

Sale and supply of alcohol

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Policy statement and principles

The [Sale and Supply of Alcohol Act 2012](#) (the Act) covers the safe and responsible sale, supply, and consumption of alcohol and the minimisation of harm caused by its excessive or inappropriate use.

The key, critical points for staff to note are:

- Frequently used legal definitions.
- What powers Police have with regard to enforcing provisions of the Act.
- Common offences for licensees and managers.
- The law regarding unlicensed premises.

What

This chapter covers your duties, powers and responsibilities under the [Sale and Supply of Alcohol Act 2012](#) (the Act). It outlines the main offences against the Act, and details procedures for conducting compliance checks of licensed premises and dealing with licensees and managers.

Police employees should inspect licensed premises to check compliance with the Act and to ensure that licensees and managers are meeting their responsibilities. At section 4 the Act states:

4 Object

(1) The object of the Act is that:

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- (2) For the purposes of subsection (1), 'harm' caused by the excessive or inappropriate consumption of alcohol includes:
- (c) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
 - (d) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

Why

Proactive Police enforcement of licensed premises, alcohol bans and consumption of alcohol in un-licensed premises and areas is a vital tool to prevent the harms associated with excessive or inappropriate alcohol consumption. Alcohol is a contributing factor in many incidents and offences that police attend on a daily basis. For example:

- 27% of fatal accidents involve alcohol.
- 31 % of family harm jobs attended by police involve alcohol.
- Alcohol is the predominant driver of disorder across the country on weekends.

How

Armed with the knowledge that this chapter supplies, Police are able to prevent alcohol related harm in their communities. Action can be as simple as enforcing an alcohol bans or intervening in street disorder through to conducting thorough and professional compliance checks at licensed premises. A team of about 80 full-time or part-time Alcohol Harm Prevention Officers throughout the country regularly receive intelligence and information regarding alcohol offending. They are the main users of the enforcement provisions of the Act and should be the only Police taking matters to the Alcohol Regulatory and Licensing Authority. All Police have a role to play in preventing alcohol related harm, and the information in this chapter provides an overview and explanation of the relevant legislation.

Offences

Table of offences

Download the table of offences (below) under the [Sale and Supply of Alcohol Act 2012](#) (Act) in relation to alcohol.

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 [SASA - Table of sale of liquor act offences.doc](#)

102.5 KB

Definitions

Term	Definition
Alcohol	<p>'Alcohol' - means a substance:</p> <ul style="list-style-type: none"> a. that: <ul style="list-style-type: none"> i. is or contains a fermented, distilled, or spirituous liquor, and ii. at 20` C is found on analysis to contain 1.15% or more ethanol by volume; or b. that: <ul style="list-style-type: none"> i. is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and ii. is alcohol (within the meaning of paragraph (a)) when completely thawed to 20` C; or c. that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people (s5).
Alcohol Regulatory and Licensing Authority	Alcohol Regulatory and Licensing Authority means the Alcohol Regulatory and Licensing Authority constituted by section 169(1) of the Act. (s5)
Allowed	<p>'Allowing' implies knowledge, but the knowledge need not be actual. <i>Bailey v Pratt</i> (1902) 20 NZLR 758</p> <p>Furthermore, it "...connotes permission amounting to connivance at what was going on and not mere carelessness".</p> <p><i>Columbus v Police</i> (1967) NZLR 400</p> <p>Mere carelessness on the part of staff would not be sufficient to convict the licensee/manager in the absence of connivance.</p> <p><i>Police v Harford</i> (unreported, District Court Auckland, CRN 200 4016800-5, McElrea J)</p>
Bar	<p>'Bar' in relation to a <i>hotel</i> or <i>tavern</i> (see definitions below), includes any part of the hotel or tavern that is used principally or exclusively for the sale, supply or consumption of alcohol (s5).</p> <p>In terms of section 255, areas in restaurants and nightclubs can become bars by usage. <i>Hayford v Police</i> (unreported, High Court Christchurch, 16 October 1992, AP 254/92, Tipping J)</p> <p>'Nightclub' is not defined in the Act, but the term is still used in practice. They are an on-licence and should be considered taverns.</p>
Club	<p>'Club' means:</p> <ul style="list-style-type: none"> - any chartered club, or - any club that has as its object, or as one of its objects, participating in or promoting any sport or other recreational activity, otherwise than for gain, or - any other voluntary association of persons (whether incorporated or not) combined for any purpose other than gain (s5).
Conveyance	'Conveyance' means any ship, ferry, aircraft, hovercraft, train, coach or other vehicle used for the transport of persons (s5).
Approved Evidence of Age Document	<p>'Approved Evidence of Age System' means a system of a kind approved by regulations made under the Act for the purposes of this definition.</p> <p>'Using an approved evidence of age system in the approved manner' means using an approved evidence of age system in the manner for it by the regulations that approved the system.</p>
Guardian	For the purposes of this Act, a person is a minor's 'guardian' only if he or she is guardian by virtue of the Care of Children Act 2004. (s246)

Term	Definition
Hotel	'Hotel' means any premises used or intended to be used in the course of business principally for the provision to the public of lodging, alcohol, meals and refreshments for consumption on the premises. (s5)
Infringement fee	<p>Infringement fee, in relation to an infringement offence, means such amount, not exceeding \$1000, as is prescribed by the regulations (section 260).</p> <p>Note: The infringement fee under the Sale and Supply of Alcohol Act 2012 is set by regulation at up to \$1000.</p>
Infringement offence	'Infringement offence' means an offence under section 260.
Intoxicated	<p>The word intoxication involves "some degree less than absolute incapacity from drunkenness" - <i>Brown v Bowden</i> (1900) 19 NZLR 98.</p> <p>'Intoxicated' means observably affected by alcohol, other drugs, or other substances (or a combination of two or all of those things) to such a degree that two or more of the following are evident:</p> <ul style="list-style-type: none"> (a) appearance is affected. (b) behaviour is impaired. (c) co-ordination is impaired. (d) speech is impaired.
Licensed premises	'Licensed premises' means any premises for which a licence is held. (s5)
Liqueur	'Liqueur' means a substance, produced by flavouring or mixing spirit with other foods, that contains more than 15% ethanol by volume measured at 20°C. (s5)
Principal entrance	'Principal entrance', in relation to any licensed premises, means an entrance to the premises designated as the principal entrance by the licensing authority or licensing committee concerned when the licence was issued. (s5)
Restricted area	<p>'Restricted area':</p> <ul style="list-style-type: none"> (a) means an area that is designated (under section 119 or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted; and (b) in relation to any licensed premises or the licensee or a manager of any licensed premises, means an area of those premises that is designated (under this Act or a former licensing Act) as an area to which minors must not be admitted. <p>(s5)</p>
Sold	<p>The meaning of 'sale' under the Act is wider than under the Sale of Goods Act 1980.</p> <p>A bottle of wine given away with a meat purchase was held to be a transaction in the nature of a sale. <i>Attorney General (Police) v L D Nathan and Co Ltd</i> (1990) 1 NZLR 129</p> <p>Wine that is not listed on the menu but nonetheless supplied with the meal is deemed to be 'sold' and not a gift. <i>Abley v Crosaro</i> (1946) VLR 53</p> <p>It is not necessary for the prosecution to prove that any money changed hands or any alcohol was actually consumed, if the court is satisfied that a transaction in the nature of a sale actually took place or that any consumption of alcohol was about to take place. s274</p> <p>See 'Proving sale or consumption'.</p>

Term	Definition
Spirit	'Spirit' means a potable alcohol distillate, including whisky, brandy, rum, gin, vodka, and tequila that contains at least 23% ethanol by volume measured at 20°C, produced by distillation of fermented liquor derived from food sources, so as to have taste, aroma, and other characteristics generally attributable to that particular spirit. (s5)
Supervised area	<p>'Supervised area' means:</p> <p>(a) an area that is designated (under section 119 or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian; and</p> <p>(b) in relation to any licensed premises or the licensee or a manager of any licensed premises, means an area of those premises that is designated (under this Act or a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian.</p> <p>(s5)</p>
Tavern	<p>'Tavern':</p> <p>(a) means a premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; and</p> <p>(b) does not include an airport bar.</p> <p>(s5)</p>

Licensee offences

Charging licensees and managers

The person charged with these offences must be the licensee or manager of the premises, i.e. the person legally responsible. Note that a licensee can be a company or some other legal entity. Under section [275](#), licensees are not criminally responsible for offences committed by managers unless the licensee is a party to the offence. This defence is only available for offences proceeded by way of a charging document filed in the district court, not a breach of the Act proceeded by way of an application to the Alcohol Regulatory and Licensing Authority (the Authority). The Authority commented in *Burr v Trust House Limited*, PH563/2007:

We accept that this section does not apply to enforcement proceedings before us. The words “for an offence” and “defendant” and “prosecution” give a clear indication that such proceedings are in the nature of summary proceedings in the District Court.

See further information on '[Prosecuting and convicting licensees and managers](#)'.

Allowing offence

All 'allowing' offences require that the prosecution prove [mens rea](#). (See *Leonard Patrick Hunter v Police* (unreported, High Court Auckland, 19 April 1993, AP 36/93, Thomas J.). In *Hunter*, the point was made that the sale of alcohol may be said to be allowed where the acts of the licensee or manager are acts of omission or default.

