



Whangarei District Council

Alcohol Fees Bylaw 2016

(as at 1 April 2016)

Resolution in Council

23 March 2016

Pursuant to the Sale and Supply of Alcohol Act 2012, Whangarei District Council makes the following bylaw about alcohol related fees and charges.

1 Title

- 1.1 This bylaw is the Alcohol Fees Bylaw 2016.

2 Commencement

- 2.1 This bylaw will come into force on 01 April 2016.

3 Application

- 3.1 This bylaw applies to the Whangarei District.

Part 1 Preliminary provisions

4 Purpose

- 4.1 The purpose of this bylaw is to prescribe fees for all matters to which fees payable to territorial authorities are prescribed in the Sale and Supply of Alcohol (Fees) Regulations 2013.

5 Interpretation

- 5.1 In this bylaw, unless the context otherwise requires, -

Application fee has the meaning given by the Sale and Supply of Alcohol (Fees) Regulations 2013.

Council means the Whangarei District Council

Regulations means the Sale and Supply of Alcohol (Fees) Regulations 2013

Licence has the meaning given by the Sale and Supply of Alcohol Act 2012

- 5.2 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be changed without formality.
- 5.3 The Interpretations Act 1999 applies to this Bylaw.

Part 2 Fees

6 Fees Payable

- 6.1 The table below sets out the fees payable to Council for annual fees, applications, licences and authorities, as functions of Council which are carried out under the Sale and Supply of Alcohol Act 2012.

TABLE 1: FEES PAYABLE

| Type of fee | Fee category | Fees to apply 1 April 2016-30 June 2017 | Fees to apply 1 July 2017 onwards |
|-----------------------------|------------------------------|--|--------------------------------------|
| Application fee | Very low | \$ 480 | \$ 600 |
| | low | \$ 795 | \$ 994 |
| | Medium | \$ 1,165 | \$ 1,456 |
| | High | \$ 1,335 | \$ 1,669 |
| | Very high | \$ 1,575 | \$ 1,969 |
| Annual fee | Very low | \$ 210 | \$ 262 |
| | Low | \$ 510 | \$ 637 |
| | Medium | \$ 825 | \$ 1,031 |
| | High | \$ 1,350 | \$ 1,687 |
| | Very high | \$ 1,875 | \$ 2,344 |
| Type of fee | Special license class | | |
| Special licence fees | Class 1 | \$ 750 | \$ 937 |
| | Class 2 | \$ 270 | \$ 337 |
| | Class 3 | \$ 82 | \$ 102 |
| Type of fee | Temporary activities | | |
| Other | Temporary Authority | \$ 387 | \$ 484 |
| | Temporary Licence | \$ 387 | \$ 484 |

Explanatory note: All fees and fee categories represented are as per those provided in the Regulations. The fees set out in Table 1 replace the fees payable under clause 7 of the Regulations, but are determined using the methodology set by the Regulations. Fees payable for Manager's certificates continue to be set by the regulations at \$275 for a new or renewed certificate.

Regulation 6 of the Regulations, showing how the fee categories for application and annual fees are linked to the cost/risk rating of premises (Regulation 5) is provided here for completeness:

6 Fees categories for premises

- (1) A territorial authority must assign a fees category to any premises for which an on-licence, off-licence, or club licence is held or sought.
- (2) The fees category must be assigned in accordance with the following table, except as provided in subclause (4):

| Cost/risk rating of premises | Fees category |
|-------------------------------------|----------------------|
| 0-2 | Very low |
| 3-5 | Low |
| 6-15 | Medium |
| 16-25 | High |
| 26 plus | Very high |

- (3) The date on which the fees category for premises must be determined is—
 - (a) for the purpose of an application fee, the day on which the application is made; and
 - (b) for the purpose of the annual fee, the day on which the annual fee is payable.
- (4) A territorial authority may, in its discretion and in response to particular circumstances, assign a fees category to premises that is 1 level lower than the fees category determined under subclause (1); but no premises may be assigned a category lower than very low.

Additional information to Alcohol Fees Bylaw

This document contains matters for information purposes only and does not form part of any bylaw. It may include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance. The information contained in this document may be updated at any time.

Section 1 History of Bylaw

| Action | Description | Date of decision | Reference | Commencement |
|--------|--|------------------|------------|--------------|
| Make | Whangarei District Council Alcohol Fees Bylaw 2016 | 23 March 2016 | <i>tbc</i> | 1 April 2016 |

Section 2: Related documents

| Document | Description | Location |
|--|---|---|
| Reports to Council/Committee/Panels | | |
| Review of proposed user fees and charges 2015-2016 | Report to Council on 2015/16 fees and the possibility of developing an Alcohol Fees Bylaw. | http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2015/Extraordinary-Whangarei-District-Council-Agenda-2015-03-19.pdf |
| Draft Alcohol Fees Bylaw | Adoption of draft bylaw and associated consultation document for public consultation. | http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2015/Whangarei-District-Council-Agenda-2015-11-25.pdf |
| Proposed Alcohol Fees Bylaw 2016 – submissions report | Report on submissions received to the consultation on the draft bylaw. | http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Whangarei-District-Council-Agenda-2016-02-24.pdf |
| <i>Proposed Alcohol Fees Bylaw 2016 – deliberations report</i> | Report to Council on issues raised in submissions for deliberations. | http://www.wdc.govt.nz/YourCouncil/CouncilMeetings/Documents/2016/Extra-Ordinary-Whangarei-District-Council-Agenda-2016-03-03.pdf |
| Legislation | | |
| Sale and Supply of Alcohol Act 2012 | The purpose of this Act is to provide a legal framework for the sale, supply and consumption of alcohol and the associated systems of control and licensing. | www.legislation.govt.nz |
| Sale and Supply of Alcohol (Fees) Regulations 2013 | Provides regulations for the fees that can be charged and how fees are established for alcohol licensing related functions of Local Authorities | www.legislation.govt.nz |
| Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013 | Every territorial authority is authorised to prescribe, by bylaw, fees for any matter for which a fee payable to territorial authorities can be prescribed by regulations made under the Sale and Supply of Alcohol Act 2012. | www.legislation.govt.nz |

Section 3: Review

| Due date(s) | Legislation | Section(s) | Notes |
|-------------|-------------------------------------|------------|---|
| NA | Sale and Supply of Alcohol Act 2012 | 405/403 | No review period stipulated. No linkage to LGA review requirements. |