

DRAFT ALCOHOL FEES BYLAW 2025

STATEMENT OF PROPOSAL



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*Council wants your feedback on this Bylaw.
Tell us what you think!*

OVERVIEW

Waitomo District Council (Council) is seeking feedback following the development of the Draft Alcohol Fees Bylaw 2025 (the Bylaw).

Council is proposing the new Bylaw to set fees and charges for alcohol licences in Waitomo District. Introducing this Bylaw would allow Council to set the amount it charges to alcohol licence holders (e.g. bars, alcohol stores and supermarkets), to help cover costs relating to alcohol licensing.

Council is proposing to increase alcohol licensing charges by 35% in July 2025, followed by a further 35% in July 2026 to bring the total cost recovery closer to 100%. After the initial and secondary increases, the Bylaw will be reviewed as part of review of Council's Fees and Charges Schedule, with the next review anticipated coming into effect on 1 July 2027.

If the Bylaw is adopted alcohol licensing fees would increase as shown in the Draft Alcohol Fees Bylaw 2025 (provided as part of this Statement of Proposal).

Key considerations

Council currently use the fees set by legislation; however, these fees have not increased since they came into force in 2013 and do not cover the full cost of the processes associated with licensing activities. This means every time Council processes an alcohol licence it costs more than the fee paid by the licensee.

Ratepayers have been subsidising these costs and this is expected to grow year on year. Therefore, it is imperative to introduce the Bylaw to enable greater cost recovery.

Costs are increasing due to inflation and an increase in alcohol licensing activities, including more District Licensing Committee hearings, education, monitoring, and enforcement. Costs are expected to continue to increase, in part because of legislative changes. The Bylaw would enable Council to set fees that would recover the costs of undertaking these licensing activities.

Consulting on these options provides an opportunity for the Council to discuss the intention of the draft Bylaw, hear community opinions, and consider feedback to the proposal.

1. OPTIONS CONSIDERED

Below is a summary of the options considered, and reasons given for the chosen option.

Option 1 (Council preferred option): increase alcohol licensing fees by 35% in July 2025, followed by a further 35% in July 2026.

Option 2 (status quo): do not adopt an Alcohol Fees Bylaw and continue to charge the alcohol licence fees set by fees regulations.

2. SUMMARY OF THE PROPOSED CHANGES

Option 1 (preferred): Creating the Bylaw would mean:

- Council would increase the fees and charges for alcohol licences by 35% in 2025-26.
- Fees would increase another 35% in 2026-27.
- Cost recovery would increase from approximately 45% in the financial year 2025/26 to 60% in the financial year 2026/27.
- A portion of the costs would continue to be subsidised by ratepayers – but less than Option 2

Option 2 (status quo): Not adopting the Bylaw would mean:

- Fees and charges for alcohol licences would not increase.
- Council's cost recovery rate would decrease year-on-year.
- Alcohol licensing activities undertaken by Council would continue to be largely funded with ratepayer contributions.

LEGISLATIVE FRAMEWORK

The development of the Draft Alcohol Fees Bylaw 2025 is in accordance with the Sale and Supply of Alcohol Act 2012 (the Act), the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013, Sale and Supply of Alcohol (Fees) Regulations 2013, and the Local Government Act 2002 (LGA 2002).

The Regulations specify the fees that can be charged and how fees are established for alcohol licensing related functions of territorial authorities. Section 405 of the Act provides the legal framework for the sale, supply and consumption of alcohol and the associated systems of control and licensing. This section permits making an alcohol fees bylaw to increase the fees and charges prescribed for alcohol licensing matters.

Bylaws do not have the authority to override primary legislation but rather seek to supplement and support national rules with local rules. Bylaws must focus on providing a remedy to the identified problem.

All bylaws must be reasonable. The requirement to be reasonable relates to the bylaw not unnecessarily impacting upon a person's freedoms and rights, as protected by the New Zealand Bill of Rights Act 1990 (NZBORA). Our assessment of the proposed bylaw is that there are no implications under the NZBORA, and this assessment will be reviewed before a final bylaw is made.

In reviewing and developing bylaws, the Council must follow both the decision making and consultation requirements set out in the LGA. Each bylaw must be evaluated in terms of its costs and benefits to the community, as well as an assessment of the other options available to the Council to regulate or remedy the problem.

KEY DATES

WHEN	WHAT
28 March 2025	Submissions open
30 April 2025	Submissions close
14 - 15 May 2025	Hearings (should people wish to speak to their submissions)
10 June 2025	Deliberations – Council discusses feedback from the community and changes are agreed to if appropriate.
30 June 2025	Council adopts the final Bylaw

HAVE YOUR SAY

Please read this document and the proposed bylaw carefully and then have your say by 30 April 2025.

Submission Form

Draft Alcohol Fees Bylaw 2025

Submissions close at 5pm on 30 April 2025

You can share your views by:

- Visiting our website: waitomo.govt.nz/haveyoursay and complete an online Submission Form
- or
- Completing this Submission Form and returning it to us by:
 - Visit our Customer Services Centre at 160 Rora Street, Te Kūiti
 - Emailing it to: haveyoursay@waitomo.govt.nz (scan and pdf or take a photo)
 - Posting to: FREEPOST 112498, Waitomo District Council, PO Box 404, Te Kūiti 3941

Full Name:	
Organisation: <i>(if responding on behalf of)</i>	
Phone: (home/mobile)	
Address:	
Postcode:	
Email:	

The Local Government Act 2002 requires submissions to be made available to the public. Your name and/or organisation will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied (such as address / email address) will be removed from the public copy.

