

Welcome to the second Marlborough Alcohol Licensing Newsletter - produced by the Marlborough District Council in conjunction with the Marlborough Policing Team and the Nelson Marlborough District Health Board's Public Health Service. The Sale and Supply of Alcohol Act 2012 has now been completely in force for twelve months so we felt it was a good opportunity to remind licensees of some important points:

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1. Trading hours over Christmas

This year Christmas Day falls on a Thursday. As a reminder:

- Premises holding an **Off Licence** are **not** permitted to sell alcohol on Christmas Day.
- **ALL On Licences** - no alcohol is to be sold on Christmas Day to any person other than those who are:
 - On the premises for the purpose of dining, or
 - Who for the time being are living on the premises.

Casual drinking is not permitted. If you are confused about these rules please discuss your plans with Council licensing staff.

2. Special Licences

A Special Licence can be obtained to allow alcohol to be sold and/or supplied for an event in an area that doesn't normally hold a licence or for hours that aren't usually licensed.

Please remember that the District Licensing Committee is not permitted to accept applications for special licenses within 20 working days of the event (unless there are exceptional circumstances where the need for a special licence could not reasonably have been foreseen earlier) so please make sure you get your application in early to avoid disappointment. The application form and details of the fees are available on the Council website: www.marlborough.govt.nz/Services/Alcohol-Licence/Special-Licence.aspx.

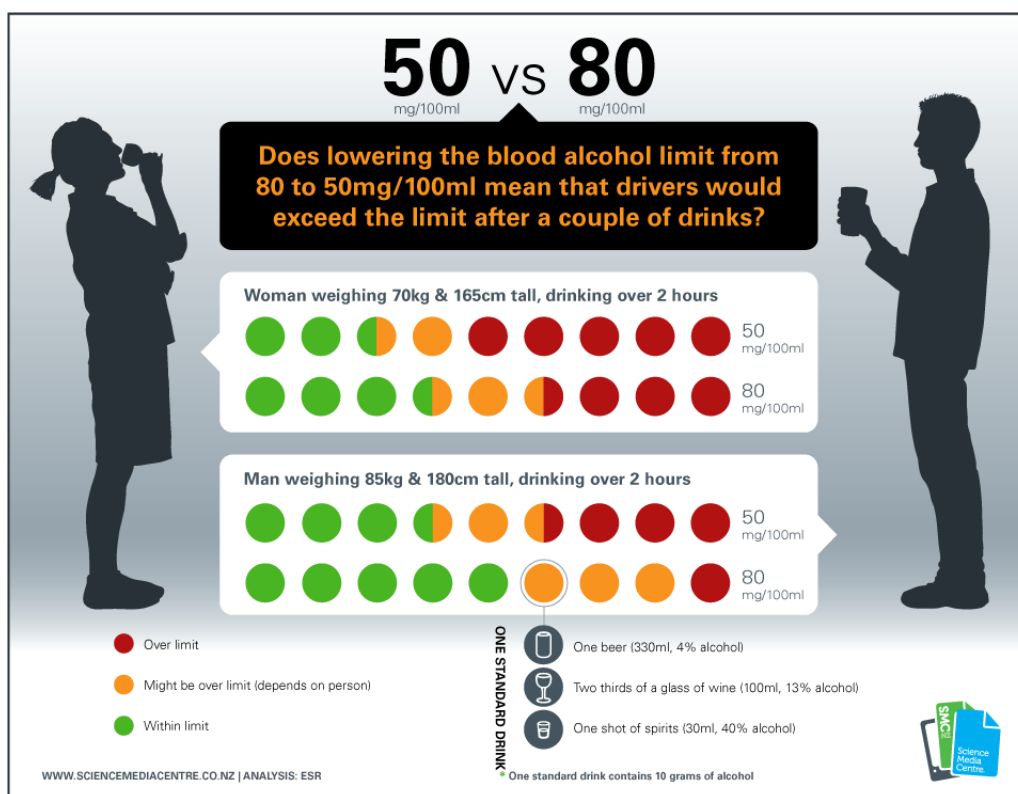
3. Changes to drink driving limits

On 1 December 2014 the alcohol limit for drivers aged 20 years and over, lowers from 400mcg of alcohol per litre of breath to 250mcg. The blood alcohol limit lowers from 80mg of alcohol per 100ml of blood (0.08), to 50mg (0.05).

For drivers under 20, the limit stays at zero.

The law says you must not drive if the amount of alcohol in your breath or blood exceeds these limits.

Guidance from the Institute of Environmental Science and Research (ESR) indicates that most adults may be able to drink **two standard drinks over two hours** and are likely to remain under the new drink-driving limits for adults. A standard drink is equivalent to 330ml of beer, 100ml of wine or 32ml of spirits, containing 4, 13 and 40 percent alcohol respectively.



As the operator or manager of licensed premises it's important that you are aware of these changes. There is no 'safe' level of alcohol for driving - so keep an eye on your patrons, have transport information handy and provide incentives for sober drivers.

4. Notifying management changes

All licensees are required to keep a register of duty managers. You must also notify the Council and Police of any manager change, new appointment or termination that will last for 48 hours or longer.

