



MASTERTON DISTRICT COUNCIL

LIQUOR LICENSING POLICY

AUGUST 2010

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APPENDIX

Appendix 1 National Protocol on Alcohol Promotions

Section 1	PURPOSE OF MASTERTON DISTRICT LICENSING AGENCY POLICIES
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ROLE OF MASTERTON DISTRICT LICENSING AGENCY

The Council has a statutory obligation to undertake the liquor licensing activities in the District – under the provisions of the Sale of Liquor Act 1989 the Council performs the role of the District Licensing Agency. The Local Government Act 2002 allows the Council to delegate functions (such as the function of the District Licensing Agency) to a committee. There is a delegation established for the Council Hearings Committee to hear matters in relation to the Sale of Liquor Act.

Many regulatory functions specified in the Sale of Liquor Act are performed by the Liquor Licensing Authority, which is often referred matters by the District Licensing Agency or by local officers such as the District Licensing Inspector. The Masterton District Licensing Agency policy statements will assist the Liquor Licensing Authority to understand the policies that the Council has endorsed to ensure alcohol supply is well managed in the District.

The key functions of the Masterton District Licensing Agency are to:

- Consider and determine applications for, renewals of, and variations to on-licences, off-licences and club licences.
- Consider and determine applications for temporary authorities and special licences.
- Consider and determine applications for new and renewals of managers' certificates.
- Conduct inquires and make reports as required by the Liquor Licensing Authority

The Masterton District Licensing Agency recognises the consumption of alcohol in well-managed controlled environments has economic and social benefits for District communities and visitors. The Agency will encourage consumption of alcohol in well-managed controlled environments through administering its Sale of Liquor Act licensing, monitoring, and education programmes.

OBJECT OF ACT

Section 4

- (1) *The object of this Act is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contribution to the reduction of liquor abuse, so far as that can be achieved by legislative means.*
- (2) *The Licensing Authority, every District Licensing Agency, and any Court hearing any appeal against any decision of the Licensing Authority, shall exercise its jurisdiction, powers, and discretions under this Act in the manner that it most likely to promote the object of this Act.*

PURPOSE OF THESE POLICIES

The key purpose of this document is to establish policies that will guide the Masterton District Licensing Agency when undertaking its functions under the Act. Many territorial authorities have established a liquor policy to guide the way in which District Licensing Agencies exercise their functions. Those policies cover aspects of procedure and decision-making guidelines such as criteria for deciding whether to grant a liquor licence and the criteria for placing restrictions on licences.

This written statement of policies also clearly identifies, to all stakeholders, the position of the Masterton District Licensing Agency on matters in which it has discretion. Stakeholders in this context include members of the local liquor industry, the community, Medical Officer of Health, Police and the Liquor Licensing Authority.

Formalising these policies of the Masterton District Licensing Agency also allows the Masterton community to have input into establishing the policies that will influence the supply of alcohol in the District.

These policies do not attempt to include all aspects of the Sale of Liquor Act, and should be read in conjunction with the Act. In any case where there appears to be a conflict, the Sale of Liquor Act (or any other legislation) takes precedence.

LINKAGES

This liquor policy has been prepared with reference to the three key strategies and plans that are maintained by Masterton District Council:

- The Annual Plan & Budget
- The Long Term Council Community Plan (LTCCP)
- Wairarapa Alcohol Strategy (when adopted)

This liquor policy contributes to the *Vibrant, Strong and Healthy Communities* outcome identified in the LTCCP, specifically contributing to the reduction of alcohol abuse in the community.

Policies within this document should be interpreted alongside those documents that identify strategies and plans of the Masterton District Council and which identify related policies, such as fees and charges.

REVIEW OF POLICY

The policy will be reviewed within 12 months and then every three years.

Sale of Liquor Act reference(s)

Section 4 Object of Act

Section 100 Functions of District Licensing Agency

BACKGROUND

The Masterton District Licensing Agency regard formal host responsibility policies as an effective means of promoting the management of licensed premises in compliance with the requirements of the Act. Each licensee must therefore maintain a written host responsibility policy. Host responsibility policies are a key means by which the Masterton District Licensing Agency maintains confidence that licence conditions are followed regarding:

- Promoting the responsible consumption of liquor;
- The provision of substantial food with a minimum of three choices;
- The sale and supply of non-alcoholic and low-alcohol beverages;
- Assistance with transport from the licensed premises;
- Measures to prevent the sale of liquor to prohibited persons (under-age and/or intoxicated persons).

On, Club and Special Licensees must have free tap water available at all times or some other initiative supporting sober driving e.g. non-alcoholic drinks.

Guidance on the development of host responsibility policies are provided by the Alcohol Advisory Council (www.alac.org.nz) and Regional Public Health. Existing and prospective licensees are encouraged to follow these guidelines when developing host responsibility policies for their premises.

Off-licence premises should also have their own 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, the District Licensing Agency believe that off-licence premises should have their own Host Responsibility Policy appropriate to their particular operation. This should include requirements to ensure no sales to minors or intoxicated persons and other measures aimed at reducing alcohol abuse (e.g availability and promotion of non-alcoholic and low alcoholic drinks and the display of appropriate signage).

It will also be a condition of all licences that licensees must effectively implement their Host Responsibility Policy. Effective implementation requires an ongoing programme of:

- Training staff in the premises on host responsibility;
- Ensuring that staff members are supported in their application of the host responsibility policy; and
- Ensuring that staff members' compliance with the host responsibility policy is monitored.

The Masterton District Licensing Agency will adopt for On Licences, Club Licences and Special Licences the National Protocol on Alcohol Promotions published by ALAC (Appendix 1). An acceptable promotion or event shall be determined by Masterton District Licensing Agency, Police and Medical Officer of Health. Where the District Licensing Agency, Police or Medical Officer of Health considers that an activity or promotion infringes the Act, the matter will be discussed with the licensee and, where appropriate, enforcement action shall be taken.

Sale of Liquor Act reference(s)

Section 15(5)(e) Conditions of on-licence

Section 60(2)(e) Conditions of club licence

Section 80 (2)(bc) Conditions of special licences

Section 154A Promotion of excessive consumption of alcohol

POLICY STATEMENTS

2 Host Responsibility

- 2.1 A condition will be imposed on all licences granted by the Masterton District Licensing Agency that the licensee must maintain a written and dated host responsibility policy. The policy must be submitted at the time of licence renewal to ensure it is consistent with national standards or ALAC guidance on host responsibility. Licensees must effectively implement their host responsibility policy.
- 2.2 A copy of the written host responsibility policy must be prominently displayed within the licensed premises, to promote awareness of the policy among both staff and patrons.
- 2.3 The Masterton District Licensing Agency adopts the National Protocol on Alcohol Promotions published by ALAC as a framework to assess acceptable practice.
- 2.4 At a minimum, host responsibility policies must address:
 - Promoting the responsible consumption of liquor;
 - The provision of substantial food with a minimum of three choices – required for on-licences, club licences (and special licences if recommended in reports from Police and Inspectors);
 - The sale and supply of non-alcoholic and low-alcohol beverages;
 - Assistance with transport from the licensed premises;
 - Measures to prevent the sale of liquor to prohibited persons (under-age and/or intoxicated persons).

BACKGROUND

The Masterton District Council, Carterton District Council and South Wairarapa District Council will share services to encourage safe alcohol supply in the three Districts and to support each other to fulfil regulatory responsibilities under the Sale of Liquor Act. This collaboration benefits key partner agencies such as Police and Medical Officer of Health, which are structured to deliver services seamlessly to all Districts.

The District Licensing Inspector(s), Police and Medical Officer of Health (“the combined agencies”) work in partnership to promote safe alcohol supply in the District in compliance with the Sale of Liquor Act. This partnership involves a range of activities including monitoring compliance, enforcement activity and liaison with the local alcohol industry.

The following key partnership activities will be undertaken:

- The combined agencies will hold at least one annual liaison meeting with other stakeholders invited as appropriate.
- The combined agencies will participate in joint monitoring of licensed premises in the District.
- The combined agencies will participate in joint Controlled Purchase Operations.
- The combined agencies will collaborate to address non-compliance issues, including when taking non-compliance matters to the Liquor Licensing Authority or when taking other enforcement action.

Police are the lead agency in any enforcement issues.

Better monitoring for non-compliance and greater promotion of responsible drinking are key outcomes of these partnership activities.

POLICY STATEMENTS

3 Partnerships

- 3.1 Masterton District Council, Carterton District Council and South Wairarapa District Council will share services to encourage safe alcohol supply in the three Districts and to support each other to fulfil regulatory responsibilities under the Sale of Liquor Act.
- 3.2 The Masterton District Licensing Agency endorses the ongoing partnership of District Licensing Inspector(s), Police and Medical Officer of Health to promote alcohol supply in the District in compliance with the Sale of Liquor Act.
- 3.3 The Masterton District Licensing Agency recognises it has a role to encourage safe alcohol supply, by liaising with the alcohol industry and by providing education and guidance.

While monitoring and enforcing compliance with the Sale of Liquor Act is chiefly the domain of the regulatory agencies, many independent organisations and individuals have a keen interest in reducing alcohol-related harm in the community. The Masterton District Licensing Agency is open to supporting initiatives from the community.