For example, the licensee or manager permits sale of alcohol on premises with poor lighting where no barman acting responsibly could reasonably be expected to tell whether the patrons being served were underage or not. In that case, the manager or licensee has accepted a situation or conditions in which they have 'allowed' sales that are contrary to the Act.

Alternatively, *Hunter* could have been charged with the strict liability offence of 'selling' rather than 'allowing the sale'. See '[Mens rea](#)'.

Licensee offences	Explanation
Permitting minors to be in restricted areas or supervised areas	<p>You must prove the identity of the suspect and that they were the licensee or manager of a licensed premises, and allowed a person under 18 (minor) to enter or remain in a restricted or supervised area contrary to section 244 of this Act. (s245).</p> <p>Section 244(4) describes the circumstances in which minors are allowed in restricted or supervised areas.</p> <p>Defences</p> <p>In any proceedings for an offence against subsection (1) in respect of allowing a person (the customers) to enter or remain in a restricted area or supervised area, it is a defence if the defendant proves that the defendant, or an agent or employee of the defendant, verified the customer's age using an approved evidence of age system in the approved manner. s245(4)</p>

Licensee offences	Explanation
Being on licensed premises outside licensing hours	<p>A person commits an offence who on any day is found in any part of any licensed premises, other than club premises, that is used principally or exclusively for the sale, supply, or consumption of alcohol, at any time that:</p> <ul style="list-style-type: none"> a. is not a time when a special licence applies to the premises; and b. is not between 6 am and the time when the next period of permitted trading hours for the premises begins; and c. is: <ul style="list-style-type: none"> 1. more than 30 minutes after the premises are required to close for the sale of alcohol; or 2. a time when the premises are required to be closed for the sale of alcohol. <p>You must prove the identity of the suspect and that they were the licensee or manager of a licensed premises, other than club premises, and allowed any person other than a person listed in section 255(3) to be:</p> <ul style="list-style-type: none"> - in any part of the premises that was used principally or exclusively for the sale, supply or consumption of alcohol - on the premises at any time later than 30 minutes after it was required to be closed for the sale of alcohol, or - on the premises at any other time when it was required to be closed for the sale of alcohol. <p>ss255 and 256.</p> <p>The prosecution must prove that the relevant part of the premises was used principally or exclusively for the sale, supply or consumption of alcohol during the period of the offence. "It matters not whether alcoholic liquor is being sold, supplied, or consumed at the time when the person is found on the relevant part of the premises." <i>Hayford v Police</i> (unreported, High Court Christchurch, 16 October 1992, AP 254/92, Tipping J)</p> <p>If patrons do not leave within the required time, the licensee can invoke the provisions of the Trespass Act 1980. See the 'Trespass' chapter of the Police Manual.</p> <p>Restaurants and bars</p> <p>Sections 255 and 256 apply to restaurants and nightclubs/bars.</p> <p>In determining whether the relevant part of the premises was used principally or exclusively for the sale, supply or consumption of alcohol, the general use of the area is what is important not the use at the time. Therefore, an area generally used as a bar is a bar. <i>Hayford v Police</i> (unreported, High Court Christchurch, 16 October 1992, AP 254/92, Tipping J)</p> <p>Staff on premises</p> <p>The exemption to 255 for an employee (S. 255(3)(f)) allows an employee to be on licensed premises up to 60 minutes after their work hours have finished. It needs to be determined when a particular employee has finished work, as a bar person could finish at a different time to a cleaner.</p>
Allowing a person to become intoxicated	<p>You must prove the identity of the suspect and that they were the licensee or manager of a licensed premises, and allowed a person to become intoxicated on those premises. (s249)</p> <p>The intoxication must have developed on the licensed premises. There are no exemptions to this section. For details, see 'Proving whether the premises were licensed'.</p> <p>On conviction</p> <p>If the suspect is convicted of this offence, you must send a report to the Licensing Authority in accordance with section 281. For details of what the report must cover, see 'On conviction of licensees and managers'.</p>

Licensee offences	Explanation
Allowing drunkenness or disorderly conduct on licensed premises	<p>The licensee or a manager of any licensed premises who allows an intoxicated person to be or remain on the licensed premises commits an offence. s252(1)</p> <p>Defence</p> <p>It is a defence to a charge under subsection (1) if the defendant satisfies the court that, as soon as the defendant or any employee of the licensee became aware of the situation, reasonable steps were taken in respect of the intoxicated person concerned, either:</p> <ul style="list-style-type: none"> a. to take the person to a place of safety on the licensed premises; or b. to remove the person from the licensed premises. s252(3) <p>The licensee or a manager of any licensed premises who allows any violent, quarrelsome, insulting, or disorderly conduct to take place on the licensed premises commits an offence. s253(1)</p> <p>You must prove the identity of the suspect and that they were the licensee or manager of a licensed premises, and allowed any:</p> <ul style="list-style-type: none"> - intoxicated person to be on, or remain on, the licensed premises, or - violent, quarrelsome, insulting or disorderly conduct to take place on those premises. <p>See details on 'Proving whether the premises were licensed'.</p>
Employment of minors	<p>A licensee of any licensed premises who employs a minor in any capacity in any restricted area on the premises while that area is open for the sale of alcohol commits an offence. s242(1)</p> <p>You must prove the identity of the suspect and that they were the licensee of a licensed premises, and employed a person under 18 in any capacity in any restricted area of the premises while that area was open for the sale of alcohol.</p> <p>Note: Do not charge an individual as the licensee if the licensee is a limited liability company.</p> <p>Exemptions</p> <p>Subsection (1) does not apply to the employment in a restricted area of any person for the purpose of:</p> <ul style="list-style-type: none"> a. preparing or serving a meal; or b. cleaning, repairing, maintaining, altering, or restocking the area or any equipment in the area; or c. removing or replacing any equipment; or d. stocktaking; or e. checking or removing cash. <p>s242(3)</p>
Employment of minors	<p>Bar and door staff are not exempt from this section. Waiters and waitresses are exempt if they are preparing or serving a meal, but not if they are serving alcohol. They cannot remain on the premises when they are not engaged in preparing or serving food. Consider prosecution under section 242.</p> <p>There is no offence for employing a minor in an undesignated area.</p>
Closure of licensed premises by Police	See below comments on sections 265 and 266, closure of premises.

Licensee offences	Explanation
Irresponsible promotion of alcohol	<p>A person commits an offence if, in the course of carrying on a business, that person:</p> <p>(a) does anything that encourages people, or is likely to encourage people, to consume alcohol to an excessive extent, whether on licensed premises or any other place.</p> <p>s237(1)(a)</p> <p>This section is aimed at promotions of any event or activity that encourage people to consume alcohol to an excessive extent. It is not aimed at 'happy hours', when prices are reduced. Note that the applicability of this section is not limited to managers or licensees; it applies to any person in any place.</p> <p>Police, HANZ and HPA have joint guidelines around promotions. The following reference guides are useful documents:</p> <ul style="list-style-type: none"> - Promotions on-licence premises - Promotions on off-licensed premises
Power of Police to demand information	<p>A constable who has reasonable cause to suspect that any person has committed or is committing or is attempting to commit any offence against the Act may require the person to provide particulars of their name and address and date of birth. s269(1)</p> <p>A constable who believes on reasonable grounds that any particulars provided on requirement under subsection (1) are false may require the person concerned to provide satisfactory evidence of the particulars. s269(2)</p> <p>If any person, without reasonable excuse, refuses or fails to provide any particulars or evidence when required to do so by a constable under this section, and persists in refusing or failing after being cautioned by the constable, they may be arrested, without warrant, by any constable. s269(3)</p>

Licensee offences	Explanation
Sale or supply of alcohol to people under purchase age on or from licensed premises	<p>A licensee or manager of any licensed premises who sells or supplies alcohol, or allows alcohol to be sold or supplied, on or from the licensed premises to any person who is under the purchase age commits an offence. s239(1)</p> <p>It is not an offence to sell or supply alcohol to a person who then supplies it to a minor, unless it is proved that the original supplier knows, or has reasonable grounds to believe, that the alcohol is intended for that minor.</p> <p>s239(8)</p> <p>Mens rea</p> <p>The charge of 'allowing liquor to be sold or supplied' requires the prosecution to prove mens rea. However, the offence of 'selling liquor to a minor' is a strict liability offence. It "gives rise to both absolute and vicarious liability". <i>Leonard Patrick Hunter v Police</i> (unreported, High Court Auckland, 19 April 1993, AP 36/93, Thomas J)</p> <p>It is therefore preferable to charge the licensee or the manager with the offence of 'selling' rather than using the 'allowing' provision. However, if the sale was made by a barperson, the barperson will be charged with 'selling' and the licensee/manager with 'allowing'.</p> <p>Note that, in respect of 'allowing' (see allowed under Definitions), simple carelessness or negligence will not suffice. <i>Leonard Patrick Hunter v Police</i> (unreported, High Court Auckland, 19 April 1993, AP 36/93, Thomas J)</p> <p>Defence</p> <p>In any proceedings for an offence against subsection (1) or (2) in respect of selling or supplying alcohol, or allowing alcohol to be sold or supplied, to a person (the customer), it is a defence if the defendant proves that:</p> <ol style="list-style-type: none"> before or at the time of the sale or supply of alcohol concerned, there was produced to the person who sold or supplied the alcohol a document purporting to be an approved evidence of age document; and the person believed on reasonable grounds that the document: <ol style="list-style-type: none"> was an approved evidence of age document; and related to the customer; and indicated that the customer was not under the purchase age; and the person reasonably believed that the customer was not under the purchase age. <p>Exemptions</p> <p>Section 239(1) and (2) does not apply to the supply of alcohol on licensed premises (other than a restricted area) to a person under the purchase age if:</p> <ul style="list-style-type: none"> - (a) the person is accompanied by their parent or guardian; and - (b) the alcohol is supplied by their parent or guardian. <p>s240</p> <p>For the purposes of the Act, a person is a minor's 'guardian' only if they are a guardian by virtue of the Care of Children Act 2004.</p> <p>In a supervised area, a barperson cannot supply alcohol directly to a minor. It must be supplied directly to the parent or guardian who can then supply it to the minor. Under section 241, it is an offence for a minor to purchase alcohol. This applies in all parts of the premises whether restricted supervised or undesignated.</p> <p>On conviction</p> <p>If the suspect is convicted of this offence, you must send a report to the Alcohol Regulatory and Licensing Authority in accordance with section 281. For details of what the report must cover, see 'On conviction of licensees and managers'.</p>

