

**ALCOHOL REGULATORY AND LICENSING AUTHORITY
PRACTICE DIRECTIONS AND STATEMENTS
PURSUANT TO SECTIONS 172 AND 176 OF THE
SALE AND SUPPLY OF ALCOHOL ACT 2012**

To: Secretaries
District Licensing Committees

Section 172 of the Sale and Supply of Alcohol Act 2012 provides:

172 Licensing authority may issue practice directions
For the purpose of ensuring that the application and administration of this Act is consistent, the licensing authority may from time to time issue, for the guidance of licensing committees, any directions, notes, guidelines, or suggestions (not being inconsistent with this Act) that the licensing authority considers necessary or desirable.

Section 176 of the Sale and Supply of Alcohol Act 2012 provides:

- 176 Licensing authority may give statements to licensing committees**
- (1) The licensing authority may give licensing committees statements setting out its views on —**
 - (a) the general administration of this Act; or**
 - (b) the policies to be followed in the administration of this Act or any provisions of it; or**
 - (c) any information obtained by the authority from any inquiry held by it or from any other source.**
 - (2) A statement must not relate to a matter that may be a ground for an appeal against a decision of a licensing committee.**
 - (3) In performing its functions under this Act, a licensing committee must observe every statement issued under this section.**

This is the first such practice direction and statement issued since the Act came into force on 19 December 2012.

1. REQUIREMENT FOR CERTAIN DOCUMENTS TO BE FORWARDED FROM COMMITTEES TO THE LICENSING AUTHORITY

1.1 Section 66(3) of the Act provides:

- 66 Record of applications**
- (3) The secretary of each licensing committee must send to the secretary of the licensing authority a copy of every application made to the committee, and a copy of every decision made by it.**

1.2 Accordingly, and to ensure that the particulars prescribed in the Sale and Supply of Alcohol Regulation 2013 are recorded, the following documents are required to be sent to the secretary of the licensing authority in respect of every application determined by the committee:

- (a) a copy of each licence, certificate, notice of renewal or temporary authority issued**
- (b) a copy of the application form**
- (c) a copy of the decision made by the committee**

Additional documents that may form part of the application are not to be sent unless requested by the licensing authority.

- 1.3 Documents relating to applications for special licences are not required to be sent to the licensing authority. The licensing authority expects committee secretaries to retain that information in accordance with section 66(1)(b) of the Act.
- 1.4 It is desirable that the above documents be collated in the order shown above and they must be sent to the licensing authority through normal postal or courier services within five working days of the decision being issued. Until such time as committee secretaries are otherwise advised, the electronic transmission of these documents to the licensing authority is not acceptable due to privacy concerns related to the security of emails used to transfer documents.

2. REFERRAL OF APPLICATIONS TO THE LICENSING AUTHORITY

- 2.1 Section 104(2) and (3) of the Act provides:

104 Who decides application for licence

- (2) With the leave of the chairperson of the licensing authority, a licensing committee may refer an application for a licence to the authority for decision.
 - (3) The licensing committee must give the licensing authority the complete file relating to any application for a licence to be decided by the authority. The complete file means —
 - (a) the application and any papers filed in support of it; and
 - (b) a copy of the public notice of the application, and a statement of the dates of publication of the notice; and
 - (c) any objection, and any papers filed in support of it; and
 - (d) any reports made under section 103; and
 - (e) the certificate referred to in section 100(f).
- 2.2 Any application referred to the licensing authority under this section must be accompanied by a memorandum from the secretary of the licensing committee giving the reasons for the referral.
 - 2.3 Section 221 of the Act provides similar requirements in respect of any application for a manager's certificate that a licensing committee may decide to refer to the licensing authority for determination.

3. NUMBERING OF DISTRICT LICENSING COMMITTEES, LICENCES AND MANAGERS' CERTIFICATES

3.1 District Licensing Committees

- 3.1.1 In 1990 the then Liquor Licensing Authority allocated, for reference purposes, code numbers to all territorial authorities. These are used to assist in the provision of statistical information that is required to be kept by the licensing authority.
- 3.1.2 As the decision making district licensing committee needs to be readily identified, and for the sake of continuity, it is desirable that after 18 December 2013 the current codes remain in use by

territorial authorities/district licensing committees. The codes are repeated on the attached list for reference.

3.1.3 Where more than one committee is formed by a territorial authority the code number is to be suffixed by a letter commencing with the letter A, e.g. if Wellington City Council forms two committees the committee numbers would be 49A and 49B.

3.2 Licences

3.2.1 The standardised licence numbers used by the licensing authority since 1990 and adopted by district licensing agencies have, over the years, been replaced by a variety of numbering systems introduced by agencies. It is appropriate that on 18 December 2013 licence numbers again be standardised as far as is practicable.

3.2.2 To this end the licensing authority requires that the following sequence of numbers and letters be used: **DLC number/Type of licence/Number/Year**, e.g. for an on-licence issued by the Wellington District Licensing Committee the licence number would be written as **49/ON/001/2014**.

3.3 Managers' certificates

3.3.1 As from 18 December 2013 there will be only one class of manager's certificate. Given the variety of certificate numbers currently in use for both general and club managers, it is considered timely that a new standardised number be allocated when a new certificate is issued. The licensing authority requires that the following sequence of numbers and letters be used from 18 December 2013: **DLC number/CERT/Number/Year**, e.g. for the Wellington District Licensing Committee the certificate number would be written as **49/CERT/001/2014**.