ALCOHOL ACCORDS

Local Alcohol Accords are a voluntary code of practice, in existence in some parts of New Zealand. They involve licensees in a particular area, DLA, Police, Public Health, and other affected parties (e.g. nearby businesses). The objective is to encourage compliance and better host responsibility. To enhance the ability to work effectively with the local liquor industry, Masterton District Licensing Agency will support the establishment of formalised local alcohol accords or other formal partnerships within the local industry.

An alcohol accord may provide a useful framework for the resolution of alcohol licensing issues, for communication with the industry, and maintaining the effectiveness of existing initiatives. Accords can be effective when there is a specific event or situation. As such, an Accord such as this may have a limited life span.

POLICY STATEMENT

4 Community Involvement

- 4.1 The Masterton District Licensing Agency is open to supporting initiatives from the community with the aim of reducing alcohol-related harm.

Section 5	SECTION 96 STATEMENTS
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BACKGROUND

From time to time the Liquor Licensing Authority issues statements that must be observed by District Licensing Agencies. To date the Liquor Licensing Authority has issued eight such statements:

Statement	Synopsis
19 Oct 1992	A special licence should not be issued by a District Licensing Agency as a substitute for a 'permanent' licence.
10 Dec 1992	A District Licensing Agency Inspector is requested to be present at any public sittings of the Liquor Licensing Authority.
12 Aug 1994	It is prudent for District Licensing Agencies to refer all applications for temporary authority to the Police for comment and/or report.
5 Jul 1996	District Licensing Agencies are expected to maintain a system for timely retrieval of 'complete files' in respect of existing licences should they at any time be requested.
21 Apr 1998	Any temporary authority should be granted on the basis that it carries a clear indication that it will expire on a specified date; or on such date as the holder's application for an on/off-licence has been determined, whichever is the sooner.
15 May 2000	Information that each District Licensing Agency must submit to the Liquor Licensing Authority: <ul style="list-style-type: none"> • Copies of all licences, renewal notices, managers' certificates and Inspectors' reports • A quarterly list of matters before the DLA • Copies of written delegations • An annual list of licensed premises • An annual statistical return
24 Oct 2000	Licences must include a description of the nature of the business.
5 May 2006	General managers' certificate cannot be issued without proof of gaining the Licence Controller Qualification. DLA's should allow two months for an application to show proof of qualification before opposing the application.

Each of these statements has been addressed by the policies adopted by the Masterton District Licensing Agency. Any new Section 96 statements made by the Liquor Licensing Authority will also be adopted as policies of the Masterton District Licensing Agency (or will amend existing policies, if existing policies are not consistent with the statements).

Sale of Liquor Act reference(s)

Section 96 Authority may send statements to Agencies

POLICY STATEMENTS

5 Section 96 Statements

- 5.1 Any new Section 96 statements made by the Liquor Licensing Authority will be deemed to be new policies of the Masterton District Licensing Agency or, if applicable, will be deemed to amend the existing policies of the Masterton District Licensing Agency.

BACKGROUND

All licence applications must be complete before they will be accepted and processed by the Masterton District Licensing Agency. To be considered complete, applications must be in the form prescribed by the Sale of Liquor Regulations 1990, contain all information required by these Regulations, the Act and this Policy, including demonstration that the activity complies with the Resource Management Act 1991 (and the Wairarapa Combined District Plan) and the Building Act 2004. The District Licensing Inspector may consider commencing the processing of applications that are substantially complete; applicants should discuss information requirements with the licensing inspector before submission.

Where on and off-licence type activities are combined, then two separate licence applications are required.

Where club and off-licence type activities are combined, then two separate licence applications are required. It should be noted that a sports club cannot apply for an off-licence (unless allowed by Section 30 of the Act).

As provided in the Act, there may be only one duty manager at any one time. However, all licensed premises should employ more than one certified manager, the ratio being in keeping with the operating hours. In limited circumstances one duty manager may be considered adequate. A list must be provided of certified managers' to be employed on the premises.

All licence applicants are required to complete a Building Evacuation Scheme Declaration stating either

- The building has an evacuation scheme for public safety which meets the requirement of Section 21a of the Fire Services Act 1975; **OR**
- The building, by reason of its current use, does not require, or is exempt from a scheme, but has an evacuation procedure.

The Wairarapa Times Age and Wairarapa News are approved for the purposes of public notification.

All site notices are required to be placed in a conspicuous place. The notice should be erected at the entry to the site where it is clearly visible. It is not anticipated that any circumstances would exist where the requirement for a site notice would be exempt.

At the time of renewal the Companies and Incorporated Societies Register will be searched to ensure the licensee has not been Struck Off the Register. If a company/society is Struck Off they must stop selling and supplying liquor until the company/society is registered or a new licence is issued.

Sale of Liquor Act reference(s)

Section 9 Applications for on-licences

Section 31 Applications for off-licences

POLICY STATEMENTS

6 Completeness of applications

- 6.1 Incomplete licence applications will not be accepted by the Masterton District Licensing Agency. However, the District Licensing Inspector may consider commencing the processing of applications that are substantially complete.
- 6.2 Applicants seeking more than one class of licence must make separate applications for each licence.
- 6.3 More than one certified manager should be employed for a premises, the ratio being in keeping with the operating hours. Licence applications must include a list of certified managers'.
- 6.4 All licence applications must include a completed Building Evacuation Scheme Declaration.
- 6.5 The Wairarapa Times Age and Wairarapa News are approved for the purposes of public notification.
- 6.6 All site notices are required to be placed in a conspicuous place. Notices should be erected at the entry to the site where it is clearly visible. It is not anticipated that any circumstances would exist where the requirement for a site notice would be exempt.
- 6.7 At the time of renewal the Companies and Incorporated Societies Register will be searched to ensure the licensee has not been Struck Off the Register. If a company/society is Struck Off they must stop selling and supplying liquor until the company/society is registered or a new licence is issued.
- 6.8 Licence applications must include all the information listed on the following table that is relevant to the class of licence being applied for:

TYPE OF LICENCE BEING APPLIED FOR

INFORMATION REQUIRED	On-licence	Off-licence	Club licence	Special Licence
Number of copies of the application	Three copies			
Supporting Document	A letter from the applicant supporting their application; and describing the premises; and detailing the operation of the premises.			If a large event, a proposal from the applicant supporting their application.
Where the applicant is incorporated	A copy of the certificate of incorporation or other documentary evidence of its incorporation.			
Where the applicant is a company	A copy of the memorandum of association, or other documentary evidence of its authority to sell liquor or to hold a licence under the Act.		A reference to the Act under which the applicant is authorised to sell liquor or hold an on-licence under the Act.	
Where the applicant is a board, organisation, or body to which Section 8(1)(bb) or 30(1)(bb) or 75(bb) of the Act applies	A reference to the Act under which the applicant is authorised to sell liquor or hold an on-licence or an off-licence under the Act.			
Where the applicant is a manager acting for any person pursuant to a property order made under the Protection of Personal and Property Rights Act 1988	A copy of the property order.			A copy of the property order.
Where the applicant is a club		Evidence that the club: (i) Held a charter under Section 164 of the Sale of Liquor Act 1962 immediately before the 1 st day of April 1990; or (ii) Holds a club licence under the Sale of Liquor Act 1989, and is not a sports club.	A copy of the club's constitution or rules.	The number of the club licence (if held). A copy of the certificate of incorporation or other documentary evidence of its incorporation (where the club is incorporated and if a club licence is not held). A copy of the club's constitution or rules (where a club licence is not held). Identifying particulars of the on-licence or club-licence held by the applicant (where the application is made for a licence under section 74 of the Act).

TYPE OF LICENCE BEING APPLIED FOR

INFORMATION REQUIRED	On-licence	Off-licence	Club licence	Special Licence
Where the club held a charter under the Sale of Liquor Act 1962			Identifying particulars of the club's charter.	
Where the application relates to a hotel or tavern		A reference to the number of the on-licence held by the applicant in respect of the hotel or tavern.		
Where the application is made in respect of any conveyance that is a ship, ferry, hovercraft, or aircraft	A current Safe Ship Management Certificate (if a ship, ferry, or hovercraft) or a current certificate of airworthiness (if an aircraft).			
Where the application relates to premises in which the principal business is the manufacture or sale of liquor		Particulars of the principal business conducted on the premises.		
Where the application relates to a supermarket		Particulars of the floor area of the supermarket, including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.		
Where the application relates to a grocery store or a dairy		Particulars of the principal business of the store, including evidence and certified accounts showing the percentage of turnover that is derived from the sale of main order household foodstuffs.		
Where the application is made in reliance on Section 36(2)(a) of the Act		Evidence to show that the sale of liquor in premises of a kind described in paragraph (c) or paragraph (d) of Section 36(1) of the Act would not be economic.		

