

Guidance Notes for Objections to Alcohol Licensing Applications

This page answers frequently-asked questions about objections to applications for liquor licences.

If you have any further questions, please contact a Licensing Inspector on Ph. 03 319 7026.

Who can object to an application for an alcohol licence?

A person may object to the grant of a licence only if he or she has a greater interest in the application for it than the public generally. You would be considered to have a greater interest if you lived close to the proposed premises, operated a business or organisation close to the premises, or had some other close connection with the proposed premises.

When must an objection be made?

An objection must be in writing and be received by the licensing committee within 15 working days after the first publication of the public notice.

Public Notices of alcohol licence applications can be found at www.tasman.govt.nz. A notice is also displayed on the premises or site.

On what grounds can an objection be made?

An objection can only be made in relation to the matters listed in section 105 of the Sale and Supply of Alcohol Act 2012 for new licences, or Section 132 of the Act for renewals. These are;

1. the object of this Act:
2. the suitability of the applicant:
3. any relevant local alcohol policy:
4. the days on which and the hours during which the applicant proposes to sell alcohol:
5. the design and layout of any proposed premises:
6. whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:
7. 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:
8. the affect on the amenity and good order of the locality
9. whether the applicant has appropriate systems, staff, and training to comply with the law.

For renewal applications, there is an additional criteria under Section 131 (1)(d):

– the manner in which the applicant has sold (or as the case may be sold and supplied), displayed, advertised or promoted alcohol.

What is the Object of the Sale and Supply of Alcohol Act 2012?

The Object of the Act is that “the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.”

What is meant by the amenity and good order of the locality?

When considering the impact of a licence application on the amenity and good order of the locality, the committee will have regard to current and possible future noise levels, nuisance and vandalism, and the number of premises for which licences of the same kind are already held. For new applications the committee will also consider the compatibility of the purposes for which land near the premises concerned is used, and the purposes for which those premises will be used if the licence is issued.

Is commercial competition a valid ground for objection?

No, the committee must not take into account any prejudicial effect that the issue of the licence may have on any other licensed business.

Are anonymous objections accepted?

No, we need to identify the person objecting so we can establish whether they have a greater interest than the public generally and therefore whether it is a valid objection. Anonymous objections cannot be accepted as valid.

Is my objection confidential?

No, a copy of your objection has to be provided to the applicant, so your identity and the details of your objection are not confidential.

What happens if I make an objection?

A copy of any objections received are given to the applicant, and the Licensing Inspector may discuss them with the applicant. Sometimes the applicant will offer to make changes to appease the objectors, such as reducing hours or changing aspects of the business. If this occurs, objectors will be contacted to see if they agree to the changes and wish to withdraw their objection, or if they continue to object. If no agreement is reached and the application continues to be objected, it will go to a public hearing. The District Licensing Committee of three members will hear the matter. The objectors and the applicants will be invited to attend and state their case, and the Committee will then deliberate and decide whether to grant or decline the application, or what conditions should be imposed on the licence.