

# Alcohol Licensing Guide



**Need a new alcohol licence? Here's everything you need to know and do.**

## **DISCLAIMER**

Every effort was made to ensure that the information in this guide booklet was accurate at the time of completion. The content is for informational purposes only and not intended to be a substitute for professional legal advice on the subject matter covered.

Are you...

**Planning a new business?**

**Changing your existing business?**

**Taking over ownership of an existing business?**

If so, you need to know what steps to take to get up and running.

# Getting an Alcohol Licence Step-By-Step

This is a guide to the steps you need to take to get an alcohol licence. It's important that you follow each of these steps in order, as outlined in the document. Start with answering a couple of questions about your proposed business.

## Step 1

### What is your business?

#### What type of premises are you proposing to open?

This is your primary overall business e.g. cafe, restaurant, hotel/tavern, bottle store, internet-based sales.

#### What type of alcohol licence will you need? (Refer to Step 7 for guidance)

E.g. On, Off, Club.

#### What will be your main style of operation?

E.g. tavern, internet-based sales, bottle store, restaurant.

## Step 2

### Which of the following applies to your proposed business?

#### Planning a new business

- a. Existing business, currently unlicensed, but proposing to be licensed; OR
- b. Existing building, new business proposing to be licensed; OR
- c. New building and new business proposing to be licensed.

#### Changing your existing business

- a. Seeking changes to current alcohol licence e.g. changing from a restaurant to a tavern; OR
- b. Licensed area changing; OR
- c. Increase in hours past 11pm (regional planning requirements); OR
- d. Rebuilding on-site; OR
- e. Existing licence held but seeking an additional or different licence type e.g. currently hold an on-tavern and proposing also to hold an off-tavern (takeaway alcohol purchases).

#### Taking over ownership of an existing business

- a. Change of ownership only; OR
- b. Change of ownership and operational changes (e.g. type of licence, licensed area, hours).

*Note: You can apply for a Temporary Authority, which if granted, means you can operate under that existing licence for three months.*

*We highly recommend you apply for your new alcohol licence within three weeks of obtaining your Temporary Authority. If you are operating under a Temporary Authority, you cannot make these changes/operate differently until your new alcohol licence has been issued and you must ensure that the base licence remains valid and in force.*

### Step 3

#### Have a chat with us first

Before you apply for a Certificate of Use of Premises or an alcohol licence we recommend that you talk with:

- **An Alcohol Licensing Inspector** to confirm that an alcohol licence for the type of business you are proposing can be applied for under the Sale and Supply of Alcohol Act 2012. They'll also explain any specific licensing requirements that may impact planning and/or building considerations.
- **A Duty Planner and/or a Building Control Officer** if this is a new building or business, or you are making changes to an existing business.

**Discussions with us early in your planning process, before you lodge your application, will streamline the process, save you time and money and avoid unnecessary processing delays.**

#### My checklist

Have you worked out what type of business you have?

Are you planning a new business, changing your existing business, or taking over ownership of an existing business?

### Step 4

#### Pre-application meeting

You can ask for a **pre-application meeting** to discuss what requirements you may need to fulfil, such as:

- **Check District Plan** (Resource Management Act) requirements with a Duty Planner to see if what you propose will meet requirements or whether you need to apply for a resource consent first.
- **Check building code requirements** with a Building Control Officer to see if what you propose will meet requirements or whether you need to apply for a building consent or change of use first.
- **You may also need to talk with a Fire Engineer** (note any premises with a capacity of more than 100 must have a Fire Evacuation Scheme approved by Fire and Emergency NZ (FENZ).
- **Will you be having music, a DJ, entertainment or outside areas** as part of your proposed business? Check noise management requirements and talk with an Environmental Health Officer about compliance expectations.
- **Food registration** – check with an Environmental Health Officer in the Food Safety and Health Licensing Team about what is required and timelines.

