



Opotiki District Council
STRONG COMMUNITY STRONG FUTURE

Objecting to a Liquor Licence Application



**Opotiki District
Licensing Committee**

MAKING AN OBJECTION

To make an objection it must be in writing. Simply write a letter stating that you wish to object and why. You must address the criteria set out in the Sale and Supply of Alcohol Act 2012.

The objection must be filed within 25 working days of the first public notice appearing in the newspaper.

Upon receipt of an objection, the District Licensing Committee will acknowledge your objection in writing. Your objection will then be checked for the validity of your objection based on the criteria of the Act.

A time will be set for a hearing and valid objectors will be asked if they wish to speak at the hearing. You will be notified if, and when, a hearing has been set. All hearings are held in Ōpōtiki.

WHAT IS A “WORKING DAY”?

Working day means any day:

- a. Except a Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s Birthday and Waitangi Day.
- b. Except a day in the period commencing with the 20th day of December in any year and ending with the 15th day of January in the following year.

GROUNDINGS FOR OBJECTION

- a. The object of this Act.
- b. The suitability of the applicant.
- c. Any relevant local alcohol policy.
- d. The days on which and the hours during which the applicant proposes to sell alcohol.
- e. The design and layout of any proposed premises.
- f. Whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, and food, and if so, which goods.
- g. Whether the applicant is engaged in, or proposes on the premises 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.
- h. Whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence.

- i. Whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of the existing licences that:
 - i. They would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - ii It is nevertheless desirable not to issue any further licences.
- j. Whether the applicant has appropriate systems, staff and training to comply with the law.
- k. Any matters dealt with in any report from the Police, an Inspector, or Medical Officer of Health made under Section 103.

THE ROLE OF THE DISTRICT LICENSING COMMITTEE

All liquor licence applications are filed with the Local Authority nearest to the site of a proposed licensed premise. In this case, the Ōpōtiki District Council administers all licensed premises within its boundaries.

The District Licensing Committee accepts and processes all liquor licence applications. Where there are no objections the District Licensing Committee determines the licence.

Where there is an objection to licence applications for new, or renewals, of, On, Off, Special and Club Licences, these are determined by the Committee using the criteria of the Act and also on any hearing that is held. The reasons for this and the final determination of the application will be made known to all parties.

WHO MAY OBJECT?

A person may object to the grant of a licence only if he or she has a greater interest in the application than the public generally.

WHAT DOES A GREATER INTEREST MEAN?

A greater interest means that the public generally, could mean, as an example, a person who lives across the road from a proposed licensed premise -they would qualify as having more of an interest than someone who lived three kilometres away, as they could be directly affected by having a bar or bottle shop in their neighbourhood.

HEARING PROCEDURE

The Committee is a Tribunal and conducts the hearing under this Act and a Commission of Enquiry, this allows for a formal process but not as strict as a Court hearing. The Committee is made up of a Ōpōtiki District Licensing Committee Commissioner and the Ōpōtiki District Licensing Committee list members.

On the day of the hearing all parties wishing to be heard, including objectors must complete a registration form and give it to the Committee Secretary before the hearing commences. This is to ensure all parties to the hearing are correctly recorded.

The District Licensing Committee Commissioner will explain the order of proceedings on the day of the hearing. In most cases the applicant will speak first, giving evidence and calling witnesses in support of the application. Objectors then have a chance to speak to their objections. The Police, Medical Officer of Health and Licensing Inspector will follow either presenting evidence or making submissions.

The Committee will give all parties a chance to ask witnesses questions.

All witnesses are sworn in before giving evidence. This is done either with or without the bible, at the choice of each witness.

The Committee hearing is less formal than a District Court but normal court procedures are observed.

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