

Application for Variation or Cancellation of Conditions of Licence

Section 120, Sale and Supply of Alcohol Act 2012

Office
Use
Only

Application Checklist:

Supporting documents you need to provide with your application:

- ☐ ☐ **Application fee + public notice fee**
This is an application fee and is non-refundable after the application is received by the Hamilton City Council. (Please see information sheet on the last two pages of this application or contact us for assistance).
 - ☐ ☐ Detailed A4 scale map of the interior of the premises showing:
 - i. the areas used for sale of alcohol
 - ii. areas that are to be restricted or supervised
 - iii. all principal entrances
 - iv. location of tables and chairs, toilets and kitchen
 - v. the use of footpath for outdoor dining (if applicable – attach outdoor dining permit)
 - vi. CCTV placement and security lighting (if applicable)
 - ☐ ☐ A Host Responsibility Policy.
 - ☐ ☐ Supporting documentation relevant to the condition(s) to be varied or cancelled
 - ☐ ☐ If a redefinition is sought relevant to the area (footprint) of the licensed premises or a change in the purpose (i.e. restaurant to tavern), a new building and planning certificate may be required.
- If you are applying for the variation or cancellation of conditions of the licence on behalf of someone else:**
- ☐ ☐ A copy of the authority to act as an agent of the applicant, signed by the applicant.

**Applications can be emailed to licensing@hcc.govt.nz or posted to
Hamilton City Council, Private Bag 3010, Hamilton 3240.**

FEE DUE:

Office Use Only:	<u>App Fee \$615.35</u>	T310 – 476.10	T311 – 17.25	T414– 122.00
Accepted by: _____	<u>App Fee \$938.50</u>	T310 – 782.00	T311 – 34.50	T414– 122.00
Receipt number: _____	<u>App Fee \$1215.65</u>	T310 – 1041.90	T311 – 51.75	T414– 122.00
Receipt date: _____	<u>App Fee \$1493.95</u>	T310 – 1285.70	T311 – 86.25	T414– 122.00
	<u>App Fee \$1740.05</u>	T310 – 1445.55	T311 – 172.50	T414– 122.00

Application for

Variation or Cancellation of Conditions of Licence

Section 120, Sale and Supply of Alcohol Act 2012

To the Secretary

District Licensing Committee, Hamilton City Council

Application for variation or cancellation of conditions of licence is made in accordance with the details set out below.

Applicant details

1. Full legal name to appear on licence:

(the licensee, i.e. the person or organisation that the proceeds from alcohol sales are going to):

2. Date of birth (if the applicant is an individual):

3. Occupation (if the applicant is an individual):

4. Status of applicant:

☐ Individual person

☐ Partnership

☐ Local authority

☐ Trustee

☐ Club

☐ Licensing trust or community
trust

☐ Private company

☐ Public company

☐ Other - advise what authority under which incorporated.....

5. Postal address (for service of documents):

Postcode:

6. Home phone:

Work phone:

Mobile phone:

7. E-mail address:

8. **Daytime contact details** (if different from above)

Name:

Phone number:

Mobile number:

E-mail address:

9. Does the applicant (or any company directors) have any criminal convictions?

(other than convictions for offences against provisions of the Land Transport Act 1998 not contained in Part 6, and offences to which the Criminal Records (Clean Slate) Act 2004 applies)

☐ Yes

☐ No

If YES, please state the nature of the offence, date of conviction and penalty suffered:

Nature of the offence	Date of conviction	Penalty suffered

Licence details

10. Type of licence:

☐ On-licence

☐ Off-licence

☐ Club licence

11. Licence number:

12. Expiry date:

Premises details

13. Address of licensed premises:

14. Trading name:

15. Does the applicant own the proposed licensed premises?

☐ Yes ☐ No

If NO, what is the full name and address of the owner?

What form of tenure and term of tenure will the applicant have?

Details of conveyance

(To be included only where the licence applies to any conveyance, e.g. bus, train, boat)

16. Type of conveyance:

17. Address of home base (if any):

18. Trading or other name (if any):

19. Registration number (if any):

Application details

20. Terms of condition at present:

21. Action sought:

☐ Variation of condition(s)

☐ Cancellation of condition(s)

22. If variation, in what respect does the applicant seek to vary the condition?

23. Full reasons for variation or cancellation:

Declaration

The New Zealand police are required by the Sale and Supply of Alcohol Act 2012 to make inquiries into the suitability of the applicant. This will involve informing the District Licensing Committee and the Alcohol Regulatory and Licensing Authority of any convictions or concerns involving the applicant. Should there be any concerns, the applicant will also be informed.

- ☐ I consent to the release of this information
- ☐ I hereby state that the above particulars are true and correct
- ☐ I understand that my application will not be lodged with Council until the application fee is paid and all required documents are supplied. Incomplete applications will be returned.