## My checklist

### District Plan requirements

Zone:

Is the zoning correct for this type of premises? Yes No

Is a resource consent needed? Yes No

Is alcohol to be sold?  
*If Yes, a Certificate of Use of Premises is required.* Yes No

Is alcohol to be sold between 11pm and 1am the following day?  
*If Yes, then resource consent may be required. **Note:** refer to the LAP for the maximum trading hours allowed for the type of licence you are applying for.* Yes No

### Building control/consent requirements

Is a building consent required? *If yes, then:* Yes No

Is the whole building 'accessible'? Yes No

Are accessible toilets provided? Yes No

Is the fire egress for the whole building adequate? Yes No

Is this a 'change of use' under the Building Act?  
*If yes, then in addition to above:* Yes No

Are there sufficient toilet facilities for the building? Yes No

Is the structure of the building adequate? Yes No

Are the fire safety provisions of the building adequate? Yes No

Is a backflow prevention device required? Yes No

Is the ventilation adequate? Yes No

Is a grease trap required? Yes No

Is a Compliance Schedule/Warrant of Fitness required? Yes No

Is an Evacuation Schedule required? Yes No

**Note:** You should check with a Fire and Emergency NZ (FENZ) Officer on the need for an Evacuation Schedule. FENZ requires one of these for premises with an occupancy capacity over 100 persons or an Evacuation Procedure for all other venues. Premises qualifying in these categories need a plan/scheme submitted and approved by FENZ within a month of opening:  
[fireandemergency.nz](http://fireandemergency.nz)



### Noise management requirements:

All On-licences and Club-licences must comply with the requirements of the noise provisions under the Resource Management Act. View online at [waimakariri.govt.nz](http://waimakariri.govt.nz)

For information about noise control and noise from businesses visit [waimakariri.govt.nz](http://waimakariri.govt.nz)

## Step 5

### Consent application(s) (if required)

Apply for any resource consent, building consent or change of use that you have been advised you will need. Processing timelines can vary depending on what consents are needed.

## Step 6

### Application for a Certificate of Use of Premises

Once all planning or building consents you require have been approved, you can apply for a Certificate of Use of Premises. All licensed premises must have a current certificate. This certifies that the proposed use of the premises meets the requirements of the building code and Resource Management Act 1991.

**All applications for an alcohol licence require a current Certificate of Use of Premises to have been approved.** The District Licensing Committee can't accept alcohol licensing applications until a Certificate of Use of Premises has been issued. This is a required document that must be included with any new licence application (and for some variations to existing licences).



#### Your Application for Certificate of Use of Premises must include:

- The completed application form
- All required supplementary documents listed on the form
- Your application can't be processed until payment is received.

Processing times for certificates can take up to five weeks.

The alcohol licensing team will do an initial vetting of your application and then refer it to the planning and building teams for assessment and approval. They may ask you for additional information or actions (if you do not have the identified consents needed for your proposed business).

**A certificate will be issued once fully approved. This is not an alcohol licence but means that you can now apply for one.**

Your certificate will have an advisory note about any final building clearances needed once your alcohol licence is granted and before you open to the public. This will be either a Code Compliance Certificate or Certificate of Public Use. You will need to apply for a building consent requesting these final clearances.

## My checklist

### Other requirements for some types of On-licences and Club-licences

<b>Noise</b> - is the premises suitable for the proposed purpose? Is the structure of the building and its windows/doorways sufficient to contain noise that is likely to be produced?	Yes	No
<b>Noise</b> - are there outside areas? Generally there should not be outside speakers operating after 10pm at night.	Yes	No
<b>Smoking areas</b> - is the smoke free area large enough? (Speak with smoke free enforcement officer at Community and Public Health).	Yes	No
<b>Footpath use</b> - do you wish to use part of the footpath space for outdoor dining? Contact the Council's Property Unit and enquire about a Licence to Occupy.	Yes	No



## Step 7

### Apply for your alcohol licence

**Processing time for alcohol licence certificates is about eight weeks.**

If there is missing information, or the need for a hearing, then timelines will be longer.

**Specific requirements for different licence types:****On-licence**

This applies to cafés, restaurants, hotels and taverns.

