Section 280, Sale and Supply of Alcohol Act 2012

**Application for variation, suspension, or cancellation of licence (for on-licence, off-licence, or club licence)**

To the Secretary

Alcohol Regulatory and Licensing Authority

ARLA@justice.govt.nz

## 1. Application type

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1. Ipsapis nemouptat versper arum ent lautendam
2. Lorem ipsum dolor ea
3. Soluptium into volupta pelit ac

|  |
| --- |
| **This is an application for the:** |
|[ ]  Suspension |[ ]  Cancellation |[ ]  Variation |
| **of a licence detailed below** |

## 2. Details of applicant

|  |  |
| --- | --- |
| **Full legal name**Ipsapis nemouptat versper arum ent lautendam rum evendem reium que soluptiu. Lorem ipsum dolor ea carum ent lautendam reic temos nonsequis.1. Ipsapis nemouptat versper arum ent lautendam
2. Lorem ipsum dolor ea
3. Soluptium into volupta pelit ac
 |  |

|  |
| --- |
| **Postal address for service of documents** |
| Address | No. | Street | Suburb |
|  | City | Post code |

|  |  |  |
| --- | --- | --- |
| **Status** |[ ]  Police officer (Rank: ) |[ ]  Licensing Inspector |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Phone** | Day |  | Mobile |  |

|  |  |
| --- | --- |
| **Email** |  |

## 3. Details of licensee and manager

|  |  |
| --- | --- |
| **Full legal name of licensee**Ipsapis nemouptat versper arum ent lautendam rum evendem reium que soluptiu. Lorem ipsum dolor ea carum ent lautendam reic temos nonsequis.1. Ipsapis nemouptat versper arum ent lautendam
2. Lorem ipsum dolor ea
3. Soluptium into volupta pelit ac
 |  |

|  |
| --- |
| **Postal address for service of documents for licensee** |
| Address | No. | Street | Suburb |
|  | City | Post code |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Phone** | Day |  | Mobile |  |

|  |  |
| --- | --- |
| **Email** |  |

|  |  |
| --- | --- |
| **Full legal name of duty manager**Ipsapis nemouptat versper arum ent lautendam rum evendem reium que soluptiu. Lorem ipsum dolor ea carum ent lautendam reic temos nonsequis.1. Ipsapis nemouptat versper arum ent lautendam
2. Lorem ipsum dolor ea
3. Soluptium into volupta pelit ac
 |  |

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| --- |
| **Postal address for service of documents for duty manager** |
| Address | No. | Street | Suburb |
|  | City | Post code |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Phone** | Day |  | Mobile |  |

|  |  |
| --- | --- |
| **Email** |  |

|  |  |
| --- | --- |
| **Certificate number of relevant duty manager’s certificate (if known):** |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Certificate expiry date** |  | **/** |  | **/** |  | (day/month/year) |

## 4. Details of licence

|  |
| --- |
| **Type of licence** (attach a copy of their licence) |
|[ ]  On-licence |[ ]  Off-licence |[ ]  Club licence |

|  |  |
| --- | --- |
| **Licence number:** |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Licence expiry date** |  | **/** |  | **/** |  | (day/month/year) |

|  |  |
| --- | --- |
| **Kind of premises** |  |

## 5. Details of premises

(To be included only where the licence applies to any premises that are not a conveyance)

|  |  |  |  |
| --- | --- | --- | --- |
| **Address** | No. | Street | Suburb |
|  | City | Post code |

|  |  |
| --- | --- |
| **Name, trading name or name of building (if any)** |  |

## 6. Details of conveyance

(To be included only where the licence applies to any conveyance)

|  |  |
| --- | --- |
| **Type of conveyance** |  |

|  |  |
| --- | --- |
| **Registration number** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Address** | No. | Street | Suburb |
|  | City | Post code |

|  |  |
| --- | --- |
| **Name, trading name or name of conveyance (if any)** |  |

## 7. Action sought

|  |
| --- |
| **Tick which action(s) you are seeking***If you are seeking more than one please write below the option which is the alternative outcome* |
|[ ]  Suspension |[ ]  Cancellation |[ ]  Variation |
| **Alternative** |  |

## 8. Conditions

(To be included only where variation is sought, and, in that case, to be filled in for each condition to which the application relates.)

|  |
| --- |
| **Terms of condition at present: (Here set out full text of existing condition)** |
|  |

|  |
| --- |
| **In what respect does the applicant seek to vary the condition? (Here set out the wording of proposed condition sought by the variation)** |
|  |

## 9. Grounds of application

|  |
| --- |
| **Please tick all the grounds that apply to your application** |
| Ground 1 |[ ]  Section 280(3)(a) That the licensed premises have been conducted in breach of the following provisions of the Sale and Supply of Alcohol Act 2012; [Here set out specific section of the Act which was breached] and provide details of the allegation: |
|  |

|  |  |
| --- | --- |
| Ground 2 |[ ]  Section 280(3)(a) That the licensed premises have been conducted in breach of the following conditions of the licence; and provide details of the allegation: |
|  |

|  |  |
| --- | --- |
| Ground 3 |[ ]  Section 280(3)(a) That the licensed premises have been conducted otherwise in an improper manner; and provide details of the allegation: |
|  |

|  |  |
| --- | --- |
| Ground 4 |[ ]  Section 280(3)(b) That the conduct of the licensee is such as to show that they are not a suitable person to hold the licence; and provide details of the allegation: |
|  |

|  |  |
| --- | --- |
| Ground 5 |[ ]  Section 280(3)(c) That the licensed premises are being used in a disorderly manner so as to be obnoxious to neighbouring residents or to the public; and provide details of the allegation: |
|  |

