

Ashburton District Council Liquor Licensing Policy (2007)

1. Introduction

- 1.1 The Sale of Liquor Act 1989 provides that each local authority must establish a District Licensing Agency to administer the Council's responsibilities under this Act.
- 1.2 The Liquor Licensing Authority (LLA) encourages District Licensing Agencies (DLAs) to develop local liquor licensing policies that reflect community preferences, inform the community, and guide decision making.
- 1.3 This Liquor Licensing Policy has been developed to support the object of the Sale of Liquor Act 1989 which is "to establish a reasonable system of control over the sale and supply of liquor with the aim of contributing to the reduction of alcohol abuse as far as can be achieved by legislative means".
- 1.4 This Liquor Licensing Policy sets out a framework for consistent decision making in the local administration of the Act, provides guidance to those who may be seeking to obtain a licence under the Act and attempts to reflect community expectations with respect to liquor issues.

2. Objectives of the Policy

- 2.1 To clearly define the Council's approach to, and administration of, its responsibilities under the Sale of Liquor Act.
- 2.2 To define the parameters which guide liquor licensing within Ashburton District and specify how the DLA will carry out its functions, including guidelines in respect of; hours of operation of licensed premises; criteria for assessing and approving licence applications and renewals; monitoring and enforcement procedures; communication and collaboration between agencies charged with statutory responsibility for liquor licensing issues.
- 2.3 To provide licensees and prospective licensees within Ashburton District with guidelines regarding DLA and community expectations regarding the sale of liquor within the district.
- 2.4 To promote safe drinking and the principles of "Host Responsibility" within Ashburton District to licensees and the community, through education, communication and promoting the effective implementation of Host Responsibility Policies.

3. Duties and Functions

3.1 Liquor Licensing Authority (LLA)

The Liquor Licensing Authority (LLA) is a tribunal administered by the Ministry of Justice. The LLA comprises a judge and one or two appointed members with particular relevant knowledge or experience. The Act charges the LLA with the following functions:

- Assessing and determining opposed applications for liquor licences and managers certificates referred to it by DLAs;
- Determining applications for variation, suspension or cancellation of licences or certificates from the Police or a Licensing Inspector;
- Determining appeals against DLA decisions;
- Giving direction on sale of liquor matters to DLAs.

3.2 District Licensing Agency (DLA)

The Sale of Liquor Act 1989 confers the role of District Licensing Agency (DLA) to local authorities. The DLA comprises elected members from the local authority and elects its own chairperson.

The Act charges the DLA with the following functions:

- To consider and determine unopposed applications and renewals for liquor licences and managers certificates;
- To consider and determine unopposed applications for redefinition and/or variation of an on, off or club licence;
- To consider and determine applications for special licences and temporary authorities;
- To hear and determine applications for special licences which are opposed;
- To oppose applications where it is considered the applicant does not meet the criteria, and forwarding opposed applications to the LLA for determination;
- To appoint one or more Licensing Inspectors;
- To monitor the management of licensed premises;
- To consider and determine applications for immediate suspension of licence for non-compliance with public health or fire precaution requirements;
- To conduct inquiries and make such reports as may be required by the LLA under section 95 of the Sale of Liquor Act.
- Where appropriate, to hear applications for general managers certificates where the applicant does not hold the Licence Controllers Qualification (LCQ).

Note: The functions listed above may be delegated to the Secretary of the DLA. These delegations are included in the Ashburton District Council Delegations Register.

3.3 Licensing Inspector

Licensing Inspectors are appointed and warranted under section 103 of the Sale of Liquor Act to carry out the following functions:

- To report on all applications and renewals for licences and managers certificates to the DLA and or LLA.
- To monitor licensed premises for compliance with the requirements of the Sale of Liquor Act and any specific requirements of the licence and to report on these to the DLA and/ or LLA.

In carrying out the purposes the Act, a Licensing Inspector is able to exercise the following powers:

- The right of entry to any licensed premises or part of licensed premises at any reasonable time to inspect premises to ascertain compliance with the conditions of the licence. The inspector shall carry a warrant of appointment.
- Require the production of any licence, or any book, notice, record, list, or other document that is required by the Act to be kept, and examine and make copies of it.
- Require the licensee or manager to provide any information or assistance reasonably required by the inspector relating to any matter within the duties of the licensee or manager.
- The right to apply to the LLA for a variation, suspension or cancellation of a licence or certificate where this is considered necessary.

