

CLUB LICENCE DAYS AND HOURS OF OPENING

Days	District Plan Identification	Opening Hours
Mon - Thu	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm</p> <p>10.00 am till 11.00 pm 10.00 am till 11.00 pm</p>
Fri - Sat	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 12 midnight 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p> <p>10.00 am till 1.00 am the following day 10.00 am till 1.00 am the following day</p>
Sun	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm</p> <p>10.00 am till 11.00 pm 10.00 am till 11.00 pm</p>
Good Friday; Easter Sunday; Christmas Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm 10.00 am till 11.00 pm</p> <p>10.00 am till 11.00 pm 10.00 am till 11.00 pm</p>
ANZAC Day	<ul style="list-style-type: none"> • Living • Community • Working • Rural & Coastal Villages • Countryside, Foothills Waitakere Ranges & Bush Living • Special Area • Open Space 	<p>10.00 am till 11.00 pm</p> <p>5.00 am till 12.00 midnight for RSA's only</p>

SPECIAL LICENCE CONDITIONS AND ASSESSMENT CRITERIA

ASSESSMENT CRITERIA

The nature of the occasion or event or series of occasions or events.

The suitability of the applicant.

The days and hours during which the applicant proposes to sell or supply liquor.

The areas of the premises, if any, that the applicant proposes should be designated as restricted areas or supervised areas.

The steps proposed to be taken by the applicant to ensure that the requirements of the Sale of Liquor Act in relation to the sale of liquor to prohibited persons.

The applicant's proposals to the sale and supply of non-alcoholic refreshments, beverages and food.

The provision of assistance with or information about alternative forms of transport from the event or occasion.

Any other matters raised in an objection by the Police or Sale of Liquor Inspector.

Any matter aimed at promoting the responsible consumption of alcohol.

The applicants host responsibility programme.

The general safety of all patrons attending the function or event, the safety of all employed at such an event and the safety of the public in general directly or indirectly affected by the event.

If no liquor was available would the event still continue? If the answer is no then there probably should be no licence issued.

CONDITIONS

In accordance with, and in addition to the conditions of every special licence imposed by s80 of the Act, the DLA may impose the following conditions:

The days and hours during which the applicant proposes to sell or supply liquor shall be directly linked to the event. For example with a rugby match, the sale of liquor may take place from the beginning of the game till the final whistle and not an hour before and an hour after the game.

The licensee must place appropriate signage on the premises.

The exclusion of the public to the event or occasion, by only permitting ticket holders, invited guests, club members etc. at the discretion of the Police or Inspector.

The provision of Security at all entrances and/or exits to prevent unauthorised persons gaining access to the event or occasion and security to be provided in all areas where liquor is to be sold or supplied.

The duty manager's name/s to be displayed at all times during the event or occasion.

A certified duty manager to be on duty at certain events or occasions at the discretion of the Police and/or Inspector.

The Inspector and/or Police may limit the number of containers of liquor sold per time per person.

The Inspector and/or Police may limit the types of alcohol that is sold or supplied eg. No spirits or wine.

Noise levels at the function must be moderate to comply with the Resource Management Act 1991.

SPECIAL LICENCE HOST RESPONSIBILITY

Minimum Requirements

Holders of Special Licences must make available low and non-alcoholic refreshments and substantial food.

Signs must be placed at or near the point of sale or supply.

1. Providing information about alternative transport options – taxi or dial a driver and encouraging designated drivers.
2. Warning that liquor shall not be sold or supplied to persons under the age of 18 years old.
3. Warning that no alcohol shall be supplied to persons without identification.
4. The only acceptable documents for the proof of age are a passport, a New Zealand drivers licence or a HANZ 18+ card.
5. Liquor shall not be supplied to intoxicated persons.
6. The name of the Duty Manager/s.
7. Notices of any designations either restricted or supervised.

Security shall be provided at all entrances to prevent unauthorised persons gaining access.

Noise levels generated at the function must be moderate to comply with the Resource Management Act 1991.

Recommended Actions

- Actively encourage alternative transport options by providing a free phone service.
- Discourage the sale or supply of alcohol to minors by displaying signage and providing security to monitor patron activity.
- The supply or availability of food throughout the duration of the event.
- Any other means of promoting the responsible use of alcohol.
- A certified Duty Manager to be at the event and supervise the sale and supply of alcohol.