I wish to speak to Council about my submission. Attendance can be in person or via Zoom. (Hearings are scheduled for 14 - 15 May 2025. We will contact you to arrange a time.) Yes No

YOUR FEEDBACK

Do you agree that Council should set alcohol licensing fees?

YES NO

If not, what reason do you have, or other suggestions/approach?

Waitomo District Council

Draft Waitomo District Alcohol Fees Bylaw 2025

Draft

Draft

First Adopted:	2025
Review History:	
Date of Next Review:	2030
Responsibility:	GM - Strategy and Environment
Adopted by:	2025
Associated Documents:	Waitomo District Council Local Alcohol Policy (716260)

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Draft

This Bylaw is made pursuant to the Sale and Supply of Alcohol Act 2012, the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013, and the Local Government Act 2002.

TITLE | TAITARA

This Bylaw may be cited as the Waitomo District Alcohol Fees Bylaw 2025.

COMMENCEMENT | TĪMATA

The initial resolution to make this Bylaw was passed by the Waitomo District Council at an ordinary meeting of the Council held on 2025 and was adopted following consideration of submissions received during the special consultative procedure, by a resolution at a meeting of the Council on 2025. The Bylaw came into force on 2025. The Bylaw was then publicly notified on 2025.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of this Bylaw is to set fees for any matter for which fees payable to territorial authorities are prescribed in the Sale and Supply of Alcohol (Fees) Regulations 2013.
2. This Bylaw applies to the district of Waitomo District Council.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Act	means the Sale and Supply of Alcohol Act 2012.
Application fee	has the meaning given by the Sale and Supply of Alcohol (Fees) Regulations 2013 and means the fee for any of the following: <ol style="list-style-type: none">(a) an application for an on-licence, off-licence, or club licence:(b) an application to vary an on-licence, off-licence, or club licence:(c) an application to renew an on-licence, off-licence, or club licence
25/26 year	means the period commencing 1 July 2025 and ending 30 June 2026.
Subsequent years	means the period commencing 1 July 2026 onwards.
Council	means Waitomo District Council

BYLAW | PĀERO

Unless the context requires another meaning, a term of expression that is defined in the Act and used in this Bylaw, but not defined, has the meaning given by the Act.

Any guidance or explanatory notes do not form part of this Bylaw, and may be made, amended and revoked without formality.

To avoid doubt, the Legislation Act 2019 applies to this Bylaw.

1. Fees payable for premises in each fees category

- 1.1 The application fees and annual fees are:

- 1.2 Regulations 5 and 6 of the Sale and Supply of Alcohol (Fees) Regulations 2013 provides information on how the Council must assign the cost/risk rating and fees category to any premises for which an on-licence, off licence or club licence (including renewals) is held or sought.

Period fee applies:	25/26 year		Subsequent years	
Fees category for premises	Application fee	Annual fee	Application fee	Annual fee
Very low	\$432.00	\$189.00	\$544.00	\$238.00
Low	\$715.50	\$459.00	\$901.00	\$578.00
Medium	\$958.50	\$742.50	\$1207.00	\$935.00
High	\$1201.50	\$1215.00	\$1513.00	\$1530.00
Very high	\$1417.50	\$1687.50	\$1785.00	\$2125.00

2. Fees payable for special licences

- 2.1 The fee payable to the Council for a special licence is as follows:

Period fee applies:	25/26 year	Subsequent years
Special Licence class	Fee	Fee
Class 1	\$675.00	\$850.00
Class 2	\$243.00	\$306.00
Class 3	\$74.25	\$93.50

Guidance note:

Regulation 9 of the Sale and Supply of Alcohol (Fees) Regulations 2013 sets out how Council must assign classes for special licenses. Under this provision, every special licence issued by a territorial authority must be one of the following classes:

Special Licence class	Issued in respect of
Class 1	1 large event More than 3 medium events More than 12 small events
Class 2	3 to 12 small events 1 to 3 medium events
Class 3	1 or 2 small events

For this purpose:

- **Large event** means an event that the territorial authority believes on reasonable grounds will have patronage of more than 400 people.
- **Medium event** means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.
- **Small event** means an event that the territorial authority believes on reasonable grounds will have patronage of fewer than 100 people.

3. Temporary Authority

3.1 The fee payable under section 136(2) of the Act for a temporary authority to carry on the sale and supply of alcohol is:

- (a) for the 25/26 year, \$348.30; and
- (b) for subsequent years, \$438.60.

4. Temporary Licence

4.1 A person applying under section 74 of the Act to sell alcohol pursuant to a licence from premises other than premises to which the licence relates must pay an application fee to the Council of:

- (a) for the 25/26 year, \$348.30; and
- (b) for subsequent years, \$438.60.

5. Permanent Club Charter

5.1 The holder of a permanent club charter (as described in section 414 of the Act) must, if the club's premises are located in the district of the Council, pay an annual fee to the Council of:

- (a) for the 25/26 year, \$742.50; and
- (b) for subsequent years, \$935.00.

6. Extract from Register

6.1 The fee payable to a licensing committee under section 66(2) of the Act for an extract from a register is:

- (a) for the 25/26 year, \$67.50; and
- (b) for subsequent years, \$85.00.

7. Goods and Services Tax Exclusive

7.1 The fees prescribed by this Bylaw are exclusive of goods and services tax.

This Bylaw was made by the WAITOMO DISTRICT COUNCIL, under the Sale and Supply of Alcohol Act 2012, the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013, and the Local Government Act 2002 at a meeting of the Council held on the XXXXXX 2025.

The Common Seal of the WAITOMO DISTRICT COUNCIL was hereunto affixed pursuant to a resolution of Council passed on the XXXXXX 2025.

The Common Seal of the Waitomo District Council was hereto affixed in the presence of:

Mayor

Chief Executive