3.4 Secretary of the District Licensing Agency

The Chief Executive of the local authority (or delegated representative) is the Secretary of the District Licensing Agency.

The Secretary has delegated authority to determine and approve unopposed applications for new and renewed licences and managers certificates. These delegations are included in the Ashburton District Council Delegations Register.

The Secretary also has specific responsibilities under the Sale of Liquor Act, including:

- To set up and maintain a register of licences and managers certificates;
- To set up and maintain a register of licensees;
- To set up and maintain a record of every application filed with the Agency

- To send to the Secretary of the LLA, a copy of every application made to the DLA, and a copy of every decision made by the DLA, as required by the Sale of Liquor Act 1989.

3.5 Reporting Authorities and Agencies Involved in Processing Liquor Licensing Applications

The Sale of Liquor Act 1989 and other legislation and regulations provide that the DLA, in processing applications under the Act, shall obtain reports from the following:

- **New Zealand Police:** Police report on all licence and manager's certificate applications. In making their assessment the Police take particular consideration of matters associated with the management of premises and the suitability of applicants to hold licences and certificates.
- **Medical Officer of Health:** The Medical Officer of Health, or representative, report on the all applications for new and renewed on-licence and club licences. The Medical Officer of Health's role is to report on matters that impact on public health and within the context of licensing it is generally accepted that this will focus on "Host Responsibility" issues.

Currently, Ashburton Community Alcohol and Drug Service (ACADS) is the representative of the Medical Officer of Health for carrying out monitoring and promotion of "Host Responsibility" functions required by the Act, and reporting on this aspect of applications for new and renewed on and club licences.

Issues of food hygiene, cleanliness and building condition are assessed, on the Medical Officer of Health's behalf, by Council environmental health officers.

- **Council Building and Planning Staff:** A planning and building certificate must accompany any application for a new liquor licence, other than a special licence, and for variations and redefinitions of licences where there are changes sought to the premises or licence conditions. This certificate confirms the proposal satisfies planning requirements and the building meets or, when completed will meet, the requirements of the Building Act 1991.
- **Fire Safety Officer:** The New Zealand Fire Service, (NZFS) is required to review the statutory requirements of licensees to provide a fire evacuation scheme for licensed premises. NZFS will liaise with the Licensing Inspector to monitor premises usage and occupancy, and fire safety issues. If inspection reveals non-compliance, it may result in a premises being reported to the territorial authority as a danger to public safety, and application made to the DLA under section 134 of the Act for licence suspension.

4. Processing of Applications for Licences and Certificates

4.1 Unopposed Applications: The Secretary of the DLA is authorised to determine, approve and issue unopposed liquor licences, special licences, managers' certificates and temporary authorities which comply with the requirements of the Sale of Liquor Act 1989 and which satisfy the provisions of this policy document.

4.2 Opposed Applications for Licence (other than Special Licence) or Managers Certificate: Where an application is opposed by the Licensing Inspector or a reporting agency the Licensing Inspector shall advise the applicant of the objection. The Licensing Inspector may then advise the applicant of options available.

If the objection relates to issues covered by this Policy the application is referred to the DLA for determination. If the objection to the application relates to issues outside the scope of this Policy the application will be referred to the LLA for determination.

4.3 Opposed Applications for Special Licence: Where an application is opposed by the Licensing Inspector or a reporting agency the Licensing Inspector shall advise the applicant of the objection. The Licensing Inspector may then advise the applicant of options available. If

objection to the application is not withdrawn, the application is forwarded to the DLA for hearing and determination.

4.4 Public Notification of Applications: The “Ashburton Guardian” is nominated as the newspaper in which the public notices, required under the Sale of Liquor Act 1989, are published. The DLA may decide to place additional public notices in other newspapers as considered appropriate to each application.

5. Host Responsibility

Host Responsibility is a generally accepted term incorporating six requirements of on-licences and club licence contained in the Sale of Liquor Act, intended to assist in creating safer drinking environments that reduce the risk of intoxication and its associated harm.

- Preventing intoxication
- Not serving liquor to minors
- Providing and actively promoting low and non-alcoholic drinks
- Providing and actively promoting substantial food
- Responsible service of alcohol
- Arranging safe transport options

Having and implementing a Host Responsibility policy is a legal requirement for on licence and club licence premises. Host responsibility is also a requirement for special licences.

