involved is made available to applicants in the document “*All About Applying for a Club Licence*”. The applicant needs to be familiar with this document and the Sale of Liquor Act when making an application.

(B) HOURS OF OPERATION

The hours of operation are set by the Gisborne District Licensing Agency (GDLA) after consideration of the reports from the Licensing Inspector, Police, Medical Officer of Health. If there are any objections the application is determined by the Liquor Licensing Authority (LLA).

The application needs to fall within the scope of the Resource Management Act (RMA) before it can be lodged, but sometimes there are reasons for additional restriction on hours over and above RMA. These relate in the main to nearby residential dwellings because of nuisance potential that may arise from activities on club premises. In these cases additional restrictions may be imposed because of public concern or of objections from the Police, Licensing Inspector etc.

This is particularly relevant in the Club licence situation as a significant number of club premises are located in, or adjacent to, residential areas.

The hours of operation of a Club licensed premises must be in relation to the nature of the club's activities and it is important that the sale of liquor remains ancillary to the club's activities.

The recommended hours of operation are considered by the GDLA to be the parameters within which all Club licenses must fall.

4.1 Policy

In general unless RMA requirements are more stringent the maximum hours permitted for the sale, supply and consumption of liquor at licensed club premises are as follows:

Sports Clubs

Monday – Sunday including public holidays 10.00 am - 10.00 pm

Other Clubs

Monday – Sunday including public holidays 10.00 am - 12.00 midnight

These hours are intended as a guideline only. Each application will be considered on its merits by the Licensing Inspector or the District Licensing Agency on a case by case basis.

All applications seeking hours in excess of policy 4.1 will be considered against the criteria in policy 1.2. Renewals or applications for existing licensed premises will be considered against the recommendations of this policy.

Restrictions may be recommended in cases where complaints or objections have been received:

- (i) Provided these hours relate to the nature of the clubs activities and sale of liquor remains ancillary to the clubs activities;
- (ii) All applications seeking hours in excess of policy 4.1 will be considered against the criteria in policy 1.2.
- (iii) A drink-up time of thirty minutes should apply to all licences (Section 170 of the Act also applies).
- (iv) Clubs should only be permitted to sell liquor outside code seasons in conjunction with associated club activities.
- (v) The hireage of any hall or any non-club use involving the sale or supply of liquor requires a Special Licence.
- (vi) Clubs who hold permanent charters seeking club licences will be dealt with in a similar fashion to on licence premises with respect to hours.

(C) REPORTING CRITERIA FOR LICENSING INSPECTOR

4.2 Policy

The Licensing Inspector's report in respect of a Club licence application will take into account the following:

- (i) The nature and activities of the club.
- (ii) The size and makeup of membership and degree of social activities.
- (iii) Compliance of the premises with relevant legislation, e.g. hygiene standards, relevant District Plan requirements or any resource consent decision/conditions.
- (iv) Provision of food and non-alcoholic drinks.
- (v) The club's Host Responsibility policy, control of minors and operation of the premises when the liquor licence is not operative.
- (vi) The need to recommend whether or not the licence should be granted and any special conditions/circumstances.
- (vii) Whether the club premises are on Council or Reserve property and any special conditions applying.
- (viii) The relevance of the prime activity of the club to the hours sought to sell liquor.
- (ix) Matters raised by complaint or objection to the application.
- (x) Any reports and certificates that are lodged for an application.

Note:

- (i) The Licensing Inspector shall be given copies of all objections that are lodged for an application to ensure that these are taken into account in his/her report and

(ii) *Any concerns raised in the Police, or Medical Officer of Health reports shall be brought to the Licensing Inspectors notice in order that he/she is aware of concerns before completing their report and the application is forwarded to the LLA.*

(D) HOST RESPONSIBILITY

The need for a Club to have an operative Host Responsibility policy is detailed in the document "All about applying for a Club licence". The Licensing Inspector and the Medical Officer of Health will both address the club's Host Responsibility policy as a matter of course.

4.3 Policy

4.3.1 *All applicants for a new or renewal of a Club licence are required to provide details of any proposed or operative Host Responsibility policy for the premises.*

4.3.2 *The minimum standards in respect of the provision of food should be a minimum of three types of finger food, such as savouries, sandwiches, pies, pizzas, sausage rolls and filled rolls etc.*

(E) EXCHANGE OF INFORMATION WITH LICENSEES

The GDLA consider it important to have regular liaison with and feedback from licensees. Meetings with licensees have been held in the past. This will continue with the Liquor Accord for Reporting Agencies group (LARA) in an effort to ensure that all licensees have the opportunity to meet with representatives of the GDLA, and other authorities involved in the licensing process in order to exchange information, discuss items of concern and reinforce requirements of the Sale of Liquor Act and how it should operate.