The Local Alcohol Policy (LAP) lists the earliest and latest times that the premises can operate. These are from Sunday to Thursday 7am–11pm, and Friday and Saturday 7am–1am the following day.

The LAP also allows for discretionary conditions to be applied to an on-licence. They may include (but are not necessarily limited to):

- Provision of additional security (staff)
- The installation and operation of CCTV cameras on the exterior of, and within premises
- Provision of effective exterior lighting
- Restriction on the use of outdoor areas
- Noise control.

You can find the LAP here: [waimakariri.govt.nz](https://www.waimakariri.govt.nz)

Include a Business Plan which shows how you will operate your business and an Alcohol Management Plan which shows how you have identified the risks and how you will manage them.

If you plan on using any areas of the footpath then highlight this and include approved plans permissions.

**Off-licence**

This applies to bottle stores, remote sales (internet based). The LAP lists the earliest and latest times that the premises can operate. These are Monday to Sunday 7am–10pm.

In relation to location the LAP also states that no off-licence will be issued for any business being a new 'stand-alone' bottle store, unless that bottle store is located on land that has been identified in the Waimakariri District Plan as Business Zone 1 or Business Zone 2.

**Club-licence**

For clubs, the Local Alcohol Policy (LAP) lists the earliest and latest times that the premises can operate.

These are from Sunday to Thursday 7am–11pm, and Friday and Saturday 7am–1am the following day.

The LAP also allows for discretionary conditions to be applied to an club-licence.



They may include (but are not necessarily limited to):

- Advertising signage dimensions, number and location
- For premises in residential zones, reduced hours may be considered on the circumstances of each application
- The installation and operation of CCTV cameras on the exterior of and within premises
- Provision of effective exterior lighting
- Restriction on the use of outdoor areas
- New staff to complete 'serve-wise' training within the first month of employment



**All clubs will need to provide an up-to-date copy of your club charter and membership rules and a list of any affiliated members to be covered under the licence. This is so we can correctly identify your risk category under the Sale and Supply of Alcohol Act.**

## Step 8

### Lodgement meeting

A lodgement meeting is required with an Alcohol Licensing Inspector in order to file your application for a new premises alcohol licence or variation application.

The purpose of the meeting is for the inspector to confirm:

- Your application is complete
- All requested documents have been provided
- The nature of your business and the outline of the area you are requesting to be licensed.

This information will enable the inspector to calculate the fees payable on your application and to issue you with an invoice for your application and annual fees, which must accompany your application. Applications will not be accepted unless they are complete and the correct fees have been paid.

#### **Before you book your lodgement meeting you will need to:**

- Complete the relevant application form – **On-licence, Off-licence or Club-licence**
- Attach all the required supplementary documents listed on the form (this includes your Application for a Certificate of Use of Premises).

#### **At the lodgement meeting:**

- An inspector ensures your documents are complete and explains the application process, including the responsibilities and expectations on licensees if your application is granted
- An invoice for payment will be created and once paid your application will be processed.

## Step 9

### Processing your application

**There is a 25 working day public notification period.** During this time the public can view your application and file objections. The application is displayed on our webpage and you'll also need to display a copy in your premises at the main entrance.

**Your application is then assessed based on the criteria in the Sale and Supply of Alcohol Act and the information you have provided.**

**Police and the Medical Officer of Health have 15 working days to report on your application.** They may ask for additional information, and can oppose your application.

**An Alcohol Licensing Inspector will make inquiries and report on your application** and then compile the file for decision. There is no fixed timeline for this process.

**The Sale and Supply of Alcohol Act 2012 specifies non-working days that can impact on filing and assessment of alcohol licensing applications.** The following days are defined as non-working days:

- Any Saturday
- Any Sunday
- Waitangi Day
- Good Friday
- Easter Monday
- ANZAC Day
- King's Birthday
- Matariki
- Labour Day
- Canterbury Anniversary Day
- Any day in the period commencing on 20 December in one year and ending with 15 January in the next year\*.