The Ashburton DLA recognises and promotes Host Responsibility as a fundamental requirement of licensees to provide a safe drinking environment and reduce alcohol-related harm in the community.

6. Criteria Relating to On-Licences

6.1 On-Licence Operating Hours – Non Residential Area

The Ashburton DLA will generally grant licences for the following maximum hours of operation.

Hotel or tavern style operations outside of any residential area:

- seven days a week between the hours of 7.00am to 3.00am the following day.

Restaurant style operations outside of any residential area:

- seven days a week operation between the hours of 7.00am to 1.00am the following day.

Hotels and guest houses/lodges outside of any residential area:

- sale and supply of liquor to lodgers or employees living on the premises at any time on any day.

6.2 On-Licence Operating Hours – Residential Areas

The Ashburton DLA will grant licences for premises in residential areas on a case-by-case basis, generally for the following maximum hours of operation for new on-licence premises.

On-Licence Applications and Renewals for Existing Licensed Premises in Residential Areas: In the case of an application for a new licence or to renew an existing licence in a residential area, the current licence conditions will be taken into account in the setting of hours of operation under the new licence. In general, a continuation of current licence conditions will normally be granted where applicants can show appropriate systems are in place to eliminate or minimise potential nuisance to neighbouring residential properties and show there have been no issues of non-compliance relevant to the licence.

New Hotel or tavern style and restaurant style operations inside or adjacent to any residential area:

- Sunday to Thursday between the hours of 7.00am to 11:00pm, and
- Fridays and Saturdays between the hours of 7:00am to 1:00am the following day.
- The DLA may grant operating hours outside of the above on a case-by-case basis where applicants can show appropriate systems will be in place to eliminate or minimise potential nuisance to neighbouring residential properties.
- The Licensing Inspector may apply to the LLA for a variation of the licence if there are found to be irresolvable issues of non-compliance relevant to the licence.

New Hotels and guest houses/lodges inside or adjacent to any residential area:

- sale and supply of liquor to lodgers or employees living on the premises at any time on any day.

Definition of “Residential Area”: The term "residential area" referred to above is not a definition from the council's District Plan. For the purpose of this Policy a residential area can be "an area where, in the opinion of the DLA, the establishment or operation of licensed premises may have an adverse impact on residential habitat". For example: a licensed premises may be located in a non residential area, however the effect of traffic travelling to and from the premises through an adjacent residential area could have a detrimental effect on that adjacent residential area.

District Plan Implications: District Plan rules, for example restrictions on hours of operation in a business zone but adjoining a residential or rural-residential zone, may require operating hours that are shorter than or different to those detailed in this policy. For example see Ashburton District Plan 7.7.5.1.17.

6.3 Footpath Seating Areas to be Licensed

The DLA will consider applications to have footpath areas included in the licensed area of a premises for seated patrons on a case-by-case basis.

In making decisions on whether an application to include footpath areas into a licensed area, and if so what hours should apply, the DLA will consider, but not be limited to, the following:

- The impact on pedestrian thoroughfare
- The impact on the overall amenity value of the street to the wider community
- The systems the applicant proposes to effectively manage the area at all times
- The availability of existing outside area(s) within the current licensed area of the premises
- The type of use intended for the outside area, with dining and tourism-related activities likely to be considered more favourably
- Reports from NZ Police and the Licensing Inspector on the suitability of the particular area to be licensed and on any issues associated with the ability of the applicant to control the area effectively.

Ashburton CBD: The DLA will grant an application to include footpath seating areas in the licensed area within the Ashburton central business district until no later than 12:00 midnight. The DLA will decide on a time it considers appropriate on a case-by-case basis based on the decision-making criteria above.

Other Areas: In all other parts of the District the DLA will consider the hours on a case-by-case basis taking in to account the decision-making criteria above.

6.4 Designations

In general, premises that hold a restaurant style on licence will be undesignated.

In general, premises that are “Public Bars”, Hotel Bars, Taverns, and “Places of Entertainment” should be designated as supervised areas.

6.5 Host Responsibility

All licensed premises are required to have a written and operative Host Responsibility policy, which is observed at all times.

A copy of the premises' current Host Responsibility Policy is to be submitted to the District Licensing Agency with all applications for new on licences.

