



Liquor Matters

Issue 2 November 2013

Welcome to Liquor Matters

The Sale and Supply of Alcohol Act 2012 (SSAA) is upon us! It was enacted on 18 December 2012 and will be in force on 18 December 2013 just a few weeks away! In this issue of Liquor Matters we summarise what effect these changes will mean for you. Remember, we're here to work with you to make the changes work for all of us. Call us to discuss any questions or issues you may have. Alternatively more detailed information can be found at <http://www.justice.govt.nz/policy/sale-and-supply-of-alcohol>

New District Licensing Committee replaces DLA

Many of the roles of the District Licensing Agency (DLA) delegated to council staff will be replaced by a District Licensing Committee (DLC) made up of community representatives. The Wanganui District Council has recruited Stuart Hylton as the Commissioner to run the District Licensing Committee. List members are being recruited for Wanganui's DLC and these members will be announced shortly.

New cost/risk framework

All licensed premises ON/OFF/CLUB will be assessed under a cost/risk category. This is based on weighting the type of license plus the hours plus any enforcement action taken in the previous 18 months.

Type of licensed premises	Weighting
Supermarket, grocery store, bottle store	15
Class 1 restaurant, night club, tavern, adult premises	15
Off-licence in a hotel, tavern, class 1, 2 or 3 club	10
Class 2 restaurant, class 1 club, hotel, function centre	10
Remote sale premises, class 3 restaurant, class 2 club, other on and off premises not otherwise specified	5
Winery cellar doors, BYO restaurants, class 3 clubs, theatres, cinemas	2
Latest licensed hours	Weighting
On-licences and clubs before 2.00am, Off-licences before 10.00 pm	0
On-licences and clubs 2.01am-3.00 am, Off-licences 10.00pm and later	3
On-licences and clubs – any time after 3.00am	5
Number of enforcements in last 18 months	Weighting
None	0
1	10
2 or more	20

*See over restaurants and clubs are subdivided into three classes to reflect their cost/risk

Please ensure all your staff read this!

New definition of classes for restaurants and clubs

Licensed premises defined as a restaurant or club must now be further classified, as below:

Restaurants defined as BYO or Class 1-3:

BYO restaurant means a restaurant for which an on-licence permits BYO only.

Class 1 restaurant means a restaurant that has, or applies for, an on-licence and:

- has, in the opinion of the territorial authority, a significant separate bar area; and
- in the opinion of the territorial authority, operates that bar area, at least one night a week, in the manner of a tavern

Class 2 restaurant means a restaurant that has, or applies for, an on-licence and:

- has, in the opinion of the territorial authority, a separate bar; and
- in the opinion of the territorial authority, does not operate that bar area in the manner of a tavern at any time

Class 3 restaurant means a restaurant that has or applies for an on-licence and that, in the opinion of the territorial authority, only serves alcohol to the table and does not have a separate bar area.

Clubs defined as Class 1, 2 or 3:

Class 1 club means a club that has, or applies for, a club licence and:

- has at least 1,000 members of purchase age; and
- in the opinion of the territorial authority, operates any part of the premises in the nature of a tavern at any time

Class 2 club means a club that has or applies for a club licence and is not a class 1 or class 3 club

Class 3 club means a club that has, or applies for, a club licence and:

- has fewer than 250 members of purchase age; and
- operates a bar for no more than 40 hours each week.

New fees set by Government

As of 18 December you will be required to pay an annual fee and a renewal fee. The annual fees are payable on the anniversary date of your licence every year. A new licence is granted for one year initially and then after that the licence is renewed every three years.

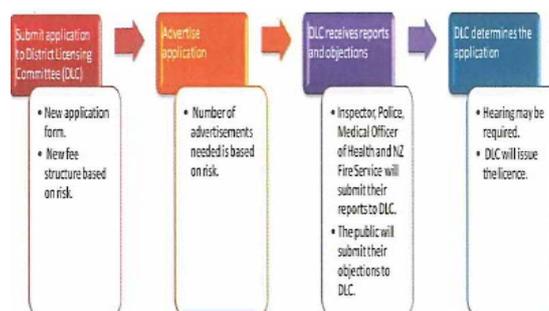
Cost /risk category (based on weighting):	Renewal fee (licensee every 3 years) OR Initial Application fee (payable by first time applicant)	Annual fee (payable by licensee)
Very Low (0-2)	\$368.00	\$161.00
Low (3-5)	\$609.50	\$391.00
Medium (6-15)	\$816.50	\$632.50
High (16-25)	\$1,023.50	\$1,035.00
Very High (26 plus)	\$1,207.50	\$1,437.50

What happens if your annual fee is not paid?

You will receive a reminder letter confirming your fees and due date. If the annual fee is **not** paid within 30 days of it being due the Act states this will result in an indefinite suspension of licence. In these circumstances, the premises must remain closed for the sale and supply of alcohol until the fee is paid in full including any penalty fees that may be imposed.