4.4 Policy

The Gisborne District Licensing Agency via the Liquor Accord for Reporting Agencies group will convene at least one annual meeting to which Club licence holders are invited to discuss matters relating to the enforcement of the Sale of Liquor Act.

(F) RENEWAL OF CLUB LICENSES

All Club licences issued are required to be renewed after an initial 12-month period and then every three years thereafter. The renewal process requires similar public notice and involvement as the application process and details of the renewal procedure are included in the appendices. If the club wishes to vary the conditions of the licence this can be done at the time of renewal. If there is opposition or objections to the renewal of the licence, it is then forwarded to the LLA for their consideration. Unopposed renewal applications, with or without variation, are renewed by the GDLA.

4.5 Policy

The criteria under which the Gisborne District Licensing Agency and its Inspectors will consider an application for renewal of a Club licence are as follows:

4.5.1 Club Licence Renewal Applications

- (i) Any evidence of poor management in relation to the Club and related wider effects.
- (ii) The adequacy and implementation of the Club's Host Responsibility policy and control of prohibited persons on the club premises.
- (iii) Any adverse environmental impact.
- (iv) Any objections lodged through the public process.
- (v) Any concerns raised by affected parties that have been verified by the Inspector.
- (vi) The management of the premises approach to the Sale of Liquor Act and its requirements
- (vii) Promotion of the premises and control of liquor abuse. Whether the management philosophy is keeping with the spirit of the Sale of Liquor Act.

4.5.2 In considering (i) above the Licensing Inspector may take into account the following:

- (i) Information obtained from any public complaint relating to the club directly or indirectly.
- (ii) Information obtained from the Police, Medical Officer of Health, Fire Service or any other body considered appropriate by the Inspector or Gisborne District Licensing Agency.
- (iii) Information obtained from any inspector or from any independent study or monitoring commissioned by or undertaken on behalf of the Gisborne District Licensing Agency.
- (iv) Any other information/source that the inspector deems appropriate.

In addition to the above criteria the Licensing Inspector will also take into account the required reporting criteria for new Club licence applications.

4.5.3 Renewals Seeking Variation

For renewal applications in which a variation of hours or conditions is sought the Gisborne District Licensing Agency and its inspectors will take into account the following:

- (i) The reporting criteria listed in clause 4.5.1 above.
- (ii) The suitability and justification of the variation sought by the Club.
- (iii) Any adverse effect that the variation sought may have.
- (iv) Any concerns expressed by any other party in respect of the variation sought including compliance with Resource Management and Building Act provisions.
- (v) Relevant District Plan requirements or any resource consent decision/conditions.

(G) APPLICATIONS

4.6 Policy

4.6.1 Applications for Club Licenses must include the following information:

- (i) Fully completed application form and fee.*
- (ii) Floor plan of the premises with a broad black line showing the extent of the proposed licensed premises, clearly showing the proposed designations and principal entrances.*
- (iii) Photographs or artists' sketch clearly showing principal entrances.*
- (iv) Location Map.*
- (v) Owners consent in writing (if applicant is not the owner).*
- (vi) Details of incorporation, club rules, membership size and makeup including legal documentation.*
- (vii) Justification for seeking licence, hours sought and concept details.*
- (viii) Details of food, copy of menu, what food is available when kitchen is closed and how it is promoted/advertised.*
- (ix) Proposed managers and staff training.*
- (x) Host responsibility programme, how applicant will deal with minors and intoxicated people, training undertaken.*
- (xi) Any other authorisations obtained or being sought.*

4.6.2 Failure to supply all information within 20 working days (or other such times determined by the Chief Environmental Health Officer) of a written request will either be returned to the applicant as not being a valid applications, and any request for a refund of fees will be considered against policy 1.3.

4.6.3 Renewal applications must be lodged at least 20 working days (or other such time determined by the Chief Environmental Health Officer) prior to expiry of the previous licence.

SPECIAL LICENCES

5.0 (A) WHAT IS A SPECIAL LICENCE?