## 10. Negative Holding

|  |  |  |  |
| --- | --- | --- | --- |
| **1.** | The licensee has a relevant prior negative holding |[ ]  Yes, please provide details below |[ ]  No |
|  |

|  |  |
| --- | --- |
| **2.** | **Other information that may assist the Authority:** |
|  |

|  |  |
| --- | --- |
| **3.** |[ ]  This application, if proven, could result in a negative holding pursuant to section Choose an item. of the Act. |
| **4.** |[ ]  No Negative Holding is possible from this application. |

|  |  |
| --- | --- |
| **Dated at:** (place, date) |  |

|  |  |
| --- | --- |
| **Signature of applicant** |  |

# Important information

These notes are not an approved part of the form but are intended to assist applicants to complete the form properly. Each heading relates to the corresponding section in the form.

**Click on an arrow to expand/collapse the heading to show the related content**.

## Application type

* Applicants must elect which options they seek so as to inform the Authority and the licensee

## Details of licensee and manager

* The name of the licensee must correspond with the name on the licence. If the name is different, specify the name on the licence in this form.
* While service may be affected at the address in s 68(3), and this is sufficient, if the respondent has changed address and the applicant knows of the current address of the respondent, then proof of service to that address is okay but proof of service is required.
* A licensee may have employed/appointed several duty managers, but here the detail sought relates to the duty manager on duty at the time of the alleged breach.

## Details of licence

* The kind of premises will either appear on the face of the licence or be contained in the licence application/decision, eg tavern, restaurant, bottle store, sports club etc.

## Action sought

* Applicants must elect which options they seek so as to inform the Authority and the licensee.
* The Authority and the respondent licensee need to know what outcome is sought by an applicant. There is no restriction on making an all or nothing application. If you, as applicant, consider cancellation is your primary outcome and consider suspension the alternative, then tick both options and write suspension next to alternative. If the application is the first enforcement application and relates to a single failed CPO (sale to minor), then tick suspension in accordance with the Authority's guidelines.

## Conditions

* Do not confuse this section of the form with an application for cancellation or suspension for a breach of a condition – which is provided for in section 9. Section 8 is for situations where you seek a variation of a condition of the licence as a result of the breach, instead of a cancellation or suspension of the licence.
* Where an applicant seeks both a cancellation or suspension and a variation of condition, then two separate applications must be filed simultaneously (one for the cancellation/suspension, the other for the variation).

## Grounds of application

1. **Ground 1**
	1. There are two parts to this requirement of the approved form:
		1. specific details of the breach or breaches alleged; and

The specific details of a breach of the Act. Most offence creating provisions of the Act contain multiple scenarios eg. A failed CPO will involve a sale or a supply to a minor. Section 239 contains 10 different possibilities. When completing this section in the form one of those 10 possibilities must be specified – the licensee sold, or the licensee allowed to be sold, or the manager sold, or the manager allowed to be sold, or a staff member who is not the licensee or the manager sold.

* + 1. The evidence available that proves the alleged circumstances.

The evidence available should set out the time, date, and other facts describing the circumstances of the breach. Provide enough detail to fully and fairly inform the Authority and the licensee of the allegation upon which the application is based. If vicarious liability is relied upon, explain how it applies in these circumstances.

1. **Ground 2**
	1. There are two parts to this requirement of the approved form:
		1. the conditions of the license which is alleged to have been breached; and
		2. the evidence available describing when and how the condition was breached.
	2. If this ground is relied upon the full wording of the specific condition must be set out, followed by the alleged circumstances relied on to establish the alleged breach.
2. **Ground 3**
	1. This ground is directed to the conduct of the licensed premises (this ground is not aimed at the moral behaviour of the licensee). Again, there are two parts:
		1. what is said to amount to a description of the conduct, which is said to be an improper manner of licensed premises operation; and
		2. the evidence available that prove the allegation.
3. **Ground 4**
	1. This ground contains two parts:
		1. what is the nature of the allegation to amount to unsuitability; and
		2. the evidence available that prove the allegation.
4. **Ground 5**
	1. This ground contains two parts:
		1. what the disorderly manner use of the premises is; and
		2. the evidence available that prove the allegation.

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## Negative Holding

1. Where a licensee/premises has one or more prior negative holdings for these premises that fact should be detailed.
2. Where a licensee/premises has previously appeared before the Authority for enforcement proceedings, which resulted in the breach being established, but no negative holding and/or no order under subsections (5)(6), then particulars or a reference to those proceedings could be included here.
3. Where the application could result in a negative holding the applicant must tick this box and add in the applicable subclause of s.288(1) from the dropdown list available [which will be one of subclauses (a)-(k)].
4. Where the application cannot result in a negative holding, the applicant must tick this box. Many breaches of the Act do not trigger s.288 – e.g. 239(2); 252.