Licensee offences	Explanation
Sale and supply of alcohol to intoxicated people	<p>You must prove the identity of the suspect and that they were the licensee or manager of a licensed premises and sold or supplied alcohol to any other person who was already intoxicated. s248(1).</p> <p>If a licensee turns their back to what they know or suspect is going on, this is connivance and enforcement action against the licensee should be considered. However, simple carelessness or negligence on the part of the licensee or their employees might be sufficient to establish liability. Glennie v McGlynn (1958) NZLR 344, 348</p> <p>If a bar attendant sells or supplies alcohol to an intoxicated person then the licensee or manager can be liable under sections 248 and 249 for allowing a person to become intoxicated if they know the selling or supplying offence is occurring.</p> <p>"...If one person orders and pays for several drinks for the enjoyment of himself and his friends all being present at the same time, the barman, having accepted the order, may be held to have supplied liquor to each member of the party".</p> <p>Budd v Police (1966) NZLR 629, 633</p>
Sales of spirit in vessel exceeding 500ml	<p>You must prove the identity of the suspect and that they were the licensee or manager of a licensed premises and sold or supplied spirits to any person in a drinking vessel with a capacity exceeding 500mls for consumption on those premises. s254(1)</p> <p>Note: The charge is rarely brought.</p> <p>Refer to <i>Police v Smith</i> (unreported, District Court Napier, 8 July 1994, CRN 3041010265) at para 169.02(3) of Dormer, Sherriff, Crookston: <i>Sale of Liquor</i>.</p> <p>Spirit</p> <p>See 'Definitions'.</p> <p>Drinking vessel</p> <p>A drinking vessel with a capacity of 500mls is the 'pint' glass currently used in bars. The term 'glass' in the section heading is not meant to preclude the use of cups or mugs. The purpose of the section is to stop bars from selling spirits in containers that hold more than 500mls and most typically relates to the selling of bottles of spirits to patrons in an on-licensed premises. When an on-licensed premises also has an off-licence care will need to be taken to establish what the seller understood when they made the sale. That a customer then decided to drink alcohol from a spirit bottle while on the premises does not make the earlier supply illegal.</p> <p>Refer to <i>Police v Smith</i> (unreported, District Court Napier, 8 July 1994, CRN 3041010265).</p> <p>Exemption</p> <p>It is not an offence to sell or supply spirits to a lodger for consumption in that part of the licensed premises where the person resides. s254(3)</p>

Licensee offences	Explanation
Unauthorised sale or supply	<p>A person who is the licensee or manager of any licensed premises must take all reasonably practicable steps to ensure that the licensee does not do any of the following things without the authority of this Act:</p> <ul style="list-style-type: none"> a. sell or supply alcohol on the premises for consumption there; or b. let people consume alcohol on the premises; or c. sell or supply alcohol on the premises for consumption somewhere else. <p>s247.</p> <p>This section is aimed at after-hours trading, but also applies to the sale or supply of alcohol outside the conditions of the licence.</p> <p>The licensee or manager is vicariously liable if the alcohol is sold or supplied by an employee acting in the scope of their employment.</p> <p>Section 214 requires that the licensee or a manager be on duty at all times.</p> <p>Sold or supplied</p> <p>The alcohol is sold or supplied at the time the sale is completed. No offence is committed if alcohol paid for during trading hours is collected from the licensed premises outside those hours.</p> <p>Police v Matheson [1989] 3 NZLR 682</p> <p>For further details on proving 'the sale of alcohol'.</p> <p>On conviction</p> <p>If the suspect is convicted of this offence, you must send a report to the Alcohol Regulatory and Licensing Authority in accordance with section 281. For details of what the report must cover, see 'On conviction of licensees and managers'.</p>
Licensee's offences in respect of manager	<p>Under section 258(1), a licensee who fails, without reasonable excuse, to do any of the following commits an offence:</p> <ul style="list-style-type: none"> a. appoint a manger as required by section 212 or 213; b. ensure section 214 is complied with; c. comply with section 231.

Non-licensee offences

For details on charging minors and on minor offence notices, see '[Minors](#)' and '[Fake or fraudulently presented evidence of age documents](#)' chapters.

Being on licensed premises outside licensing hours

You must prove the identity of the suspect and that they were found in any part of any licensed premises other than club premises that was used principally or exclusively for the sale, supply or consumption of alcohol at any time later than 30 minutes after the premises were required to close for the sale of alcohol, or at any other time when the premises were required to be closed for the sale of alcohol. [s255\(1\)](#)

This section does not apply to any person found on any premises where an on-licence is in force, if a special licence is also in force and the person's presence is justified under it. [s255\(3\)&\(4\)](#)

It is not an offence for a licensee's employee, who does not live on the licensed premises, to be on the premises up to one hour after employment has ceased. [s255\(3\)\(f\)](#)

This subsection reinstates the old provision of a licensee employee being allowed to have a drink up to one hour after finishing work.

See '[Burden of proof](#)' and '[Prosecutions](#)' later in this chapter.

Restaurants, bars and nightclubs

The section applies to restaurants, bars and nightclubs, any part of the premises that is being used principally and exclusively for the consumption of alcohol. [s5](#)

It is not an offence to consume alcohol in restaurants after hours if the alcohol was purchased during licensed hours as long as the person is not found in an area of the restaurant used principally or exclusively for the sale of alcohol. The decision in [Hayford v Police](#) (unreported, High Court Christchurch, 16 October 1992, AP 254/92, Tipping J) makes it clear that the section does apply to a bar in a restaurant. The general use of the area where the person is found is what is important, not the use at the time. Therefore, an area generally used as a bar is a bar at all times.

Closing the premises

You cannot require the premises to be closed except in circumstances listed in sections [265](#) and [266](#) and then only when the following circumstances exist on the licensed premises:

- A riot is taking place or reasonable grounds for believing one may occur
- Fighting or serious disorder or reasonable grounds to believe it is about to break out
- Significant threat to public safety
- Conduct of the premises amounts to substantial public nuisance
- Reasonable grounds for believing offences with a penalty of five years or more have been committed and there is a risk of further offences being committed.

These powers are rarely used and should only be implemented after consultation with the [DCC](#). Consideration must be given to the effect of patrons leaving the premises en masse and the ability of police to deal with them in a public place.

However, if a restaurant or club were selling alcohol and allowing patrons to remain after hours then you can consider applying to have the licence cancelled or suspended ([s280](#)). The Alcohol Regulatory and Licensing Authority has indicated that licensees engaging in such conduct would be deemed unsuitable to hold a licence.

Should the manager or licensee fail to close after being caught as above then this would be considered aggravating circumstances in the application to suspend/cancel to the Authority.

It is not an offence to be on licensed premises outside licensing hours if the person is:

- a. the licensee
- b. the licensee's spouse, civil union partner, or de facto partner
- c. a manager
- d. a manager's spouse, civil union partner, or de facto partner
- e. a member of the immediate family of the licensee or a manager
- f. an employee of the licensee who does not live on the premises, during the hours they are employed to work on the premises, and for 60 minutes after those hours have ended
- g. a person who is the agent of the licensee, or acting under a contract with the licensee or a manager, and has the authority of the licensee or a manager to enter the premises:
 - 1. to clean, repair, or restock the premises (or any equipment in them); or
 - 2. to check or remove cash
- h. a person who has the authority of the licensee or a manager to enter the premises to remove equipment (for example, band equipment)
- i. an employee of the licensee who lives on the premises
- j. a person who lodges on the premises
- k. a genuine guest of a person described in paragraph (i) or (j) while that person is on the premises.

Making false representation to licensee

You must prove the identity of the suspect and that they [falsely represented an evidence of age document](#) in writing or otherwise to the licensee, manager or their employee and that they were the person to whom alcohol can be sold under the licence.

[s257](#)

This false representation does not exempt the licensee from liability under section [245](#) unless the licensee proves that they sighted an evidence of age document.

It is rare to prosecute this offence because it is difficult to prove identity. In six to twelve months after the offence the licensee, manager or the employee taking the declaration can rarely identify the person who made it, even if this could be done on the night of the offence. If a licensee uses a declaration form, there is usually a bundle of these for each night. Witnesses are usually unwilling to give evidence, and staff turnover is usually so high that it is difficult to get witnesses to court.

Minor in restricted or supervised area

You must prove the identity of the suspect and that they were [under 18](#) and was found in any restricted or supervised area on any licensed premises.