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RENEWALS AND VARIATIONS TO ON, OFF & CLUB LICENCES

New licenses must be renewed after one year and every three years thereafter. The licence holder may seek variations to licence conditions at any time. Note that a licence is a privilege, not a right. The licensing environment is dynamic and the nature of the licence might change as the City changes

When processing renewals and variations the DLA looks at how the operation deals with on and off site problems, whether the licence conditions have been met and the general approach to achieving the purpose of the Sale of Liquor Act. The past performance of the management of a premise will be a critical part of the assessment.

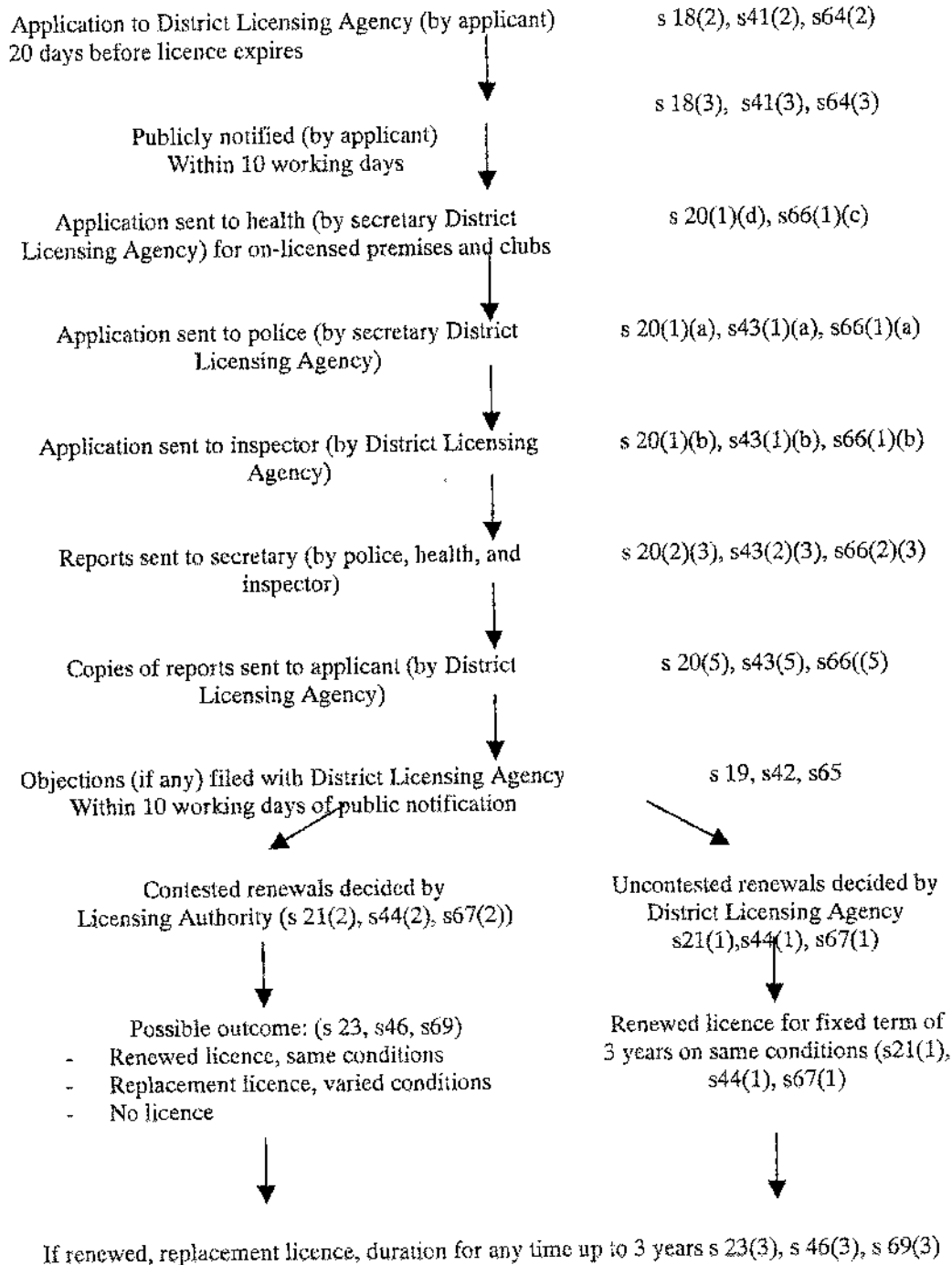
The renewal applications are publicly notified and the DLA can take any public comment (against the assessment criteria set out below) into account. While the DLA will send out reminder notices to all licensees it is the responsibility of the licensee to ensure that renewal applications are lodged within the required timeframe.