A special licence can be obtained pursuant to either Section 73 or 74 of the Sale of Liquor Act. A special licence issued under Section 73 authorises the holder of the licence to sell and supply liquor on the premises or conveyance described in the licence for consumption on the premises or conveyance to anyone attending any particular occasion or event or series of occasions or events described in the licence.

A special licence issued under Section 74 authorises the holder of an On licence in respect of a hotel or tavern or the holder of a Club licence to sell and supply liquor for consumption on the premises, at any time when the premises are required to be closed for the sale of liquor, to persons attending social gatherings of any kind specified in the licence.

(B) OCCASION OR EVENT, OR A SERIES OF OCCASIONS OR EVENTS

The Sale of Liquor Act does not clearly define what constitutes an occasion or an event, or series of occasions or events. The Gisborne District Licensing Agency (GDLA), by way of this policy, intends to clarify what is considered an occasion or event, or series of occasions or events for which a special licence may be obtained in the Gisborne District.

There is a need to separate "social gatherings" (Sale of Liquor Act Section 74) and an "occasion or event" or "series of occasions or events" from normal licensed activities, and a need to identify the point at which an application for a special licence is in fact a de facto change of hours of operation, or sought for an activity for which an On, Off or Club licence should be obtained, without public input or opportunity for objection. It is for this reason that the following policies have been put in place.

5.1 Policy

To be considered for a Special Licence:

- (i) there must be an occasion or event, or series of occasions or events that must be identifiable by some characteristics and be for a specific purpose other than liquor consumption*
- (ii) an occasion or event or series of occasions or events can be any identifiable event and should be outside of the usual or regular activities of an On, Off and Club licensed premises*
- (iii) A series of occasions or events must be a series of related events or activities that have specified start and end points;*
- (iv) A special licence will not be issued where, in the opinion of the GDLA, the extent or regularity of the activity is such that an On, Off or Club licence is required by the Act.*

(v) In all cases the owner or supplier of alcohol to be sold under the special licence must be the applicant.

(C) WHAT IS A PRIVATE SOCIAL GATHERING?

A private social gathering is one that is closed to the public, invited guests only attend and while alcohol may be sold at the function, payment is not required in order to be invited.

For example: A wedding, 21st birthday party, a staff social function.

Where a private social gathering is taking place on licensed premises outside the normal hours or activities of that premises (be it On or Club licence) and the licensee is supplying liquor to the host of the private social gathering who in turn is giving the liquor to his/her guests the person selling the liquor (e.g. the licence holder) requires a special licence.

(D) WHAT IS A PUBLIC FUNCTION?

Every activity at which liquor is sold and cannot be described as a private social gathering shall be deemed to be a public function. Public Functions include those operated by private individuals/groups/clubs where ticket sales are available, or where the general public can attend whether by payment for admission or not.

(E) SPECIAL LICENCE PROCEDURE

5.2 Policy

Special licences are subject to the following policies:

- (i) All applications for special licences are required to be lodged at least 10 working days prior to the event. Applications received less than 10 days prior to the event will be accepted and processed only where it is practicable to do so and no previous advisory letter has been sent out.*
- (ii) Applications outside of these policies are required to be lodged at least 30 working days prior to the event. In these cases a hearing is required and this will be held within 30 working days.*
- (iii) Applications for special licences may be referred to the Police and Licensing Inspector for reports.*
- (iv) Applications for special licenses will be referred to the Medical Officer of Health for consultation and comment where the Chief Environmental Health Officer deems it appropriate.*
- (v) Where the Police or Licensing Inspector opposes a special licence application the applicant will be advised that the recommendation is that the special licence will be declined, and given a copy of the relevant report. The applicant will be given the opportunity to discuss the report with the opposing agent. If the applicant agrees to meet any objection, the application may be amended and the licence issued. Alternately, if the applicant wishes the matter will then proceed to a hearing.*
- (vi) Upon failure to supply all information within 3 working days (or other such time as determined by the Chief Environmental Health Officer) of a written request the*

application will be returned to the applicant as not being considered a valid application.

(F) REPORTING CRITERIA FOR LICENSING INSPECTOR

5.3 Policy

The Licensing Inspectors report in respect of a special licence application will take into account the following:

- (i) The nature of the occasion or event.
- (ii) The suitability of the applicant.
- (iii) The days and hours of operation for which the special licence is sought.
- (iv) Compliance of the premises with relevant legislation e.g. hygiene standards, relevant District Plan requirements or any resource consent decision/conditions.
- (v) Proposals for the sale, supply and promotion of food and non-alcoholic refreshments.
- (vi) Proposed designations.
- (vii) The responsibility of the management of the function.
- (viii) Steps the applicant proposes to take to ensure prohibited persons provisions are met (i.e. minors, intoxicated persons and those to whom liquor may not be sold pursuant to any On, Off or Club Licence in force).
- (ix) Compliance with these policies.
- (x) Steps the applicant proposes to take to ensure prohibited persons.
- (xi) Any special conditions/circumstances that should be taken into account.