3.3.2 The certificate number allocated by a district licensing committee is to be retained over the life of the certificate, even if the certificate holder renews the certificate with a different committee. The original district licensing committee number needs to be included in the body of all future notices of renewal of the certificate, in addition to any other reference number that may be used by that particular committee.

4. MANAGERS' CERTIFICATES – ISSUE OF LIMITED RENEWAL CERTIFICATES

4.1 On 18 December 2013 all current general and club managers' certificates issued under the Sale of Liquor Acts 1962 and 1989 will remain in force by virtue of section 411 of the Sale and Supply of Alcohol Act 2012, until their expiry under the Sale of Liquor Act 1989.

4.2 A district licensing committee is then empowered to issue a limited renewal certificate which is valid for one year. This provides the certificate

holder sufficient time to obtain the qualifications prescribed by section 218 of the 2012 Act. A template for the limited renewal certificate is attached.

- 4.3 Provided a certificate holder meets those section 218 requirements, the limited renewal certificate is then deemed to be a manager's certificate. This is to be achieved by the issue of a brand new (and newly numbered) certificate - see 3.3.1. In this way all old forms of certificates issued under the 1962 and 1989 Acts will eventually be removed from use.
- 4.4 The new certificate issued as described in 4.3 above will remain in force for the period required to complete the normal three year renewal cycle from the anniversary of the issue date of the original certificate. In other words, the new certificate will still fall due for its next renewal three years after the most recent date of expiry under the Sale of Liquor Act 1989.

5. TEMPORARY AUTHORITY APPLICATIONS – INVOLVEMENT OF POLICE AND INSPECTORS

- 5.1 A temporary authority granted in terms of section 136 of the Act confers upon the holder the same duties, obligations and liabilities as the holder of a licence. The consequences of an unsuitable person operating premises pursuant to a temporary authority could obviously be as equally undesirable as such a person holding a licence.
- 5.2 It is the licensing authority's view that the secretary of the licensing committee should refer any application for a temporary authority to the Police and the Inspector for comment and/or report. Each committee should settle procedures for the referral of such applications. Those procedures should be able to take account of situations where urgency or priority is required.
- 5.3 Any subsequent report or comment to which the committee considers it may wish to have regard in determining an application must be referred to the applicant before any decision is made.

DATED at WELLINGTON this 26th day of November 2013

B M Holmes
Deputy Secretary
Alcohol Regulatory and Licensing Authority

**GENERAL/CLUB*MANAGER'S
LIMITED RENEWAL CERTIFICATE**

(Section 411(3) of the Sale and Supply of Alcohol Act 2012)

To: _____

Pursuant to section 411(3) of the Sale and Supply of Alcohol Act 2012 your General/Club* Manager's Certificate number _____ is renewed for a period of one year expiring on _____.

If you meet the qualifications prescribed in section 218 of the Act before the expiry date of this limited renewal certificate, the district licensing committee may, pursuant to section 411(4) of the Act, deem this limited renewal certificate to be a manager's certificate.

DATED at _____ this _____ day of _____ 20__

Chairman/Secretary*

_____ **District Licensing Committee**

*Delete as applicable

DLC No	Council	DLC No	Council
01	Far North District Council	50	Nelson City Council
02	Whangarei District Council	51	Tasman District Council
03	Kaipara District Council	52	Marlborough District Council
07	Auckland Council	53	Kaikoura District Council
11	Thames-Coromandel District Council	54	Buller District Council
12	Hauraki District Council	55	Grey District Council
13	Matamata-Piako District Council	56	Westland District Council
14	Waikato District Council	57	Hurunui District Council
15	Hamilton City Council	58	Waimakariri District Council
16	Waipa District Council	59	Selwyn District Council
17	South Waikato District Council	60	Christchurch City Council
18	Otorohanga District Council	62	Ashburton District Council
19	Waitomo District Council	63	Mackenzie District Council
20	Taupo District Council	64	Timaru District Council
21	Tauranga District Council	65	Waimate District Council
22	Western Bay of Plenty District Council	66	Waitaki District Council
23	Rotorua District Council	67	Central Otago District Council
24	Kawerau District Council	68	Queenstown-Lakes District Council
25	Whakatane District Council	69	Dunedin City Council
26	Opotoki District Council	70	Clutha District Council
27	Gisborne District Council	71	Gore District Council
28	Wairoa District Council	72	Southland District Council
29	Hastings District Council	73	Invercargill City Council
30	Napier City Council	74	Chatham Island County Council
31	Central Hawkes Bay District Council		
32	Ruapehu District Council		
33	New Plymouth District Council		
34	Stratford District Council		
35	South Taranaki District Council		
36	Wanganui District Council		
37	Rangitikei District Council		
38	Manawatu District Council		
39	Palmerston North City Council		
40	Horowhenua District Council		
41	Tararua District Council		
42	Masterton District Council		
43	Carterton District Council		
44	South Wairarapa District Council		
45	Kapiti Coast District Council		
46	Porirua City Council		
47	Upper Hutt City Council		
48	The Hutt City Council		
49	Wellington City Council		