For a full copy of the Sale and Supply of Alcohol (fees) Regulations 2013, visit www.justice.govt.nz

Apply for an ON/OFF or Club licence (new or renewal)



Enforcement and holding

Certain breaches will result in a 'holding' against the licence or manager. A 'holding' is a District Court conviction or an 'adverse finding' in an Alcohol and Regulatory Licensing Authority (ARLA) hearing. If there are three such holdings within three years then the licence or certificate will be cancelled and a mandatory five year disqualification period follows. Holdings (enforcement) will also affect the risk rating and annual fees payable by licence holders. Offences and breaches of the Act that will generate a holding include:

- Irresponsible promotion of alcohol
- Sales, supply or allowing the on-supply of alcohol to a minor
- Unauthorised sales i.e. after hours, no manager on duty, club selling to member of the public
- Sales or supply to intoxicated person



New application forms

There will be new application forms prepared by the Ministry of Justice. All applications for existing licences must be submitted within 20 working days prior to expiry. Under the new Act a 'working day' does not include weekends, statutory holidays or any day from 20 December to 15 January (inclusive).

Forms for ON/OFF and Clubs will now include questions on amenity and good order. You will be required to give details on whether or not the locality of your business will affect a number of factors. This includes:

- Steps that you will undertake to ensure the sale, supply and consumption of alcohol will be undertaken safely and responsibly, e.g. security, staff training etc.
- What you are going to do to minimise current and possible future, noise, nuisance and vandalism, e.g. litter, graffiti, etc.
- What other activities are happening in the area e.g. other licensed premises, residential area, schools, child care centres, places of worship, etc.

More detailed information will be provided with the application forms.

Changes for manager's certificates

- There will only be one type of manager's certificate. The fee for a manager's certificate will be \$316.25.
- A manager's certificate is still granted for one year initially and then renewed for three years.
- All existing managers that currently hold the Licence Controller Qualification (LCQ) will have to sit a 'bridging test' or the new LCQ. If you obtain this test before your certificate expires, you will get a three year renewal. If you don't then your certificate will only be renewed for 12 months.
- Existing club managers will have to complete the new LCQ. Without the LCQ your manager's certificate will only be granted for 12 months. If you have completed the new test it will be renewed for three year.
- As from 18 December 2013 you must be 20 years or older to apply for a new manager's certificate. If you are currently under the age of 20 and already hold a manager's certificate your manager's certificate will still be valid.
- **The bridging test and the LCQ will be available through hospitality trainers and online.**

Special licences

You will need to submit your application at least 20 working days before an event is held. If your application is submitted less than 20 working days it will not be accepted unless it is for an event that could not have been foreseen. Applications for special licences for events planned for mid-February 2014 or earlier must be lodged by 18 December.

Applications and fees for special licences

- Application forms can be obtained from us or online at www.Wanganui.govt.nz/services/LiquorLicences/application.co.nz
- For large events you may be required to notify the public of your event (e.g. by advertising).
- You may be required to submit an alcohol management plan providing information regarding number of security, staff training, number of certified managers and a detailed floor plan of the licensed area i.e, design and layout for the proposed event. You will also need to provide details on how you are going to manage noise, vandalism, litter, etc. For more information about alcohol management plans visit www.hpa.org.nz.
- For smaller events you will only need to submit details requested on the application form.



There are three new fee rates for special licences

- For one or two events covered by the licence that are of a 'small scale' **\$63.25**
- For three to 12 events that are of small size; or one to three events that are of a 'medium size' **\$207**
- For all other special licences, including licenses for events that are of a 'large size' **\$575**

Local Alcohol Policy (LAP)

- A Local Alcohol Policy for the district is being developed. The first stage of the process is taking place now. There will be significant consultation with the community, industry and other stakeholders. Keep an eye on our website for developments.

Welcome to our new premises

Avoca Hotel : *Pat and Michelle Tasker*, have decided to settle down in Upokongaro

Big Barrell Off-Licence : *Balwinder Sandu* has purchased Mickeys in Puriri Street to add to his chain.

Castlecliff Hotel Bottlestore : has been purchased by *Sahit Sharma* of Hari OM (2013) Limited

Castlecliff Hotel : has been leased by Baines Limited, Owners *Balwinder Kaur and Aminderpal Singh* also own Tandoori Bite in Guyton Street.

Cracked Pepper Restaurant : at 21 Victoria Avenue is now owned by *Ragini Karon* who brings her overseas experience to us.

Riverview Four Square : is a new Off-Licence in Anzac Parade owners *Gareth and Lorette Cockburn* have accepted the challenge.

St John Four Square : Former employee *Vinod Meghwal* has purchased the business.

For further information, or if you have any questions

contact Mandy Gedye on 06 349 0001

or

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