(G) MAXIMUM HOURS FOR SPECIAL LICENSES

5.4 Policy

The hours that a Special licence may be issued for are restricted by:

- (i) The Licensing Inspector may at his/her discretion recommend restrictions on hours a special licence may issue for, depending on:
 - ◆ adjacent land use;
 - ◆ relevant District Plan requirements or resource consent decision conditions;
 - ◆ duration and nature of the event;
 - ◆ food availability;
 - ◆ history of the applicant and premises.
- (ii) Generally if the premises are in or adjacent to residential property the sale and supply of liquor shall cease by midnight.
- (iii) Ordinarily no special licence will be issued beyond 3.00am.

(iv) *Trading on Christmas Day, Good Friday, Easter Sunday and Anzac Day until 1.00pm.*

Liquor sales and consumption shall cease by 12.00 midnight the night before unless a special licence has been issued. A special licence may be issued where there are no objections or opposition to the application. The licence will be granted subject to conditions imposed by the District Licensing Agency.

If the Licensing Inspector does not consider that the proposed event meets these criteria or is unsure the application will be referred to the District Licensing Agency for determination.

(v) *it will be a condition of every Special Licence that every bottle or other container in which liquor is supplied on the premises and every drinking vessel used for the consumption of liquor, shall be cleared away and the premises vacated immediately after the expiration of thirty minutes after the time at which the sale of liquor is required to cease.*

(H) DESIGNATION OF AREAS FOR SPECIAL LICENSES

For special licenses for functions where the public will be attending the Licensing Inspector may require a designation in a particular area. Any such designation would be recommended by the Licensing Inspector in his/her report.

5.5 Policy

All special licences will be issued in respect of supervised areas unless the applicant specifically seeks a special licence for an undesignated area in which case except for private events it will be a condition of any licence issued that liquor not be sold or supplied to minors unless the minor is directly supervised by his/her parent or guardian.

(I) PROVISION OF FOOD AND NON ALCOHOLIC REFRESHMENTS

The GDLA require that food and non-alcoholic drinks are available at all functions for which a special licence is issued. Applicants seeking a special licence are required to specify food and non-alcoholic drink which will be available at the function, and conditions relating to the provision of food and non-alcoholic drinks will be specified in all special licences issued.

5.6 Policy

5.6.1 *The licensee shall have available for consumption on the premises, at all times when liquor may be sold under the licence, a reasonable range of non-alcoholic refreshments.*

5.6.2 *Unless circumstances are deemed to warrant otherwise by the Licensing Inspector, the following food shall be clearly advertised and supplied by the licensee during the hours the sale of liquor is authorised.*

(i) Snack food throughout the time liquor is sold.

- (ii) If the event/occasion is more than two hours - a range of finger food is to be provided e.g. sandwiches, savouries.
- (iii) If the event is more than six hours - a minimum of three types of finger food is to be provided at all times. For some events a meal may be more suitable.

(J) CERTIFICATED MANAGER IN ATTENDANCE

5.7 Policy

- 5.7.1 If the Licensing Inspector or Police so recommend a condition of a special licence shall require that the holder of a General or Club Manager's Certificate be responsible for the sale of liquor under the special licence and be present at all times.
- 5.7.2 In all other cases the licensee must be present at all times.

A notice advising that the sale of liquor to prohibited persons (those intoxicated and/or un

(K) PROHIBITED PERSONS

5.8 Policy

The following steps shall be taken by the licensee to ensure that the provisions of the Act relating to the sale of liquor to prohibited persons are observed:

- (i) A notice advising that the sale of liquor to prohibited persons (those intoxicated and/or under 18 years of age) is illegal to be displayed during the hours of sale.
- (ii) The licence is to be displayed in a public area during the hours that liquor is available for sale.
- (iii) Bar staff aware of their obligations with regard to serving prohibited persons.
- (iv) In the case of club events, liquor is to be offered for sale to club members and their guests only.