Variations to licence conditions, particularly in relation to hours of operation, will be examined closely by the DLA. Much will depend on the past performance of the management of a premise. Variations are not "as of right".

Where a new owner takes over an established operation they must satisfy the DLA that it is appropriate for any variations to standard conditions (including hours of operation) to remain in place. New owners will generally have to apply for a temporary authority and subsequently make a substantive application.

Sale of Liquor Act 1989

PROCESS FOR RENEWING OF ON, OFF, CLUB LICENCE



RENEWALS & VARIATIONS ASSESSMENT CRITERIA FOR ON, OFF & CLUB LICENCES

USE OF INFORMATION

The DLA will use any information that it has available where this has the potential to assist it to make robust decisions. In assessing applications the DLA will use all appropriate information sources including:

- *Substantiated public complaints relating to the premises (either directly or indirectly)*
- *Information obtained from the Police, Medical Officer of Health, Fire Service or other organisations deemed appropriate*
- *Independent studies or monitoring commissioned by the Council.*
- *Any other information that is deemed relevant to the application*

ASSESSMENT CRITERIA

Suitability of Applicant - the DLA must be satisfied that the applicant has properly carried out the responsibilities that go with holding a licence.

Whether Applicant has fully complied with Policy licence conditions and requirements of the Sale of Liquor Act 1989

District Licensing Inspector, Police and Medical Officer of Health reports

Evidence of on site and off site problems or incidents

Matters raised in objection to renewal application

Noise complaints

General approach of management to meeting objectives of the Policy

Changes to nature and scale of operation

Implementation and effectiveness of host responsibility programme

Any other information in respect of the licensee's promotion of the responsible consumption of liquor (such as last drink survey evidence, noise management plan).

EXTENSIONS TO HOURS OF OPERATION

Extensions will only be considered where applicant can justify that there are exceptional circumstances, such as to target a particular market segment, reinforce the "specialty" nature of the venue or support a particular marketing approach.

ASSESSMENT CRITERIA

Suitability of Applicant - the DLA must be satisfied that the applicant has properly carried out the responsibilities that go with holding a licence.

Whether Applicant has fully complied with Policy licence conditions and requirements of the Sale of Liquor Act 1989

District Licensing Inspector, Police and Medical Officer of Health reports

Evidence of on site and off site problems or incidents

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Any other information in respect of the licensee's promotion of the responsible consumption of liquor (such as last drink survey evidence, noise management).

ENFORCEMENT

Any member of the Police or any district licensing inspector may at *any time* apply to the Liquor Licensing Authority for an order:

- Varying or revoking any condition of a licence, other than a special licence, imposed by the Liquor Licensing Authority, or
- Imposing any new condition relating to any of the conditions imposed by the District Licensing Authority or the Liquor Licensing Authority (ss14(5), 37(4), 60(2)), or
- Suspending the licence, or
- Cancelling the licence.

The DLA will fulfil its enforcement responsibilities under the Act by:

1. Working closely with Police, public health officials, noise control officers and the community to ensure compliance.
2. Conducting routine inspections during opening hours.
3. Inspecting all premises on a regular basis but focussing on taverns & nightclubs during busiest hours and near closing time
4. Randomly inspecting Special Licences
5. Routinely monitoring Temporary Authorities
6. Investigating all complaints, forward information to police and report findings to relevant parties
7. Targeting inspection effort to premises where non-compliance is observed – proposed mechanisms include:
 - Using available information such as last drink survey, call centre, police, and noise complaint data.
 - Co-ordinating with Road Safety Waitakere
 - Look at ways that public can participate in informing DLA of non-compliance.
 - Co-ordinate with community organisations promoting responsible use of alcohol
8. Provide appropriate training and resources to DLA and Inspector

MANAGEMENT PERFORMANCE

REQUIREMENTS

(Note: the Act does not provide for conditions to be imposed on manager certificates – but the following requirements are consistent with LLA decisions and Act requirements)

The DLA will conduct interviews and/or tests

The licensee must notify the Police when managers are appointed or employment is terminated (notification forms will be included in toolkit).

