

17 July 2020

Official Information Request No. 8140007063
(Please quote this in any correspondence)

James Bond
Joe Citizen

fyi-request-13186-c65c8477@requests.fyi.org.nz

Dear James/Joe

Local Government Official Information and Meetings Act 1987

Re: Alcohol Licensing requests

I refer to your email, which we received on 29 June 2020, requesting information about Alcohol Licensing requests.

I have liaised with our Alcohol Licensing department in relation to your request. Please find answers to your questions below.

“Frequency of venue/shop checking & how many times do you check a venue”

We have two types of visits to premises, visits for licencing purposes and visits for compliance purposes. Some premises can be visited several times a year for either or both for the above reasons. Alcohol Licensing are required to visit:

- o 100% of high risk premises.
- o 50% of medium risk premises.
- o 30% of low risk premises.

“What is this policy based on”

Please refer attached power point, as a KPI of Council we are required to visit all high-risk premises. Inspectors have the authority to enter premises under Section 267 & 197 of the Sale and Supply of Alcohol Act 2012.

197 Licensing inspectors

(1) For the purposes of this Act, the chief executive of each territorial authority must appoint 1 or more licensing inspectors for its district.

(2) Inspectors must monitor licensees’ compliance with this Act.

267 Powers of entry on licensed premises

(1) A constable or an inspector may at any reasonable time enter and inspect any licensed premises, or any part of any licensed premises, to ascertain whether the licensee is complying with the provisions of this Act and the conditions of the licence.

(2) A constable or an inspector may at any time enter and inspect any licensed premises when he or she has reasonable grounds to believe that any offence against this Act is being committed on those licensed premises.

(3) For the purposes of exercising the power conferred by this section, a constable or an inspector may—

(a) require the production of any licence, or any book, notice, record, list, or other document that is required by this Act to be kept, and examine and make copies of it; and

(b) require the licensee or manager to provide any information or assistance reasonably required by a constable or an inspector relating to any matter within the duties of the licensee or manager.

(4) A person commits an offence and is liable on conviction to a fine of not more than \$2,000 who, without reasonable excuse,—

(a) refuses or fails to admit to any licensed premises any constable or inspector who demands entry under this section; or

(b) delays unreasonably in admitting to any licensed premises any constable or inspector who demands entry under this section.

(5) A person commits an offence and is liable on conviction to a fine of not more than \$2,000 who, being the licensee or a manager of any licensed premises, without reasonable excuse, refuses or fails—

(a) to produce the licence or any document when required to do so under subsection (3)(a); or

(b) to provide any assistance or information when required to do so under subsection (3)(b).

“What is the officer required to provide as report?”

Refer to slide 4 of the ‘Inspections Best Practice – 2020’ file. There is no statutory requirement to provide a report of the inspection but on most occasions we will supply a copy in the inspection via email.

“What evidence of breach is taken if any breaches are found?”

Please refer to the ‘Inspections Best Practice– 2020’ file.

“Which officer has performed the most checks of a particular venue?”

Please refer to the excel attachments for the list of inspections and the name of the inspector who performed the inspection.

Please also feel free to contact the New Zealand Police for further information on their respective policies and procedures in relation to this request. The above questions have only been responded to from Auckland Council.

Decisions relating to the information that is being released to you were made by **James Hassall, General Manager Licensing and Regulatory Compliance.**

Should you believe Auckland Council has not responded appropriately to your request, you have the right by way of complaint, under section 27(3) of the LGOIMA, to apply to the Ombudsman to seek an investigation and review of the decision.

If you have any further queries please contact me on 09 301 0101 quoting Official Information Request No. 8140007063.

Yours sincerely



Grace Ray
Senior Privacy & LGOIMA Business Partner
Democracy Services