**The Act also specifies sacrosanct days on which the sale of alcohol is restricted.** These are:

- Good Friday
- Easter Sunday
- ANZAC Day until 1pm
- Christmas Day.

*\*If you want your application to be assessed and decided upon by the DLC before the Christmas period you will need to submit your application by early November.*

**The application is then referred to the District Licensing Committee (DLC) for a decision.**

- If there are no agency or public objections, and the DLC is satisfied there are no matters to hear evidence on, then the application will be decided on its merits through a written decision. No public hearing is required.
- Public hearing – if there are public objections then the DLC must have a hearing. Applications opposed by one or more of the agencies are also usually decided through a hearing. The DLC must give at least 10 working days' notice of the hearing date.
- All DLC decisions determined by a hearing must be issued in writing after the hearing and are subject to a 10 working day appeal period to the Alcohol Licensing Regulatory Authority. If no appeals are filed, then the licence can be issued.

**The alcohol licensing team will issue the licence to you once all final clearances have been completed.**





### Do I need a manager's certificate?

We encourage all licensees to at least have completed the Licenced Controlled Qualification (LCQ) so that you have a good understanding of your responsibilities under the Sale and Supply of Alcohol Act as licensees, even if you are not intending to be hands-on or be the operational manager.

All permanent duty managers need to have a current manager's certificate.

### How do I get my manager's certificate?

- Obtain your LCQ certificate from an education provider, have a job in the industry, appropriate experience and meet the suitability criteria.

### Apply for your manager's certificate

This process can take about six weeks. You can time this to coincide with your licence application timelines.

- You must attend and pass an interview, and have at least 6 months experience of working in an alcohol licensed premises and been involved in the service of alcohol.
- Police have 15 working days to report on your application. They may ask for additional information, and can oppose your application.
- An Alcohol Licensing Inspector will make inquiries and report on your application, then compile the file for decision. There is no fixed timeline for this.
- The application is then referred to the District Licensing Committee (DLC) for a decision.
  - **On the papers decisions** – this will happen if there are no agency or public objections and the DLC are happy there are no matters to hear evidence on.
  - **Public hearing** – if there are public objections then the DLC must have a hearing. Applications opposed by one or more of the agencies are also usually decided through a hearing. The DLC must give at least 10 working days' notice of the hearing date.
- All DLC decisions determined by a hearing must be issued in writing after the hearing and are subject to a 10 working day appeal period to the Alcohol Licensing Regulatory Authority. If no appeals are filed, then the licence can be issued.

### Appointment, or termination/cancellation of duty managers

As a licensee you will need to complete a Notice of Management Change for each person who will be working as a duty manager under the licence. This includes when a person acts as a Temporary or Acting manager. See page 15 for Acting and Temporary Manager information.

You will also need to complete this form when a person leaves their employment.

You can find this form here: [waimakariri.govt.nz](http://waimakariri.govt.nz)

## Food registration

Ensure you complete your food registration requirements around the time your alcohol licence is issued and you are opening to the public. Once your registration is received one of our food team will be in touch with you directly to organise a verification.

The issuing of a new alcohol licence is subject to all final clearances which may include:

- Appointment of duty managers
- Licensing inspection of final fit-out for some types of businesses
- Final building clearances – through a Code Compliance Certificate or Certificate of Public Use
- Have required licensing signage displayed.





## My checklist

### Sale and Supply of Alcohol Act (2012) requirements

**If alcohol is to be consumed on the premises an alcohol licence is required. The steps are as follows:**

Obtained a Certificate of Use of Premises for the proposed business use?	Yes	No
<i>This will confirm that planning and building matters allow for the establishment of licensed premises.</i>		

When you have obtained the above:

1. Apply for an alcohol licence (or variation to your existing licence). All sale of alcohol applications can be downloaded from the Council website ( <a href="http://waimakariri.govt.nz/consents-and-licences/alcohol-licensing">waimakariri.govt.nz/consents-and-licences/alcohol-licensing</a> )	Yes	No
2. Double check and prepare all the required documents (listed on the application form)	Yes	No
3. Book a lodgement meeting with an inspector to file your completed application.	Yes	No

A person who holds a duty manager's certificate is required to be on the premises at all times alcohol is available for sale.

