

What the Sale and Supply of Alcohol Act means for bars and restaurants

The law has changed. The Sale and Supply of Alcohol Act 2012 replaced the Sale of Liquor Act 1989.

Some changes that affect bars and restaurants:

Trading hours

- You will only be allowed to sell or supply alcohol between the hours of 8am (or later) and 4am the next day.
- Your licence may have more restrictive hours than this.
- If your local council adopts a local alcohol policy (there will be public consultation about this so you will know about it beforehand):
 - Maximum hours may change.
 - You may be required to operate a one-way door restriction where patrons can leave but not enter licensed premises after a certain time.
- The manager's full name (ie, first name and surname) must be prominently displayed inside the premises.
- Managers must be over 20 and have a manager's certificate.

Renewing licences

There are new criteria for licence renewals covering such things as:

- that decision makers must have regard to the object of the Act
- the design and layout of your premises
- the impact on amenity and good order
- any provisions contained in local alcohol policies.
- All licences and renewals will be issued by a District Licensing Committee (DLC) set up by your local council.
- The national authority, renamed the Alcohol Regulatory and Licensing Authority (ARLA), considers appeals and variations, and suspensions or cancellations of licences or manager's certificates.
- Your licence may have a range of conditions imposed.
- Contact your local council to find out more about new licensing requirements.

Host responsibility

You will still be required to provide:

- non-alcoholic drinks
- low alcohol drinks
- food
- information about transport.

When you renew your licence, you will be required to provide free drinking water at all times.

Manager

- You must have a manager on duty at all times (except for some BYO only restaurants).

Sale to minors

- You must not sell alcohol to anyone under 18. To avoid a fine of up to \$10,000, you must make sure your customers are 18 or older by looking at their driver's licence, passport, or 18+ card, and satisfying yourself that it is genuine and belongs to the person.
- It is permissible for a parent or guardian to purchase and supply alcohol to their under 18s when accompanying them on a licensed premises that is not subject to restricted area provisions. A manager is entitled to ask for proof of the parent/guardian relationship if they have any doubts.

Alcohol Promotions

You must not hold any promotions that:

- encourage excessive consumption of alcohol
- promote alcohol in a way that has special appeal to minors
- advertise or promote (except inside your bar or restaurant):
 - a discount of 25% or more on alcohol
 - free alcohol, (except tasting samples)
 - a benefit (such as a prize or gift) when alcohol is bought.

Penalties

- Some penalties have increased. For example, if you hold illegal promotions or serve alcohol to an intoxicated person, you could be fined up to \$10,000 and your licence could be suspended for up to seven days.

Managers could also be fined up to \$4,000 (and other staff up to \$2,000) for being intoxicated on duty. Allowing an intoxicated person to enter or remain on the premises can result in a fine of up to \$5,000.

- If you allow minors into restricted or supervised areas, or if you are intoxicated on duty, or if you sell alcohol outside of your trading hours – this is an infringement offence and a Police officer or a licensing inspector may issue you with a notice to pay a fine.
- If you commit three specified offences within three years you could lose your licence and/or manager's certificate for five years.

Licence fee

- Your licence fee is likely to increase.
- Fees will vary depending on the risk profile of the premises. The Government will set the rules for how premises are to be assessed in terms of their risk profile.
- There will be an application fee to renew or vary your licence. In most cases, the renewal of your licence will be every three years.
- An annual fee is also being introduced. This will be due each year on the anniversary of the date of your last licence application.
- Local councils will be able to make their own bylaws to set some fees at a different level.

To find out more about the changes to the Sale and Supply of Alcohol Act go to:

- Justice.govt.nz/policy/sale-and-supply-of-alcohol
- Alcohol.org.nz/legislation-policy/sale-and-supply-alcohol-act-2012

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