The Host Responsibility Policy is to be displayed in a public part of the licensed premises at all times.

The Ashburton DLA endorses the national protocol on alcohol promotions.

7. Criteria Relating to Off-Licences

7.1 Off-Licence Operating Hours

The hours of operation of any off-licence will be set having regard to each particular application and to the nature of the business, including its proximity to residential use. The Ashburton DLA will generally grant licences for the following maximum hours of operation.

Off-licences associated with an on-licence or club licence where the same point of sale is utilised:

- hours parallel with the on-licence hours.

Stand alone or lock-up bottle stores:

- seven days a week during the hours 7.00 am to 11.00 pm.

Supermarkets and other off-sales outlets where the principal business is not the sale of liquor:

- hours parallel with the business' normal retail hours.

7.2 Off-Licence Designations

In general, the off-licence areas of hotels, taverns and stand-alone bottle stores will be designated as supervised areas.

7.3 Host Responsibility

The Ashburton DLA endorses the national protocol on alcohol promotions.

8. Criteria Relating to Club Licences

8.1 Sports and Social Club Licence Operating Hours

The normal hours of operation for club activities should reflect the hours of operation of the principle club activity. The Ashburton DLA will generally grant licences for the following maximum hours of operation:

- Sunday to Thursday 9.00 am - 10.00 pm.
- Friday and Saturday 9.00 am - 12.00 am

These hours are intended as a guideline only and will be considered by the DLA on a case-by-case basis.

8.2 Club Licence Designations

In general, premises that are licensed as a club should be undesignated.

8.3 Chartered Clubs

Criteria relating to chartered clubs will be the same as for the criteria relating to on-licences detailed in section 6 of this policy.

8.4 Host Responsibility

All licensed club premises are required to have a written and operative Host Responsibility Policy which is observed at all times.

A copy of the club's current Host Responsibility Policy is to be submitted to the District Licensing Agency with all applications for new club licences.

The Host Responsibility Policy is to be displayed in a public part of the licensed premises at all times.

The Ashburton DLA endorses the national protocol on alcohol promotions.

9. Criteria Relating to Special Licences

9.1 When a Special Licence is Required

A Special Licence authorises and controls the sale and supply of liquor for events or social gatherings and may be for a single event or a series of events.

A Special Licence may be:

- To permit the sale and supply of liquor in a premises or conveyance that is not the subject of a licence; or
- To permit the sale and supply of liquor by the holder of an on licence or club licence, in a licensed premises where the licensee wishes to operate outside the conditions of the licence.

A Special Licence may also be issued for "Off-sales", eg bottles of wine to take home from a wine and food festival.

In general, applications for a special licence shall be for a maximum of 10 events per application. Depending on the nature and frequency of the special licence applications, the DLA may require a more appropriate permanent licence be applied for.

9.2 Special Licence applicant to be Beneficiary of Sale and Supply

The person or organisation to benefit from the sale and supply of liquor under the special licence must be the applicant. The applicant must appoint a duty manager to manage the sale and supply of liquor. The NZ Police or the Licensing Inspector may require the duty manager to hold a managers certificate, or show sufficient knowledge of their responsibilities.

In the case of a private social gathering (e.g. a wedding or birthday party) held on licensed premises outside the hours or conditions of the licence, the person selling the liquor (i.e. the licence holder) must hold a special licence.

9.3 Special Licences and Sacrosanct Days

A Special Licence will not be issued for the sacrosanct days specified in the Sale of Liquor Act where it is considered that the application is for a contrived event.

9.4 Special Licence Applications 20 Working Days Prior to Event

Applications for a Special Licence should be lodged 20 working days prior to the event to ensure processing. Late applications will normally be accepted, however there is no guarantee that the application can be processed.

9.5 Criteria for Special Licence

In assessing an application for a Special Licence with regard to the criteria in the Act, the Licensing Inspector shall also have regard to building and fire safety issues and matters of public safety such as, but not limited to, the size of the event, the likely participants and potential alcohol abuse issues. A Special Licence will not be issued where, in the opinion of the DLA, the extent or regularity of the activity is such that an on, off or club licence is required by the Act.

9.6 Special Licence Operating Hours

While the Ashburton DLA does not have a policy imposing general restrictions on the hours of operation for special licence events, the hours approved will reflect the main activity and depend on the location, type of premises, activity and likely participants of the event. Restrictions on hours will be imposed if the DLA considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. The Licensing Inspector, Police or other relevant effected parties may raise such issues.

