

Alcohol licensing

What is a special licence?

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There are two types of special licence.

An **on-site special licence** allows the holder to sell and supply alcohol for consumption on the site:

1. In an area where no licence is currently in force, or
2. Where an existing licence is in force, but which may authorise the sale of alcohol at times not permitted by the existing licence or in an area not covered by the existing licence or to persons not permitted by the existing licence.

An **off-site special licence** allows the holder to sell alcohol for consumption elsewhere.

Only a manufacturer, distributor, importer or wholesaler of alcohol products can hold an off-site special licence.

Alcohol must not be sold under any circumstances to anyone under the age of 18 years.

When is a special licence required?

A special licence is required when:

1. A licensed premises is holding an event which is outside the usual or regular activities of the premises (i.e. is not a continuation of normal business, for example a 21st birthday party that may go beyond the normal licensed hours).
2. Someone is holding an event where they are selling and supplying alcohol. This includes ticketed events where alcohol is supplied and may include events on conveyances such as buses.
3. A manufacturer, distributor, importer or wholesaler of alcohol products is selling alcohol at an event (e.g. a market). Please refer to the special licence flow chart to work out if you need a special licence: tasman.govt.nz/special-licence

Who should make the application?

In all cases the organisation or individual selling the alcohol (receiving the proceeds) must be the holder of the special licence and must make the application.

What if there is more than one event?

A special licence may include a series of occasions or events. A series of events must be related, e.g. a club competition run over a number of days.

An on-going special licence will not be issued where, in the opinion of the Council's alcohol licensing team, the extent of the activity is such that an on or club licence would be more fitting.

What about BYO?

In general BYO is permitted at private functions such as weddings and birthdays.

For other events BYO may be unlawful. A special licence does not allow for BYO alcohol at an event. If you are holding an event where people are paying for entry (e.g. by ticket or donation) and you want to supply alcohol please contact the alcohol licensing team to discuss your options.

If you are going to have a cash bar at your event you will need a special licence.

Find out more about whether you require a special licence by referring to the special licence flowchart: tasman.govt.nz/special-licence

How do I make an application?

Special licence applications can be made through the Business Connect Platform, details are available on our website: tasman.govt.nz/special-licence

Please ensure that you check licensing requirements with the alcohol licensing team.

Special licence applications are required to be lodged at least 20 working days prior to the event date and before you advertise your event because:

- we need to inquire into how you will be running and managing your event, and
- you will want the security of knowing whether you will have a special licence granted.

Please read the form and notes on the form carefully and make sure you have answered all questions relevant to your event. Also make sure you have attached all the required documents. Incomplete applications will be returned.

Are there any time frames that I need to be aware of?

The earlier we receive your application the better so you have certainty before you promote your event.

The legislation states that all applications for special licences are required **at least 20 working days** prior to the event.

The Police and Medical Officer of Health have 15 working days in which to inquire into and report on your application. Then the inspector reports and refers the file to the District Licensing Committee for a decision. If there are concerns or missing information this may take longer.

We will notify you once a decision has been made and your licence issued. Once your licence has been granted we will send it to you with any signs you may need to display at your event.

What is a working day?

A working day is Monday to Friday, but is not:

- a. Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Matariki, or Labour Day; or
- b. a day in the period commencing on 20th December in one year and ending with 15th January in the next year.

Short notice applications

Short notice applications (less than 20 working days before the event date) must be accompanied by a letter explaining the reason for lateness for District Licensing Committee (DLC) consideration. You need to have a good reason as the Act refers to the reason for the lateness being that the event "could not reasonably have been foreseen earlier".

If your reason for lateness is not accepted by the DLC your application will not proceed further. Please note that application fees are non-refundable.

How much does it cost?

Application fees are determined by size of your event.

Class 1	One large event; or more than three medium events; or more than 12 small events	\$575.00
Class 2	Three to 12 small events; or one to three medium events	\$207
Class 3	One or two small events	\$63.20

Large event means an event that the territorial authority believes on reasonable grounds will have patronage of more than 400 people.

Medium event means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.

Small event means an event that the territorial authority believes on reasonable grounds will have patronage of fewer than 100 people.

If, in the opinion of the territorial authority, your event is of a different class to which you have advised you may be required to pay the difference in fees or a refund may be issued.

Can my application be opposed?

The Police, Medical Officer of Health and an Alcohol Licensing Inspector (the agencies) all report on your application. The agencies consider the criteria in the Act. If the agencies have any concerns about how you are going to comply with these criteria they will contact you. You may be asked for more information or to make changes to how your event is managed. If you cannot satisfy their concerns they may oppose your application.

The District Licensing Committee must have regard to any opposition raised and may elect to hold a public hearing into the application. Because of the statutory timeframes involved it is important that you lodge any application early.

The Secretary of the District Licensing Committee is required to give at least 10 working days' notice of the public hearing to the applicant and the agencies.

Once a decision of the District Licensing Committee is released the decision is, in effect, suspended, for 10 working days. This is the time allowed for any party to the proceedings to lodge an appeal against the decision.

Only when the appeal period has ended and no appeal has been lodged can the licence be issued.

Please contact the alcohol licensing team to discuss any concerns you may have before lodging your application.

What criteria do I have to comply with?