[s244\(1\)](#)

It is not an offence for a minor to be in a supervised area if they are:

- accompanied by their parent or guardian ([s244\(2\)](#)).
- an employee or agent of the licensee or a person acting under a contract with the licensee or a manager, and who is in the restricted area or supervised area for the purpose of:
 - cleaning, repairing, maintaining, altering or restocking the area or any equipment in the area, or removing or replacing any such equipment
 - carrying out stocktaking
 - checking or removing cash
 - preparing or serving any meal, or
 - selling or supplying alcohol (supervised area only).

[s244\(4\)](#)

See 'Burden of proof' and 'Prosecutions' later in this chapter.

Minor purchasing alcohol

You must prove the identity of the suspect and that they were [under 18](#) and purchased any alcohol on or from any licensed premises.

[s243\(1\)](#)

This offence should be considered when minors have purchased alcohol and are found in possession of alcohol away from licensed premises and there is proof of purchase. It is not an offence under this section for a minor to consume or be in possession of alcohol.

However, a minor drinking in a public place is covered by section [38](#) of the Summary Offences Act 1981. An infringement notice (Police 1030) can be issued for this offence.

See 'Burden of proof' and 'Prosecutions' later in this chapter.

Purchasing alcohol for a minor

You must prove the identity of the suspect and that they purchased or acquired any alcohol on or from any licensed premises with the intention of supplying any or all of it to a person [under 18](#).

[s241\(1\)](#)

A person can be charged under this section whether or not the licensee or manager of the premises, or any other person, is liable for selling or supplying alcohol to a person under 18 years.

[s241\(5\)](#)

It is not an offence to purchase or acquire alcohol for a person who then supplies it to a minor, unless it is proved that the original supplier knew, or had reasonable grounds to believe, that the alcohol was intended for that minor.

[s241\(3\)](#)

Defence

It is a defence to a charge under section [241\(1\)](#) if the person supplying the alcohol (the supplier):

- a. is a parent or guardian of the minor, and supplies the alcohol in a responsible manner; or
- b. believes on reasonable grounds that the minor is not a minor; or
- c. believes on reasonable grounds that subsection (7) applies to the minor, and supplies the alcohol in a responsible manner; or
- d. believes on reasonable grounds that they have the express consent of the parent or guardian of the minor, and supplies the alcohol in a responsible manner.

[s241\(3\)](#)

The Court may take a number of other factors into consideration when dealing with a matter under subsection (3)(a), (c) or (d).

[s241\(4\)](#)

However, if the supply takes place in an undesignated area and the recipient is under 18 and not consuming a meal, the licensee is not exempt and could be charged under section [239\(1\)](#) with supplying alcohol to a person under purchase age, unless the licensee proves that they sighted an evidence of age document.

Social gathering

Case law has held that the social gathering must not be primarily for the consumption of alcohol. The people attending must be the promoters of and participants in the gathering, and their invited guests. *Fitzroy Tavern* (unreported, Magistrates Court New Plymouth, 2 December 1977)

See '[Burden of proof](#)' and '[Prosecutions](#)' later in this chapter.

Refusing or failing to admit officer to licensed premises

You must prove the identity of the suspect and that they without reasonable excuse, refused or failed to admit within a reasonable time any Police employee demanding entry under section [267\(1\) and \(2\)](#).

[s267](#)

It is more common for the suspect to be charged with obstruction under section [23](#) of the Summary Offences Act 1981. If you use section 23, you have power of arrest.

Refusing or failing to supply particulars

You must prove the identity of the suspect and that they were required by a Police employee to supply particulars or evidence under

section [269](#), and without reasonable excuse refused or failed to supply them, or supplied them with [particulars or evidence](#) knowing they were false.

[s269](#)

To have demand the particulars, you must have suspected the person of an offence under the Act. See [Power of Police to demand information](#)'.

If any person, without reasonable excuse, refuses or fails to supply any particulars or evidence when required to do so and persists in that refusal or failure after being cautioned, you can arrest that person without warrant.

[s269\(3\)](#)

Selling alcohol while closure order is in force

You must prove the identity of the suspect and that they sold any alcohol on or from any licensed premises to which a closure order under section [265\(5\)](#) or section [266\(8\)](#) applied.

Section [266](#) applies in the following circumstances:

- a. if a riot is taking place or there are reasonable grounds for believing that a riot may occur on any licensed premises; or
- b. if there is fighting or serious disorder or there are reasonable grounds for believing that fighting or serious disorder is about to break out on any licensed premises; or
- c. if there is a significant threat to public health or safety; or
- d. if the conduct on any licensed premises amounts to a substantial public nuisance; or
- e. if there are reasonable grounds for believing offences have been committed on the premises that carry a maximum penalty of five years or more and there is a significant risk of further such offences being committed on the premises if the premises remain open.

Note: Under section [265](#), a Police constable can ask a District Court Judge or any two or more Justices or any one or more Community Magistrates to order the closure of a licensed premises if a riot occurs, or there are reasonable grounds for believing that a riot may occur, in any place.

Any constable may use any force that may be necessary for the purpose of closing any licensed premises to which the order applies.

[s265\(3\)](#)

The licensee or manager of any licensed premises to which the order applies who keeps the premises open for the sale of alcohol in contravention of the order commits an offence and is liable on conviction.

[s265\(4\)](#)

A person who sells any alcohol on or from any licensed premises to which the order applies at any time the order is in force commits an offence and may be subject to prosecution or application to [ARLA](#) for suspension of their licence.

[s265\(7\)](#)

For information on proving the ingredients, see '[Prosecutions](#)'.

Selling or supplying alcohol to a minor

You must prove the identity of the suspect and that they were not the licensee or manager of a licensed premises and sold or supplied alcohol on or from the licensed premises to any person [under 18](#).

[s239\(2\)](#)

This section usually involves a barperson or waiter/waitress. It applies when any employee of the premises (even a person not employed for the purpose) sells alcohol to a minor, or when a patron or an employee of the premises 'shouts' a minor.

A person can be charged under subsection (2) whether or not the licensee or manager is liable under subsection (1) for the same

offence.

s[239\(5\)](#)

It is not an offence to sell or supply alcohol to a person who then supplies it to a minor, unless it is proved that the original supplier knows, or has reasonable grounds to believe, that the alcohol is intended for that minor.

s[241\(6\)](#)

Supplied

'Supply' has been held to mean 'furnish or provide' and applies to things that are the property of the supplier, not of the person supplied. [Police v Matheson](#) [1989] 3 NZLR 683

This does not apply to people purchasing alcohol for a minor using the minor's money. That offence would be covered by section [241](#).

Defence

It is a defence to prove that the person who sold or supplied the alcohol believed on reasonable grounds that the recipient was 18 or over. Reasonable grounds exist if the defendant proves that the person who sold or supplied the alcohol had, before or at the time of sale, sighted an evidence of age document indicating that the recipient was of or over the age of 18.

s[239\(6\)](#)

Exemptions

For exemptions to section [239\(6\)](#), see '[Exemptions](#)'.

See 'Burden of proof' and 'Prosecutions' later in this chapter.

If the suspect is convicted of this offence, you must send a report to the Licensing Authority in accordance with section [281](#). See '[On conviction of licensees and managers](#)'.

Selling or supplying alcohol to an intoxicated person

You must prove the identity of the suspect and that they were not the licensee or manager of a licensed premises and sold or supplied alcohol to any intoxicated person.

[248\(1\)](#)

A person can be charged under this section whether or not the licensee or manager of the premises is liable for the same offence.

s[248\(5\)](#)

This is a strict liability offence. It is not necessary to prove that the supplier knew the person was intoxicated. There are no exemptions or defences.

See '[Burden of proof](#)' and '[Prosecutions](#)' later in this chapter.

If the suspect is convicted of this offence, you must send a report to the Licensing Authority in accordance with section [281](#). See '[On conviction of licensees and managers](#)'.

Offences in respect of unlicensed premises

Sale of alcohol by unlicensed person

You must prove the identity of the suspect and that they sold, exposed or kept for sale any alcohol and did not hold a licence to do so at that place. [s233](#)

An alcohol licence authorises sale in a specific place. If a licence holder sells alcohol in a place not authorised by the licence, that is an unlicensed sale. Similarly, an unlicensed person can be charged with selling alcohol on licensed premises if they are not employed by the licence holder to do so. For example, A bottle of wine given away with a meat purchase was held to be a transaction in the nature of a sale. [Attorney General \(Police\) v L D Nathan and Co Ltd](#) (1990) 1 NZLR 129

Wine that is not listed on the menu but nonetheless supplied with the meal is deemed to be 'sold' and not a gift. *Abley v Crosaro* (1946) VLR 53

Allowing unlicensed premises to be used for sale of alcohol

You must prove the identity of the suspect and that they were the occupier of any unlicensed premises and allowed another person to sell, expose or keep for sale any alcohol on or from the premises.

[s234](#)

The prosecution must prove [mens rea](#) because this is an [allowing offence](#), see '[Prosecutions](#)'.

Few charges are brought under section [234](#) but it is useful for bringing pressure on social clubs and the like to either close down or get a licence. If a warning is given to the occupier and further sales take place, you can then prove mens rea.