TYPE OF LICENCE BEING APPLIED FOR

INFORMATION REQUIRED	On-licence	Off-licence	Club licence	Special Licence
Where the application is made in reliance on Section 36(2)(b) of the Act		Particulars of the kind of goods sold in the premises to which it is claimed the sale of liquor would be complementary.		
Where the application is made by the holder of an auctioneer's licence		The number of the licence held under the Auctioneers' Act 1928.		
Where the application relates to the business of a caterer		Evidence to show that the applicant is or will be conducting the business of a caterer, including the frequency and types of functions that are, or are proposed to be, catered for.		
Photos or artists impression	A photograph of the exterior of the premises or an artist's impression of the exterior of the proposed premises as it will look when it finished.			
Location map	A map, or a copy of a map, or of a portion of a map, showing the location of the premises.			
A plan (showing 1:100 scale)	<ul style="list-style-type: none"> Those parts of the premises that are to be used for the sale or supply of liquor; and Those parts of the premises (if any) that the applicant intends should be designated as restricted areas or as supervised areas; The entrance to the premises that the applicant intends should be designated as a principal entrance. 	<ul style="list-style-type: none"> Those parts of the premises that are to be used for the sale or supply of liquor; and Those parts of the premises (if any) that the applicant intends should be designated as restricted areas or as supervised areas; and (Except where the applicant is a club) The entrance to the premises that the applicant intends should be designated as a principal entrance. 	<ul style="list-style-type: none"> Those parts of the premises that are to be used for the sale or supply of liquor; and Those parts of the premises (if any) that the club intends should be designated as restricted areas or as supervised areas. 	<ul style="list-style-type: none"> Those parts of the premises that are to be used for the sale or supply of liquor; and Those parts of the premises (if any) that the applicant intends should be designated as restricted areas or as supervised areas.
Where the applicant is not the owner of the premises	A written statement from the owner to the effect that the owner has no objection to the granting of the licence.			
Evidence of RMA / District Plan / Building Act compliance	A certificate from the local authority that the proposed use of the premises meets town planning requirements and compliance with the Building Act 2004.			

TYPE OF LICENCE BEING APPLIED FOR

INFORMATION REQUIRED	On-licence	Off-licence	Club licence	Special Licence
Building Evacuation Scheme Declaration	Signed Building Evacuation Scheme Declaration stating either: The building has an evacuation scheme for public safety which meets the requirement of Section 21a of the Fire Services Act 1975; OR The building, by reason of its current use, does not require or is exempt from a scheme, but has an evacuation procedure.			
Club activities			A schedule of the club's activities that includes the days and hours during which the premises are used for those activities. The number of Club members.	
Host responsibility	A menu or other indication of the standard and style of food to be provided or proposed to be provided.			A menu or other indication of the standard and style of food to be provided or proposed to be provided.
A written and dated host responsibility policy.				
Duty Managers	A list on certified managers' who will be employed on the licensed premises.			
Fee	The prescribed fee.			

Section 7	LICENSING HOURS POLICY
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BACKGROUND

The Act requires the Masterton District Licensing Agency to have regard to proposed licensing hours and days and gives authority to the Masterton District Licensing Agency to set hours and days of operation as a condition of any licence it grants.

Sale of Liquor Act reference(s)

- Section 13 Criteria for on-licences
- Section 14 Conditions of on-licences
- Section 35 Criteria for off-licences
- Section 37 Conditions of off-licences
- Section 59 Criteria for club licences
- Section 60 Conditions of club licences
- Section 79 Criteria for special licences
- Section 80 Conditions of special licences

POLICY STATEMENTS

7 Licensing hours

7.1 General licensing hours

- 7.1.1 The Masterton District Licensing Agency must have regard to any requirements within the District Plan or conditions of Resource Consent that may restrict the hours of operation of licensed premises.
- 7.1.2 An application for a licence seeking trading hours wider than those authorised in the policy and not supported by the reporting agencies will be forwarded to the Liquor Licensing Authority for determination.
- 7.1.3 The following liquor licensing hours shall apply within Masterton District. The hours shall be considered the maximum allowed on a licence, and will be decided on a case by case basis, with applicants justifying the use of the hours requested.

TYPE OF LICENCE				
TYPE OF PREMISES	On-licence	Club licence	Off licence	Special licence
Hotels/ Bars/ Taverns	7am – 2am		7am – 10pm	Hours consistent with the nature of the proposed activities requiring a special licence – generally not allowing supply of alcohol later than 2am.
Chartered clubs	Sale of Liquor Act – Section 8(2) An on-licence may not be held by a club.	9am – 2am	9am – 10pm	
Sports clubs	Sale of Liquor Act – Section 8(2) An on-licence may not be held by a club.	Licensing hours are to be consistent with the nature and activities of the club. In general, hours not to exceed 7am – 12 midnight.	Sale of Liquor Act – Section 30(1) An off-licence may not be held by a sports club.	
Nightclub/ Entertainment venue	7am – 2am			
Winery	7am - 10pm		7am - 10pm	
Cafés/ Restaurants	7am - 2am			
Supermarkets			7am – 10pm	
Bottle stores			7am – 10pm	
General Store			7am – 10pm	

7.2 Extended licensing hours

7.2.1 Applications for extended licensing hours will be considered by the Masterton District Licensing Agency on a case-by-case basis. Regard will be given to:

- The nature of the licence
- The requirements any Resource Consent conditions
- Related trading hours
- Trading history, demonstrating appropriate management controls and compliance with the Sale of Liquor Act.
- Any other relevant matters.

BACKGROUND

The Wairarapa Combined District Plan controls the location of licensed premises within the District. The Act requires the District Licensing Agency to only accept applications where the requirements of the Resource Management Act have been met.

Problems can also occur when licensed premises are adjacent to a residential zone which may have reverse sensitivity issues. The District Licensing Agency considers that issues of reverse sensitivity are Resource Management Act matters in the first instance but can be considered under the Sale of Liquor Act and the conditions which will be applied to a licence as appropriate.

Sale of Liquor Act reference(s)

Section 9 Applications for on-licences

Section 31 Applications for off-licences

Section 55 Applications for club-licences

POLICY STATEMENTS

8 Location of licensed premises

- 8.1 The location of licensed premises are controlled through provisions contained within the Wairarapa Combined District Plan.

- 8.2 The District Licensing Agency will not grant any licence where the proposal for the licensed premises does not meet the requirements of the Resource Management Act 1991 or the proposed premises does not fully comply with the requirements of the Building Act 2004.

Section 9	LICENCE CONDITIONS
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BACKGROUND

The Masterton District Licensing Agency is empowered to set conditions on any licence that it grants. The Act prescribes matters that must, or may be, covered by licence conditions:

Mandatory conditions imposed by the Act	Type of Licence			
	On	Off	Club	Special
That the licensee has available for consumption on the premises or conveyance a reasonable range of non-alcoholic refreshments.	✓		✓	✓
No liquor is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person.	✓	✓ <small>Except to people living on premises, lodgers, employees, or diners. (As per applicable licence)</small>		
In the case of grocery stores or supermarkets, that only wine or beer may be sold.		✓		
In the case of a club, off-licence sales are only permitted to a club member or to a person with reciprocal club membership.		✓		
There must be a Secretary of the Club at all times.			✓	
That all proceeds from the sale of liquor shall belong to the club.			✓	
Conditions that may be imposed				
The days on which, and the hours during which, liquor may be sold (or delivered in the case of off-licences).	✓	✓	✓	✓
The provision of food for consumption on the premises (or conveyance).	✓	✓ <small>(caterers)</small>	✓	✓
The sale and supply of non-alcoholic and low-alcohol beverages.	✓	✓ <small>(caterers)</small>	✓	✓
The provision of assistance with, or information about, alternative forms of transport from the licensed premises.	✓		✓	✓
Any other matter aimed at promoting the responsible consumption of liquor.	✓		✓	✓

Mandatory conditions imposed by the Act	Type of Licence			
	On	Off	Club	Special
The steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of liquor to prohibited persons are observed.	✓	✓	✓	✓
The designation of the whole, or any part or parts, of the premises or conveyance as a restricted area or supervised area.	✓	✓	✓	✓
The persons or types of persons to whom liquor may be sold or supplied.	✓	✓	✓	✓
The exclusion of the public.				✓
That the association become incorporated where the application was made by or on behalf of an unincorporated association of persons.			✓	
The filing of returns relating to liquor sold pursuant to the licence.				✓
The containers in which liquor may be sold.				✓

Recommended voluntary undertakings				
The introduction of a 1 way door system after 1.00am.	✓	✓	✓	
Party pills not to be sold.	✓	✓	✓	✓
High profile security staff presence at closing to promote peaceful dispersal of patrons.	✓	✓	✓	✓

The Masterton District Licensing Agency will impose as conditions, on all licences it grants:

- Mandatory conditions that are specified by the Act.
- Specification of the days and hours which liquor may be sold (refer to specific Masterton District Licensing Agency policy for details).
- Requirements to provide food for consumption on the premises (on-licences, club-licences and special licences where appropriate). These will be requirements to make substantial food available that can mitigate intoxication arising from the consumption of alcohol (i.e. requirements beyond providing solely snack foods, such as nuts and crisps). A minimum of three substantial food items must be made available.
- Requirements to provide non-alcoholic and low-alcohol beverages.
- Requirements to provide patrons with assistance with organising alternative forms of transport AND information about alternative forms of transport.
- Requirements to ensure staff members (and/or volunteers if applicable) are trained and supported in preventing the sale of alcohol to intoxicated persons and under-age persons.