The Notice of Management Change form is available on the council website (www.marlborough.govt.nz/Services/Alcohol-Licence/Forms.aspx) and once completed this should be returned to Council by post or email.

The information that must be recorded in the duty manager register includes:

For Managers, Acting Managers and Temporary Managers:

- Full legal name, date of birth, and sex
- The date(s) on which the manager was appointed
- The date on which the manager's appointment ceased
- The date the Council and Police were advised of the change (if required to be notified)

Additional information requirements for Managers:

- The number and day of expiry of the manager's certificate

Additional information requirements for **Acting** Managers:

- If the acting manager holds a manager's certificate, its number and day of expiry
- The full legal name of the manager the acting manager is replacing
- A brief statement of the reason for the manager's absence

Additional information requirements for **Temporary** Managers:

- The day on which the temporary manager applied for a manager's certificate (in order to act as a temporary manager an application for a manager's certificate *must be made within two days* of the appointment)
- A brief statement of the reason for the temporary manager's appointment (if due to dismissal or resignation of a manager please include the full name of the manager being replaced)

Licensing staff will request to see your duty manager's register during inspections and an example page from the register may be required as part of your licence renewal application.

If in doubt about notifying a management change, contact Council licensing staff.

Hospitality New Zealand has produced a number of useful resources including templates for duty manager's registers. If you are a member, contact the Nelson Marlborough Regional Manager, Steph Rathbun for further information, Steph.Rathbun@hospitalitynz.org.nz.

5. Food Availability Requirements for On and Club Licences

On and Club Licence holders must have food available at all times that alcohol is for sale.

The Liquor Licensing Authority considered food availability in the "Waipapakauri Hotel" decision PH371-271/2010. The following is an extract from that decision:

[7] The Authority considers that the expression "must be conveniently available" means that the food must be available upon request and within a very short period of time.

[8] For patrons to wait for 15 or 20 minutes for food does not achieve the object of the legislation as set out in s.4 of the Act. The purpose of requiring food to be available is so that persons can eat and therefore reduce alcohol abuse. If persons are required to wait for some 15 to 20 minutes the chances are that they will proceed to have another drink.

It is clear from this decision that food must be available almost immediately. This prevents premises from relying totally on outsourced food (i.e. from a close neighbouring restaurant or takeaway), although that remains available as an additional option to the food that is immediately available.

The expectations of the agencies are that:

- Three substantial food items must be available at all times. One of these can be outsourced as long as the outsourced food is available **at all times that alcohol is being sold**. Two substantial back up options must be available on site at all times.
- Where outsourced food is not available at all times that alcohol is being sold then three substantial food items must be available on site. Substantial food items include things like paninis, pizzas, lasagne, toasted or fresh sandwiches, wedges, pies and filled rolls. It does not include potato chips and peanuts.
- Food must be **actively** promoted throughout On Licenced and Club Licensed premises at all times that alcohol is available. This involves staff being positive about the food options available and offering them to patrons.
- Unless the premises are set up and operate as a restaurant, menus (including price) should be large and clear rather than reliance on table top or bar top menus.

The agencies will be conducting a food Controlled Purchase Operation in Marlborough in the near future to check compliance. Those premises not having suitable food options available could receive an infringement notice and fine of \$250.00. An application for the suspension of both the on-licence and manager's certificate is also a likely consequence.

6. Underage Controlled Purchase Operations

Regular underage Controlled Purchase Operations have been carried out in Marlborough throughout 2014. There have been a number of premises that have sold to minors during these operations. Please take this opportunity to ensure you have systems in place to prevent sales to minors and other unauthorised persons.

The only approved forms of ID are:

- New Zealand Drivers Licence
- New Zealand or overseas passport
- HNZ 18+ Card

Remember: **If they look under 25 - No ID, No Sale, No Exceptions.**

7. Health Promotion Agency resources

The Health Promotion Agency (HPA) has produced a number of resources to assist licence holders. These can be accessed at: www.alcohol.org.nz with most being freely available for download or order.

8. Are your contact details up to date?

It is important you keep us updated with your current contact details including:

- Address for service of documents
- Phone numbers
- Email address

If any of this information changes at any time please email us to provide the updated details on dlc@marlborough.govt.nz.

9. Agency Contact Details

Marlborough District Council Alcohol Licensing Team

www.marlborough.govt.nz

Phone (03) 5207400

Lynette Newport	Licensing Administrator	lynette.newport@marlborough.govt.nz
Karen Winter	Licensing Inspector	karen.winter@marlborough.govt.nz
Alice Boyce	Licensing Inspector	alice.boyce@marlborough.govt.nz

NMDHB Public Health Service

Coral Hedley	Public Health Promoter	coral.hedley@nmhs.govt.nz	(03) 5209882
Andrew Lindsay	Medical Officer of Health	Andrew.lindsay@nmhs.govt.nz	(03) 5437926

Blenheim Police Alcohol Harm Reduction Officer

Senior Sergeant Peter Payne	Peter.payne@police.govt.nz	(03) 5785279
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PLEASE CIRCULATE THIS TO ALL YOUR STAFF - ESPECIALLY DUTY MANAGERS - AND/OR PLACE ON YOUR NOTICE BOARD