(L) CHRISTMAS EVE AND NEW YEAR'S EVE

5.9 Policy

The District Licensing Agency considers Christmas Eve and New Year's Eve to be a special occasion, one where there is general community tolerance for the celebration.

Applications to extend trading hours will be considered by the District Licensing Agency, but will be limited to:

Trading hours up to 12.00 midnight (Christmas Eve) and 3.00 am (New Year's Day) may be granted to On and Club licence holders and one-off special licence applications for Christmas Eve and New Year's Eve celebrations.

(M) SACROSANCT DAYS

5.10 Policy

Special Licences for Good Friday, Easter Sunday, Christmas Day and up to 1pm on Anzac day will be considered under Policy 5.1. No Special Licence will be issued to continue usual trading from midnight of the evenings beforehand.

(N) APPLICATIONS FOR A SERIES OF EVENTS

(i) General

5.11 Policy

Special licences for a series of events are subject to the following policies:

- (i) Special licence applications for a series of events or occasions shall include:*
- ◆ schedule of events and their relationship;*
 - ◆ any outcome;*
 - ◆ hours of each event;*
 - ◆ hours of liquor sale and supply;*
 - ◆ purpose of each event*
 - ◆ proposed steps to be taken to avoid the abuse of liquor and exercising of host responsibility.*
 - ◆ name and details of at least one "suitable person" to be responsible for compliance.*
- (ii) The application should demonstrate that:*
- ◆ the consumption of alcohol is not to be predominant activity;*
 - ◆ there is an identifiable link between all of the events;*
 - ◆ there is a start and finish of the series of events or occasions;*
 - ◆ the events or occasions are not ongoing.*
- (iii) If more than one series of events are running concurrently separate applications are required for each related series of events.*
- (iv) Any application for a series of events should not include subsidiary activities that are not directly related.*
- (v) Special licences will not be issued in place of substantive licences, variations of licences, changes which would be more properly made through a substantive licence or other process or the nature of operation is such that Authority jurisdiction is more appropriate.*
- (vi) The Licensing Inspector's report shall take into account the following:*

- ◆ the duration and frequency of the events;
- ◆ the nature of the events, their relationship and any outcome;
- ◆ any previous special licences issued;
- ◆ any concurrent special licences;
- ◆ the period between licences;
- ◆ whether the application is for a 'small group';
- ◆ if the activity is consistent with the stated aims and rules of any Club licence holder;
- ◆ compliance with these policies;
- ◆ any other pertinent matters.

(vii) If the proposed activity is considered by the Licensing Inspector to be such that the public should have input the application shall be publicly notified.

(viii) An application for a series of events not complying with these policies or that is the subject of objection will be considered by the Environment and Policy Committee or Hearings Committee who will consider:

- whether the application accords with the content, purpose and objective of the Sale of Liquor Act;
- whether the application constitutes a series of events or occasions;
- whether the application is better dealt with by way of substantive licence or other processes;
- any other pertinent matters.

(ii) **Unlicensed Clubs**

5.12 Policy

Unlicensed clubs are subject to the following policies:

- (i) A special application may be made by groups who wish to be considered as "small groups" detailing constitution, membership, maximum attendance, turnover, maximum frequency and duration of events. The Gisborne District Licensing Agency will assess these and any other pertinent matters, in determining whether a group falls into this category for future special licence applications.
- (ii) If it is subsequently proposed to change any aspect of the application submitted to the Gisborne District Licensing Agency this must be resubmitted for their consideration.
- (iii) If "small group" designation is granted subsequent special licence applications for a series of events will be considered in that light.
- (iv) Special licence applications must include:
 - ◆ schedule of events;
 - ◆ hours of each event;
 - ◆ hours of liquor sale and supply;

- ◆ *purpose of each event*
 - ◆ *proposed steps to be taken to avoid the abuse of liquor and exercising of host responsibility;*
 - ◆ *name of at least one "suitable person" to be responsible for compliance.*
- (v) *These special licence applications will be reported on and processed in the usual way.*
- (vi) *If in accordance with these policies and favourable reports are received from the Police and Licensing Inspector these special licenses may be issued for up to three occasions per week, or a maximum of no more than 12 days per month, and for a maximum period of six months, after which time a further application will be considered.*
- (vii) For some groups at least one person who is deemed to be a suitable person by the Licensing Inspector must be on the premises at any time that liquor is being sold or consumed. For groups of more than 30 members this person must:
- ◆ *hold a Manager's Certificate; or*
 - ◆ *have participated in an approved Manager's Certificate course; and*
 - ◆ *have sat and passed an examination, to test the applicant's knowledge of the Sale of Liquor Act; and*
 - ◆ *be deemed to be a suitable person by the Licensing Inspector.*

MANAGER'S CERTIFICATE APPLICATIONS

6.0 (A) NEW APPLICATIONS

Applications for Manager's Certificates are processed by the Gisborne District Licensing Agency (GDLA) and reports are obtained from the Police and Licensing Inspector. If there is opposition, the application is forwarded to the Liquor Licensing Authority (LLA) for determination.