All licensed premises, excluding clubs, will have at least one manager on duty at all times when liquor is sold

If a club is similar to a normal commercial operation (such as an RSA) then a manager needs to be on duty when liquor is being sold. If it is a sports club that does not employ staff, then the manager should be on duty at those times when the club is generally at its busiest (for example post tournament or post the main sporting activity). At other times a manager is expected to "available" when liquor is being sold

The name of the Duty Manager must be prominently displayed on the premises

Manager must ensure employees and volunteers receive appropriate host responsibility training.

ASSESSMENT CRITERIA

New General Managers Certificate

Applicant's character and reputation

Any recorded convictions

Any experience, in particular recent experience

Training, in particular recent training

Police reports

Club managers should only hold club manager certificates unless there are good grounds for issuing a general manager's certificate.

New Club Managers Certificate

Applicant's character and reputation

Any recorded convictions

Applicants must have successfully completed a training course within the last 24 months, provided by an acknowledged or NZQA accredited provider (list of providers provided in toolkit)

Extent of applicant's involvement in the club's activities.

Renewals

Applicant's character and reputation

Any recorded convictions

The manner in which the manager has managed the sale and supply of liquor pursuant to the licence in regard to the aim of contributing to the reduction of liquor abuse

Police and District Licensing Inspector reports

TEMPORARY AUTHORITY

Temporary authorities are granted to allow a person to use a licence that is attached to premises. These are generally needed when an establishment changes hands.

A temporary authority will be granted under the following conditions:

- Issued for a maximum of 3 months and can only be issued if there is a current licence on the premises
- That an appropriate licence application be made within 15 working days of having the temporary authority granted, and
- The applicant must be a suitable person to hold a licence.

Before a second temporary authority can be applied for, a completed licence application must have been received by the DLA. The time limit of 15 days is designed to encourage operators to make the application for a substantive licence.

The reason for this is that in the DLA's experience, without such an incentive being in place, applications are not made in time. The options are then to continue to issue temporary authorities (which are unsatisfactory where a substantive licence should be in place) or to refuse to issue a licence.

Where an established operation has extended hours and the person applying for a temporary authority has no history of responsible management then the extended hours of operation are likely to be removed. The onus will be on the applicant to prove that the retention of the extended hours of operation is appropriate (i.e. the applicant will be assessed in terms of the criteria for extended hours).

PUBLIC PARTICIPATION & OBJECTIONS PROCESS

Objections Process

Once a liquor licence application is filed with the DLA a copy is sent to the Police, DLA Inspector and Medical Officer of Health (for on or club licences).

All new and renewal applications for on, off and club licenses and any applications for variations to licence conditions, are publicly notified and the community has the ability to comment or object

Within 20 working days after filing the application, the applicant is required to give public notice of the application in a form set out in the Sale of Liquor Regulations. The notice must be published twice in a newspaper or newspapers circulating in the district (of the proposed licensed premises) and nominated by the Secretary of the District Licensing Agency. There must not be less than 5 days and not more than 10 days between the two dates of publication.

Objections must be filed within 10 working days after the first date of publication of the notices.

If the Police, DLA Inspector, Medical Officer of Health, or the Public raise any objections, the DLA sends all documents and any public objections to the LLA. The LLA will then decide whether or not the matter will be determined at a public hearing or on the papers.

Who May Object?

Any person who has a greater interest in the application than the public generally may object to the grant of a liquor licence.

What is a Greater Interest?

A person with a greater interest could be likened to a resident living in the same street as the proposed premises. A member of the public residing ten kilometres away and who is concerned about the effects of alcohol on the community could be considered as not having a greater interest in the application.

The LLA may give less weight to objections from persons who will not be directly affected by the proposed licensed premises.