Being on unlicensed premises kept as a place of resort

The offence of being on or keeping a place for resort relates to having an unlicensed premises that people are going to in order to consume alcohol and one where no sale has taken place. They are “resorting” to the premises or place. Features that turn the lawful gathering into a place of resort include:

- People gathering specifically to drink (which must be a substantial, although not necessarily the main, purpose of people attending)
- Drinking that reaches a certain threshold of intensity (involving more than isolated or casual consumption of alcohol, in a passing or transitory way)
- The BYO aspect being “actively facilitated” (e.g. explicitly advertised, encouraged or managed).
- The event can be a one-off occurrence.

See *Police v Thomas MacDonald* NZDC 2371/ 2016 for guidance on what constitutes a place of resort.

[s236\(1\)](#)

It is a defence to prove that the defendant was on the premises for a lawful purpose and did not take part or intend to take part in any unlawful sale, supply or consumption of alcohol.

[s236\(3\)](#)

Sale of alcohol by unlicensed person

You must prove the identity of the suspect and that they sold, exposed or kept for sale any alcohol and did not hold a licence to do so at that place.

[s233](#)

An alcohol licence authorises sale in a specific place. If a licence holder sells alcohol in a place not authorised by the licence, that is an unlicensed sale. Similarly, an unlicensed person can be charged with selling alcohol on licensed premises if they are not employed by the licence holder to do so. For example, A bottle of wine given away with a meat purchase was held to be a transaction in the nature of a sale. [Attorney General \(Police\) v L D Nathan and Co Ltd](#) (1990) 1 NZLR 129

Wine that is not listed on the menu but nonetheless supplied with the meal is deemed to be 'sold' and not a gift. *Abley v Crosaro* (1946) VLR 53

Proving any alcohol

See details on [proving the alcohol content](#).

In [Aitchison v Hewitt](#) (1925) NZLR 732 it was held that empty glasses and bottles on a bar counter are sufficient to prove a sale if there is also evidence of their recent content. Although this decision probably does not apply to the 1989 Act, it may provide grounds for obtaining a warrant. To prove alcohol by analysis a sample is required to be seized at the time of the offence, which is then sent for analysis. Under section 273 of the Act it is not necessary for the prosecution to prove that the substance is alcohol unless the defendant has given at least 20 working days' notice that it is in issue. This presumption only applies in a District Court setting. For enforcement applications in front of the Authority there is no presumption and Police therefore need to prove the substance is alcohol. In nearly all cases alcohol samples are not taken, the only exceptions would be a failed controlled purchase operation from an off-licence where the alcohol purchased was kept as an exhibit. Where no sample was taken Police must rely on other evidence, such as an admission from bar staff, observations of alcohol being poured from a trademarked bottle, smell of the liquid in question, etc.

Exposed for sale

The exposure must have been in circumstances that showed the alcohol was available for purchase and must have occurred before the sale. Alcohol is exposed for sale if a bar or slide is open for orders to be taken, and a person is standing in apparent readiness to receive and fulfil orders, whether or not there are people nearby who are ready to purchase. [Colombus v Police](#) (1967) NZLR 400

Kept for sale

If there is evidence of an excessive amount of alcohol, there is a case to answer. [Bowles v Police](#) (1970) NZLR 303

Forfeiture

When seizing alcohol pursuant to a warrant you should, in respect of that alcohol, file a charge of exposing alcohol for sale or keeping alcohol for sale. The court will be more likely to order forfeiture if a conviction is entered in respect of the alcohol seized. See '[Prosecutions](#)'.

Using unlicensed premises as a place of resort

You must prove the identity of the suspect and that they were the occupier of any unlicensed premises, or had or took a part in the care, management or control of any such premises and allowed them to be kept or used as a place of resort for the consumption of alcohol.

[s235\(1\)](#)

Note: A conveyance also can be used as a place of resort.

Any person who acts as, or as if they were, an occupier or person with a part in the care, management or control of the premises, is deemed to be an occupier. This does not affect the liability of any other person.

[s235\(4\)](#)

Premises may be deemed to be kept or used as a place of resort for the consumption of alcohol even if they are open only for the use of particular people or particular classes of people.

[s235\(5\)](#)

This section does not apply to the consumption of alcohol:

- by any person living on the premises, whether the occupier or not; or
- supplied as a gift by any person living on the premises.

[s235\(3\)](#)

For information on proving the ingredients, see '[Prosecutions](#)'.

Used as a place of resort

Premises are used for the consumption of alcohol if such consumption is a substantial, but not necessarily the main, purpose of the people resorting there, and that purpose is actively encouraged or facilitated by the occupier. [Browne v Police](#) (1962) NZLR 801

However, the consumption of alcohol must not have been isolated, casual and of a passing or transitory nature. It must be proved that people resorted there for the purpose of consuming alcohol. [Police v Davies](#) (1981) 1 DCR 249

The use may be temporary, such as when the premises are hired for a single night. [Police and Clarke](#) (1977) 1 NZLR 621

In the District Court, Judge Keane said: "In both *Police v Clarke* and *Police v Davis* it was recognised that the best evidence of a "place of resort" is that which shows what Mahon J described in *Police v Clarke* at p 626 as "continuing or repetitive use". It was decided in those cases, in *Clarke* because of the statutory language, in *Davis* because of the nature of the evidence, that a "place of resort" can exist even if the evidence relates to one occasion only. Not that further and more comprehensive evidence is to be excluded."

[Police and Kings Work Trust \(No 2\)](#) (1988) DCR 151

Police powers

Under the Sale and Supply of Alcohol Act 2012, Police have powers to:

- enter and inspect
- close premises
- demand information
- search with warrant
- seize samples of alcohol
- arrest
- request that a licence be cancelled
- request that a manager's certificate be cancelled or suspended

To search with warrant

If you have reasonable grounds to believe that:

- alcohol is being sold, or exposed or kept for sale, on any premises or conveyance where it cannot lawfully be sold or exposed or kept for sale, or
- any premises or conveyance are being kept or used as a place of resort for the consumption of alcohol in contravention of the Act,

you can apply in writing to any District Court judge, or Justice of the Peace, or registrar who is not a police officer, for a warrant to search those premises. The application must be made in writing, and on oath.

If the judge, justice or registrar is satisfied that there are reasonable grounds for believing such an offence is occurring, the judge can issue the warrant.

[s270\(1\)](#)

See an example of a [warrant](#).

Hearsay evidence of high reliability may be sufficient evidence for issuing a search warrant. [Inglewood Servicemen's Club \(Inc\) v Mauri](#) (1961) NZLR 882

Refer to the [Search and Surveillance Act 2012](#).

[s271](#)

To request that a licence be cancelled

You can, at any time, apply to the Licensing Authority or District Licensing Committee for an order:

- varying or revoking any licence condition imposed by the Authority or District Licensing Committee, or imposing any new condition, or
- suspending the licence, or
- cancelling the licence.

[s280\(1\)](#)

An application to vary a licence must be made on a separate application to suspend or cancel that licence.

See examples of applications in the Supply of Alcohol Act 2012 forms later in this chapter.

The Authority or District Licensing Committee must be satisfied that:

- the premises have been conducted in breach of any of the provisions of this Act or of any conditions of the licence or otherwise in an improper manner, or
- the conduct of the licensee is such as to show that they are not a suitable person to hold the licence, or
- the premises are being used in a disorderly manner so as to be obnoxious to neighbouring residents or to the public.

[s280\(3\)](#)

Instead of making an order, the Authority or District Licensing Committee may adjourn the application to give the licensee an opportunity to remedy any matters that it specifies. [s280\(6\)](#)

When considering making an order to suspend or cancel a licence the Authority undertakes a two-stage assessment. Firstly, it must be satisfied that the breach alleged has been proven on the balance of probabilities, and secondly it considers whether the breach merits the requested sanction. Police arguments before the Authority must address both these aspects.

Note that under [280\(1\) & \(3\)](#), the prosecution has to satisfy the Authority that the premises have been conducted or used in breach of the Act or in a disorderly manner. It does not have to prove that the licensee was aware of the offending or had any particular mens rea.

The effect of the section is to place a duty on the licensee to ensure that the premises are conducted properly in terms of the Act and the conditions of the licence. A licensee can have the licence cancelled if the premises are not conducted properly.

Note: Unless the conduct of the licensed premises is egregious or there have been multiple breaches either in the one application or over time, the Authority will be more amenable to an application to have the licence suspended. When making an application to cancel a licence there is no need to seek suspension in the alternative - if the Authority considers that the threshold for cancellation has not been met then they will automatically consider suspension. However, if only suspension is sought then this is the only option available to the Authority.

Section [280](#) is not affected by the provisions of section [275](#) because the prosecution is not alleging that the licensee committed an offence, but merely that offences took place on the premises. In this situation, therefore, a licensee may escape prosecution but still lose the licence if an employee commits an offence or breach of the Act

To request that a manager's certificate be cancelled or suspended

You can, at any time, apply to the Licensing Authority for an order suspending or cancelling a manager's certificate. [s285\(1\)](#)

See an example of the [application](#) in Sale and Supply of Alcohol Act 2012 forms later in this chapter.

The Authority must be satisfied that:

- the manager has failed to conduct any licensed premises in a proper manner, or
- the conduct of the manager is such as to show that he or she is not a suitable person to hold the certificate.

The Authority may then, by order, suspend the certificate for such period not exceeding six months as the Authority thinks fit, or cancel the certificate. The Authority engages in a two-stage assessment of evidence and appropriateness of sanction similar to that outlined in the paragraphs above about applications to the Authority to suspend or cancel licences.

[s285\(5\)](#)

Instead of making an order, the Authority may adjourn the application to give the manager an opportunity to remedy any matters that it specifies.

