

Nelson Tasman Alcohol Update

KEEPING LICENSEES AND THEIR STAFF UP TO DATE WITH ALCOHOL LICENSING MATTERS



DECEMBER 2014

Welcome to the first Nelson Tasman Alcohol Update - produced by the Nelson City and Tasman District Council Alcohol Licensing Teams, NZ Police Alcohol Harm Reduction Officer and the Nelson Marlborough District Health Board's Public Health Service.

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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.

If you are functioning as a restaurant (providing meals) you can sell alcohol to a person as an accompaniment to their meal. **Casual drinking is not permitted.** If you are confused about these rules please discuss your plans with Council licensing staff.

2. Staff training

Staff training is the key to operating a successful business, especially in overcoming the risks involved in a regulated environment like alcohol licensing.

The three regulatory agencies work together to provide staff training. This covers legislative requirements, licence conditions, and the expectations of the agencies. These sessions are provided free of charge.

Contact Sergeant Steve Savage, Alcohol Harm Reduction Officer, to arrange a training session for your staff. Telephone 546 3840, stephen.savage@police.govt.nz.

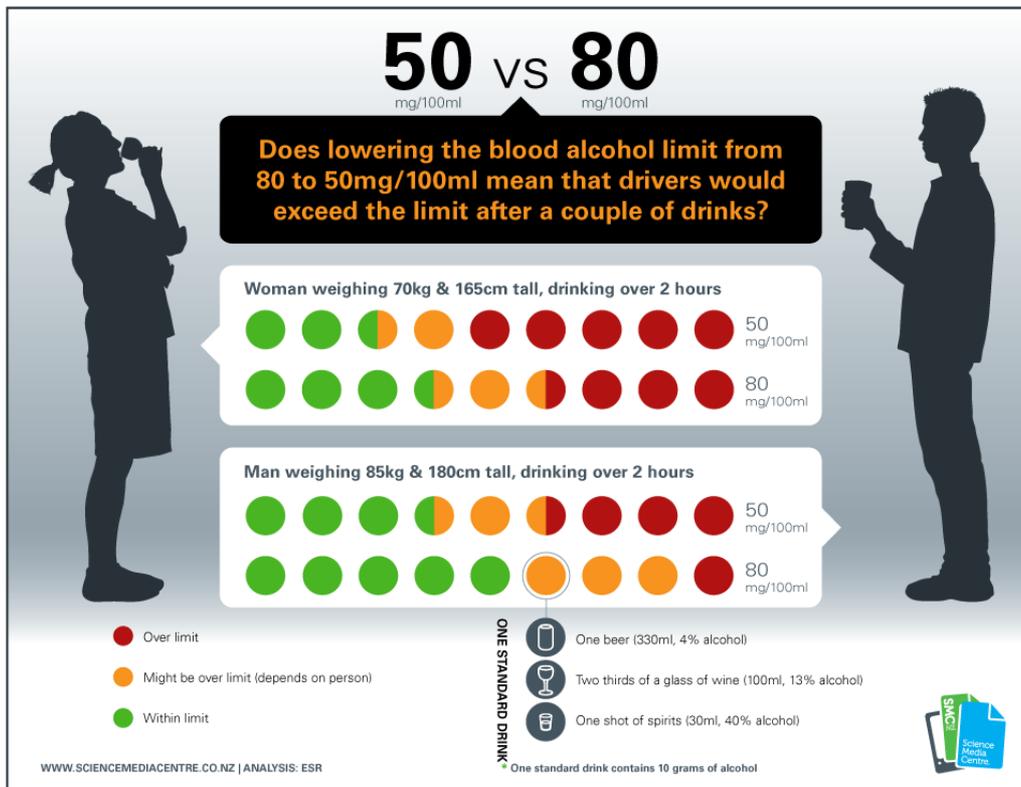
3. Changes to drink driving limits

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.

Management change forms are available for download on the council websites and include details on where these should be sent to. Options are email, fax or post. Email is the best method.

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 managers 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 included templates for manager's registers. If you are a member, contact the Nelson Regional Manager, Steph Rathbun for further information, Steph.Rathbun@hospitalitynz.org.nz. If you are not a member, you may want to consider joining.

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, other than in restaurants, 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 Licence 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 recently conducted a food Controlled Purchase Operation (CPO) in Nelson where patrons requested food at 15 premises. Three had no food available and received an infringement notice and fine of \$250.00. Four premises had limited or insufficient food options and were given a warning, with the remaining eight having sufficient food options available.

This is a disappointing result and further CPOs will be conducted regarding food. A major concern was the attitude of staff – some premises did have food on site but staff were reluctant to make this available. If it is revealed that food availability does not meet the required standard, a fine or an application for the suspension of both the on-licence and manager's certificate is the likely consequence.

6. Underage Controlled Purchase Operations

Regular underage Controlled Purchase Operations have been carried out in both Nelson and Tasman throughout 2014. Results have been mixed with a range of premises selling to minors including grocery stores, clubs, taverns and restaurants. Please take this opportunity to remind all staff, and 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 to inform us:

Nelson City Council admin.alcohol@ncc.govt.nz

Tasman District Council regulatory.admin@tasman.govt.nz

9. Agency Contact Details

Nelson City Council Alcohol Licensing Team

www.nelson.govt.nz/alcohollicensing

Melanie Yeomans	Licensing Administrator	melanie.yeomans@ncc.govt.nz	545 8726
Sarah Yarrow	Licensing Inspector	sarah.yarrow@ncc.govt.nz	546 0260

Tasman District Council Alcohol Licensing Team

www.tasman.govt.nz/services/licensing-and-environmental-health/alcohol-licensing

Larissa Illing	Licensing Administrator	larissa.illing@tdc.govt.nz	543 8496
Tracy Waddington	Licensing Inspector	tracy.waddington@tdc.govt.nz	543 8513

NMDHB Public Health Service

Bronwyn White	Public Health Promoter	bronwyn.white@nmhs.govt.nz	543 7928
Andrew Lindsay	Medical Officer of Health	Andrew.lindsay@nmhs.govt.nz	543 7926

NZ Police Alcohol Harm Reduction Officer

Sgt Steve Savage	Alcohol Harm Reduction	stephen.savage@police.govt.nz	546 3840
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