

## **PART IV - LICENCES**

### **17. Classes of licences –**

(3) The Board shall not issue a night club licence to any applicant whose premises are situated within 50 metres of a hospital, church or school.

**23. Temporary licence** – (1) A temporary licence authorises the licensee to import and sell liquor during limited times set out in the licence for consumption in an area specified in the licence.

(2) Regulations may prohibit in the temporary licence the licensee from selling liquor of a certain kind.

**24. Application for a licence** – (1) An application for the issue of a licence under this Act must be made to the Secretary and accompanied by the approved fee.

(2) The applicant must provide:

- (a) the name and address of the applicant; and
- (b) the details of the premises to be licensed; and
- (c) information concerning any criminal conviction of the applicant; and
- (d) a valid business licence except where the application is for a temporary licence under section 23; and
- (e) any other information as prescribed or that the Secretary considers that the Board may require.

(3) If any of the details provided by the applicant is false, misleading, defective in any particular, or if any document delivered is not genuine, false or misleading, the applicant commits an offence and is liable upon conviction to pay a fine not exceeding 20 penalty units and the applicant's licence is automatically cancelled.

**25. Secretary may require further information** – (1) The Secretary may, by notice in writing, require an applicant for a licence, to do one or more of that

(2) The Board may refuse to consider or decline an application for a licence if a requirement made under this section in relation to the application is not complied with.

**26. Matters to be considered in deciding on an application for a licence –**

(1) For the purposes of making a decision in relation to an application for a licence, the Board may consider the following matters:

- (a) whether the applicant is a fit and proper person to hold a licence; and
- (b) whether it is appropriate to grant the liquor licence for premises in that area; and
- (c) whether the premises in relation to which the licence is sought are fit and proper premises for the purpose of the licence; and
- (d) the applicant's understanding of the obligations of a licensee under this Act; and
- (e) whether the applicant has contravened a provision of this Act; and
- (f) where applicable, the views of the Alii and Faipule of the village where the premises are to be situated; and
- (g) any objections to the application for a licence; and
- (h) the public interest.

(2) A licence may not be granted to an applicant who has been convicted of a serious offence.

(3) A person may object to the grant of a licence on one or more of the following grounds:

- (a) that the applicant is not a fit and proper person to be the holder of a licence; or
- (b) that it is not appropriate to grant the liquor licence for premises in that area; or
- (c) that for other reasons it would not be in the public interest to grant the licence.

(4) Where objections to the grant of the licence have been made, the Secretary shall inform the applicant of the nature of those objections and provide the applicant with an opportunity to respond.

**27. Grant of licence to sell liquor –** (1) Subject to subsection (2), the Board may issue or decline a licence after considering:

- (a) the issues referred to in section 26(1); and
- (b) any objections made in relation to the application made under section 26(3); and
- (c) any response made to those objections by the Applicant.

(2) The Board shall not issue a licence to an applicant if the approved fees have not been paid.

**28. Duration of licence** – A licence comes into force on the date nominated on the licence or in the absence of such date, on the day that it is issued and unless renewed, extended, suspended or revoked, remains in force until 31<sup>st</sup> of December of the year of its issue.

**29. Renewal of licences** – (1) Applications for renewal of licences granted under sections 27, 55 and 60 of this Act shall be made at least 1 month prior to their expiration and shall be made in the approved form.

(2) In deciding whether to renew a licence granted under Section 27, the Board shall take into account the matters set out in section 26.

(3) In deciding whether to renew a licence granted under section 55, the Board shall take into account the matters set out in section 54.

(4) In deciding whether to renew a licence granted under section 59, the Board shall take into account the matters set out in section 58.

(5) The Board shall not renew a licence to an Applicant if the approved fees have not been paid.

(6) A licensee is not liable for prosecution for failing to hold a licence if the licensee:

- (a) made proper application for renewal within 30 days of expiry of the licence; and
- (b) accompanied the application for renewal with a late application fee of \$200 or other prescribed fee; and
- (c) subsequently received renewal of that licence.

**30. Conditions attached to a licence** – (1) The Board may impose conditions not inconsistent with this Act to which the licence is to be subject.

(2) A licence is subject to any conditions imposed under subsection (1), whether or not any such condition is endorsed on the licence.

(3) Without limiting this section, a condition can be imposed by the Board:

- (a) setting the times during which liquor can be sold or consumed at the licensed premises; or
- (b) setting restrictions on how liquor can be sold from the premises; or
- (c) setting restrictions on the maximum number of persons who can be in the premises at any time; or
- (d) setting restrictions on noise at the licensed premises; or
- (e) setting the times the licensed premises may open or close.

(4) The Board may vary or revoke a condition of a licence at any time.

**31. Employment of security staff at licensed premises** –It is a condition of a bar and night club licence that the licensee must employ persons as security staff who:

- (a) are of good character and standing; and
- (b) have not been convicted of a serious offence; and
- (c) have undertaken relevant training in security work.

**32. Signs required in licensed premises** – (1) It is a condition of a licence

(3) A licensee must apply and obtain a new licence once the licensed premises is altered, if applicable or relocated.