1. Complete the LCQ, then	Yes	No
2. Apply for a new manager's certificate, then	Yes	No
3. Appoint duty managers.	Yes	No

#### Before you open, have you...

Ensured your premises will comply with any approved resource consent conditions?	Yes	No
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Obtained final building consent sign-off?	Yes	No
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Obtained Building Code of Compliance Certificate (CCC) or Certificate of Public Use (CPU)? (so public can safely enter the building).	Yes	No
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Received Notice of Registration? (Food Act)	Yes	No
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Booked verification visit? (Food Act Registration)	Yes	No
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Alcohol licence granted? (if applicable)	Yes	No
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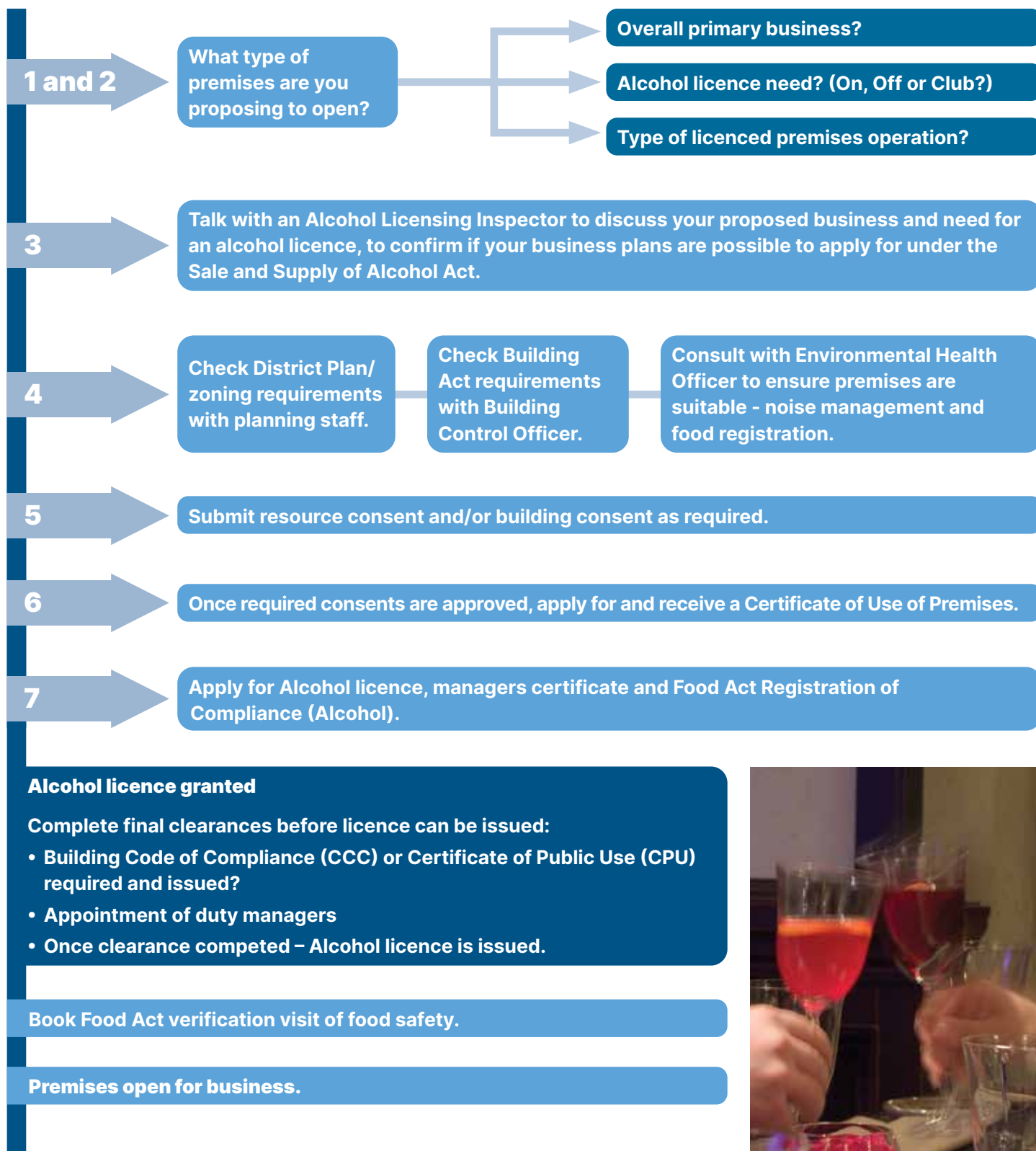
Before it can be issued you must satisfy any final "subject to" clearance requirements, e.g:

• Appointment of sufficient number of duty managers to cover hours open	Yes	No
• Any "fit out" checks by the agencies	Yes	No
• CCC or CPU (see above), so public can safely enter the building	Yes	No
• Have required licensing signage displayed	Yes	No



**If yes to all of the above, you are ready to open for business!**

# Alcohol Licensing Process at a Glance:



# The role of the manager

Every on-, off- and club-licensed premises must appoint a manager who holds a manager's certificate.

The manager must be on duty when alcohol is sold. There are exceptions to this for BYO licenses, club licences, remote sellers, and off-licence cellar door sales(s.215) where there is no licence condition to require it.

The manager's name must be prominently displayed inside the premises at all times while on duty.

The manager is responsible for the compliance with the conditions of the licence and provisions of the Sale and Supply of Alcohol Act 2012, which include ensuring the safe and responsible sale and supply of alcohol and minimising alcohol-related harm.

The licensee must advise the DLC and Police within two working days of the appointment, cancellation or termination of a manager, temporary manager or acting manager. It is not necessary to notify those agencies if the appointment does not exceed 48 hours, but all such appointments must be recorded in a day book, or log book, along with the reason for the appointment.

## Manager's Certificate applications

A Manager's Certificate application must be submitted to the DLC. It is important to complete the application form fully and include evidence of any training and experience. It is also helpful to provide a character reference. A person must be 20 years or older to be appointed as a manager of licensed premises (S.216(1)) and have at least 6 months work experience in a licensed premises.

Before issuing a Manager's Certificate the DLC will consider:

- the applicant's suitability (s.222(a))
- any convictions (s.222(b))
- experience, particularly recent experience, in controlling licensed premises
- training, particularly recent training, that the applicant has undertaken
- evidence of the prescribed qualification (s.222(d))
- issues raised by the reports from the Inspector and the Police.

## Manager's Certificate renewals

The process for renewal of a Manager's Certificate is similar to the application process. A Manager's Certificate is initially issued for 12 months and then is usually renewed every three years. It is the responsibility of the holder of a Manager's Certificate to ensure that a renewal application is lodged in time.

## Acting and temporary managers

The Sale and Supply of Alcohol Act 2012 allows an uncertified person to be appointed as an acting or temporary manager if a holder of a Manager's Certificate is not available. An acting or temporary manager is considered to have the responsibilities of the holder of a Manager's Certificate and can be prosecuted for breaches of the Act just as the holder of a Manager's Certificate can.

An acting manager can be appointed to cover for short term absences where the manager is ill, absent, or on holiday. The acting manager may only be appointed for up to three weeks at any one time and up to six weeks in any 12 month period.

A temporary manager can be appointed where a manager is ill or absent for any reason or is dismissed or resigns. The person appointed must apply for a Manager's Certificate within two working days. The person may then continue as a temporary manager until the application for a Manager's Certificate is determined.

For information and forms see here:

[waimakariri.govt.nz](http://waimakariri.govt.nz)





**For more information please contact**

**Alcohol Licensing Team**

**Waimakariri District Council**

**Phone:** 0800 965 468

**Email:** [alcohol@wmk.govt.nz](mailto:alcohol@wmk.govt.nz)

**Find out more at [waimakariri.govt.nz](http://waimakariri.govt.nz)**