S 142 of the Sale and Supply of Alcohol Act 2012 contains the criteria that will be assessed when you make an application for a special licence:

1. In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:
 - a. the object of this Act;
 - b. the nature of the particular event for which the licence is sought and, in particular:

- i. whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and
 - ii. whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
 - c. the suitability of the applicant:
 - d. any relevant local alcohol policy:
 - e. whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:
 - f. the days on which and the hours during which the applicant proposes to sell alcohol:
 - g. the design and layout of the premises concerned:
 - h. whether the applicant has appropriate systems, staff and training to comply with the law:
 - i. any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:
 - j. any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed:
 - k. the applicant's proposals relating to:
 - i. the sale and supply of non-alcoholic drinks and food; and
 - ii. the sale and supply of low-alcohol drinks; and
 - iii. the provision of help with or information about alternative forms of transport from the premises:
 - l. any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under section 141.
2. The District Licensing Committee must not take into account any prejudicial effect that the issue of the special licence may have on the business conducted pursuant to any other licence.

Do I have to provide food?

Food must be available at all functions for which a special licence is issued. In keeping with host responsibility and accepted practice, the food (or a range of it) must be available continuously and appropriate to the nature of the event. Food must be substantial. It cannot be snack food like chips and peanuts.

Do I have to provide low and non-alcoholic drinks?

Low and non-alcoholic drinks must be available at all functions for which a special licence is issued. Low alcohol is 1.15% – 2.5% alcohol by volume or below.

What is a good host?

A host, regardless of whether your event requires a special licence or not, still has a responsibility to ensure that they are providing a safe drinking environment at the event. This means creating a responsible drinking environment and looking out for your guests.

When you are planning your event you should take into account:

- Setting drinking expectations in advance with those attending.
- Keeping an eye on alcohol intake of guests.
- Providing food and water.
- Focusing activity on the social aspect of the occasion.
- Looking after your guests.

Please see further information and tips on our website about host responsibility, guidelines for alcohol promotions, and alcohol at events.

ServeWise training can be undertaken by staff or volunteers at special licence events. For more information visit resources.alcohol.org.nz/host-responsibility and servewise.alcohol.org.nz.

Do we have to have a duty manager?

The Act requires the holder of a manager's certificate to be present and responsible for the sale of alcohol under the licence. However, the District Licensing Committee may exempt the holder of the special licence from that requirement if some other suitable nominated person will be responsible for the sale of alcohol. It will be dependent on the nature of your event and the person nominated.

If you want to apply for an exemption you must indicate this on the application form and nominate a named person who will be responsible.

Large scale events

Where a special license is sought for a large event you must also submit an Alcohol Management Plan. The plan should describe how you propose to deal with matters such as security, monitoring the crowd, interacting with local residents and public health issues. The plan should also include copies of any promotional material, flyers or posters and entry ticket to your event. An alcohol management plan template and resources can be downloaded from resources.alcohol.org.nz/alcohol-management-plan-template

I am thinking about having a large event with multiple people selling alcohol (like a beer festival) – is there anything I need to know?

If you are having an event where different people will sell alcohol but patrons will be able to consume it in one shared area please call us early to discuss our expectations and how you can comply with the Act.

You will need to have one overall special licence to cover the event as a whole (to let people drink alcohol in the shared space) **as well as** each stall holder having a special licence to sell their own product.

Such events will require an overall duty manager and a duty manager for each stall and provision of food and water.

They will also require a comprehensive alcohol management plan. For more information visit resources.alcohol.org.nz/alcohol-management-plan-template

If I am holding an event in a public space what do I need to know?

If you are planning to hold an event in a public space (park, road or reserve, footpath area or road) a special permit may be required. The alcohol licensing team can advise on whether there are any other consents or approvals you might require including:

- Traffic Management Plan (TMP) if you are wanting to use a public laneway or road area as part of your event;
- Building Consent – if you are erecting a marquee over a certain size or a stage.

If you are seeking to lease a footpath area outside of your licensed premises as part of your event, please contact the alcohol licensing team to discuss whether you need to be referred to the leasing team to arrange approval.

Note:

- Approvals and timelines for these approvals and consents are separate from Alcohol Licensing. Some of the above permits and approvals need to be applied for well in advance (e.g. as early as 60 days) in advance of the event date.
- Alcohol Licensing may not be able to assess your special licence application or issue your licence until we have received confirmation that other approvals and consents required for your event have been granted.

Fundraising activities and alcohol as a prize

Are you planning a raffle, sweepstake, bingo, prize competition, a game of chance, or an instant game like scratch and win, where alcohol is the prize? Alcohol is prohibited as a prize.

All these activities are regulated as Gambling Activities. The Department of Internal Affairs (DIA) has the rules for running a gambling activity for these various types of activities and promotions. Any questions about these types of activities should be directed to DIA.

Local alcohol policy

Tasman District Council has a Local Alcohol Policy that affects special licences. Special licences may not be issued for more than 25 events or for longer than six months. The policy can be found at: tasman.govt.nz/local-alcohol-policy

Events on school property

Under the Local Alcohol Policy there is a discretionary condition that “no school fete, gala or similar event held on school grounds at which the participation of children can be reasonably expected shall allow for the consumption of alcohol on the premises”. The Committee may refuse any application that is contrary to this. You may also receive opposition from Public Health about the appropriateness of alcohol at the event, so it is advisable that you contact the Medical Officer of Health on 03 546 1537 to discuss before making an application.

Designation of areas

The premises, or parts of it, can be designated as Undesignated, Supervised or Restricted:

- Undesignated means that anyone of any age can attend.
- Supervised means that persons under 18 years of age may only be present if accompanied by their parent or legal guardian.
- Restricted means that no person under the age of 18 years of age may be present.