- Designation of restricted area and/or supervised areas and/or undesignated areas. The following minimum guidelines will apply in most cases:
 - Any premises opening or proposing to operate as either a bar/nightclub or a tavern must have either a supervised or restricted designation for the bar areas.
 - Bar areas where it is anticipated that the service of alcohol will be predominant over that of food, or where there is no distinct food service counter, will be supervised as a minimum.
 - Bar areas providing adult entertainment will be restricted.
 - Areas where full meals are available from either a distinct food service counter or as a full a la carte menu may be undesignated, taking into account but not limited to the nature and purpose of the premises.
 - Club licence premises may be undesignated, taking into account but not limited to the nature and purpose of the club and it's suitability for persons under the age of 18 years.
 - Stand alone off-licence shall be designated as supervised.
 - Class 4 gambling venues must be designated in accordance with the Gambling Venues Policy.
- A requirement to maintain and to effectively implement a host responsibility policy for the premises (refer to specific Masterton District Licensing Agency policy). The host responsibility policy must address compliance with the Act generally and must specifically address the licensee's compliance with other licence conditions.

Other conditions that may be applied

- Conditions on persons or types of persons to whom liquor may be sold or supplied
- Where the applicant has entered a Licence Agreement for an Outdoor Cafe with the Masterton District Council, the footpath area outside the premises may be included in the consumption area. However no obstruction to other footpath users is to occur and the area is to be an undesignated area.
- Where patrons may use an area, such as a mall or courtyard, which is shared with other businesses but not necessarily owned by the licensee, agreement must be received in writing from all involved parties. The area will be undesignated.
- In the case of special licences, the Masterton District Licensing Agency will require the holder of a general or club managers' certificate to be responsible for the sale and supply of liquor. However, an exception will be considered for small events if the reporting agencies are satisfied that the licensee or some other person nominated by the licensee will manage the sale or supply of liquor pursuant to the licence and will monitor the conduct of the premises.

Recommended undertakings from applicants

The Masterton District Licensing Agency recognises that the Sale of Liquor Act limits the nature and scope of conditions that may be imposed upon licenses. The Agency also recognises that it has a community responsibility to promote the responsible consumption of liquor. The Liquor Licensing Authority and other District Licensing Agencies within New Zealand have addressed concerns through a collaborative agreement with licensees. Collaborative agreements have been in the form of formal undertakings volunteered by licensees. The Masterton District Licensing Agency is supportive of formal undertakings from licensees for the following matters:

- Introduction of a one-way door system after 1.00am unless the event is covered by a Special Licence. A one-way door system is a management mechanism that restricts access to licensed premises. The Police confirm that a one-way door system has a positive impact upon reducing street violence and criminal offending.

- A ban on the selling of party pills from any licensed premises. Party pills are those pills that contain the following:
 - BZP (1-benzylpiperazine or A2 benzylpiperazine or N benzylpiperazine (1-benzyl-1,4 diczacyclohexane)
 - TFMPP (1-(3-tricfluoromethylphenyl) piperazine or N-13-(3-trifluoromethylphenyl) piperazine)
 - PFPP (1-(4-fluorophenyl) piperazine)
 - MeOPP (1-(4-methoxyphenyl) piperazine)
 - mCPP (1-(meta-chlorphenyl) piperazine) or 1-(3-chlorphenyl) piperazine)
 - mBZP (1-methyl-4-benzyl piperazine)
- The provision of high profile security staff at closing to promote the peaceful dispersal of patrons. Extending host responsibility to include oversight of patrons leaving the licensed premises will reinforce the promotion of responsible consumption of liquor within the licensed premises. Oversight of dispersing patrons is complementary to, and not a substitute for, Police monitoring of licensed premises.

Sale of Liquor Act reference(s)

Section 14 Conditions of on-licences
 Section 37 Conditions of off-licences
 Section 51 Special provisions relating to caterers
 Section 60 Conditions of club licences
 Section 80 Conditions of special licences

POLICY STATEMENTS

9 Licence conditions

- 9.1 The Masterton District Licensing Agency will impose as conditions, on all licences it grants:
- Mandatory conditions specified by the Act.
 - Specification of the days and hours which liquor may be sold.
 - Requirements to ensure staff members (and/or volunteers if applicable) are trained and supported in preventing the sale of alcohol to intoxicated persons or under-age persons.
 - Designation of restricted areas and/or supervised areas (with the exception of supermarkets or grocery stores).
 - A requirement to maintain and to effectively implement a host responsibility policy for the premises.
 - Must display the maximum occupancy number for the premises at the principal entrance.
- 9.2 The Masterton District Licensing Agency will impose as conditions on all on, club, and where appropriate on special licences:
- Requirements to provide food for consumption on the premises. A minimum of three substantial food items to be made available.
 - Requirements to provide low-alcohol beverages.
 - Requirements to provide patrons with assistance with organising alternative forms of transport and information about alternative forms of transport.
 - The designation of the premises area.
- 9.3 The Masterton District Licensing Agency will consider imposing:
- Conditions to prevent the sale of some types of alcohol in glass containers after 10:00pm from off-licensed premises that are located in liquor ban areas.

- Conditions on persons or types of persons to whom liquor may be sold or supplied.
 - Approved footpath areas may be licensed as undesignated areas.
 - A condition that the holder of a general or club managers' certificate must be responsible for the sale and supply of liquor (in the case of a special licence).
- 9.4 The Masterton District Licensing Agency will encourage licensees to provide written undertakings to control access after 1.00am, to ban the sale of party pills from licensed premises, and to take oversight responsibility for the peaceful dispersal of patrons.

BACKGROUND

Objection

The Masterton District Licensing Agency will consider information received from the community as a result of submissions received following public notification of any licence application. A member of the community who wishes to object must be a person with “a *greater interest than the general public*”. A person with a greater interest than the general public may be a person:

- living near a proposed premises,
- working near a proposed premises, or
- providing services to a community affected by a proposed premises.

The Masterton District Licensing Agency encourages partner organisations providing services to communities in Masterton District to make submissions on licence applications where they consider they have a greater interest than the general public.

The Masterton District Licensing Agency encourages submissions from people whether or not they wish to raise objections to the issue of the licence.

Objections must be confined to matters identified in Sections 13(1), 35(1), 59(1) and 79(1) of the Act as appropriate. In situations where a licensed premises is not a permitted activity in the Wairarapa Combined District Plan then the community may also be able to have other input, as there may be a notified resource consent application. Through this Resource Management Act process, members of the public may be able to make broader submissions on site suitability and environmental effects (such as noise, parking, and other impacts).

Sale of Liquor Act reference(s)

Section 10 Objections (on-licences)
Section 13 Criteria for on-licences
Section 32 Objections (off-licences)
Section 35 Criteria for off-licences
Section 56 Objections (club licences)
Section 59 Criteria for club licences
Section 77 Objections (special licence)
Section 79 Criteria for special licences

Opposition

When considering applications for liquor licences, the Masterton District Licensing Agency will assess reports from:

- A District Licensing Inspector
- A member of the Police
- The Medical Officer of Health (for on-licence and club licence applications)

The Licensing Inspector should have copies of any public objections or matters raised in opposition by the Police or Medical Officer of Health before making a recommendation to the District Licensing Agency or the Liquor Licensing Authority.

The Masterton District Licensing Agency may also invite comment on applications from other partner organisations. These organisations will be regarded as persons with a greater interest than the general public should they wish to object to an application. The partner organisations include:

- The Chief Fire Officer
- The Medical Officer of Health (for special licence or off-licence applications)
- Other agencies that may be identified by the Licensing Inspector or Masterton District Licensing Agency.

The Act does not restrict the matters that may be addressed by reports provided by these agencies. In making their inquiries and developing their reports, the Masterton District Licensing Agency encourages these officers to have regard to:

- The specific matters identified in sections of the Act relating to criteria of a licence.
- More general issues that may be related to any application (such as evidence regarding how communities are likely to be affected by the licence application).

Sale of Liquor Act reference(s)

Section 11 Reports (on-licence)

Section 33 Reports (off-licence)

Section 57 Reports (club licence)

Section 78 Reports (special licence)

POLICY STATEMENTS

10 Objection and Opposition

10.1 Objection

10.1.1 The Masterton District Licensing Agency shall consider a person with a greater interest than the general public to be someone who is *“likely to be more affected by an application for a liquor licence than most other people”*. For example a person with a greater interest than the general public may be a person:

- living near a proposed premises,
- working near a proposed premises,
- providing services in a community affected by a proposed premises, or
- partner agencies identified by the Masterton District Licensing Agency.

10.1.2 If any person with a greater interest than the general public raises any objection to the application for an on-licence, off-licence or club-licence then the application will be forwarded to the Liquor Licensing Authority for them to consider and to decide on the application.

10.1.3 The Licensing Inspector should have copies of any public objections or matters raised in opposition by the Police or Medical Officer of Health before making a recommendation to the District Licensing Agency or the Liquor Licensing Authority.

10.2 Opposition

10.2.1 If any of the District Licensing Inspector, Police, or the Medical Officer of Health raises any matter in opposition to the application for an on-licence, off-licence or club licence then the application will be forwarded to the Liquor Licensing Authority for them to consider and to decide on the application.

10.2.2 If any person with a greater interest than the general public raises any objection to the application for a special licence then the Masterton District Licensing Agency will

convene a public hearing to consider the application (unless Section 106(2) of the Act applies).

Sale of Liquor Act 1989, Section 106(2)

(2) Where an objection is filed within the prescribed time, the Licensing Authority or the District Licensing Agency must convene a public hearing to consider the application, unless—

- (a) The application is withdrawn; or*
- (b) Having considered the application, the Licensing Authority or District Licensing Agency believes that the objection is vexatious or based on grounds outside the scope of this Act; or*
- (c) The objector does not require a public hearing.*

BACKGROUND

The Act requires all unopposed applications for renewal to be granted by the Masterton District Licensing Agency. Where there is any opposition or objection then the application is forwarded to the Liquor Licensing Authority for their determination. If the application is referred for determination, then all public submissions and agency reports will be provided to the Liquor Licensing Authority and a District Licensing Inspector will attend any Liquor Licensing Authority hearing of the matter.

