

INFORMATIONAL PAMPHLET

INTOXICATING LIQUOR (Amendment) ACT 2010

The following information are amendments to the Intoxicating Liquor Act. This is information the Liquor Licensing Office believe is relevant and will affect how you operate your business in terms of the new Intoxicating Liquor (Amendment) Act 2010. For a complete copy of the Act 2010 please contact Licensing Officer IP AMATO at 23156

1. LICENSING AUTHORITY

- 1.1. A Liquor Licensing Authority is established replacing the Minister of Police as Authority over all liquor licensing matters. The LLA is made up of representatives from Ministries of Labour, Commerce and Industries, Revenue, Health, and Chaired by the Police Commissioner. The secretariat is appointed from the Tonga Police.
- 1.2. LLA is responsible for the administration of the Act.
- 1.3. LLA has the power to issue, impose conditions, suspend and renew licenses. Also empowered to enter licensed and suspected premises, seize liquor, summons a licensee for questioning in relation to compliance with the Act. These powers can be delegated.

2. TYPE OF LICENSES

- 2.1. There are 7 types of licenses:
 - 2.1.1. Wholesale
 - 2.1.2. Retail Bottle Store
 - 2.1.3. Club
 - 2.1.4. Special Events
 - 2.1.5. Bar
 - 2.1.6. Restaurant
 - 2.1.7. Night-Club
- 2.2. A Wholesale License may sell and deliver liquor, on wholesale only at or from a specified building, for consumption off the premises. Building must be specified in the License. Hours of sale are 8am to 6pm Mon - Sat. Violation of hours of sale or off-premises consumption is an offence and upon conviction liable to be disqualified from holding a license.
- 2.3. A Retail Bottle Store License authorises licensee to sell liquor from a retail bottle store. Sale must be made from a separate premises or room inside the store. Consumption is off premises. Hours of sale are 8am to 9pm Mon - Sat. Violation of hours of sale or off-premises consumption is an offence and upon conviction liable to be disqualified from holding a license.

- 2.4. A Club License authorises the sale of liquor by the Club ONLY to members of the club for consumption on the club premises. Violation of off-premises consumption is an offence and upon conviction liable to be disqualified from holding a license.
- 2.5. A Special Events License authorises licensee to sell liquor at any place during any special event. License is valid for 24 hours. Liquor is consumed on-premises. Other conditions may be imposed by the Authority such as: specified area for consumption, container used to serve liquor, number of persons to be served, and level of security required. Application should be made no later than 7 days before the event. Violation of conditions may result in license being revoked.
- 2.6. A Bar License authorises the licensee to sell liquor from a 'bar' to be consumed; at the bar, at a designated area within proximity of the bar; or in a guest room in accommodation where the bar is located. A 'Bar' is a place where liquor is sold or served to customers, and shall be located separately from any area used as a restaurant or common area. Hours of sale are: Mon - Fri: 10am to 1230am the following day, no patron is to remain on the premises after 1am. Sat: 12pm to 1130pm, no patron is to remain on premises after 12am Sunday.

No Liquor is to be sold under a Bar License on Sunday, Good Friday or Christmas, except if liquor is sold to a guest of a accommodation where the bar is located (i.e. Hotel, Resort). Such liquor can only be sold between 12pm to 9pm.

- 2.7. A Restaurant License authorises the licensee to sell liquor on the premises for consumption on-premises to any person who partakes of a substantial meal cooked on the premises. Hours of sale are: Mon - Sat 11am to 11pm, Sun 11am

to 9pm. Whichever day Good Friday and Christmas falls on similar hours apply.

- 2.8. A Nightclub License authorises the licensee to sell liquor at a night-club for consumption on-premises. Hours of sale are: Mon - Fri: 8pm to 1230am the following day, no patron is to remain on the premises after 1am the following day. Sat: 8pm to 1130pm, no patron is to remain on the premises after 12am on Sunday.

No sale of liquor is permitted between the hours of 1130pm of the previous day and 12 midnight on any Sunday, Good Friday or Christmas. Violation of hours of sale or on-premises consumption is an offence and upon conviction liable to be disqualified from holding a license.

