Taking Over a Premises with an Alcohol Licence

What you need to know

If you are considering taking over an existing business that is licensed to sell alcohol, you need to be aware of the legal requirements for the sale and supply of alcohol. To continue to sell or supply alcohol from the day you take over the business you will need to:

1. Obtain a Temporary Authority for the premises; and
2. Ensure that a person holding a Manager's Certificate will be on duty at all times that alcohol is for sale.

Temporary Authority

If the premises has a current on-licence or off-licence you can apply for a Temporary Authority to allow you to trade on the existing licence until you obtain a new licence in your own name. A Temporary Authority is normally issued for three months, during these three months you need to obtain your own licence.

For a Temporary Authority to be issued the existing licence needs to be kept current, so any annual licence fees that are due must be paid and the licence must not be surrendered by the existing licensee.

If possible, an application for a Temporary Authority should be lodged at least 20 working days before the takeover date. This allows the Licensing Inspector and Police to enquire into the application and for the District Licensing Committee to meet to determine to issue it or not. It is recommended that this timeframe is taken into account when agreeing on a takeover date.

To apply for a Temporary Authority, you will need to complete an application form and attach evidence of legal entitlement such as a copy of the sale and purchase agreement or lease. You will need an application for each licence involved.

Management of licensed premises

When alcohol is available for sale to the public, a manager who holds a current Manager's Certificate must be on duty at all times. You will therefore need to have a Manager's Certificate yourself or employ someone who already holds a certificate.

If you are new to the alcohol industry, you will need to gain recent and relevant experience to obtain a Manager's Certificate. This may involve volunteering or working at a licensed premises. You should bear this in mind when considering staffing of your new business.

A Temporary Authority cannot be issued if you do not have anyone with a Manager's Certificate who is working at your premises.

Food Act 2014 Registration

All on-licensed premises have to provide food for their customers. You will need to register under the Food Act 2014 with Marlborough District Council. Food Control Plan registrations are not transferrable. Contact the Environmental Health team for more information.

What costs are involved?

The first few years of the alcohol licensing process can be costly. You should consider Temporary Authority application fees, Licence application fees, Annual fees and Managers Certificates costs.

Managers certificate Application (new/renewal)	$316.25
Temporary Authority Application (On/Off Licence)	$296.70

Applying for your own Alcohol Licence

You will need to obtain your own alcohol licence before your Temporary Authority expires. As soon as you receive your Temporary Authority you should start gathering the information needed for your application. Your application should be submitted as soon as possible. You need to allow enough time for public advertising and for reports to be obtained from the Licensing Inspector, Police & Public Health.

MARLBOROUGH DISTRICT COUNCIL

Application for On-Licence or Renewal of On-Licence

Form 3 - Section 100 and 127 (2) - Sale and Supply of Alcohol Act 2012

To: The Secretary
Marlborough District Licensing Committee
15 Seymour Street
PO Box 443
Blenheim 7240

Date Stamp:

Office Use Only:
ON _____ /_____
Receipt #
Surname:

Checklist

Please provide the following with your application:

- ☐ Completed application and documentation (incomplete applications will not be processed)
- ☐ APPLICATION FEE – (determined by the Fees Regulations, according to the cost/risk rating) see administrator if you need to discuss.
  - ☐ Cash / Eftpos
  - ☐ Internet Banking – Pay to Account No. 02 0600 0202861 02 (use applicants name as reference)
  - **Date Paid** _____
- ☐ Scale plan of premises, indicating:
  - Interior and exterior areas for sale, supply and consumption of alcohol
  - Principal entrance/s to the premises
  - Any designated areas (supervised/restricted)
- ☐ Food menu/s (lunch/dinner/snack/bar)
- ☐ Certificate of Incorporation (if applicable)
- ☐ Host Responsibility Policy e.g. www.alcohol.org.nz/resources
- ☐ Any lease agreement for occupation of public land e.g. outdoor dining

Application for *(state whether application is for on-licence or renewal of on-licence)*

_____
_____
_____
_____

How long are the licenses issued for

Your licence is initially issued for 12 months, after which you have to apply for a renewal; a renewal can be issued for up to three years.

Licensing fees

Fees are based on the type of business you have, the hours you intend to trade and the enforcement history of the premises. See overleaf “How to calculate your cost/risk of rating fees” to see which risk category applies to your business. The costs are inclusive of GST and are dependent on your total weighting score.

How to calculate your cost / risk rating and fees

A + B + C = TOTAL WEIGHTING

	Weighting
Class 1 restaurant, night club, tavern, adult premises, supermarket, grocery store, bottle store	15
Class 2 restaurant, hotel, function centre, Class 1 Club, Off-licence in hotel or tavern	10
Class 3 restaurant, other premises, Class 2 Club, Club off-licence, remote sale off-licence, other off – licence premises	5
BYO restaurants, theatres, cinemas, winery cellar doors, Class 3 Club	2

Latest time allowed by licence	Weighting
On-licences and clubs 2.00 am or earlier Off-licences 10.00 pm or earlier	0
On-licences and clubs between 2.01 am and 3.00 am Off-licences any time after 10.00 pm	3
On-licences and clubs any time after 3.00 am	5

Number of enforcement holdings in last 18 months	Weighting
None	0
1	10
2 or more	20

Total Weighting	Cost/Risk Rating	Application Fee for all renewals, new licences and variations incl GST ($)	Annual Licence Fee incl GST ($)
0 – 2	Very low	368.00	161.00
3 – 5	Low	609.50	391.00
6 – 15	Medium	816.50	632.50
16 – 25	High	1023.50	1035.00
26 plus	Very High	1207.50	1437.50

Definitions

- **Class 1 restaurants** – restaurants with a significant separate bar area which, in the opinion of the relevant TA, operate that bar at least one night a week in the manner of a tavern
- **Class 2 restaurants** – restaurants that have a separate bar but which, in the opinion of the relevant TA, do not operate that area in the nature of tavern at any time.
- **Class 3 restaurants** – restaurants that only serve alcohol to the table and do not have a separate bar area.
- **Class 1 clubs** – clubs which has at least 1,000 of purchase age) and which, in the opinion of the relevant TA, operate in the nature of a tavern at any time
- **Class 2 clubs** – clubs which are not class 1 or class 3 clubs
- **Class 3 clubs** – clubs has fewer than 250 members of purchase age and operates a bar for no more than 40 hours each week
- **Enforcement Holding** – has the same meaning as a “Holding” under section 288 of the Act, or a previous offence for which a holding may have been issued if the offence had occurred before 18 December 2013.

Contact the Environmental Health and Alcohol Licensing Team on 03 520 7400 if you have further questions.

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marlborough.govt.nz

How to calculate your cost / risk rating and fees

A + B + C = TOTAL WEIGHTING

Types of premises	Weighting
Class 1 restaurant, night club, tavern, adult premises, supermarket, grocery store, bottle store	**15**
Class 2 restaurant, hotel, function centre, Class 1 Club, Off-licence in hotel or tavern	**10**
Class 3 restaurant, other premises, Class 2 Club, Club off-licence, remote sale off-licence, other off – licence premises	**5**
BYO restaurants, theatres, cinemas, winery cellar doors, Class 3 Club	**2**

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