



March 2024

WELCOME TO THE MARLBOROUGH ALCOHOL LICENSING NEWSLETTER

Produced by the Marlborough District Council in conjunction with the Marlborough Policing Team and the Te Whatu Ora Public Health Service Marlborough.

In this Newsletter:

- Duty Manager Requirements
- Easter and ANZAC Trading Reminder
- Special Licences
- Payment Details for applications
- Renewals and Timeframes

Council's Licensing Team

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DUTY MANAGER REQUIREMENTS

As you know, under the Sale and Supply of Alcohol Act 2012 you are required to have a Manager actively on duty when alcohol is being sold or consumed.

This means you can't be working in the kitchen and be the duty manager. Case law has reinforced this by advising that you can't be acting as the chef at the same time that you are the named duty manager.

In conjunction with the Police, compliance checks will be undertaken in future to make sure that managers are actively on duty.

Remember you can let us know of change of managers and appointment of new managers at www.marlborough.govt.nz/services/alcohol-licences/alcohol-licensing-forms and choose Notice of Management Change.

Things to remember:

- You must have a Manager on duty at all times alcohol is being sold or consumed.
- Full name of Duty Manager to be displayed
- Duty Manager to be actively on duty monitoring sales, consumption and intoxication levels
- Duty Managers are required to be 20 years old at least. Don't appoint a temporary or acting manager under 20 years of age
- Ensure you keep the required records of your managers including their certificate number, expiry dates and date of appointment and termination.

EASTER AND ANZAC TRADING REMINDER

This is a reminder that the Sale and Supply of Alcohol Act 2012 places restrictions on who can sell alcohol on certain days.

All **On Licensed** premises can only sell or supply alcohol on Good Friday, Easter Sunday or before 1pm on Anzac Day (April 25) only to:

- persons residing or lodging on the premises, or,
- people who are present on the premises to dine.

Case law gives clarification around dining and the timeframes for this.

“A person is only on the premises to dine no more than an hour before he or she starts eating or up to an hour after they finish”

And

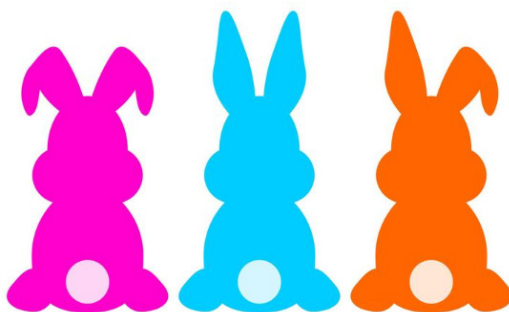
“a person is on the premises for the purpose of dining if they are there to have a substantial meal at an orthodox time of the day for a meal”

Simply put, people need to be eating (or ordered, or just finished) a reasonable size meal (not just a snack like hot chips) at a time of day when you would normally eat, to be able to consume alcohol.

The holder of an **OFF Licence** cannot sell or deliver alcohol on Good Friday or before 1pm on Anzac Day.

They also can't sell or deliver on Easter Sunday unless it is grape wine or fruit or vegetable wine made:

- On the premises; or
- From the produce harvested from the land on which the premises are situated.



SPECIAL LICENCES

We are seeing more Special Licences being applied for within 20 working days of an event.

The Act requires that applications are made more than 20 working days before they are required to allow the reporting parties (Police, Health) their 15 working days to report on them. Once they have replied, it goes to the Licensing Inspector to complete their report for the District Licensing Committee (DLC), who will grant or refuse the application.

We can't guarantee any application made within the 20 working days of the event will be processed in time. We will try our best but legal timeframes still need to be adhered to when allowing our reporting partners to respond and also allow our DLC to have time to review the application and reports and make a decision on the licence.

PAYMENT DETAILS

Just a reminder please that if you are paying anything to Council electronically, please put details in the reference field that reflect what the payment is for.

We are finding that we are receiving payments but don't know what to allocate them to which is resulting in time delays in getting licences/certificates issued.

If you are provided with an invoice before payment please quote this invoice number otherwise put as much information as you can to let us know which application it applies to.



RENEWALS AND TIMEFRAMES

The legal timeframe for Public Notification is now 25 working days. This is seeing most renewals take two months to issue.

Remember to get your application for renewal to us more than 20 working days before it expires. Once we receive your application to renew, your existing licence remains current until the new one is determined.

Your alcohol supplier may wish to see a current licence before they sell you any alcohol. If you are going through a renewal you can ask them to contact us so we can confirm a renewal is being processed.

Just a reminder — we can't renew an expired licence or manager's certificate. We do send out renewal information but ultimately it's your responsibility to renew your licence/certificate before it expires.

TOO LATE

AGENCY CONTACT DETAILS

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