[s285\(6\)](#)

Prosecutions

Proving whether the premises were licensed

The prosecution need not prove that the premises were licensed or unlicensed unless the defence gives written notice that such proof is required at least three working days before the hearing. [s272\(1\)](#)

If the defence...	then...
gives a written notice	call the clerk who maintains the alcohol files at the local District Licensing Committee to produce: <ul style="list-style-type: none">- a certified copy of the licence, or- give direct evidence that a licence has not been issued to a particular address. <p>If a copy of the licence is produced then ensure that it is certified by the correct person in accordance with section 67 (that is, the secretary of the Authority or of the District Licensing Agency).</p>
does not give proper written notice and attempts to make submissions at the close of the hearing that the prosecution has not proved the premises were licensed	the prosecution can argue that the submission is too late.

Proving the alcohol content

If the defence gives written notice at least 20 working days before the hearing then the prosecution must prove that the substance contains 1.15% or more ethanol by volume.

[s273](#)

Proving sale or consumption

The prosecution need not prove that any money passed or any alcohol was actually consumed if the court is satisfied that a transaction in the nature of a sale took place or that consumption was about to take place.

[s274\(1\)](#)

'Transaction in the nature of a sale' is an extension of the usual legal definition of 'sale'.

It is important to note that, if a person pays for a service or article or entry to premises and receives alcohol with it, they are 'sold' alcohol (see *Police v Baldwin*, below, and the definition of '[sold](#)').

Defendants who had sold tickets indicating that refreshments would be supplied, supplied alcohol as refreshments. The court held that they had disposed of the alcohol by selling the tickets and that this was in the nature of a sale. *Police v Baldwin* (unreported, High Court Invercargill, 19 December 1985, M4&5/85)

Proof that alcohol was consumed or intended to be consumed on the licensed premises, or taken away from the premises, by someone other than the occupier or any of their employees, is evidence that it was sold to that person by or on behalf of the licensee.

[s274\(2\)](#)

The defence can call evidence to rebut this presumption so the required evidence should be established at the time of the investigation. There should be a witness to the sale or an admission of the sale.

Burden of proof

In any proceedings for an offence of sections [244](#), [245](#), [248](#), [255](#) and [256](#), any element of the offence relating to any person being, at the time of the offence, entitled to have alcohol sold or supplied to him or her, or to consume or procure it or have it in their possession on the licensed premises or any particular part of the licensed premises, must be treated as having been proved unless at least 20 working days before the hearing the defendant puts the question in issue by written notice to that effect served on the prosecution.

[s274\(3\)](#)

Section [274\(3\)](#) means that you need only prove the ingredients and do not have to disprove defences or any evidence to the contrary. If you can prove a prima facie case, the onus is on the defendant to prove that they did not commit the offence. However, that does not mean you should not be prepared to anticipate defences and have evidence available to counter them.

In cases where the defendant is asserting any of the above, such assertions should be investigated early to avoid unnecessary prosecutions.

Infringement offences

Offences against section [243](#) (minor purchasing alcohol) and section [244](#) (minor in restricted or supervised area) can be dealt with either through the court or by way of an infringement notice (liable on conviction to a fine of not more than \$2000). Other offences that an [AION](#) can be issued are against sections 245, 250, 251, 254, 257 and 259 or 258(1)(b) as it relates to a section 214(3).

Alcohol infringement offence notices (AION) can also be issued for offences against section 38 (minor drinking in a public place) of the Summary Offences Act 1981.

[AIONs](#) are issued via OnDuty in the same way as normal [IONs](#). As such all [AIONs](#) have the ability for a written warning.

Authority or agency records as evidence

Extracts of any register or record held by the Licensing Authority or District Licensing Agency, including licences, are admissible as evidence of the matters they contain if they are certified by that body's secretary.

[s67](#)

Vicarious liability

Section 275 states “*The licensee is not responsible for any offence against the Act committed by a manager of the premises, except where the licensee is party to the offence.*” An offence is the matter addressed by a charging document filed in the District Court. This limitation on liability does not apply to breaches being pleaded before the Authority. Authority commented in *Burr v Trust House Limited*, PH563/2007 that “offences” are dealt with in the criminal jurisdiction of the District Court. Breaches of the Act are dealt with in front of the Authority by way of an enforcement application and therefore section 275 does not apply.

[s275](#)

Responsibilities under section 214

Section 214 requires the manager to be on duty at all times while alcohol is being sold or supplied to the public, and this manager is responsible for the compliance with and enforcement of, provisions of the Act and the conditions of the licence. Failure to do so results in an offence under section [258](#). A licensee cannot 'turn a blind eye' to the management of the premises. The full name of the manager must be displayed in a prominent place so as to be easily read by patrons and enforcement agency personnel. Usually this is behind the point of sale. Only one name can be displayed as this section only allows for a single manager to be on duty.

Liability for the actions of licensed premises staff

The licensee or manager is strictly liable for the actions of the staff. In *Winson* (1969) 1 QB 371, (1968) 1 All ER 197, it was held that, in regard to offences of absolute or strict liability, it is the person on whom Parliament has placed a duty who is responsible, whether they have acted through a delegate or an agent and regardless of whether they have intent or knowledge or mens rea.

Forfeiture

A constable may seize and remove any alcohol and the vessels containing it if there are reasonable grounds to suppose that the alcohol is intended for consumption in contravention of this Act.

[s277\(1\)](#)

On a person's being found guilty of an offence against this Act in respect of any alcohol seized, the alcohol and the vessels containing it are forfeit to the Crown.

[s277\(2\)](#)

Prosecuting and convicting managers and licensees

For details on the vicarious liability of licensees and managers, see '[Vicarious liability](#)'.

See details on '[charging licensees and managers](#)'.

Anyone filing a charging document against a manager for an offence against the Act must send a copy to the licensee.

[s278\(1\)](#)

If a manager is convicted of any offence against the Act, the registrar of the court must send a notice of the conviction and any recommendations made by the court concerning the manager's certificate to the licensee and the Secretary of the Licensing Authority.

[s278\(2\)](#)

If a licensee is convicted of any offence against the Act, the registrar of the court must send a notice of the conviction and any recommendations concerning the licence to the Secretary of the Licensing Authority.

[s278\(2\)](#)

Companies

If the Act requires you to take action against the licensee and the licensee is a company, you must charge the company **not** an individual who may be a representative of the company. Any summons or court document must be served at the registered office of the company. You can obtain the address from the [Registrar of Companies](#).

To prove 'licensee'

Obtain a certified copy of the licence from the secretary of the Authority or the secretary of the local District Licensing Committee. You may also need a certified copy of a renewal from the Authority/Committee. In the case of a company, you must also produce a copy of the certificate of incorporation, obtained from the Companies Office. The copy should be certified as correct by a Deputy Registrar at that Office.

To prove 'manager'

Produce a certified copy of the manager's certificate and any renewal. Give evidence that the person admitted to being the manager on duty, or that the person's name was displayed as required by section [214\(3\)](#). The person whose name is displayed is deemed to be the manager.

On occasions, particularly in the case of acting or temporary managers, the person named may deny being the duty manager or be unaware that their name was put up; that is, someone was asked to clean up and lock up. That person does not accept responsibility and may not have been appointed by the licensee. In these cases, make enquiries with the licensee to establish who is liable before filing the charge. You may need to call the licensee to give evidence.

A copy of a notice of appointment of manager sent to the Police or the Authority may also be useful as an exhibit.

If you cannot establish who the manager was, charge the licensee.

Refer to *Police v Photo Impact Technology Ltd* (unreported, High Court Auckland, 4 December 1995, AP221/95, Speight J)

For the notification requirements relating to terminations, see '[Notification of appointment](#)'.

On conviction of licensees and managers

You must send a report to the Authority when a licensee or manager has been convicted of any of the following offences:

- Sale or supply of alcohol to minors ([s241\(1\)](#)).
- Unauthorised sale or supply ([s247\(1\)](#)).
- Sale or supply to intoxicated person ([s248\(1\)](#)).
- Allowing a person to become intoxicated ([s249\(1\)](#)).

The report (there is no form for this - send a covering letter and other documents via email to ARLA@justice.govt.nz) must include:

- a certificate of the conviction
- a summary of the evidence
- a Police statement of whether the conduct of the licensee shows that they are not a suitable person to hold the licence
- a Police recommendation on whether the licensee's licence should be suspended or cancelled

- the reasons for that recommendation.

[s281\(3\)](#)

The Authority must immediately consider the report and decide whether to hold a public hearing to discuss whether the licensee's licence should be suspended or cancelled. Alternatively, the Authority may adjourn the hearing and give the licensee an opportunity to remedy any matters.

Prosecuting and convicting people other than licensees or managers

You must send a report to the Authority when a person other than a licensee or manager has been convicted of any of the following offences:

- Sale or supply of alcohol to minors ([s241\(1\)](#)).
- Sale or supply to intoxicated person ([s248\(1\)](#)).

[s281\(2\)](#)

For the information to be included in the report, see '[On conviction of licensees and managers](#)'.

Topic information

Controlling authorities

Refer 'Partnerships' section of the '[Alcohol misuse - prevention, monitoring and enforcement strategies](#)' chapter of the Police Manual.

Alcohol Regulatory and Licensing Authority

There is a two-tier system of control.