(i) Police Report

The police report is requested and when provided attached to the application for initial consideration by the Licensing Inspector.

(ii) Licensing Inspector's Report

The Licensing Inspector's report is issued only when the Licensing Inspector is satisfied that the details provided by the applicant are sufficient. Details required to be provided by the applicant are evidence of training, involvement with a club or society (club applications only) relevant references and details of the licensed premises on which the applicant is working, or intending to work. Also evidence of the applicant having recently undergone a training programme conducted by a training provider approved by the GDLA is required. An application will not be received without this information, except in the case of a Temporary manager appointment.

6.1 Policy

Applications for Manager's Certificates are subject to the following policies:

- (i) Applicants for Manager's Certificates be required to participate in a liquor training course approved by the Chief Environmental Health Officer. On passing such a course, the applicant will be required to complete either a verbal interview or written assessment with a Licensing Inspector to test the candidate's knowledge of their responsibilities under the Act.*
- (ii) If the applicants knowledge is not of the standard required by the Licensing Inspector, the applicant will be given two further attempts to successfully complete the interview or written assessment.*
- (iii) If the applicant is unsuccessful during their initial interview/assessment, they will be given 20 working days from the date of the first interview/assessment to successfully complete a second or third attempt. Should applicants not meet this requirement then they be advised that they will be deemed as an unsuitable applicant by the Gisborne District Licensing Agency and the Licensing Inspector will report such to the Licensing Authority.*
- (iv) Applicants must provide to Gisborne District Licensing Agency written confirmation from an approved training body of their participation in the training course and the results of their examination.*

- (v) The above policies may be altered by the Licensing Inspector in exceptional circumstances only, and will be subject to confirmation by a meeting of the Gisborne District Licensing Agency.*
- (vi) Applications for Manager's Certificates be required to provide two references (with application), at least one of which must comment on the applicants recent experience in the liquor industry, and his/her ability to hold a Manager's Certificate.*
- (vii) The Licensing Inspector may make direct contact with the referee referred to in the application in order to satisfy him/herself in relation to the suitability and experience of the applicant.*
- (viii) Application for Club Managers Certificates be required to provide written confirmation from the club's secretary in support of the application and specifying the extent of the applicants involvement in the management of the club.*

(B) MANAGER'S CERTIFICATE RENEWALS

Applications for renewal of Manager's Certificates require reports from the Police and Licensing Inspector based on the performance of the applicant since the date of the last renewal. Unless these are objected to or opposed, they are processed and issued by the GDLA.

6.2 Policy

- (i) Dependant on previous training, experience and performance applicants for the renewal of any three year Manager's Certificate may be required to pass either a verbal interview or written assessment with a Licensing Inspector.*
- (ii) If the applicant is unsuccessful during their initial interview or assessment, they must present themselves within 20 working days from the initial interview date to successfully complete a second and/or third attempt.*
- (iii) Should applicants not meet this requirement then they will be advised that they will be deemed as an unsuitable applicant by the Gisborne District Licensing Agency and the Licensing Inspector will report such to the Liquor Licensing Authority.*

ENFORCEMENT

7.0 Monitoring and Enforcement

The Gisborne District Licensing Agency (GDLA) is involved in the enforcement of the Sale of Liquor Act and to this end works closely with the Police, and other agencies. The Police are the main agency responsible for monitoring/enforcement of the operation of licensed premises within the GDLA area. They report on this monitoring and any problems encountered directly to GDLA enforcement staff and through the Liquor Accord for Reporting Agencies group.

In addition to its own regular monitoring, the GDLA welcomes public input in respect of non-compliance problems and will follow up any enforcement enquiries/complaints lodged and take the appropriate action where necessary. As mentioned elsewhere in the Sale of Liquor Policy, meetings are held with licensees, at which the Police and other agencies involved in administering the Sale of Liquor Act are in attendance; the enforcement of the Sale of Liquor Act is a priority for discussion at these meetings.