The Act provides an opportunity for people in the community to make submissions on any application for licence renewal. A member of the community who wishes to object to a licence renewal must be a person with “*a greater interest than the general public*”. A person with a greater interest than the general public may be a person:

- living near the premises,
- working near the premises, or
- providing services to a community affected by the premises.

The Masterton District Licensing Agency encourages submissions from people whether or not they wish to raise objections to the renewal of the licence.

The Masterton District Licensing Agency will refer all renewal applications to the Police, a District Licensing Inspector, and with on and club licences the Medical Officer of Health, for their reports.

In addition, either in response to public submissions, or on its own initiative, the Masterton District Licensing Agency may also refer applications to other persons for their report (as enabled by Regulation 26).

The Masterton District Licensing Agency requests that any officers/agencies making reports on a licence renewal application should (where relevant):

- Identify any results of monitoring activities they have undertaken during the period of the existing licence;
- Identify any steps taken to resolve any matters of non-compliance, and the outcomes of those processes;
- Provide any evidence regarding any impacts on the community that can be attributed to the licensed premises concerned (e.g. from Police Alcolink information, from operational data held by the reporting organisation)
- Comment on any other matters considered relevant to the renewal application (including the matters identified in Sections 22, 45 and 68 of the Act).

The Licensing Inspector should have copies of any public objections or matters raised in opposition by the Police or Medical Officer of Health before making a recommendation to the District Licensing Agency or the Liquor Licensing Authority

Sale of Liquor Act reference(s)

Section 21 Unopposed applications to be granted, opposed applications to be forwarded to Licensing Authority (On-licence)

- Section 44 Unopposed applications to be granted, opposed applications to be forwarded to Licensing Authority (Off-licence)
Section 67 Unopposed applications to be granted, opposed applications to be forwarded to Licensing Authority (Club licence)

POLICY STATEMENTS

11 Reports on licence renewal applications

- 11.1 The Masterton District Licensing Agency will refer all licence renewal applications to the Police, a District Licensing Inspector, and where applicable, the Medical Officer of Health for their reports.
- 11.2 Either in response to public submissions, or on its own initiative, the Masterton District Licensing Agency may refer applications to other persons for their report (as enabled by Regulation 26).
- 11.3 The Licensing Inspector should have copies of any public objections or matters raised in opposition by the Police or Medical Officer of Health before making a recommendation to the District Licensing Agency or the Liquor Licensing Authority
- 11.4 The Masterton District Licensing Agency requests that any officers/agencies making reports on a licence renewal application should (where relevant):
- Identify any results of monitoring activities they have undertaken during the period of the existing licence;
 - Identify any steps taken to resolve any matters of non-compliance, and the outcomes of those processes;
 - Provide any evidence regarding any impacts on the community that can be attributed to the licensed premises concerned (e.g. from Police Alcolink information, from operational data held by the reporting organisation);
 - Comment on any other matters considered relevant to the renewal application (including the matters identified in Sections 22, 45 and 68 of the Act).

BACKGROUND

Special Licences are used to authorise the sale and supply of liquor for events or social gatherings where an on, off or club licence is not appropriate. Where an event or social gathering occurs in a licensed premises, but outside the conditions of licence, a special licence will be required.

The activity for which a special licence is being sought must be outside the regular activities of an on, off or club licensed premises and not of a regular nature where an on, off or club licence should be in force. Where a series of events or social gatherings is being considered there must be a specific start and end point.

The hours for any special licence will have to be justified in terms of the activities and the times at which they occur.

The Masterton District Licensing Agency considers that special licences should be used for special occasions, and:

- should not be viewed as an alternative to other types of licences provided for in the Act or as a means of regularly extending normal trading hours beyond those authorised in a full licence;
- should not be seen as a means of circumventing the requirements of the Act in respect to Good Friday, Easter Sunday, Christmas Day and ANZAC Day.

A special licence may be used by on, off and club licence holders to extend their hours of operation for private or public social gatherings.

Masterton District Licensing Agency may issue Special Licences for a duration of up to, but not exceeding, twelve months and, unless otherwise approved, a maximum of ten events on any one licence. There is no restriction on the number of special licences that may be applied for as long as they are “special events”.

Special licence applications must be filed with the Masterton District Licensing Agency **40 working days** before an event in order to allow for the possibility of public notices being required or / and a public hearing. However, uncontentious applications will be accepted and processed in a shorter timeframe of **10 working days**.

If there is opposition from the Inspector or Police, the applicant will have the opportunity to meet with the Inspector and Police in order to resolve any matters in opposition before the application proceeds to a public hearing. The Act requires at least 10 working days for notification of a hearing, if the applicant does not allow enough time for notification and a possible hearing, the application will not be processed in time.

The Masterton District Licensing Agency will require the holder of a general or club managers' certificate to be responsible for the sale and supply of liquor. However, an exception will be considered for small events if the Masterton District Licensing Agency is satisfied that the licensee or some other person nominated by the licensee will manage the sale or supply of liquor pursuant to the licence and will monitor the conduct of the premises.

Except in exceptional circumstances, the provision of substantial food for the duration of the special licence will be required. The food must be provided in close proximity of the point of alcohol sales.

Masterton District often has large events where a number of different stall holders sell or supply alcohol. The organiser of a large event may apply for one special licence to cover all stalls if the following conditions can be met:

- The event is fully managed by the organiser. The organiser will be responsible for all breaches of the Act;
- All stall holders hold a current on-licence or off-licence;
- A certified manager will be on duty at each stall; and
- A plan showing where each stall will be located is provided.

If a stall holder does not hold current on or off licence they must apply for a separate Special Licence.

Examples of events where a special licence is required

- events where alcohol is “given away” but at which a ticket has been purchased or entry fee paid
- use of club licensed premises for a private function or where members of the general public will be present
- publicly advertised event where alcohol will be supplied
- publicly advertised event where alcohol will be consumed (BYO)
- any event where alcohol will be supplied and/or consumed on Masterton District Council property
- chartered bus, or any other conveyance, on which alcohol will be consumed
- function where alcohol will be available for sale for consumption off the premises.

The Liquor Licensing Authority has issued decisions that reflect that televised events do not constitute an event in themselves. A special licence will be issued where an appropriate event is created around the televised event. This would involve ticket sales, a meal and/or guest speakers and/or other entertainment.

Under the Gaming and Lotteries Act 1977, alcohol (including vouchers or entitlements for alcohol) as a prize/reward is prohibited. Therefore a special licence cannot be issued in the following circumstances, where alcohol is:

- a reward for the purchase of goods of a specified type or value;
- as a raffle prize; or
- as a prize in a competition.

The Masterton District Licensing Agency will also consider other matters as appropriate including, but not exclusively: host responsibility policy; adequate toilet facilities; noise nuisance; crowd control; security and fire safety. Applications may be sent to other departments within the Masterton District Council if it is deemed that Council approval is required for an event.

MASTERTON DISTRICT COUNCIL CONSOLIDATED BYLAW 2008

As part of the Masterton District Council Consolidated Bylaw 2008, the Council has implemented liquor control in specified public places to enhance safety and the public enjoyment of those places. This bylaw allows special licences to be issued to allow the sale and supply of liquor, in the liquor ban area, for an event or social gathering if Council permission is received.

Part 15 – Liquor Control

- 3.1.1** *Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the Bylaw.*
- 3.1.2** *A special licence may be issued under the Sale of Liquor Act 1989 in respect of any location or event, and subject to the terms of that special licence will include waivers and dispensation according to those terms.*

Sale of Liquor Act reference(s)

Section 73 Special licences

Section 74 Special licences for social gatherings

Section 106 Procedure

POLICY STATEMENTS

12 Special licences

- 12.1 Applicants for Special Licences must describe fully what the occasion or event entails. If the applicant holds an existing on-licence or club-licence then the applicant must describe how the occasion or event differs from normal events covered by their existing licence.
- 12.2 The hours for any special licence will need to be justified in terms of the activities and the times at which they occur
- 12.3 Special licences will not be granted to existing licence holders to regularly extend existing trading hours.
- 12.4 Special licences will not be issued in circumstances where a permanent licence has been refused or suspended, or where it is considered that another type of licence is more appropriate to the applicant's circumstances.
- 12.5 Special licences will not be issued where the application is considered by the Masterton District Licensing Agency as a means of circumventing the requirements of the Act in respect to Good Friday, Easter Sunday, Christmas Day and ANZAC Day.
- 12.6 Masterton District Licensing Agency may issue special licences for a duration of up to, but not exceeding, twelve months and, unless otherwise approved, a maximum of ten events on any one licence.
- 12.7 Special licence applications must be filed with the Masterton District Licensing Agency **40 working days** before an event in order to allow for the possibility of public notices being required or / and a public hearing. However, uncontentious applications will be accepted and processed in a shorter timeframe of **10 working days**.
- 12.8 All applications for special licences, other than those which may need to be publicly advertised, should be submitted at least 10 working days prior to the occasion or event. Applications received after this period will be accepted and processed only where, in the opinion of the Masterton District Licensing Agency Secretary after consultation with the District Inspector, it is practicable to do so.