9.7 Designation of Areas for a Special Licence

The DLA may require that a particular area in respect of a special licence be designated either a 'restricted' or 'supervised' area in accordance with the Act. The DLA may impose such a designation after consultation or upon recommendation from the Licensing Inspector or Police.

9.8 Host Responsibility

All special licence premises are required to operate according to the principles of Host Responsibility at all times. The DLA will provide a generic Host Responsibility Agreement which must be signed by the applicant prior to licence approval.

The Ashburton DLA endorses the national protocol on alcohol promotions.

10. Definition of Licensed Areas

The licensed area(s) of premises must be clearly defined so as to be immediately obvious to agencies, the licensee and staff, and the public as to the area that has been approved for the sale, supply and/or consumption of liquor.

The approved area must be noted on plans lodged with an application. Where a proposed licensed area includes an outdoor area, whether on Council owned or private land, approval for a licence for this type of area will depend on:

- The clear definition of the area by structures, plantings, markings or some other approved method; and
- The licensee being able to display to the NZ Police and Licensing Inspector that this area is able to be effectively managed.
- **Note** that outside area using Council-owned footpath is subject to the criteria in section 6.3 of this Policy.

11. Temporary Authorities

11.1 Criteria for Granting a Temporary Authority

A "Temporary Authority" may be granted to allow an applicant to operate a current on or off licence in respect of premises for an interim period, generally when a business changes ownership.

If granted, the Ashburton DLA will issue a Temporary Authority for three months. Normally, no more than two Temporary Authorities will be granted in succession for the one premise.

The process for granting a Temporary Authority through the Ashburton DLA will include a report from the Licensing Inspector and the Police on the suitability of the applicant to hold a Temporary Authority. Criteria may include but not be limited to, convictions or any other issues notified by Police, knowledge of the Sale of Liquor Act and licensee responsibilities, whether certificated managers will operate the premises.

12. Issue and Renewal of Managers Certificates

12.1 Criteria for Granting General Manager and Club Manager Certificates

The Ashburton DLA will grant, or recommend the granting of both General and Club Managers Certificates where:

- The applicant has submitted proof of having satisfactorily completed a recognised training course on the management of premises under the Sale of Liquor Act 1989 and;
- No objections have been raised to the issue of the certificate; and
- The applicant is considered to be a suitable person; and
- The applicant has had at least six months relevant experience working in licensed premises.

Applicants for new and renewed General Managers Certificates must hold the Licence Controllers Qualification (LCQ) issued by the Hospitality Standards Institute. Applications will be accepted without the LCQ, however applicants must provide a copy of their LCQ within two months of lodging an application.

If an applicant for a General Manager's Certificate does not have sufficient experience in all types of licensed premises, the applicant may be required to enter into an agreement in the form of an undertaking that he/she will work as duty manager in only certain types of licensed premises.

12.2 New Applicants to be Interviewed by Licensing Inspector

All new applicants for General Managers and Club Managers Certificates will be interviewed by the Licensing Inspector to assess their suitability for the role and knowledge of legislative requirements and generally accepted industry standards.

12.3 Temporary Managers

Applicants for a new Managers Certificate may be appointed as a temporary manager by the licensee, provided they show evidence of having enrolled for or completed a recognised training course and there is no objection from the Police or Licensing Inspector.

Appointment as a temporary manager is to enable an applicant for a managers certificate to act as a duty manager while completing the criteria for approval of a managers certificate.

13. Working with Other Agencies

13.1 District Licensing Agency Leadership Role

The Ashburton DLA will take the lead role, locally, in administration of the requirements of Sale of Liquor Act, as required by the Act.

13.2 Proactive Approach and Collaboration

The Ashburton DLA seeks to be proactive in its approach to controlling the abuse of alcohol and to that end works with its legislative partners, the NZ Police and the Medical Officer of Health (or representative), to promote and enforce the objectives of the Sale of Liquor Act through open communication and cooperation. The Licensing Inspector will liaise with these agencies, the NZ Fire Service and other organisations as required.

The Ashburton DLA will liaise with agencies and the community with regard to the planning of community events where liquor is to be sold or supplied to seek to ensure the minimisation of harm from excessive alcohol consumption, and to provide a safe community event.