Non-compliance problems are brought to the GDLA's notice from a number of sources including the Police, Licensing Inspectors, other agencies, members of the public, and other licensees.

Additional resources involving the reporting agencies are routinely employed to properly monitor certain types of premises, particularly in cases where there is potential for minors to access alcohol.

The GDLA is therefore flexible in the way in which enforcement is handled. Where the GDLA is aware of a licensee not operating within the requirements of the Sale of Liquor Act the following enforcement actions are available and may be taken by the GDLA:

- (i) Police, Medical Officer of Health and/or Licensing Inspector requested to monitor a particular premises and report in specific terms to the GDLA.
- (ii) Licensee invited to meet with representatives of the GDLA, Police and Medical Officer of Health to discuss any enforcement problems or infringements of the Sale of Liquor Act, and solutions or action that should be taken in order to rectify the situation.
- (iii) The GDLA advise the licensee in writing of its concern in relation to any non-compliance issues, noting any infringements of the Act that may have taken place, and the action that the GDLA and/or the Police require in order to remedy the situation.
- (iv) Copies of any meeting notes or correspondence placed on licensee's records for future reference should further problems ensue.
- (v) Targeted surveillance of suspect premises or groups of premises.
- (vi) Continued monitoring of premises with non-compliance issues.

- (vi) In cases where non-compliance problems are encountered on an ongoing basis or without satisfactory remedial measures being undertaken by the licensee, the GDLA will take further action under the enforcement provisions of the Sale of Liquor Act. These include the ability to request a variation, suspension, or cancellation of a licence under Section 132 of the Act, or the suspension, or cancellation of a Manager's Certificate under Section 135.

In addition the Fire Service and Medical Officer of Health may request the suspension of a licence for non-compliance with public health or fire safety requirements.

7.1 Policy

- (i) The Gisborne District Licensing Agency will, in conjunction with the Police and Public Health Unit, monitor the operation of all licensed premises within the district and take appropriate action where necessary.*
- (ii) The Gisborne District Licensing Agency will, in conjunction with the Police and Public Health Unit, undertake targeted surveillance on request.*
- (iii) The Gisborne District Licensing Agency will carry out surveillance of all licensed premises at least once each year.*

HOST RESPONSIBILITY

8.0 The Sale of Liquor Act places a significant emphasis on Host Responsibility. The Liquor Licensing Authority (LLA) and Gisborne District Licensing Agency (GDLA) are required by the Act to take into consideration when reporting or considering an application aspects including the provision of food and non alcoholic drinks, steps to ensure that liquor is not sold or supplied to prohibited persons (e.g. minors or intoxicated people) and alternative transport from the site.

The Act also places the responsibility for the operation of the premises on the licensee and the manager of the premises. In this respect it is an offence to sell liquor to intoxicated patrons or minors, and also to allow people to become intoxicated or to allow an intoxicated person to remain on the premises.

Further it is an offence to allow any violent, quarrelsome or disorderly conduct to take place on the premises. All applicants seeking an On, Off or Club licence are required to provide a copy of their Host Responsibility policy. Implementation of this is a significant factor in the ongoing monitoring of licensed premises, and reporting at the time of any renewal or variation of a licence.

In conjunction with the Alcohol Advisory Council of New Zealand, the GDLA has material relating to Host Responsibility requirements which is available to licensees or any interested member of the public.

A responsible host should avoid any promotion or activity on the premises that may encourage alcohol abuse or irresponsible behaviour. The National Protocol on Alcoholic Promotions developed by ALAC provides guidance on acceptable and unacceptable promotions. Any promotions deemed unacceptable will result in appropriate action being taken by the GDLA in conjunction with other authorities.

The Host Responsibility policy should be used to educate new staff as well as remind existing staff of policy and their particular responsibilities. The Host Responsibility policy should be comprehensive and individual to each particular premises and be posted conspicuously for patrons information and involvement.

As a general rule, the Host Responsibility policy would include the following:

- (i) The provision of food and non-alcoholic drinks, and the active encouragement of patrons to partake in them.
- (ii) Steps taken to ensure liquor is not supplied to minors or intoxicated people. Dealing with these people effectively.
- (iii) The responsible service of alcohol to prevent intoxication, how to recognise stages of intoxication and deal with near intoxicated people.
- (iv) The conduct and safety of patrons on the premises and upon leaving the premises, including safe transport from the site.