Public Notices: An Example of What to Look For -

**PUBLIC NOTICE
SALE OF LIQUOR ACT 1989
SECTION 31(3)**

Joe Bloggs has made application to the Waitakere District Licensing Agency for the grant/renewal of an On Licence in respect of the premises at No 1 Xvier Street, Titirangi, Waitakere City and known as "Bushman's Pub".

The general nature of the business conducted (or to be conducted) under the licence is a café/restaurant.

The days on which and the hours during which liquor is (or intended to be sold) under the licence are:

Monday to Saturday	8.00 am till	1.00 am the following day
Sunday		8.00 am till 12 midnight

The application may be inspected during ordinary office hours at the Waitakere District Licensing Agency, Waitakere City Council Civic Centre, 6 Waipariera Ave. Henderson, Waitakere City.

Any person who is entitled to object and who wishes to object to the grant of an application May, not later than 10 working days after the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Agency, Private Bag 93109 Henderson, Waitakere City.

This is the first (or second) publication of this notice.

For renewals and variations the applicant must ensure that a notice of the application is attached in a conspicuous place on or adjacent to the site to which the application relates.

Grounds for Objecting to New Licences

The grounds for objection are set out in the Sale of Liquor Act. They relate only to the conditions of an individual licence and not whether the location of a premise is suitable. They are:

For On and Off Licences

- Suitability of the applicant
- Days and hours liquor will be sold
- Designation of the whole or part of the proposed premises as a restricted or supervised area
- Steps taken to ensure prohibited persons are not served
- Supply of food and non-alcoholic refreshments (does not apply to off licences)
- The applicant's proposals relating to the provision of assistance with or information about alternative forms of transport from the licensed premises (for on licences only)
- Whether the applicant intends the sale or supply of any other goods besides liquor and food, or any services other than those directly related to the sale or supply of liquor or food.

For Club Licences

- Suitability of the applicant
- Days and hours liquor will be sold
- Days and hours club premises will be used for club activities
- Designation of the whole or part of the proposed premises as a restricted or supervised area
- Proportion of club membership who are prohibited persons
- Steps taken to ensure prohibited persons are not served
- Supply of food and non alcoholic beverages
- The applicant's proposals relating to the provision of assistance with or information about alternative forms of transport from the licensed premises

Where licensed premises change hands and the new applicant seeks the same licence conditions as those presently in force, objections are valid only if they relate to the applicant's suitability.

Suitability -- matters likely to be relevant include:

- Previous experience
- Previous convictions
- Character, reputation
- Training, qualifications
- Knowledge of legislation relating to licensed premises
- Breach of an undertaking
- Misleading information in an application or public notice

Grounds for Objection to Applications for Renewal or Variation

For On and Off Licences

- The suitability of the applicant
- The conditions attaching to the licence (as outlined in this Policy, so that includes the licensee's host responsibility management, including noise management)
- The manner in which the licensee has conducted the sale and delivery of alcohol

For Club Licences

- The suitability of the applicant
- The conditions attaching to the licence (as outlined in this Policy, so that includes the licensee's host responsibility management, including noise management)
- The manner in which the licensee has conducted the sale and delivery of alcohol

Glossary of Terms

Prohibited person is someone who is under the age of 18 or who is intoxicated **Restricted area** is a designated part of licensed premises to which persons under 18 may not be admitted

Supervised area is the designated part of licensed premises to which persons under 18 may not be admitted unless accompanied by a parent, or guardian.

Making an Objection

To make an objection simply write a letter stating you wish to object and why. You must address the criteria set out above and the objection must be filed with the DLA within 10 working days of the first public notice appearing in the newspaper.

Upon receipt of an objection, the DLA will send an acknowledgement letter. The complete application will then be sent to the LLA who will check the validity of the objection. A time will be set for the hearing and objectors will be asked whether they wish to speak at the hearing.

Objection Formats

Some residents circulate petitions to inform other neighbours of an application and to gain support opposing a new licensed premise. These petitions are then filed with the DLA. Although this is an effective way to boost numbers of objectors, duplicate signatures are frequent. It is extremely difficult for the DLA to acknowledge petitioners because names and addresses are often unreadable. Therefore it is always helpful if a spokesperson can be appointed.

Keeping You Informed

Some liquor licence applications attract hundreds of objections and the DLA receives literally thousands of pages of objections. The DLA will acknowledge all objections providing the name and address of the objector is readable.