- 12.9 The holder of a general or club managers' certificate is required to be responsible for the sale and supply of liquor for the duration of a special licence. An exception will be considered for small events.
- 12.10 For large events where a number of different stall holders sell or supply alcohol, the organiser of a large event may apply for one special licence to cover all stalls if the following conditions can be met:
- The event is fully managed by the organiser. The organiser will be responsible for all breeches of the Act;
 - All stall holders hold a current on-licence or off-licence;
 - A certified manager will be on duty at each stall; and
 - A plan showing where each stall will be located is provided.

If a stall holder does not hold a current on or off licence they must apply for a separate Special Licence.

- 12.11 The Masterton District Licensing Agency will consider other matters as appropriate including, but not exclusively: host responsibility policy; adequate toilet facilities; noise nuisance; crowd control; security and fire safety.

BACKGROUND

Applications for a Temporary Authority are required to be lodged with the Masterton District Licensing Agency at least 10 working days prior to becoming operative. Applications lodged later than this will be accepted and processed as soon as practicable to do so.

The Liquor Licensing Authority has expressed a view that it may be appropriate for District Licensing Agencies to consider granting temporary authorities on the basis that they carry a clear indication they will expire on a specified date; or on such date as the holder's application for an on/off-licence has been determined, whichever is the sooner. Accordingly, the Masterton District Licensing Agency will issue a temporary authority for an initial period of up to three months. All temporary authorities will also be subject to the indication that the authority will expire on a specified date; or on such date as the holder's application for an on/off-licence has been determined, whichever is the sooner.

A Temporary Authority can only be issued for as long as the on or off-licence to which the temporary authority relates to has not expired.

The applicant must provide evidence that they are purchasing or leasing the business in the form of a purchase or lease agreement.

A Temporary Authority will only be issued on a second occasion if a complete on/off-licence application has been received by the Masterton District Licensing Agency unless unique or exceptional circumstances exist. Any further issue of a Temporary Authority where no application for a licence has been made will be by way of Licensing Committee.

The District Licensing Agency will not issue more than three consecutive temporary authorities for the same application, unless unique or exceptional circumstances exist.

The District Licensing Agency considers it is the intent of the Sale of Liquor Act that businesses operate under on and/or off licences as far as practicable, and that temporary licences are not an alternative to obtaining those licences.

The Liquor Licensing Authority considers the consequences of an unsuitable person operating premises pursuant to a temporary authority could be equally as undesirable as such a person holding an on-licence or an off-licence. The Liquor Licensing Authority has therefore indicated that it is prudent for District Licensing Agencies to refer all applications for temporary authority to the Police for comment and/or report. Procedures for referral should take account of situations where urgency or priority is required and so referral may involve less than a formal report. Accordingly, the Masterton District Licensing Agency will refer initial applications for a temporary authority to Police and the District Licensing Inspector for their report and/or comment. If the application is opposed then copies of these reports and/or comments will be provided to the applicant prior to the Masterton District Licensing Agency determining the application.

When adverse complaints have been received, subsequent applications shall require either Police or Inspectors reports.

The Masterton District Licensing Agency may also refer a temporary authority application to the Medical Officer of Health for their comment; particularly on-licence applications.

Sale of Liquor Act reference(s)

Section 24 Temporary authority (On-licence)

Section 47 Temporary authority (Off-licence)

POLICY STATEMENTS

13 Temporary authority

- 13.1 Applications for a temporary authority are required to be lodged with the Masterton District Licensing Agency at least 10 working days prior to becoming operative. Applications lodged later than this will be accepted and processed as soon as practicable to do so.
- 13.2 The Masterton District Licensing Agency will issue a temporary authority for a current on-or off-licence for an initial period of up to three months.
- 13.3 All temporary authorities will be subject to the indication that the temporary authority will expire on a specified date; or on such date as the holder's application for an on or off-licence has been determined, whichever is sooner.
- 13.4 A temporary authority will only be issued on a second occasion if a complete on/off-licence application has been received by the Masterton District Licensing Agency, unless unique or exceptional circumstances exist.
- 13.5 The District Licensing Agency will not issue more than three consecutive temporary authorities for the same application, unless unique or exceptional circumstances exist.
- 13.6 The District Licensing Agency considers it is the intent of the Sale of Liquor Act that businesses operate under on and/or off licences as far as practicable, and that temporary licences are not an alternative to obtaining those licences.
- 13.7 The Masterton District Licensing Agency will refer initial applications for a temporary authority to Police and the District Licensing Inspector for their report and/or comment. The Masterton District Licensing Agency may also refer applications for a temporary authority to the Medical Officer of Health for their comment.

BACKGROUND

The Masterton District Licensing Agency believes that the people with the greatest influence in preventing alcohol abuse are those directly involved with the sale and supply of alcohol. Management training and host responsibility are therefore crucial elements for the control of alcohol abuse. In particular, managers with good understanding of the Sale of Liquor Act are more likely to be responsible and to operate in accordance with the Act.

All applicants for a general managers' certificate must provide evidence that they hold the "prescribed qualification". The "prescribed qualification" (as prescribed by Section 21AA of the Sale of Liquor Regulations 1990) is the Licence Controller Qualification administered by the Hospitality Standards Institute.

The Masterton District Licensing Agency strongly recommends that applicants for a club managers' certificate should also hold the prescribed qualification. At a minimum, club managers' applicants must have attended a manager's training course (approved course studies NZQA unit standards 4646 Knowledge of Sale of Liquor Act and 16705 Knowledge of Host Responsibility; SCANZ Manager's Certificate training or equivalent). Evidence that an applicant holds the prescribed qualification will be regarded favourably by the Masterton District Licensing Agency when it assesses the relevant training that the applicant has undertaken and any relevant qualifications that the applicant holds.

Applicants must provide two written references no more than 12 months old, of which one must be from the current licensed workplace detailing the applicant's character, reputation, current duties and responsibilities. References from family members or relatives are not considered appropriate. In the case of new business licensees, the references should comment on management skills and character etc.

New applicants must have a minimum of six months recent work experience on a licensed premises. An exception will be considered if the applicant is also the licensee or in exceptional circumstances.

If an applicant has only worked on club licensed premises, they can only apply for a Club Managers' Certificate. Unless, in the case of a large chartered club, they hold a management or senior position in the club operation.

All applications for a general managers' certificate or a club managers' certificate will be referred to the Police for their report.

The Masterton District Licensing Agency will undertake an oral or written assessment of all applicants for a new, or renewal of, a managers' certificate.

All applications for a general managers' certificate or a club managers' certificate will be referred to the District Licensing Inspector for their report. The Masterton District Licensing Agency requests that the Inspector inquire into and provide a report indicating:

- The outcome of interview(s) of the applicant undertaken by the Licensing Agency or Inspector; including consideration of the applicants knowledge of the Sale of Liquor Act and whether they have the skills required to manage a licensed premises.

- Matters regarding the character, age and reputation of the applicant.
- The experience of the applicant in controlling any licensed premises.
- Whether the applicant, to the knowledge of the Inspector, has held a managers' certificate in any other local authority area and, if so, whether there are any matters relevant to the current application (such as previous Sale of Liquor Act-related enforcement action that has been taken against the applicant in other locations).
- The specific training that the applicant has received in the host responsibility policy of the licensed premises where the applicant intends to be the manager.
- Where the applicant intends to be the manager of a particular club, the extent of the applicant's involvement in the management and activities of the club.
- Any other matters considered relevant by the Inspector.

While a Club Licence is being operated a Duty Manager must be present on the premises to ensure the sale and supply of liquor complies with the Act.

If an applicant who is renewing a managers' certificate is not currently working on a licensed premises the certificate may be renewed once, but if they have not worked on a licensed premises for more than three years, the Inspector will object to the next renewal application as the applicant cannot demonstrate the manner in which they have managed the sale and supply of liquor as per Section 126.

The Licensee is responsible for notifying the Masterton District Licensing Agency, Masterton Police and the Liquor Licensing Authority of the appointment, or cancellation of any manager, temporary manager or acting manager within two working days. The Masterton District Licensing Agency have notification forms available.

Sale of Liquor Act reference(s)

Section 121 Criteria for managers' certificates

Section 126 Criteria for renewal

Section 130 Notice of appointment, etc, of manager, temporary manager, or acting manager

POLICY STATEMENTS

14 Applications for managers' certificates

14.1 The Masterton District Licensing Agency will refer all applications for a general managers' certificate or a club managers' certificate to the Police for their report.

14.2 All applications for a general managers' certificate or a club managers' certificate will be referred to the District Licensing Inspector for their report. The Masterton District Licensing Agency requests that the Inspector inquire into and provide a report indicating:

- Character, age and reputation
- Skills and knowledge
- Previous managers' certificate(s) held by the applicant
- Previous Sale of Liquor Act-related enforcement action taken against the applicant
- Experience controlling any licensed premises
- Specific training received in the host responsibility policy of the licensed premises (in the case of an application where the applicant intends to be the manager of a particular licensed premises)
- The extent of the applicant's involvement in the management and activities of the club
- Any other matters considered relevant.

Section 15	REDEFINITION OF PREMISES
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BACKGROUND

Redefinition of premises are required when the licensee wishes to sell or supply or allow the consumption of alcohol in any greater area, or in any other part, of the premises.