Off licensed premises should also have their own modified Host Responsibility Policy. While it is obvious that the requirements for an Off licence are considerably different from that of an On or Club licence activity, the GDLA believe that each Off licence premises should have its own policy appropriate to its particular situation.

The Host Responsibility policy for an Off licence premises should include the more obvious requirements, such as adequate measures to ensure that sales to minors or intoxicated people do not take place e.g. through the display of appropriate signage. Also measures aimed at reducing alcohol abuse, such as the availability and active promotion of low alcohol and non-alcoholic drinks.

The need for an applicant for an On licence or Club licence to have a Host Responsibility Policy is detailed in the relevant sections of this policy. The Licensing Inspector and Medical Officer of Health will both address the applicants Host Responsibility policy as a matter of course.

The GDLA also require applicants for Off licences to address the matter of ensuring that liquor is not sold or supplied to minors or intoxicated persons, as required by the Sale of Liquor Act, by the preparation of a Host Responsibility policy for their own particular Off licence premises. All staff must be familiar with the requirements of the premises policy. This would ensure that Off licensees and their staff have addressed the matter of preventing the sale and supply of alcohol to prohibited persons.

8.1 Policy

- (i) All holders of an On licence, an Off licence or a Club licence are required to have a written operative Host Responsibility Policy for the premises and to observe it at all times.*
- (ii) The Licensing Inspector will report on the existence, suitability and operation of any Host Responsibility Policy in reporting on any licence application taking into consideration the Public Health Unit's views of written policies.*
- (iii) Licensing Inspector surveillance of premises will include emphasis on compliance with Host Responsibility Policies.*

LIAISON

9.0 Liaison

The Gisborne District Licensing Agency (GDLA) in 1994 joined together with other agencies to form a local committee of representatives of various agencies involved in Liquor Licensing in the district. The organisations involved in the group are the GDLA, Police and Medical Officer of Health. Various other stakeholders are invited to attend meetings. The purpose of LARA is to:

- ◆ improve co-ordination;
- ◆ share information;
- ◆ deal with problems in a co-ordinated manner;
- ◆ provide a rapid response to non-compliance;
- ◆ educate.

This liaison group has functioned successfully since late 1994 and provides valuable feedback to the GDLA on a number of its activities. Public involvement in LARA is predominantly via licencees and those individuals or organisations directly linked to the liquor industry.

Non-licensing matters are outside the brief of this committee. However liaison is encouraged by the committee agents with other organisations involved with liquor matters and a liaison group of these agencies continues to be encouraged.

9.1 Policy

- (i) The Gisborne District Licensing Agency will continue to actively liaise with other reporting agencies through the Liquor Accord for Reporting Agencies group.*
- (ii) The Gisborne District Licensing Agency will continue to liaise with other interested parties on matters of concern.*

PARTICIPATION AND EDUCATION

10.0 (A) PUBLIC CONSULTATION

The Gisborne District Licensing Agency (GDLA) encourages input to Licensing Administration from the general public. The public have the ability to participate in the licensing process predominantly through the notification/objection process and through consultation on the Policy.

10.1 Policy

The Gisborne District Licensing Agency in conjunction with the Liquor Accord for Reporting Agencies group, will continue to attempt to involve interested members of the public in liquor licensing issues where this is consistent with the purpose of the Act.

(B) EDUCATION

The GDLA recognises the need for greater public awareness and education in relation to alcohol. The Sale of Liquor Act goes some way towards that but only with respect to licensed premises.

To have any effect, widespread initiatives from agencies including the Gisborne District Council and its GDLA, are needed to foster and provide for ongoing education and awareness of the problems associated with alcohol consumption.

Education applies to many levels in many areas, not only the important role of education of tomorrow's liquor consumers, which of course is essential, but also groups such as licensees, the general public and people involved in administering the Act itself. Indeed those people involved in the latter group need to further and review their own education and knowledge to ensure they carry out their function in the administration of the sale of liquor in the correct manner.

The abuse of alcohol impacts across the community in many ways. Whilst health agencies funded specifically for the purpose are seen as the lead players in this area, the Gisborne District Council and in part its GDLA recognise that they have an important role in promoting a more responsible attitude towards the use of alcohol.

10.2 Policy

The Gisborne District Licensing Agency will maintain a continuing education role in conjunction with the Liquor Accord for Reporting Agencies group, with a view to increasing education and awareness of the need for moderation in alcohol consumption.