The Alcohol Regulatory and Licensing Authority is based in Wellington and is the central agent for alcohol control. It holds all original licences and provides a panel alcohol licensing hearing. This panel comprises three or four members, one being a District Court judge, who is the chairperson.

Under section [170](#), the licensing authority's functions are:

- to consider and determine the following matters when referred to it by licensing committees;
 - applications for licences
 - applications by licensees for the renewal or variation of licences
 - applications for managers certificates
 - applications for the renewal of managers certificates; and
- to consider and determine appeals from decisions of licensing committees; and
- to consider appeals against elements of draft local alcohol policies; and
- to consider and determine applications by inspectors and constables for the variation, suspension, or cancellation of licences and managers certificates; and
- any other function conferred on it by or under the Act or any other enactment.

There is a District Licensing Committee in each district.

District Licensing Committees

Under section [187](#), the Committee receives and processes licence applications and forwards those it is not empowered to decide on to the Authority. A licensing committee's functions are:

- to consider and determine applications for licences and managers certificates; and
- to consider and determine applications for renewal of licences and managers certificates; and
- to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section [136](#); and
- to consider and determine applications for the variation, suspension, or cancellation of special licences; and
- to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section [280](#); and
- with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and
- to conduct inquiries and to make reports as may be required of it by the licensing authority under section [175](#); and
- any other functions conferred on licensing committees by or under this Act or any other enactment.

Licences

Types

of

licences Explanation

Types of licences Explanation

On-licence Section 14 authorises an on-licence holder to:

- sell or supply alcohol to anyone on the premises or conveyance for consumption on those premises or that conveyance, e.g. in a bar
- allow the consumption of alcohol on the premises, e.g. in a BYO restaurant.

On-licences can be obtained by any person over 20 or any company, licensing trust, partnership, body corporate, board, organisation, local authority or government department. They cannot be obtained by clubs and chartered clubs.

BYO restaurants can supply food or hot beverages containing alcohol to diners for consumption on the premises but cannot otherwise sell alcohol. A BYO licence is an endorsement of an on-licence under section 28 of the Act.

Off-licence Section 17 authorises an off-licence holder to sell or deliver alcohol on or from the premises to any person except those prohibited by the Act, for consumption off the premises. The holder can also offer complimentary samples of alcohol on the premises.

An off-licence holder can arrange for a liquor importer, maker, distributor or wholesaler to deliver to a customer on their behalf. In such cases, the liquor is deemed to have been delivered by the licence holder.

Hotels, taverns and other organisations that have an on-licence or club licence need an off-licence if they want to sell liquor to take away.

Clubs need a club licence in order to obtain an off-licence.

Sports clubs cannot hold an off-licence under any circumstances.

Caterers and auctioneers can obtain off-licences endorsed under sections 16 and 20 respectively.

Club licences Section 20 authorises a club licence holder to sell and supply alcohol to authorised customers (within the meaning of section 60(3), for consumption there (the alcohol must be consumed on the premises).

'Authorised customer' in relation to premises a club licence is held for, means a person who:

- is a member of the club concerned; or
- is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- is an authorised visitor.

'Authorised visitor' in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

'Member' in relation to a club, means a person who:

- (a) has expressly agreed in writing to comply with the clubs rules; and
- (b) is recognised as a member of the club by those rules.

Note: Only a club can obtain a club licence.

Types

of

licences Explanation

Special licences There are two kinds of special licence:

- on-site special licences; and
- off-site special licences.

s22(1)

On the premises a special licence designated as an **on-site special licence** is held for, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it.

s22(2)

On the premises a special licence designated as an **off-site special licence** is held for, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it.

s22(5)

A special licence issued under section 22 authorises the holder to sell or supply alcohol on specified premises to any person attending the event described in the licence. The alcohol must be consumed on the premises.

This licence can be issued for one event (possibly over a number of days) or a series of events over a period, provided the event or series of events is described on the licence.

If the licence is issued for one event and the event is postponed, it remains valid for the new date.

The Act does not allow for a series of events to be postponed.

Under section 22, holders of hotel and tavern on-licences, and of club licences, can be granted special licences allowing them to operate outside their authorised trading hours.

Obligations

General

Section 214(1) requires that, at all times when alcohol is being sold or supplied to the public on any licensed premises, the licensee or manager:

- must be on duty at all times, and
- must comply with the Act and the conditions of the licence.

(Note the provisions regarding the [certification of managers](#))

In *Porirua Licensing Trust v Porirua District Licensing Agency* [1997] NZAR 174, Eichelbaum CJ held that the Act did not prohibit a corporation from managing licensed premises through its servants or agents.

The name of the person on duty must at all times be displayed inside the premises in such a way that it can be easily read by the patrons. This provision does not apply to holders of club licences. The person whose name is displayed is deemed by the Act to be the manager at that time; that is, the person is effectively the manager until the contrary is proved.

Although licensees and duty managers are responsible for the way the licensed premises are run, they need not always be on the premises. They can leave them temporarily in the course of business; for example, to attend to the banking. However, they are still liable for any offences committed in their absence. See '[Vicarious liability](#)' and '[Mens rea](#)'.

Subject to the Human Rights Act 1993, licensees are not obliged, pursuant to an on-licence, off-licence or special licence, to serve liquor at any time or to any person.

Failing to comply with a licence obligation is not an offence. Action can only be taken under section 280(1), which relates to suspending

and cancelling licences. For an action to be successful, there will have to be reference to more than one isolated incident.

Type of license Conditions

Mandatory

On- licence

Licensees must:

- make a reasonable range of non-alcoholic beverages available
- show a sign of the ordinary hours of business at all times to the exterior of the premises so that it can be easily read by people outside each principal entrance
- attach a copy of the licence and its conditions to the inside of the premises near each principal entrance so that it can be easily read by people entering.

Licensees of taverns and hotels must not sell or supply alcohol on Good Friday, Easter Sunday or Christmas Day, or before 1pm on ANZAC Day, other than to anyone living or dining on the premises (section 47).

The Licensing Authority or District Licensing Committee may designate each bar of the licensed premises as either a restricted or supervised area. In the case of taverns and hotels, this designation is mandatory (section 47).

Discretionary

Discretionary conditions cover:

- days and hours during which alcohol may be sold
- provision of food for consumption on the premises
- designation of all or part of the premises as restricted or supervised areas
- steps to be taken to prevent prohibited persons from buying or consuming liquor
- sale and supply of low-alcohol beverages
- provision of assistance with, or information about, alternative forms of transport from the premises
- any promotion of the responsible consumption of alcohol
- persons or types of person to whom alcohol may be sold or supplied.

Off- licence

Licensees cannot sell or deliver alcohol on Good Friday, Easter Sunday or Christmas Day, or before 1pm on Anzac Day. Discretionary conditions cover:

Where the off-licence is held by a club, alcohol can be sold only to members.

Where the off-licence is held by a supermarket or grocery store, only wine that conforms to the standard prescribed by the Food Regulations made under the Food Act 1981 may be sold. Sections 5 and 58(3)

Except in the case of clubs:

- a sign showing the ordinary hours of business must at all times be attached to the outside of the premises so that it can be easily read by people outside each principal entrance
- a copy of the licence and its conditions must be attached to the inside of the premises near each principal entrance so that it can be easily read by people entering.

Clubs must attach a copy of the licence and its conditions to the interior of the premises in such a way that it can be easily read by people using the premises.

- days and hours during which alcohol may be sold
- designation of all or part of the premises as restricted or supervised areas
- steps to be taken to prevent prohibited persons from buying or consuming alcohol
- persons or types of person to whom alcohol may be sold or supplied.

Type of license Conditions

Club licence	Licensees must make a reasonable range of non-alcoholic beverages available. The club must always have a secretary, whose name must be given to the Authority or District Licensing Committee (whichever granted the licence). All proceeds from the sale of alcohol must belong to the club.	See discretionary condition for <i>on-licence</i> above.
	Clubs must attach a copy of the licence and its conditions to the interior of the premises in such a way that it can be easily read by people using the premises.	Note that the Licensing Authority may require an unincorporated club to become incorporated before it grants a licence.

s57

Note: Clubs must appoint at least one manager in accordance with section 231.

Special licence Licensees must make a reasonable range of non-alcoholic beverages available.
s147

The licence holder must comply with any direction from the District Licensing Agency relating to the display of the licence and its conditions.

Discretionary conditions required by section 80 cover:

- days and hours during which alcohol may be sold
- provision of food for consumption on the premises
- designation of all or part of the premises as restricted or supervised areas
- prevention of prohibited persons from buying or consuming alcohol
- exclusion of the public
- filing of returns of the alcohol sold under the licence
- sale and supply of low-alcohol beverages
- provision of assistance with, or information about, alternative forms of transport from the premises
- any promotion of the responsible consumption of alcohol.

Section 213 covers whether or not a manager is required.

Vetting licence applications

Vetting process

Applications for on-licences, off-licences, club licences and special licences require Police vetting. The District Licensing Committee that has received an application sends it to the Police station nearest the premises for which the licence is sought, or (in the case of a conveyance) nearest to the office of the Secretary of the District Licensing Committee.

Police must enquire into the application and if they oppose it, a report must be filed to the District Licensing Committee within 15 working days of receiving the application. The District Licensing Committee may assume that, if no report is received from Police or the Medical Officer of Health within 15 working days after sending a copy of the application to them, Police or the Medical Officer of Health does not oppose the application.

See sections [99](#), [100](#) and [137](#) of the Sale and Supply of Alcohol Act 2012.

