

Sale and Supply of Alcohol (Fees) Regulations 2013

On, Off and Club Licences and other Licence fees

Fees must be paid at the time of application and no application will be accepted without the relevant fee.

If, when an application is determined, it is found that a higher application fee should have been paid, the licence must not and will not be issued or renewed (or variation granted) until the applicant pays the difference between the amount paid and the amount that should have been paid.

The fee payable for a new On, Off or Club Licence or renewal of an On, Off or Club Licence is assessed using a cost/risk rating system. The cost/risk rating of the premises is the **sum** of the highest applicable weighting for the type of premises and type of licence, the hours of operation and any enforcement holdings in the last 18 months.

In addition an annual fee is payable which will be due on the anniversary date of the licence. If this fee is not paid within 30 days after the day on which it is due the licence is suspended from the next day and until the fee and any penalties in respect of late payment are fully paid.

Definitions

Type	Class	Description
Restaurants	1	A restaurant that has or applies for an on-licence and has, in the opinion of the Territorial Authority, a significant bar area and operates that bar area at least one night a week in the manner of a tavern
	2	A restaurant that has or applies for an on-licence and has, in the opinion of the Territorial Authority, a separate bar area and does not operate that bar area in the manner of a tavern at any time.
	3	A restaurant that has or applies for an on-licence and, in the opinion of the Territorial Authority, only serves alcohol to the table and does not have a separate bar area.
	BYO	A restaurant for which an on-licence is or will be endorsed under section 37 of the Act.
Clubs	1	A club that has or applies for a club licence and has at least 1,000 members of purchase age and in the opinion of the territorial authority, operates any part of the premises in the nature of a tavern at any time.
	2	A club that has or applies for a club licence and is not a class 1 or class 3 club
	3	A club that has or applies for a club licence and has fewer than 250 members of purchase age and in the opinion of the territorial authority, operates a bar for no more than 40 hours each week.
Remote sales premises		Premises for which an off-licence is or will be endorsed under section 40 of the Act.
Enforcement holding		A holding as defined in section 288 of the Act, or an offence under the Sale of Chief Act 1989 for which a holding could have been made if the conduct had occurred after 18 December 2013.

Latest alcohol sales time allowed for premises

Type of Premises	Latest trading time allowed (during 24 hour period)	Weighting
Premises for which an on-licence or club-licence is held or sought	2.00 am or earlier	0
	Between 2.01 and 3.00 am	3
	Any time after 3.00 am	5
Premises for which an off-licence is held or sought (other than remote sales)	10.00 pm or earlier	0
	Any time after 10.00 pm	3
Remote sales premises	Not applicable	0

Type of licence and premises

Type of Licence	Type of Premises	Weighting
On-licence	Class 1 restaurant, night club, tavern, adult premises	15
	Class 2 restaurant, hotel, function centre	10
	Class 3 restaurant, other premises not otherwise specified	5
	BYO restaurants, theatres, cinemas, winery cellar doors	2
Off-licence	Supermarket, grocery store, bottle store	15
	Hotel, tavern	10
	Class 1, 2 or 3 club, remote sale premises, premises not otherwise specified	5
	Winery cellar doors	2
Club-licence	Class 1 club	10
	Class 2 club	5
	Class 3 club	2

Number of enforcement holdings in respect of the premises in the last 18 months	Weighting
None	0
One	10
Two or more	20

Fee Categories for premises

A Territorial Authority must assign a fees category to any premises for which an on-licence, off-licence or club licence is held or sought in accordance with the table below except that it may, in its discretion and in response to particular circumstances, assign a fee category to premises that is one level lower but no premises may be assigned a category lower than very low.

The annual fee becomes due on 18 December 2013 for all existing licences but will not be required until either the anniversary of the last application or 1 July 2014, whichever is the sooner. However this first annual licence fee is waived if, between 18 December 2012 and 17 December 2013, the licensee applied for and paid the relevant fee for a new licence, a licence renewal or a licence variation.

The date on which the fees category must be determined is, for the purpose of an application fee, the day on which the application is made or, for the purpose of the annual fee, the day on which the annual fee is payable.

Cost/risk rating	Fees category	Application fee \$ inc GST	Annual fee \$ inc 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

Other Licence Fees

Type	Description of activity	Application fee \$ incl GST
Temporary Authority	Fee payable to the territorial authority under s.136(2) of the Act for a temporary authority to carry on the sale and supply of alcohol	\$296.70
Temporary Licence	Fee payable to the territorial authority by a person applying under section 74 of the Act to sell alcohol pursuant to a licence from premises other than the premises to which the licence relates	\$296.70
Permanent Club Charter	Annual fee payable to the territorial authority in which the club's premises are situated by the holder of a permanent club charter as described in section 414 of the Act	\$632.50
Extract from register	Fee payable to a licensing committee under section 66(2) of the Act for an extract from a register	\$57.50
	Fee payable to ARLA under section 65(2) of the Act for an extract from a register	\$57.50
Appeals	Fee payable to ARLA under section 154 of the Act (against a decision of a licensing committee)	\$517.50
	Fee payable to ARLA under section 81 of the Act (against a local alcohol policy)	\$517.50

Special Licences

Fees must be paid at the time of application and no application will be accepted without the relevant fee.

Special licences

The fee payable for a Special Licence is also assessed using a cost/risk rating system depending on the size of the event and the number of events applied for.

- 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

Class	Issued in respect of	Application fee \$ inc GST
1	1 large event: More than 3 medium events: More than 12 small events	\$575.00
2	3 to 12 small events: 1 to 3 medium events	\$207.00
3	1 or 2 small events	\$63.25

Manager's certificates

The fee to apply for a new manager's certificate or renewal of an existing certificate is \$316.25 including GST.

All existing manager's certificates (including club manager's certificates) will remain valid until their expiry date. However if you do not have a Licence Controller Qualification (LCQ) certificate issued on or after 18 December 2013, or a Bridging test certificate when your certificate expires, the District Licensing Committee may issue a limited renewal certificate for a one year period to enable you to obtain one of the above qualifications. If at the expiry of this one year period you have still not obtained the required qualifications your certificate will not be renewed.

NOTE: Under the new Act there will no longer be Club Manager's certificates although existing certificates will remain valid until they expire at which time the manager must apply for a new manager's certificate. This will require the applicant to obtain a qualification (currently the Licence Controller Qualification (LCQ) certificate) like all other managers before lodging their application. If you have already obtained a LCQ the requirements for managers to obtain a Bridging test as detailed above will apply.