



# Special Licence

## Application guide and form

### Form 10

#### Section 76, sale of liquor Act 1989

#### Reg. 14 (1) Sale of Liquor Regulations 1990

- **Special Licences do not permit B.Y.O. functions.**
- The holder of a special licence and the nominated manager are responsible for the conduct of the licence and to ensure statutory responsibilities are observed. They cannot do this if patrons bring their own liquor to functions, and consequently:
- A special licence authorises the **sale, supply or consumption** of liquor on licensed premises outside normal trading hours, or on unlicensed premises or for non-members to attend social functions on licenced club premises, when attending any occasion or event.
- The company or person taking the profit from the sale of liquor should be the applicant.
- The processing time for an application form is 25 working days. This includes a period of 20 working days as required by the Sale of Liquor Act 1989. Controversial applications or profit oriented commercial applications may have to be advertised – consequently, additional time is required to process these and to go to hearing before the Regulatory Committee of Council if the applications are opposed. In these cases, 40 working days (8 weeks) notice is necessary.
- It is Council policy that if liquor is consumed in Council halls, then a "Special Licence" is required.

### Section 75 of the sale of liquor act 1989 states:

Who may hold a special licence:

- (a) Any person who has obtained the age of 20 years; or
- (b) Any company within the meaning of the Companies Act 1993 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or
  - (ba) Any body corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under and previous enactment relating to the sale of liquor; or
  - (bb) Any board, organisation, or other body that is authorized under another Act to sell liquor or hold an on-licence under this Act; or
- (c) Any licensing trust; or
- (d) Any partnership comprising any persons, companies, or trusts referred to in paragraphs (a) to (c) of this subsection; or
- (e) Any government department or other instrument of the Crown; or
- (f) Any local authority expressly authorised by any other enactment to hold a special licence under this Act; or
- (g) Any club; or
- (h) Any trustee within the meaning of the Trustee Act 1956; or
- (i) Any manager acting for any person pursuant to a property order made under the protection of Personal and Property Rights Act 1988, if the order authorises the manager to hold such a licence.

## Regulation 14(3) of the Sale of Liquor Regulations 1990 requires that:

Every application for a special licence shall be accompanied by the following

- (a) **The prescribed fee of \$63.00. This fee is not refundable**
- (b) (Where the applicant is a local authority) A reference to the enactment by which the applicant is expressly authorised to hold a special licence under the Act
- (c) (Where the applicant is a manager acting for any person pursuant to the property order made under the Protection of Personal and Property Rights Act 1988)  
A copy of the property order
- (d) (Where the applicant is a club and holds a club licence under the Act) The number of the club licence
- (e) (Where the applicant is a club but does not hold a club licence under the Act) Such of the following particulars as the District Licensing Agency may require:
  - (i) (Where the club is incorporated) A copy of the certificate of incorporation or other documentary evidence of its incorporation; and
  - (ii) (Where the club held a charter under the Sale of Liquor Act 1962) Identifying particulars of the club's charter; and
  - (iii) A copy of the club's constitution or rules
  - (iv) (Where the club owns the building yet leases the property) A written statement from the property owner to effect that the owner has no objections to grant the licence.
- (f) (Where the applicant is made for a licence under Section 74 of the Act) Identifying particulars of the on-licence or club licence held by the applicant
- (g) **A plan showing-**
  - (i) Those parts of the premises that are to be used for the sale or supply of liquor; and
  - (ii) Those parts of the premises (if any) that the applicant intends should be designated as restricted areas or as supervised areas
- (h) **(Where the applicant is not the owner of the premises) A written statement from the owner to the effect that the owner has no objection to grant the licence.**

## Completing the application form

Note: 1 – Applicant name(s) – name(s) to appear on licence.

If a partnership, the names of all partners are required.

If a company, enter the company name

Note: 1(a) Address of applicant where individual or preferred contact address where partnership/company.

Note: 2 – Details of proposed manager(s) – where more than one manager, provide details of each.

Note: 3 – Definition of 'restricted area' – No person under the age of 18 is permitted.

Note: 4 – Definition of 'supervised area'- Persons under the age of 18 years must be accompanied by a parent or legal guardian.

Note: 5 – Prohibited persons in relation to any licence means:

- Persons who are under the age of 18 years
- Persons to whom liquor may not be sold pursuant to the licence
  - e.g (i) In the case of a club licence, a non-member
  - (ii) In the case of a special licence for a private function, a member of the public
- Persons who are intoxicated

Note: 6 – Information regarding alternative forms of transport may include:

- Free taxi phone
- Taxi company contact details
- Bus, train and ferry timetables
- Dial-a-driver contact details.