13.3 Communication with other Agencies

The Ashburton DLA will liaise and communicate with the industry and others with interest in this area at both a formal and informal level.

The DLA will work with its partners defined by legislation and with other stakeholder organisations locally, regionally and nationally to develop and implement effective strategies to promote responsible use of alcohol and alcohol health awareness.

14. Communication and Consultation

14.1 Communication

The Ashburton DLA recognises it has a key role in communicating with licensees, stakeholders and the community in ways that promote understanding and awareness of:

The legislative requirements associated with the Sale of Liquor Act and other relevant legislation;

The functions of the DLA and of processes associated with liquor licensing, including the requirements of this policy, and issues associated with responsible use of alcohol.

14.2 Communication with Licensees, Industry Workers and Stakeholder Organisations

The Ashburton DLA will periodically produce a newsletter for licensees, industry workers and stakeholders to provide information on legislative requirements, local licensing issues, industry best practice and host responsibility.

The Ashburton DLA will promote training opportunities for licensees, industry workers and stakeholders as considered appropriate.

The Ashburton DLA will communicate with individual licensees regarding specific compliance issues. This communication should not, however, be regarded as definitive, particularly on issues such as licence renewal dates. Licensees have sole responsibility to ensure they remain compliant with legislative requirements at all times.

14.3 Communication with the Community

The Ashburton DLA will undertake communication to promote community awareness of the role of the DLA, and the requirements of this policy with respect to the control of the sale and supply of liquor within Ashburton District.

The DLA, in conjunction with its legislative partners, the NZ Police and the Medical Officer of Health (or representative), maintains a continuing communication role with a view to increasing general public awareness of the need for moderation in alcohol consumption.

14.4 Consultation with the Community

The Ashburton DLA and its regulatory partners encourage public input in to the licensing process. The DLA will encourage public participation and consultation in liquor issues generally.

Any review or significant amendment of this policy will include community consultation that meets the requirements of the “special consultative procedure” prescribed in section 83 of the Local Government Act 2002.

This Policy and the Sale of Liquor Act 1989 encourage community input into liquor related issues. Society’s standards and community expectations are constantly evolving and only by public input into the policy preparation process can the policies and requirements of the DLA reflect community expectations.

15. Monitoring and Enforcement

15.1 Monitoring of Licensed Premises

The Ashburton DLA will actively monitor premises licensed under the Sale of Liquor Act 1989 for compliance with that Act and the provisions of this Policy.

Monitoring and inspections will also take place as part of licence renewal processes and when complaints are received about particular premises.

The Ashburton DLA will support and may participate in the following other forms of monitoring:

- Controlled Purchase Operations, (CPOs), conducted under Police instruction and which may involve other agencies. The DLA will support the Police in any proceedings which may result.
- Joint agency monitoring of licensed premises, including clubs, for the purpose of enforcement, and/ or educating licensees of their responsibilities.
- Covert monitoring of licensed premises, utilising either DLA licensing inspectors or suitably qualified contractors.

15.2 Enforcement by Licensing Inspector

The Licensing Inspector may apply to the LLA for a variation, suspension or cancellation of a licence or certificate where this is considered necessary.

The DLA and Licensing Inspector may request a meeting with the licensee to discuss other options to improve performance before further action is pursued.

16. Public Places Liquor Control Bylaw

Ashburton District Council has adopted a bylaw known as the "Ashburton District Council Public Places Liquor Control Bylaw 2005". This bylaw prohibits the consumption of alcohol, the bringing of alcohol and the carrying of alcohol in specified parts of the district. This bylaw applies to the central business areas of Ashburton (for details of specified areas and of any exceptions please refer to the bylaw document). Additional specified areas can be added to the designations of the bylaw by resolution of Council.

17. Fees and Charges

17.1 Licence Fees

Licence application fees are set by statute under the Sale of Liquor Act 1989, with the exception of the fee for the Planning/Building Certificate which is set by Council. Licence application fees must be paid before the DLA will progress the application.

If an application is subsequently withdrawn the Licensing Inspector may refund part or the entire fee, depending on the scale of processing of the application already undertaken.

18. Policy Review

This Policy will be reviewed within five years of its adoption. Despite this, Council is able review the policy at any time.

Any review or significant amendment of this policy will include community consultation that meets the requirements of the "special consultative procedure" prescribed in section 83 of the Local Government Act 2002.
