

Objections to liquor licence applications

Introduction

This pamphlet provides a **basic overview** of what you need to know before filing objections against liquor licence applications. It contains factual information to assist in this process and having objections heard by the Liquor Licensing Authority. Please read this information carefully before filing an objection.

The role of the District Licensing Agency

All liquor licence applications are filed with the local authority nearest to the site of a proposed licensed premise. In this case the Wellington City Council administers all licensed premises within its boundaries. The Sale of Liquor Act 1989 gives the Council the power to act as the District Licensing Agency.

The District Licensing Agency accepts and processes all liquor licence applications. Where there are no objections the DLA approves licence and certificate applications. However, where there are objections to applications for new, or renewals of On, Off and Club Licences and Manager's Certificates, these are forwarded to the Liquor Licensing Authority (part of the Department for Courts) for determination. The District Licensing Agency determines applications for Special Licences and Temporary Authorities, and the Liquor Licensing Authority and District Licensing Agency hold public hearings if objections are filed against particular applications.

The application process

Once a liquor licence application is filed with the District Licensing Agency a copy is sent to the Police, Regional Public Health Service, District Licensing Agency Inspector and an Environmental Health Officer. All investigate the application and report back to the District Licensing Agency.

Within 20 working days of filing the application (10 working days for renewal applications), the applicant is required to give public notice of the application in a form set out in the Sale of Liquor Regulations. The notice must be published twice in a newspaper circulating in the district (of the proposed licensed premises) and nominated by the Secretary of the District Licensing Agency. There must not be less than 5 days and not more than 10 days between the two dates of publication. In Wellington The Dominion Post and The Wellingtonian are the only two nominated newspapers.

Objections must be filed within ten working days of the first date of publication of the notices.

Where objections are raised by the reporting authorities or by the public, the District Licensing Agency sends all documents to the Liquor Licensing Authority. The Authority will then decide whether the matter will be determined at a public hearing or on the papers.

Who may object

Any person who has a **greater interest** in the application than the public generally may object to the grant of a liquor licence.

Status of objectors: what is a greater interest?

A person with a **greater interest** could be a resident living in the same street as the proposed premises. A member of the public living 10 kilometres away who is concerned about the effects of alcohol on the community could be considered as not having a greater interest in the application.

The Liquor Licensing Authority may give less weight to objections from people who are not directly affected by the proposed licensed premises.

Public notices – what to look for

The Sale of Liquor Regulations prescribes a form to be used for public notices. Here is an example.

Public Notice

Reg 4

Public Notice
Section 9(4), Sale of Liquor Act 1989

Form 1

Bill Smith has made application to the District Licensing Agency at Wellington for the grant of an On Licence in respect of the premises situated at 101 Main Street, Te Aro, Wellington and known as the Hill Crest Restaurant.

The general nature of the business conducted (or to be conducted) under the licence is a restaurant.

The days on which and the hours during which liquor is (or is intended to be) sold under the licence are:
Monday to Sunday inclusive 2.00pm to 1.00am the following day.

The application may be inspected during ordinary office hours at the offices of the Wellington District Licensing Agency at First Floor, Council Buildings, 101 Wakefield St. Wellington.

Any person who is entitled to object and who wishes to object to the grant of the application may, not later than 10 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Agency, PO Box 2199, Wellington.

This is the first/second publication of this notice.

Grounds for objection

The grounds for objection are set out in the Sale of Liquor Act. They are:

For On and Off Licences

- a) Suitability of the applicant
- b) Days and hours liquor will be sold
- c) Designation of the whole or part of proposed premises as a restricted or supervised area
- d) Steps taken to ensure prohibited persons are not served
- e) Supply of food and non alcoholic refreshments (does not apply to off licences)
- f) If the applicant intends the sale or supply of any other goods besides liquor and food, or any services other than those directly related to the sale or supply of liquor and food.

For Club Licences

- a) Suitability of the applicant
- b) Days and hours liquor will be sold
- c) Days and hours club premises will be used for club activities
- d) Designation of the whole or part of proposed premises as a restricted or supervised area
- e) Proportion of club membership who are prohibited persons
- f) Steps taken to ensure prohibited persons are not served
- g) Supply of food and non alcoholic refreshments.

