

September 2018

If you are considering taking over an existing business that is licenced 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.*

For further information on the different food registrations available contact Vicki Price in the Environmental Health team.

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 (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.

How long are the licences 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.

For further information please contact the Alcohol Licensing Team on 03 520 7400



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How to calculate your cost / risk rating and fees

A		+	B		+	C		=	TOTAL WEIGHTING			
		Weighting			Weighting			Weighting	Total Weighting	Cost/Risk Rating	Application Fee for all renewals, new licences and variations incl GST (\$)	Annual Licence Fee incl GST (\$)
Class 1 restaurant, night club, tavern, adult premises, supermarket, grocery store, bottle store		15	On-licences and clubs 2.00 am or earlier		0	None		0	0 – 2	Very low	368.00	161.00
Class 2 restaurant, hotel, function centre, Class 1 Club, Off-licence in hotel or tavern		10	Off-licences 10.00 pm or earlier			1		10	3 – 5	Low	609.50	391.00
Class 3 restaurant, other premises, Class 2 Club, Club off-licence, remote sale off-licence, other off – licence premises		5	On-licences and clubs between 2.01 am and 3.00 am		3	2 or more		20	6 – 15	Medium	816.50	632.50
BYO restaurants, theatres, cinemas, winery cellar doors, Class 3 Club		2	Off-licences any time after 10.00 pm						16 – 25	High	1023.50	1035.00
			On-licences and clubs any time after 3.00 am		5				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.