Application is to be made to the Masterton District Council in the following form:

- Letter describing the premises and detailing the reason for the change.
- A scale plan (1:100) showing those parts of the premises that are to be used for the sale or supply of liquor. The plan must include details of the whole premises, not just proposed additions.
- If applicable a copy of the Building Code of Compliance Certificate and/or Resource Consent must be attached.

A report will be requested from the Inspector and Police for all applications. A report will be requested from the Medical Officer of Health for on and club licences.

The Masterton District Licensing Agency may require that public notices be placed in the Wairarapa Times Age and/or Wairarapa News to allow public objections.

The Licensing Inspector should have copies of any public objections or matters raised in opposition by the Police or Medical Officer of Health before making a recommendation to the District Licensing Agency or the Liquor Licensing Authority.

If no objections are received the Masterton District Licensing Agency will grant the application. If an objection is received the file will be forwarded to the Liquor Licensing Authority.

Sale of Liquor Regulations reference(s)

Section 7 Definition of licensed premises (On-licence)

Section 10 Definition of licensed premises (Off-licence)

Section 13 Definition of licensed premises (Club licence)

POLICY STATEMENTS

15 Redefinition of Premises

15.1 Applications are required to be complete.

15.2 Reports will be requested from Licensing Inspector and Police. A report will be requested from the Medical Officer of Health for on and club licences.

15.3 A public notice may be required by the Masterton District Licensing Agency.

15.4 The Licensing Inspector should have copies of any public objections or matters raised in opposition by the Police or Medical Officer of Health before making a recommendation to the District Licensing Agency or the Liquor Licensing Authority.

BACKGROUND

The District Licensing Agency will endeavour to issue reminder notices for licences and managers' certificates and to follow-up with licensees prior to the expiration date of licences.

While the Masterton District Licensing Agency will issue reminder notices, it remains the sole responsibility of the licensee and certified manager to ensure that applications have been lodged within the timeframes that are prescribed by the Act.

It is the responsibility of the licensee and certified manager to notify the Masterton District Licensing Agency of changes to postal addresses.

The Masterton District Licensing Agency may not be able to process renewal applications for licences made later than 20 working days before the expiry of the licence.

The Masterton District Licensing Agency will be unable to process renewal applications for managers' certificates made after the date of expiry.

Sale of Liquor Act reference(s)

Section 18 Renewal of on-licences

Section 41 Renewal of off-licences

Section 64 Renewal of club licences

Section 123 Renewal of managers' certificate

POLICY STATEMENTS

16 Timeframes for renewal applications

16.1 The Masterton District Licensing Agency will not allow renewal applications made later than 20 working days before the expiry of the licence.

16.2 The Masterton District Licensing Agency will not accept renewal applications for managers' certificates made after the date of expiry.

BACKGROUND

The Masterton District Licensing Agency regards regular monitoring of licensed premises as essential to encourage compliance with the conditions of licences and the broader requirements of the Sale of Liquor Act.

The Masterton District Licensing Inspector, Police and Medical Officer of Health (the Combined Agencies) will work in partnership to jointly monitor licensed premises in the District. Other agencies will be involved where necessary (such as the Chief Fire Officer). This monitoring may take several forms including, but not limited to:

- Planned visits by Officers to licensed premises;
- Unannounced visits by Officers to licensed premises;
- Covert visits by Officers to licensed premises to monitor compliance;
- Controlled purchase operations.

All on-licensed, off-licensed, and club licensed premises will be regularly monitored during trading hours, including during their busiest trading periods. Each licensed premises will be visited at a minimum of once annually.

Temporary authorities will be regularly monitored.

Events and occasions covered by special licences will be randomly monitored.

Ideally, controlled purchase operations will be undertaken at a minimum frequency of one to two operations every 12 months. However, it is recognised that there may be resource constraints that will limit the number of controlled purchase operations that can be undertaken.

Additional monitoring will be targeted to high-risk licensed premises and to high-risk time periods, using information obtained from the Police's intelligence systems, using other risk analysis undertaken by the Combined Agencies, or in response to specific complaints.

An Inter-Agency meeting will be organised as required by the Liquor Licensing Inspector.

The Police, preferably in consultation with the Inspector, will take enforcement action as necessary to address any non-compliance with the Act.

Masterton District Licensing Agency, Police and Regional Public Health will report to Masterton District Council regularly on monitoring and enforcement activity on licensed premises.

POLICY STATEMENTS

17 Monitoring

17.1 The Masterton District Licensing Agency expects:

- All on-licensed, off-licensed and club-licensed premises, to be regularly monitored.
- Temporary authorities to be regularly monitored.
- Events and occasions covered by special licences to be randomly monitored.
- Annual controlled purchase operations to be undertaken.

BACKGROUND

The Masterton District Licensing Agency regards proactive problem resolution, including enforcement of breaches of the Sale of Liquor Act, as essential to encourage compliance with the conditions of licences and the broader requirements of the Act.

The Masterton District Licensing Inspector, Police and Medical Officer of Health (the Combined Agencies) will work in partnership to jointly identify when enforcement action and other problem resolution is required. Other agencies will also be involved where necessary (such as the Chief Fire Officer). This work in partnership will involve regular meetings of combined agencies to coordinate responses to compliance problems. Responses will include, where appropriate:

- Counselling of licensees and managers
- Formal warnings
- Applications to the Liquor Licensing Authority to vary, suspend or cancel licences (or applications to the DLA where provided by the Act)
- Laying information (prosecution) in the District Court.

The Combined Agencies will generally pursue formal resolution (applications for licence suspension or cancellation, and court prosecution) of all serious compliance problems such as offences associated with minors, offences associated with intoxication, and allowing disorderly conduct on licensed premises.

POLICY STATEMENTS

18 Enforcement

18.1 The Masterton District Licensing Agency expects:

- All licensed premises to be inspected at least once annually;
- The Inspector, Police and Medical Officer of Health to work in partnership to jointly identify when enforcement action and other problem resolution is required (e.g. controlled purchase operations);
- Proactive approaches by the Combined Agencies to resolve compliance problems.
- Formal resolution (applications for licence suspension / cancellation and court prosecution) of all serious compliance problems.

BACKGROUND

From time to time, the Liquor Licensing Authority issues statements that must be observed by District Licensing Agencies. The Liquor Licensing Authority has issued one statement regarding attendance at public hearings of the Liquor Licensing Authority.

The Liquor Licensing Authority has indicated it expects that if an application warrants a public hearing of the Authority then the District Licensing Agency will have someone (an Inspector) present who can assist the Authority by answering any questions concerning matters of local knowledge. In addition the representative may be able to further assist by advising whether the Local Authority has had occasion to consider contentious matters that may arise in the course of a hearing.

The Liquor Licensing Authority has also indicated that it welcomes appearances by Mayors or Councillors on behalf of Local Authorities.

POLICY STATEMENTS

19 Attendance at public hearings of the Liquor Licensing Authority

- 19.1 A Masterton District Licensing Inspector will be present (and record an appearance) at any public sittings of the Liquor Licensing Authority at which the Authority considers any matter(s) in relation to Masterton District.
- 19.2 The Masterton District Licensing Agency may also nominate other representative(s) to attend any public sittings of the Liquor Licensing Authority to represent the Masterton District Council.

Section 20	RECORDS
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BACKGROUND

The Liquor Licensing Authority issued a statement in 1998 that must be observed by District Licensing Agencies. The statement from the Liquor Licensing Authority in regard to the retention and retrieval of files by District Licensing Agencies is outdated due to its reference to repealed legislation. However, until the statement is withdrawn or updated, the DLA will follow the intent of the statement. The statement is listed below:

Liquor Licensing Authority Statement
<p>RETENTION OF ‘COMPLETE’ FILES BY DISTRICT LICENSING AGENCIES</p> <p>A local Authority, in exercising its power as a District Licensing Agency, must comply with the provisions of Part XVII of the Local Government Act 1974 as they apply to custody of documents and local archives.</p> <p>This statement, whilst setting out the Authority’s general views as to the retention of ‘complete files’ under the Sale of Liquor Act 1989 must not be read as detracting from those specific Local Government Act requirements and it makes no comment as to the length of time a District Licensing Agency should retain ‘complete files’.</p> <p>‘Complete files’ are as described under s. 12, 34 and 58 of the Act and include such documents as specified in Regulations 5(3), 8(2) and 11(2) of the Sale of Liquor Regulations 1990.</p> <p>The Authority’s practice on determination of an on, off or club licence application is to return the ‘complete file’ to the District Licensing Agency. At public hearings some District Licensing Agencies have been unable, or have had difficulty, in making available the ‘complete file’ for a previously processed application when called upon.</p> <p>Issues can arise — including questions as to the extent of premises and the part or parts of premises in which liquor may be sold, supplied, consumed, or delivered in terms of the licence — which require the Authority to look at the formal record in respect of an existing licence. The formal record, including the plan referred to in the licence, is the ‘complete file’ and that must be able to be made available to the Authority.</p> <p>This matter is of sufficient concern to the Authority for it to indicate that it expects District Licensing Agencies to maintain a system for timely retrieval of ‘complete files’ in respect of existing licences should they at any time be requested.</p>

Part XVII of the Local Government Act 1974 was repealed by the Public Records Act 2005.