3. APPLICATION FOR A LICENSE

- 3.1. Applications for a license under the Act is to be made in writing to the Authority in the prescribed Form together with the prescribed fee.
- 3.2. Applications will be considered with regard to:
- 3.2.1. Suitability of applicant
 - 3.2.2. Extent to which liquor is already available in the area to which application applies
 - 3.2.3. Selling hours proposed
 - 3.2.4. Likely health and social impact on community if license is granted
 - 3.2.5. Compliance of applicant with health, sanitary, fire and building standards including hygiene, adequacy of toilets, fire safety measures and structural soundness of building
 - 3.2.6. Desirability of limiting number of licenses to limit negative community impact of alcohol-related harm
 - 3.2.7. Views of persons directly affected by the application
 - 3.2.8. Steps proposed to be taken by applicant to ensure sale to underage children is observed
 - 3.2.9. Steps proposed to be taken by applicant to prevent acts of violence and disorder on or in the immediate vicinity of premises
 - 3.2.10. Steps to ensure reasonable consumption of liquor in the premises and maintained
 - 3.2.11. Proposal by applicant for the sale of non-alcoholic and low-alcohol beverages and food

- 3.2.12. Provision of assistance or information about alternative means of transport from the premises

- 3.3. Authority may invite public submission in relation to an application and convene a public hearing to hear submissions regarding an application.

4. ISSUING OF LICENSES

- 4.1. The Authority after considering an application :
- 4.1.1. Require applicant to resubmit
 - 4.1.2. Grant provisional license with conditions
 - 4.1.3. Grant a license with or without conditions
 - 4.1.4. Refuse to grant a license
- 4.2. Conditions may include but not limited to:
- 4.2.1. Requirements that applicant need to satisfy before granting a license
 - 4.2.2. Number of patrons that can be served at a premises
 - 4.2.3. Training of staff
 - 4.2.4. Noise level emanating from a premises
 - 4.2.5. Lighting of licensed premises for safety of patrons and their vehicles

4.3. RENEWAL OF LICENSES

- 4.4. Licensee may apply in writing to the Authority for renewal . following conditions must be satisfied:
- 4.4.1. Written application
 - 4.4.2. Application submitted no later than 30 days before expiry of license
 - 4.4.3. Written confirmation by licensee that s/he has no outstanding tax obligations

4.5. UNDERAGE PERSONS

- 4.5.1. No person under the age of 18 years is to be sold liquor in any licensed premises or is allowed to be in any bar or nightclub. A fine of \$1,000 upon conviction.

4.6. OFFENCES

- 4.6.1. Selling liquor by unlicensed person - penalty: \$5,000 and/or 2 years imprisonment
- 4.6.2. Allowing unlicensed person to sell - penalty: \$1,000
- 4.6.3. Refusal to receive travellers - penalty: \$1,000
- 4.6.4. Person refusing to vacate premises after request by licensee, agent or police - penalty:\$500
- 4.6.5. Permitting drunken or disorderly persons to continue on premises or to be used as brothel - penalty:

\$500 and/or 12 months imprisonment for drunk and disorderly, \$5,000 and/or 2 years for allowing premises to be used as brothel

- 4.6.6. Liquor carried about for sale - penalty: \$1,000 and/or 6 months
- 4.6.7. Gaming prohibited on licensed premises - penalty: 1st offence \$1,000 and subsequent offence \$2,000
- 4.6.8. Selling liquor to intoxicated persons - penalty first offence \$500 and for subsequent \$1,000
- 4.6.9. Allowing licensed premises to be used as a ballroom, concert, theatrical saloon or place of common resort without a Permit from the Authority - penalty \$1,000
- 4.6.10. Failing to produce license when requested by police officer (Inspector) - penalty \$200
- 4.6.11. Obstructing any public officer discharging his duty - penalty: disqualification of licensee from holding a license
- 4.6.12. Harboring or bribing a police officer - penalty first offence \$5,000 and/or 2 years imprisonment
- 4.6.13. Servant or agent of licensee who permit any person whom a prohibition order is in force commits an offence - penalty \$500 and/or 6 months
- 4.6.14. Licensee who permits any person whom a prohibition order is in force commits an offence - penalty \$500 and/or 3 months.

5. LICENSE FEES

Wholesale	\$5,000
Retail Bottle Store	\$2,000
Club	\$3,000
Special Events	\$250
Bar	\$2,000
Restaurant	\$1,250
Nightclub	\$3,000
Transfer	\$150
Duplicate of lost license	\$100
Late Renewal	\$500

Police Commissioner
 Chairperson
Licensing Authority