Objectors naturally want to be kept up-to-date with the progress of an application. Occasionally applications take many months to process. Sometimes applicants have to repeat the public notice process to correct application errors. It is rare that objectors who have already filed objections would need to re-file their objections. If you see another public notice in a newspaper please telephone the DLA for advice before sending in another objection.

The DLA regrets that it is unable to keep objectors informed of the progress of the application. However, objectors can telephone the DLA for an update on 09 836 8000 extension 8676.

EVALUATION AND MONITORING

A system to evaluate and monitor compliance with the Policy will be established within the DLA as part of a City Wide strategy to address alcohol issues. Public objections and complaints about licensed premises (including noise complaints and police complaints) will be kept in a centralised record-keeping system. This will enable the DLA to keep track of the licensed premises that are causing the most concerns and also to keep track of the issues that the public are most concerned about.

TOOLKIT

The DLA will issue a toolkit with each licence that will include:

- A copy of the Liquor Licensing Policy
- Examples of signage
- A list of acknowledged or NZQA accredited provider
- Examples of good Host Responsibility practices

Amendment to Bylaw 20, Amusement Galleries

INTRODUCTION

This report is written to seek an amendment to the 1990 Waitakere City bylaw number 20, covering amusement galleries.

Under the current bylaw every premises operating more than two amusement devices is required to have a licence and be subject to the bylaw.

The bylaw does not cover any premises licenced or chartered under the Sale of Liquor Act 1989.

AMENDMENT SOUGHT

There is a clear anomaly created by the current wording of the bylaw excluding premises with a liquor licence.

A prime example is that 14 year old school children are not permitted to be in an amusement gallery during normal school hours, however they are perfectly entitled to enter an establishment that is licensed for consuming alcohol and operate amusement devices in the company of intoxicated adults.

With the bylaw currently being enforced by council an obvious way for businesses to avoid having to comply is to simply obtain a liquor licence.

An amendment is therefore sought to the bylaw to enable it to cover establishments licenced under the Sale of Liquor act 1989.

The amendment sought is as follows:

1. The deletion of the line contained in article 10; "This bylaw shall not apply to premises licenced or chartered under the Sale of Liquor Act 1989, or its amendments."

2. This line should be replaced with the following;

"This bylaw shall apply to premises licenced or chartered under the Sale of Liquor Act 1989, or its amendments, with the following exceptions: Articles 14 and 17(b) and (c) shall not apply to those premises."

The articles referred to cover hours of operation (article 14) and the consumption and supply of intoxicating liquor (articles 17(a) and (b)), which would instead be subject to the Sale of Liquor Act 1989 and Waitakere City Council alcohol policy.

CONCLUSION

The amendment, by incorporating premises licensed for the sale of liquor operating amusement devices within the meaning of the bylaw, would provide a uniform standard to all premises operating such devices.

It would remove the current loophole, without affecting the operation of premises licenced for the sale of liquor.

It would also ensure that premises licenced for the sale of liquor and operating such a licence as an 'entertainment venue' had a measure of control in the manner with which they operated their amusement devices.

Such a move would be timely in light of the changes to the Waitakere City Council alcohol policy.



Brendan Stewart
Henderson Community Constable

June 5th, 2003

WAITAKERE CITY COUNCIL

BYLAW NO. 20 1990

AMUSEMENT GALLERIES

The Waitakere City Council acting pursuant to the power conferred upon it by Section 684(1)(31) of the Local Government Act 1974, does hereby make the following bylaw:-

1 SHORT TITLE

The short title of this bylaw shall be the Waitakere City Council Bylaw No. 20 1990 - Amusement Galleries.

2 COMMENCEMENT

This bylaw shall come into force on the 13th day of March 1990.

3 APPLICATION OF BYLAW

This bylaw shall apply to areas and buildings in which more than two amusement devices are operated and to which persons are admitted with or without the remittance of a fee.

4 PURPOSE

The object of this bylaw is to define, licence and control public billiard rooms, amusement galleries and shooting galleries.

5 INTERPRETATION

"Amusement" shall mean and include the playing or using for payment or other consideration, of mechanical or electronic games or devices, pool, miniature billiards, billiards, miniature golf, or other similar games or skill, recreation or entertainment.

