

Taking over an Alcohol Licensed Premises

If you are considering taking over an existing business that is licensed to sell alcohol you need to be aware of the legal requirements for the sale and supply of alcohol.

To continue to sell or supply alcohol from the day you take over the business you will need to:

1. Obtain a Temporary Authority for the premises; and
2. Ensure that a person holding a Manager's Certificate will be on duty at all times that alcohol is for sale.

Temporary Authority

If the premises has a current on-licence or off-licence, you can apply for a Temporary Authority to allow you to trade on the existing licence until you obtain a new licence in your own name. A Temporary Authority is normally issued for three months. During those three months you need to obtain your own licence.

For a Temporary Authority to be issued, the existing licence needs to be kept current, so any annual licence fees that are due must be paid and the licence must not be surrendered by the existing licensee.

If possible, an application for a Temporary Authority should be lodged at least 20 working days before the takeover date. This allows the Inspector and Police to enquire into the application, and for the District Licensing Committee to meet to determine it. It is recommended that this timeframe is taken into account when agreeing on a takeover date.

To apply for a Temporary Authority, you will need to complete the application form, and attach evidence of legal entitlement such as a copy of the sale and purchase agreement or lease.

Management of Licensed Premises

When alcohol is available for sale to the public, a manager who holds a current Manager's Certificate must be on duty at all times. You will therefore need to have a Manager's Certificate yourself, or employ someone who already holds a certificate.

If you are new to the alcohol industry it can take up to six months for you to undergo the required training, and gain enough experience to obtain a Manager's Certificate. You should bear this in mind when considering staffing of your new business.

Detailed information on the training courses and how to apply for a certificate are available in the 'Manager's Certificate Information Sheet' available on the Council website or at any Council Office.

A Temporary Authority cannot be issued if you do not have anyone with a Manager's Certificate who is associated with your premises.

Food Act

The new Food Act came into force on 1 March 2016. It changes the requirements for all food business depending on the risk of the food you handle.

Premises making food usually require a Food Control Plan. An information brochure "Guidance to Starting a New Food Business" is available from our Council website or Contact Environmental Health on 035438400 for more information.

How much will it cost?

The first few years of the alcohol licensing process can be very expensive. You should factor in all the application and annual fees for the premises, plus Manager's Certificate costs, plus any transitional costs such as Temporary Authority Order and Local Authority Certificate and Food Business registration.

Before taking over:

| | |
|---|-----------------|
| Application for Temporary Authority Order | \$296.70 |
| Local Authority Certificate | \$280.50 |
| Food Control Plan Registration | \$283.00 |
| Food Control Plan & Diary | \$ 40.00 |
| TOTAL | \$900.20 |

Applying for Your Own Alcohol Licence

You will need to obtain your own alcohol licence before your Temporary Authority expires. As soon as you receive your Temporary Authority you should start gathering the supporting information you will need for your licence application. An application for a Local Authority Certificate should be submitted in the first month of the Temporary Authority. This will form part of your full licence application which needs to be submitted at least 6 weeks prior to the Temporary Authority expiring. This is to allow enough time for public advertising and for reports to be obtained from the Licensing Inspector, the Police and Public Health. The District Licensing Committee will meet to determine your application. See Council's "Alcohol Licensing" information sheet for more detailed information about applying for a licence.

How long does a licence last?

Once issued, the first licence lasts for 12 months after which you have to apply for a renewal. A renewal can last for up to three years.

New Manager's Certificates also only last for 12 months, then if renewed can last for up to three years.

Fees

Fees are based on the type of business you have, the hours you intend to trade and the enforcement history of the premises. See Council's "How to calculate your cost/risk rating and fees" info sheet to see which risk category applies to your business.

The following costs (all GST incl.) are based on businesses with a Low, Medium or High risk rating with no enforcement history.

Year 1 – New Application for Premises Licence and Manager's Certificate

| New Application | Low Risk (\$) | Medium Risk (\$) | High Risk (\$) |
|--|----------------------|-------------------------|-----------------------|
| Local Authority Certificate | 255.00 | 255.00 | 255.00 |
| Application fee | 609.50 | 816.50 | 1023.50 |
| Annual fee | 391.00 | 632.50 | 1035.00 |
| Sub-total | 1255.50 | 1704.00 | 2313.50 |
| Obtaining a New Manager's Certificate | | | |
| Training Course e.g. at NMIT | 250 (approx) | 250 (approx) | 250 (approx) |
| Manager's Certificate application | 316.20 | 316.20 | 316.20 |
| Sub-total | 566.20 | 566.20 | 566.20 |
| Total | 1821.70 | 2270.20 | 2879.70 |

Year 2 - Renewal Application for Premises Licence and Manager's Certificate

| | Low Risk (\$) | Medium Risk (\$) | High Risk (\$) |
|-------------------------------|----------------------|-------------------------|-----------------------|
| Renewal Application fee | 609.50 | 816.50 | 1023.50 |
| Annual fee | 391.00 | 632.50 | 1035.00 |
| Manager's Certificate renewal | 316.20 | 316.20 | 316.20 |
| Total | 1316.70 | 1765.20 | 2374.70 |

Year 3 – Annual Licence Fee

| | Low Risk (\$) | Medium Risk (\$) | High Risk (\$) |
|------------|----------------------|-------------------------|-----------------------|
| Annual fee | 391.00 | 632.50 | 1035.00 |

Year 4 – Annual Licence Fee

| | Low Risk (\$) | Medium Risk (\$) | High Risk (\$) |
|------------|----------------------|-------------------------|-----------------------|
| Annual fee | 391.00 | 632.50 | 1035.00 |

Year 5 – Renewal Application for Premises Licence and Manager's Certificate

| | Low Risk (\$) | Medium Risk (\$) | High Risk (\$) |
|-------------------------------|----------------------|-------------------------|-----------------------|
| Renewal Application fee | 609.50 | 816.50 | 1023.50 |
| Annual fee | 391.00 | 632.50 | 1035.00 |
| Manager's Certificate renewal | 316.20 | 316.20 | 316.20 |
| Total | 1316.70 | 1765.20 | 2374.70 |

For more information or if you have any questions please contact the Alcohol Licensing Team on 035438400.