Note: 7 – Responsible management of a licensed premises should include adequate training of managers and staff in monitoring the general behaviour of patrons and to deal with situations involving intoxicated persons before they get out of hand.

District Licensing Agency, Auckland City Environments, 35 Graham Street (off Victoria Street West), Auckland Central.

Private Bag 92516, Wellesley Street, Auckland. Telephone: 379 2020. Website: [www.aucklandcity.govt.nz](http://www.aucklandcity.govt.nz).



Auckland City



# Special licence Application form

ALL THAT  
LOW LAND  
+ HIGH SKY +  
WIDE WATER

To: The Secretary  
District Licensing Agency  
Auckland City, Private Bag 92516, Wellesley Street, Auckland

Form 10  
Section 76, Sale of Liquor Act 1989  
Reg. 14(1) Sale of Liquor Regulations 1990

## 1 Details of applicant(s)

Status of applicant(s) (tick appropriate box) If applicant is a public or private company - state full name below.

- Natural person       Private company       Public company       Trustee       Club
- Licensing trust       Partnership       Local authority
- Body corporate to which Section 75(ba) of the Act applies       Manager under the Protection of Personal and Property Rights Act 1988
- Government Department or other instrument of the Crown       Board, organisation, or other body to which Section 75(bb) of the Act applies

First name in full (refer note 1): ..... Middle name(s) .....

Surname .....

If applying on behalf of a company/trust, full company/trust name: .....

Occupation: .....

Street address (refer to note 1(a)): .....

Suburb: ..... Town/city: .....

Postal address if different from above: .....

Daytime contact number: ..... Fax number: .....

Full name and address of proposed manager(s): (Refer to Note 2) .....

Date of birth: ..... Manager's Certificate No: ..... Expiry date: .....

Email address: .....

## 2 Premises details

Address of proposed licensed premises: .....

Proposed trading name: .....

Is a licence sought conditional upon construction or completion of the premises? (tick appropriate box)       Yes       No

Is your premises on land that you lease from auckland city? (tick appropriate box)       Yes       No

Does the applicant own the proposed licensed premises? (tick appropriate box)       Yes       No

Does Auckland city council own the premises? (tick appropriate box)       Yes       No

If No: (a) Full name and address of owner: .....

(b) Form and term of the premises tenure: .....

The part of the premises (if any) the applicant intends designated as:

Restricted area: (Refer Note 3) .....

Supervised area: (Refer to Note 4) .....

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### Details of Conveyance

Type of conveyance: .....

Proposed trading name for conveyance: .....

Address of home base: .....

.....

Principal route traveled: .....

Is a licence sought conditional upon construction or completion of the conveyance: (tick appropriate box)  Yes  No

Does the applicant own the conveyance? (tick appropriate box)  Yes  No

If no: Full name and address of owner: .....

.....

Is part of the conveyance to be designated as a restricted area? (Refer to note 3): (tick appropriate box)  Yes  No

A supervised area? (Refer to note 4) (tick appropriate box)  Yes  No

4

### Purposes

Occasion or event or series of occasions or events, for which the licence is sought:(Attach schedule if a series) .....

.....

.....

The days and hours this occasion or event or series of occasions or events will occur: .....

.....

.....

The days and hours the applicant intends to sell liquor under the licence: .....

.....

.....

Is the applicant applying for a licence under Section 74? (This applies to the holders of a Club or On-Licence for times when the premises are normally closed).

Yes  No Licence Number:.....

5

### Conditions

What provisions does the applicant intend to make for the sale and supply of:

Food? (eg: type) .....

Non-alcoholic refreshments? (eg: type) .....

Low alcohol beverages? (eg: type) .....

What steps does the applicant propose to take to ensure that the requirements of the Act in relation to the sale of liquor to prohibited persons is observed?

(Refer to note 5) .....

.....

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What steps does the applicant propose to take to provide assistance with or information about alternative forms of transport from the licensed

premises? (Refer note 6) .....

.....

.....

What other steps does the applicant propose to take aimed at promoting the responsible consumption of liquor? (Refer note 7) .....

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What containers does the applicant propose to sell liquor in? .....

.....

.....

Signature of applicant: .....

Date: .....