1. Glossary of terms

Prohibited person:	People under the age of 18 years or who are intoxicated.
Restricted area:	Designated part of licensed premises to which people under 18 shall not be admitted.
Supervised area:	Designated part of licensed premises to which people under 18 may not be admitted unless accompanied by their parents or legal guardians.

Making an objection

To make an objection, simply write a letter stating you wish to object and why. You must address the criteria set out above and the objection must be filed with the District Licensing Agency within 10 working days of the first public notice appearing in the newspaper.

Upon receipt of an objection the District Licensing Agency will send an acknowledgment letter. The complete application will then be sent to the Liquor Licensing Authority, which will check the validity of the objection. A time will be set for a hearing and objectors will be asked if they wish to speak at the hearing.

Objection formats

Some residents circulate petitions to inform other neighbours of an application and to gain support against new licensed premises. These petitions are then filed with the District Licensing Agency. Although this is an effective way to boost numbers of objectors, duplicate signatures are frequent. It is difficult for the District Licensing Agency to acknowledge petitioners because names and addresses are often unreadable, so it is always helpful if a spokesperson is appointed.

Liquor Licensing Authority hearing procedure

The Liquor Licensing Authority is a commission of inquiry administered by the Department for Courts. A District Court Judge and elected members make up the Authority.

On the day of the hearing all parties wishing to be heard, including objectors, must complete a registration form and give it to the Registrar before the hearing.

The Authority Chair (Judge) will explain the order of proceedings. In most cases the applicant will speak first, give evidence and call witnesses in support of the application. Objectors then have a chance to speak to their objections. The Police and District Licensing Agency Inspector will then either present evidence or make submissions. The Authority will give all parties a chance to ask questions of witnesses.

All witnesses are sworn in before giving evidence.

The Liquor Licensing Authority is less formal than a District Court, but normal court procedures are observed.

The Resource Management Act and District Plan

The District Plan was introduced in 1994 and was prepared under the Resource Management Act 1991. The philosophy of this Act differs considerably from the former Town and Country Planning Act and new approaches were required. One major difference was the requirement for councils to control the **effects** of activities or development rather than the **types** of activity.

Most of the public objections the District Licensing Agency receives relate to taverns being built in residential areas or suburban centres. Most existing retail centres are zoned 'suburban centre' under the District Plan. The suburban centre provisions permit uses such as bars and taverns provided that their effects do not exceed the limits stated in the Plan (for such things as noise and lighting).

The Plan does not contain parking rules for developments in suburban centres. Because of difficulties in applying parking rules effectively, it was thought that effects could be better dealt with by the Council through traffic management and enforcement measures.

Before a liquor licence application can be made, each applicant must satisfy the requirements of the District Plan to ensure that the type of licensed premises proposed can be established on a site. Sometimes a resource consent application will be needed.

Unfortunately, objections filed against liquor licensing applications usually comment on District Plan issues (such as parking, noise, and comments about the inappropriate location of a tavern) rather than the required criteria, as listed previously.

*In [Paihia Lighthouse Tavern LLA Decision 1352/91](#), the Authority said, "Objections that do not relate to the grounds specified (above) are **not valid objections** and in accordance will not be considered by the Authority" (abridged).*

In other words your objection can only refer to those aspects noted in the section 'Grounds for Objection'.

Keeping you informed

The District Licensing Agency will acknowledge all objections with a readable name and address.

The District Licensing Agency makes every effort to process applications in a friendly manner, but applications may take some months to process. Applicants may have to repeat the public notice process to correct application errors, but it is rare for objectors who have already filed objections to need to re-file them. If you see another public notice in a newspaper please telephone the District Licensing Agency for advice before sending in a further objection.

Summary

It is easy to make an objection to a liquor licence application. Write a letter to the Secretary of the Wellington District Licensing Agency giving the grounds for the objection, with full details. Ensure the objection is filed within 10 working days of the first public notice appearing in the newspaper.

The Liquor Licensing Authority will notify you of the hearing date and will discuss with you if you wish to appear and speak to your objection.

It is important to remember that District Plan issues such as parking, noise, and the proposed site of the premises are **not** grounds for objection.

Further information

The Wellington District Licensing Agency is here to help you with information about the Sale of Liquor Act 1989 and how it affects you.

For more information on the Sale of Liquor Act 1989 and objections please telephone:

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(04) 801 3776

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(04) 801 3873.