

Changes to the alcohol licensing process

Information for alcohol licence holders and applicants about changes to the Sale and Supply of Alcohol Act 2012

7 September 2023

Changes to the Sale and Supply of Alcohol Act 2012

Parliament has made changes to the Sale and Supply of Alcohol Act 2012 (the Act). The changes make it easier for communities to have a say in alcohol licensing decisions.

There are two main sets of changes: A first set that came into force on 31 August 2023, and a second set that will come into force on 30 May 2024. This document has information about the changes that are now in force.

Apply for alcohol licences as normal

You should continue to apply for alcohol licences from your local council in the same way as before. You may wish to build in a bit more time, as people now have 25 working days to object.¹

Go to your local council's website for more information about their application process.

Anyone can object to an alcohol licence application

Anyone can object to an application for a licence, licence renewal, variation of licence conditions, or special licence, with narrow exceptions for trade competitors and their surrogates.

Trade competitors and their surrogates are restricted from objecting

Trade competitors cannot object if their objection is about trade. A trade competitor is a person holding an alcohol licence, regardless of whether they actually sell alcohol or where they sell it.

Surrogate trade competitors also cannot object. A surrogate is a person receiving, or likely to receive, direct or indirect help from a trade competitor to object to an alcohol licence application.

Whoever is holding the licensing hearing – either a district licensing committee (DLC) or the Alcohol Regulatory and Licensing Authority (ARLA) – will decide if someone is a trade competitor or surrogate as part of their preparatory processes.

People can no longer appeal local alcohol policies to ARLA

People can no longer appeal provisional local alcohol policies (LAPs) to ARLA. The process to develop a LAP is now much simpler.

You can still be involved in the development or review of your area's LAP through your council's special consultative procedure, which councils use to develop a LAP.

The changes do not impact your ability to bring judicial review proceedings relating to LAPs or to appeal individual licensing decisions to ARLA.

¹Working days are weekdays, excluding public holidays, and excluding 20 December – 15 January. Also excluded are Mondays where a public holiday falls on a weekend and is Monday-ised – e.g., Waitangi Day or ANZAC Day.

DLCs can decline licence renewal applications if they would be inconsistent with relevant LAP

Renewal applications can be declined if they would be inconsistent with the relevant LAP. This could be, for example, if there are too many alcohol retailers in an area or if the retailers are too close to a park or recreational facility, depending on what the relevant LAP says.

DLCs or ARLA do not have to decline the licence, but they have the discretion whether or not to do so when considering the relevant LAP. As before, DLCs or ARLA can impose conditions on licences so they are consistent with the relevant LAP.

The LAP will be one factor decision-makers consider alongside other factors, such as your suitability as an applicant, and the systems, staff and training you have in place to comply with the law.

Other changes are coming next year

From 30 May 2024, there will be changes to the way that licensing hearings are run. Those changes include requiring that DLC hearings avoid unnecessary formality and do not allow participants to be cross-examined.

The time before the changes come into effect means people can prepare. The Ministry of Justice will provide information about these changes next year.