Sale of Liquor Act reference(s)

- Section 12 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority (On-licence)
- Section 34 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority (Off-licence)
- Section 58 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority (Club licence)
- Section 221 Record of applications

Sale of Liquor Regulations reference(s)

- Section 25 Records to be kept by Secretary of District Licensing Agency

POLICY STATEMENTS

20 Files

- 20.1 The Masterton District Licensing Agency will maintain complete files of all existing licences, temporary authorities and managers' certificates. The information that will be maintained on the files is the information prescribed by the Act (Sections 12, 34, 58, and 221) and by the Sale of Liquor Regulations.
- 20.2 Each file will be maintained for a period of at least seven years following the expiry of the licence, certificate or authority.
- 20.3 The Masterton District Licensing Agency will maintain a system for timely retrieval of all licensing files. Active files (files associated with current applications, licences, certificates and authorities) will be able to be retrieved within one (1) working day. Archived files will be able to be retrieved within three (3) working days.

Section
21

REPORTING TO THE LIQUOR LICENSING AUTHORITY

BACKGROUND

From time to time, the Liquor Licensing Authority issues statements that must be observed by District Licensing Agencies. The Liquor Licensing Authority has issued one statement regarding reporting to the Liquor Licensing Authority.

Liquor Licensing Authority Statement

REQUIREMENT FOR CERTAIN DOCUMENTS TO BE FORWARDED FROM AGENCIES TO THE AUTHORITY

Section 98(1)(b) of the Act obliges the Authority to report to the Minister annually 'on the working of the Act and the desirability or otherwise of amending it.'

Section 221(4) of the Act provides that 'The Secretary of each District Licensing Agency shall send to the Secretary of the Liquor Licensing Authority a copy of every application made to the District Licensing Agency, and a copy of every decision made by the District Licensing Agency.'

With the devolution to Agencies of decision making in respect of unopposed on, off or club licence applications, the Authority wishes to know how that is working in practice. With that in mind and having regard to the requirements of s 221(4), the Authority seeks from each Agency:—

In respect of applications for the grant, renewal or variation of on, off or club licences:

- a copy of each application
- a copy of the decision made by the Agency
- a copy of the consequent licence or notice of renewal
- a copy of the report of the District Licensing Agency Inspector

In respect of applications for the grant or renewal of managers' certificates, the Authority seeks from each Agency:

- a copy of each application
- a copy of each decision
- a copy of each certificate issued
- a copy of each notice of renewal issued

In respect of applications for special licences or temporary authorities, the Authority seeks from each Agency:

- a copy of each application
- a copy of each decision
- a copy of the licence or temporary authority issued

The authority also seeks, on a quarterly basis, a list from each Agency of the matters awaiting determination, by type, date of receipt and status. This information will enable the Authority to assess the timeliness of the process. This list is sought for the quarters ending March, June, September and December in each year, with returns to be provided to our Secretary by the first of May, August, November and February respectively.

In addition, the Authority seeks copies of delegations pursuant to s 104 and the name and designation of the Secretary of the District Licensing Agency. When delegations are altered, or a new District Licensing Agency Secretary is appointed, the Authority wishes to be advised.

Each Agency is asked to produce as at 30 June annually, a list of licensed premises in its area detailing the licensee's name, premises name and address, type of licence held, licence number, date of licence issue and date of licence expiry. This continues previous practice enabling a comparison of the information held by each Agency with that held by the Authority, and will help to ensure the accuracy of the national register of licensed premises maintained by the Authority.

Following devolution to Agencies of the bulk of the decision making and licence issue process, Agencies' annual reports to the Authority will assume greater significance in enabling the Authority to assess the overall working of the legislation and have that reflected in its own report to Parliament. It is requested that each Agency submit to the Authority as at 30 June annually (by 31 July), a statistical return detailing the workload undertaken during the year. This return should form part of each Agency's annual report to the Authority.

In summary, the Authority seeks from all Agencies:

- Copies of all licences, notices of renewal, managers' certificates and Inspectors' reports, in addition to the application and decision required by s 221(4). These documents should be sent within five working days of issue.
- A quarterly list of all matters currently before the Agency, detailing the premises name, applicant, type of application, date of receipt and whether or not the application is opposed.
- Copies of any written delegations in terms of s 104(3) and the name and position held of the Secretary of the District Licensing Agency.
- An annual list of all actively licensed premises in each Agency's District.
- A standard annual statistical return.

The Liquor Licensing Authority has further clarified to District Licensing Agencies the information that is required since the above statement made in May 2000. The Masterton District Licensing Agency will continue to supply the Liquor Licensing Authority information as required and within an agreed timeframe.

POLICY STATEMENTS

21 Reporting to the Liquor Licensing Authority

21.1 The Masterton District Licensing Agency will provide to the Liquor Licensing Authority:

- Copies of all licences, notices of renewal, managers' certificates and Inspectors' reports, and associated applications and decisions. These documents will be sent to the Liquor Licensing Authority in a timeframe agreed with the Liquor Licensing Authority.
- Copies of any written delegations in terms of Section 104(3) and the name and position held of the Secretary of the Masterton District Licensing Agency.
- An annual list of all actively licensed premises in Masterton District.
- A standard annual report and statistical return.

National Protocol on Alcohol Promotions

PROMOTIONS are a marketing tool for enhancing product awareness, providing a special offer to customers and/or boosting trade during quiet periods. However, price discounting and other promotions can effectively increase the availability of alcohol and thereby encourage risky drinking. Under the provisions of Section 154A of the Sale of Liquor Act 1989, any promotions or activities must not be seen as intended or *likely to encourage* persons to consume alcohol to an excessive extent.

SALE OF LIQUOR ACT 1989

Part 8 – Offences and enforcement

Excessive consumption of alcohol

154A. Promotion of excessive consumption of alcohol -

Every person commits an offence and is liable to a fine not exceeding \$5,000 who, being a licensee or manager of licensed premises, does anything in the promotion of the business conducted on the premises, or in the promotion of any event or activity held or conducted on the premises, that is intended or likely to encourage persons on the licensed premises to consume alcohol to an excessive extent.

The **RESPONSIBILITY** of organising and holding promotions rests with both duty managers and licensees to ensure the responsible service of alcohol. Promotions in breach of Section 154A of the Act can result in suspension or cancellation of a licence and/or of a Manager's Certificate by the Liquor Licensing Authority, or prosecution in the District Court. Irresponsible promotions can also damage the reputation and prospects of a business. Furthermore, intoxication does not have to be proven for the promotion to be in breach of the Act, but merely as *likely to occur*.

LICENSEES are encouraged to establish a clear written policy which details how any promotion of alcohol is to be managed, setting out responsible service of alcohol practices to be followed during promotions. A Promotions Policy could form part of the premises' Host Responsibility (HR) Policy and is required by the licensing authorities for new applications and renewal of existing licences. The *HR Implementation Plan* then details how the HR Policy including any promotions is to be enacted.

THIS PROTOCOL was developed by The Alcohol Advisory Council of New Zealand (ALAC), the Hospitality Association of New Zealand (HANZ), New Zealand Police and Local Government New Zealand. It is intended to assist District Licensing Agencies (DLAs), Police, Public Health Services, Licensees and all bar staff to understand the type of promotions and events which are likely to be considered acceptable and unacceptable under the provisions of the Act. All promotions must also comply with the Advertising Standards Authority's (ASA) *Code for Advertising Liquor*.

This Protocol is, however, a guideline and the determination of an acceptable promotion or event will always be decided on an individual case by case basis.

ACCEPTABLE PROMOTIONS

- ✓ Happy Hour as long as it is no more than 2 hours duration, occurring only once in any 24 hour period and normally before 10pm.
- ✓ Promotions which offer price discounts of up to but no more than 50% of the normal retail price and for a reasonable duration so as not to encourage faster than normal drinking.
- ✓ A complimentary standard drink upon arrival.
- ✓ A promotion of a particular brand of alcohol that provides incentives to purchase that brand, as long as price and promotional material does not encourage excessive or faster than normal drinking.
- ✓ Providing complimentary food with promotions.
- ✓ Promotions that involve competitions with prizes of food and other prizes consistent with good host responsibility.
- ✓ Promotions that promote meal and drink combos.

ACCEPTABLE PROMOTIONS

must still be suitably monitored, managed and controlled so as to ensure alcohol is not consumed to an excessive extent

UNACCEPTABLE PROMOTIONS

- X Any promotion that encourages the excessive consumption of alcohol or is of a limited duration that encourages faster than normal drinking.
- X Discounted promotions that serve alcohol in non-standard measures, such as 'shooters', 'slammers', 'shakers' and 'teapots'.
- X Games, challenges or other activities that encourage excessive or rapid alcohol consumption.
- X Drinks cards where multiple free drinks are offered, and are of a discount of more than 50% of the normal retail price, and are valid for a limited duration that encourages faster than normal drinking.
- X Marketing of promotions such as inappropriate signage that may promote excessive or rapid alcohol consumption.
- X Promotions that involve large quantities of free alcoholic drinks, e.g. *free drinks for women all night*.
- X Time-related promotions that may lead to excessive or rapid alcohol consumption, e.g. *free drinks until the first try*.

SUITABLE AND ADEQUATE FOOD AS WELL AS LOW AND NON-ALCOHOLIC DRINKS MUST BE PROMOTED AND AVAILABLE AT ALL TIMES