[Signature]

[Date]

[Name]

[Designation]

Contact us:

Phone: (07) 838 6633

E-mail: licensing@hcc.govt.nz

Website: www.hamilton.govt.nz/alcohol

Location: Hamilton City Council - Ground Floor, Garden Place,
Hamilton

FORM 7

PUBLIC NOTICE

Section 120(3), Sale and Supply of Alcohol Act 2012

Public notice of application for variation or cancellation of conditions of licence

This notice is to be displayed in a conspicuous place on or adjacent to the site to which the application relates within 10 working days **AFTER** filing your application. Please ensure the applicant name matches that stated on the application form

You DO NOT need to publish this notice in the newspaper.

This notice will be published on the Hamilton City Council website: www.hamilton.govt.nz/publicnotices

There is a \$122.00 administration fee for this service, payable at the time of application.

Section 120(3), Sale and Supply of Alcohol Act 2012

[Full name, address, and occupation of applicant]

has made application to the District Licensing Committee at Hamilton City Council for the

variation / cancellation of conditions of

[delete whichever does not apply]

a **on / off / club** licence

[delete whichever does not apply]

in respect of the premises situated at

[address]

known as

[trade name]

The general nature to be conducted under the licence is

[type of business - for example, hotel, tavern, restaurant, entertainment/night club].

The variation / cancellation is sought for the following:

[Give the old and new change sought – i.e. for days and hours, if a variation is sought, both the old and new hours should be shown]

The application may be inspected during ordinary office hours at the office of the Hamilton District Licensing Committee at Hamilton City Council Municipal Building, Garden Place, Hamilton.

Any person who is entitled to object and who wishes to object to the issue of the licence may, not later than 25 working days after the date of the publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Hamilton City Council, Private Bag 3010, Hamilton.

No objection to the variation or cancellation of conditions of licence may be made in relation to a matter other than a matter specified in section 105 of the Sale and Supply of Alcohol Act 2012.

Alcohol Licensing Fees

for on, off and club licences

The Sale and Supply of Alcohol Act 2012 introduced national risk based fees for all alcohol licences. The fee system, set by the Ministry of Justice, more fairly reflects the cost of alcohol licensing.

The licence fee category is determined using the below criteria. You can use the tables below to estimate the fee you need to pay when lodging your application

Licence type	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	5
	BYO restaurant, 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, other	5
	Winery cellar doors	2
Club licence	Class 1 club	10
	Class 2 club	5
	Class 3 club	2

+

Licence type	Latest trading hour allowed by licence	Weighting
On-licence or club licence	2:00am or earlier	0
	Between 2:01am and 3:00am	3
	Any time after 3:00am	5
Off-licence (excl. remote sales premises)	10:00pm or earlier	0
	Any time after 10:00pm	3
Remote sales premises	Not applicable	0

+

Licence type	Number of enforcement holdings in last 18 months	Weighting
All licence types	None	0
	1	10
	2 or more	20

=

Your weighting:

Definitions

Class 1 restaurants – restaurants with a significant separate bar area which, in the opinion of Hamilton City Council, operate that bar at least one night a week in the nature of a tavern, such as serving alcohol without meals to tables situated in the bar area.

Class 2 restaurants – restaurants that have a separate bar (which may include a small bar area) but which, in the opinion of Hamilton City Council, 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, in the opinion of Hamilton City Council, are large clubs (with 1,000 or more members of purchase age) and which, in the opinion of Hamilton City Council, operate in the nature of a tavern (for example a large working men's club, combined clubs, or large 'cossie' clubs).

Class 2 clubs – clubs which do not fit class 1 or class 3 definitions (for example larger sports clubs, medium sized RSAs, many provincial social clubs).

Class 3 clubs - clubs which, in the opinion of Hamilton City Council, are small clubs (with fewer than 250 members of purchase age) and which operate a bar for 40 hours or less per week (for example small sports clubs like bowling clubs, golf clubs, bridge clubs, and small RSAs).

Enforcement – 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.

Application Fee for a variation / cancellation application

The licensing system has five fee categories, which reflect the range of cost/risk ratings. A premises' fee category determines the application fee that the licensee has to pay.

Total weighting	Fee category
0-2	Very Low
3-5	Low
6-15	Medium
16-25	High
26+	Very High

In addition to the application fee, applicants are required to pay an \$122.00 administration fee to cover public notification of the application.

All fees below are GST inclusive.

Fee category	Total application fee
Very Low	\$615.35
Low	\$938.50
Medium	\$1215.65
High	\$1493.95
Very High	\$1740.05

Annual Fee

The Act also introduces an annual fee for all licences. The annual fee is due before the licence is issued (for new licences) and then every year on the licence anniversary date. The amount of the annual fee you pay will be determined on the fee category and risk rating at the day the annual fee is due. You will receive a reminder that your annual fee is due in the mail prior to the due date. All fees below are GST inclusive.

Fee Category	Annual Fee
Very Low	\$216.20
Low	\$524.40
Medium	\$847.55
High	\$1,386.90
Very High	\$1,926.25

Please note that it is Hamilton City Council that determines the final application and annual fees so you may be charged further fees before your licence is granted.

If you need assistance calculating your fees, please contact us on the details below.

Contact us:

Phone: (07) 838 6633

E-mail: licensing@hcc.govt.nz

Website: www.hamilton.govt.nz/alcohol

Location: Hamilton City Council - Ground Floor, Garden Place, Hamilton