



Guidance Notes for Objections

Information on how to make your objection

Who can object to an application for an alcohol licence?

Anyone can object to licence applications. However, there are exceptions for trade competitors and their surrogates.

Trade competitors cannot object if their objection is about trade. A trade competitor is a person holding an alcohol licence, regardless of whether they actually sell alcohol or where they sell it.

Surrogate trade competitors also cannot object. A surrogate is a person receiving, or likely to receive, direct or indirect help from a trade competitor to object to an application.

Objections need to be based on the licensing criteria set out in the Act.

When must an objection be made?

An objection must be in writing and be received by the licensing committee within **25 working days** after the first publication of the public notice. Public Notices of alcohol licence applications are listed in the Public Notices section. A notice is also displayed on the premises or site.

When referring to **working day** this means a day of the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) a day in the period commencing on 20 December in any year and ending with 15 January in the following year.

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 131 of the Act for renewals. These are:

- the object of this Act
- the suitability of the applicant
- any relevant local alcohol policy
- the days on which and the hours during which the applicant proposes to sell alcohol
- the design and layout of any proposed premises
- 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
- 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

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- the affect on the amenity and good order of the locality, and
 - 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 grounds 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 five 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.