"Amusement Gallery" includes a bowling or skittle alley, shooting gallery or game, amusement park or gallery, and all buildings in which more than two amusement devices are operated and to which persons are admitted with or without a fee.

"Amusement Device" includes mechanical or electronic games or devices, pool, miniature billiards, billiards, miniature golf, or other similar games of skill, recreation, or entertainment.

"Manager" means and includes the proprietor of an amusement gallery, the person or persons by whom an amusement gallery is occupied or conducted, the person or persons applying for and obtaining a license for an amusement gallery, or the person or persons named in any transfer of licence.

"Council" means the Waitakere City Council, or it's appointed Council Officer.

"Council Officer" unless inconsistent with the text, shall principally mean Environmental Health Officer.

6 **AMUSEMENT GALLERIES TO BE LICENSED**

- (a) No person shall use or permit to be used any land or buildings as an amusement gallery unless he has first obtained a licence to do so from the Council.
- (b) In every application for an amusement gallery licence or renewal thereof there shall be set forth the full name, place of abode, and occupation of the applicant, the situation of the premises sought to be licensed, and the purpose for which the premises will be used.
- (c) Any person who shall falsely state anything touching any particulars stated in such application shall commit an offence against this Bylaw.

Every licence under this Bylaw shall be deemed to be issued subject to the condition that the provisions of this Bylaw are complied with at all times and breach of any provision of this Bylaw shall be a breach of condition of the Licence.

7 **ISSUING OF LICENCE**

- (a) The Council in considering any application for any amusement gallery licence, may take into account the question whether the locality of which the proposed amusement gallery is situated is suitable, and may, if it considers it undesirable that the amusement gallery licence should be granted within that locality refuse to grant the licence.
- (b) The Council may refuse to issue or renew a licence for an amusement gallery if it is satisfied that the applicant, or in the case of an application by a company, is not a person of good character.
- (c) The general standard of the amusement gallery, space available, light and seating provisions where seating is considered necessary, and the age requirements of entry shall also be taken into account when issuing a licence, and if deemed appropriate by the Council, such restrictions or requirements shall be endorsed upon the licence.
- (d) Prior to the issue, annual renewal or transfer of any licence, the building shall be inspected by the Council officer and shall comply with the requirements for Buildings for Public Meetings and Assembly as laid down by the Health Act 1956 the Building Act 1991 the Building Act 1991, and the Fire Service Act 1975, the Building Code or their amendments.

8 **DURATION OF LICENCE**

Every such licence shall remain in force from the date thereof until the 31st day of March next and shall be renewed annually. The annual fee for each such licence shall be the sum as may from time to time be fixed by resolution of Council.

9 **TRANSFER OF LICENCE**

Upon the sale, lease, transfer, or change of ownership, occupancy or management, the new manager shall apply in writing to the Council to have his name endorsed on the licence of the amusement gallery as the manager, and to pay such fee as may from time to time be determined by resolution of Council. Such a transfer of licence shall not be endorsed until the Council. Such a transfer of licence shall not be endorsed until the Council has received a report from a Council Officer as to the good character of the applicant and the state of the building and equipment.

10 **REVOCATION OR SUSPENSION OF LICENCE**

Council may at any time revoke or suspend the licence granted in respect of any amusement gallery, if the manager thereof shall be convicted of any offence against this Bylaw or of any offence touching his character as such manager, or if the Council shall be satisfied (after giving the manager an opportunity of being heard) from the report of the Council Officer that the manager is acting or has acted in a manner contrary to the true intent and meaning of this Bylaw. During the period suspension, the amusement gallery shall be deemed to be unlicensed and shall remain closed.

This bylaw shall not apply to premises licensed or chartered under the Sale of Liquor Act 1989, or its amendments.

Dairies or Takeaway Bars with one or two amusement devices shall not require a licence, but are required to uphold the intent of this bylaw.

11 **RIGHT OF INSPECTION BY COUNCIL OR POLICE**

Council Officers, Truant Officers, or members of the Police Force shall have power of entry and access to every part of the amusement gallery. Any person opposing entry to such amusement gallery by a duly authorised person shall be guilty of an offence against this Bylaw.