When reporting on the application Police must consider the suitability of the applicant. Although 'suitability' is not defined in the Act, the Authority has noted that the dictionary definition should be used: "well fitted for the purpose; appropriate".

Effect of the criminal records (Clean Slate) Act 2004

The Criminal Records (Clean Slate) Act 2004 (referred to here as the Clean Slate Act) applies to an application under the Sale and Supply of Alcohol Act. If the applicant meets the eligibility criteria under the Clean Slate Act and is therefore an eligible individual, you may not use or disclose that person's criminal record (or information about it) in the vetting process. In addition, you must not make a decision in relation to or take any action in reliance on the criminal record or information about it. Information about the criminal record includes, for example, information on NIA that may relate to concealed convictions.

Police enquiries once clean slate check done

If the applicant is **not eligible** to have their convictions concealed under the Clean Slate Act, when assessing the person's suitability to hold the licence sought you must consider and take into account:

- Criminal convictions.
- Intel information through NIA.
- Outstanding fines that may indicate a disregard for the Court.

If the applicant **is eligible** to have their convictions concealed under the Clean Slate Act:

- You may not take into account or disclose their criminal record.
- You may only take into account:
 - or disclose other information held by Police (including information held on NIA) if that information does not relate in any way to or point to the criminal record that has been concealed.
 - fines resulting from infringements if they are relevant. Note that the applicant should have no outstanding fines imposed by a Court as a sentence upon conviction. These fines must be paid in full before the person can meet the eligibility criteria under the Clean Slate Act.

Information on diversion may be considered whether the person is an eligible individual under the Clean Slate Act or not as the Clean Slate Act does not apply to diversion.

Police report on applicant's suitability

When a decision has been made about the applicant's suitability provide a report to the originating District Licensing Committee. The report must state whether or not Police object to the application. If there is an objection, give grounds for it. Provide sufficient detail for it to go to a hearing.

Managers

Any government department or other instrument of the Crown, company, licensing trust, partnership or local authority that holds an off-licence or on-licence, and any holder of a club licence, must appoint at least one manager.

See section [212](#) of the Sale and Supply of Alcohol Act 2012.

Any government department or other instrument of the Crown, company, licensing trust, partnership, local authority or club that holds a special licence must also appoint a manager. The District Licensing Committee may waive this requirement if it is satisfied that the sale of alcohol will be managed pursuant to the licence by the licensee or someone nominated by the licensee (section [213](#)).

Sections [216](#) and [217](#) of the Act provide that no person can be appointed as manager of any licensed premises unless they hold a general manager's or club manager's certificate granted under Part VI.

Vetting applications for a manager's certificate

Under section [220](#), when the District Licensing Committee receives an application for a manager's certificate, it sends a copy of the application to the Police station nearest:

- the premises where the person intends to be the manager, or

- the District Licensing Agency's office (for managers of a licensed conveyance), or
- in any other case, the applicant's place of residence.

Police must enquire into the application and, if they oppose it, file a report to the District Licensing Committee within 20 working days of receiving the application (section [220\(4\)](#)).

Criminal Records (Clean Slate) Act 2004 applies

The Criminal Records (Clean Slate) Act 2004 (referred to here as the Clean Slate Act) applies to an application for a manager's certificate under the Sale and Supply of Alcohol Act. Therefore the applicant's eligibility under the Clean Slate Act must be determined as the first step in the vetting process.

For information on checking an applicant's eligibility, Police enquiries once the clean slate check has been done and reporting on an applicant's suitability, follow the information on '[Vetting licence applications](#)'.

Temporary managers

Under section [229\(1\)](#), a licensee may appoint a temporary manager who does not hold a manager's certificate to **replace an existing manager**, and only for the reasons listed in the section.

This is not a wide power of appointment. The provision is used when the manager is expected to be away for more than three weeks, or is not expected back at all. A manager cannot make such an appointment.

The temporary manager must apply for a certificate within two working days of their appointment. From the time of the appointment until the time the application is determined, the person is deemed to hold a certificate. If the appointee does not apply for a manager's certificate within two working days, or if the application is refused, the licensee must cease to employ the appointee as a manager.

Acting managers

Section [230\(1\)](#) allows a licensee to appoint an acting manager to relieve an existing manager or the licensee for a period of three weeks or less due to illness or absence. It also allows the licensee to appoint an acting manager for aggregated periods of up to six weeks per year so that the licensee or manager can take annual leave. This is not a wide power of appointment. A manager cannot make such an appointment.

The acting manager is not required to hold a certificate, but is deemed to do so.

Notification of appointment

Section [231\(2\)](#) requires that whenever an appointment as a manager, temporary manager or acting manager is made, cancelled or terminated, the licensee must notify:

- the District Licensing Committee where the application was filed, and
- the Police employee in charge of the Police station nearest to:
 - the premises, or
 - in the case of a licensed conveyance, the District Licensing Committee where the licence application was filed.

Note: This does not apply in the case of a temporary manager or acting manager who is appointed for a period of 48 hours or less.

If the Licensing Authority does not approve the appointment it should, within five days, notify the licensee and send a copy of this notice to Police.

Alcohol accords

An alcohol accord is a partnership between:

- Police, and
- the local city or district council, and
- the owners or proprietors of all the licensed premises in the accord coverage area.

The accord may also need the involvement of local iwi authorities, Māori trusts, groups with an interest in community safety, taxi operators, security firms, retailers and residents.

Alcohol accords were originally developed in Australia to deal with problems created by alcohol misuse in main entertainment areas such as Surfers Paradise. In New Zealand, however, the focus of accords is to prevent problems before they arise by promoting the safe use of alcohol.

An example of the successful use of an accord was at Auckland's Viaduct Basin during the 2000 Louis Vuitton and America's Cup races.

For more information on alcohol accords, refer to:

- the HPA publication, [Alcohol Accords: Safer Communities Through Safer Alcohol Use](#)
- '[Alcohol/ licensing records](#)' section of the 'Alcohol misuse - prevention, monitoring and enforcement strategies' chapter.

Procedures

Refer '[Licensed premises compliance checks](#)' chapter for the Police Manual for procedures on conducting compliance checks on licensed premises.

Suspending and cancelling licences and certificates

You must do what you can to ensure that licensees and managers police their premises. If they persistently fail to do this, you can apply to have their licences or certificates suspended or cancelled. The Authority is a specialist tribunal and is the correct place where breaches of the Act should be heard. Only in extenuating circumstances should a charging document be laid. Such circumstances could be when a licensee is about to cease trading and therefore there would be no licence in play for the Authority to suspend or cancel. Filing charging documents is also likely the only way to take action on special licences for events that have already transpired; obtaining convictions for these events is crucial for showing a lack of suitability for future events.

The Authority is deemed to be a Commission of Inquiry, which means that it can hear evidence not admissible in a court of law. Under section [207](#), it can admit:

- hearsay evidence relating to information about minors and intoxicated persons
- evidence about alcohol sales where analysis of them is not available
- evidence about charges that have failed on a technicality in the District Court.

Evidence from witnesses can be heard by way of affidavit.

- Penalties are much higher in real terms than a fine in the District Court.
- For some grounds, you do not need to prove the mens rea of the licensee.
- Witnesses read their briefs in court.

The disadvantages of this procedure are that:

- it can take one member over two weeks to find and interview witnesses and prepare documentary evidence
- travel expenses must be tendered to civilian witnesses at the time that civil summonses are served.

Sale and Supply of Alcohol Act 2012 forms

Form 1 [Infringement notice](#)

Form 2 [Reminder notice in respect of infringement offence](#)

Form 3 [Application for on-licence or renewal of on-licence](#)

Form 4 [Application for off-licence or renewal of off-licence](#)

Form 5 [Application for club licence or renewal of club licence](#)

Form 6 [Application for special licence](#)

Form 7 [Public notice of application for on-licence, off-licence, or club licence \(or application for variation of conditions of on-licence, off-licence, or club licence\)](#)

Form 8 [Public notice of application for special licence](#)

Form 9 [On-licence \(premises that are not a conveyance\)](#)

Form 10 [Off-licence](#)

Form 11 [Club licence](#)

Form 12 [Special licence \(for premises that are not a conveyance\)](#)

Form 13 [Special licence \(for conveyance\)](#)

Form 14 [Application for variation or cancellation of conditions of licence](#)

Form 15 [Notice of renewal of licence](#)

Form 16 [Application for temporary authority](#)

Form 17 [Application for manager's certificate](#)

Form 18 [Manager's certificate](#)

Form 19 [Application for renewal of manager's certificate](#)

Form 20 [Notice of renewal of manager's certificate](#)

Form 22 Section 280 [Application for variation, suspension, or cancellation of special licence](#), Section 285 [Application for suspension or cancellation of managers certificate](#).

Form 24 [Search warrant](#)

Form 25 [Request to constitute licensing trust](#)

Form 26 [Notice requesting poll of electors on competition proposal](#)

Form 27 [Notice requesting poll of electors on amalgamation proposal \(relating to licensing trusts\)](#)

Form 28 [Notice requesting poll of electors on conversion proposal](#)

Form 29 [Notice requesting poll of electors on amalgamation proposal relating to community trusts](#)

Further reading

For further information, see these chapters of the Police Manual:

- [Trespass](#)

- Unlawful assembly and/or rioting
- Search

Relevant law includes:

- Sale and Supply of Alcohol Act 2012
- Summary Offences Act 1981.