The Council Officer may inspect the premises from time to time and report to Council on the games, devices and the equipment which are or may be used therein.

12 **SANITARY ACCOMMODATION AND CLEANLINESS OF PREMISES**

The manager shall at all times -

- (a) Provide and maintain in a clean sanitary and good working condition, toilet, urinal, and washing facilities for use of his staff and person using the amusement gallery, in accordance with the requirements of the Building Code and its amendments.
- (b) Keep the amusement gallery, furniture, fittings, fixtures, surrounds, and conveniences in good repair, in clean condition and the building well ventilated, to the satisfaction of the Council Officer.

13 **FOOD AND DRINK**

If any food or drink is to be sold or intended to be sold in any amusement gallery the approval of the Council Officer must be obtained before the licence is granted, renewed or transferred and the manager shall comply with all Statutes, Regulations and Bylaws relating to premises in which food or drink are sold.

14 **HOURS OF OPENING**

No amusement gallery shall be open or used for the purpose of any amusement except between the hours of 7.30 am and 11.00 PM on Mondays to Saturday inclusive, and all amusement galleries shall be closed throughout the whole of Christmas Day and Good Friday and on every Sunday unless the Manager shall have applied for and obtained the consent from Council to remain open. Such consent may be given subject to such conditions as Council may impose, and may be revoked by Council at any time.

15 **OFFSTREET PARKING**

The Council may require provision for offstreet parking to be made by the manager of an amusement gallery in accordance with the Council's Operative District Plan.

16 **PROVISION OF BICYCLE RACKS**

Unless otherwise approved by Council the manager of the amusement gallery shall provide bicycle racks sufficient to accommodate a minimum of one bicycle for each player that can be accommodated on the machines amusement devices, at any one time. Such bicycle racks shall preferably be placed on private land, or with the approval of the Council, may be placed on a public place where Council is satisfied that obstruction to the public will be minimal.

17 **MANAGER'S RESPONSIBILITIES**

From and after the issue of the licence, and while he shall be the manager of an amusement gallery, the manager shall be personally responsible for the proper conduct of such amusement gallery and shall himself see that all the provisions or requirements of this Bylaw are duly carried out and observed, and failure by him to do so shall be an offence against this Bylaw.

The manager shall not:

- (a) permit any wagering or gambling to be carried out in the amusement gallery;
- (b) permit any intoxicating liquor or controlled drug within the meaning of the Misuse of Drugs Act 1975, or its amendments, in or on the amusement gallery;
- (c) sell or supply intoxicating liquor or controlled drugs within the meaning of the Misuse of Drugs Act 1975, or its amendments, in or on the amusement gallery;
- (d) allow any intoxicated person or persons under the influence of drugs to enter or remain in or on the amusement gallery;
- (e) permit any person to remain in or on the amusement gallery who has behaved or threatens to behave in a disorderly manner therein or who has used obscene or indecent language therein;
- (f) permit any person under the age of fifteen years to remain in an amusement gallery during the normal school hours;
- (g) permit any noisy or disorderly behaviour or any conduct on the amusement gallery which may cause a nuisance or unreasonably disturb members of the public or adjacent business people or residents;
- (h) permit obstruction by way of bicycles, motor cycles or persons attending the gallery to any footpaths, footway or street.

On being satisfied that through noise, obstruction, obscenities or other sources of disturbance a nuisance is created, the Council may request the manager to abate the nuisance forthwith and if he fails to do so, the Council may cancel or suspend any licence issued in respect of the amusement gallery.

BYLAW NO. 20
AMUSEMENT GALLERIES

Where the noise level of an individual amusement device can be adjusted, it shall be set at such a level as considered reasonable by the Council Officer.

18 **OFFENCES**

Any person contravening or offending against or permitting, or suffering a breach of any of the provisions of this Bylaw shall be guilty of an offence against this Bylaw.

Every person who is guilty of an offence against this Bylaw shall be liable to the penalties prescribed in the Local Government Act 1974, and its amendments.

The Common Seal of the)
WAITAKERE CITY COUNCIL)
was hereunto affixed pursuant to a)
resolution of Council passed on)
28 February 1990 in the presence of:)

CHIEF EXECUTIVE OFFICER

MANAGER: FINANCE & ADMINISTRATION

A54