

Internal factsheet for operational staff: Extended trading hours for the Rugby World Cup 2023

Information for operational staff on temporary changes to the Sale and Supply of Alcohol Act 2012 for extended trading hours during the Rugby World Cup 2023

Overview

Temporary amendments to the Sale and Supply of Alcohol Act 2012 (the Act) for the men's Rugby World Cup 2023 allow eligible on-licence and club licence holders to extend their trading hours to televise live games from the tournament in France without the need to apply for special licences.

The amendments can be found in sections 45A-45H and schedule 4 of the Act. The approach is similar to that taken for the last two Rugby World Cup tournaments, with some improvements.

This factsheet provides information about the key changes and some operational considerations for staff who administer and enforce the licencing regime.

Eligibility

Section 45C sets out which licensees can extend their trading hours. These are current club-licence or on-licence holders who have not had their licence:

- varied or suspended under section 280 of the Act in the past year, or
- suspended or cancelled immediately before or during the Rugby World Cup 2023.

Permitted activities during extended hours

The primary or sole purpose of opening must be to host customers to watch live games from the Rugby World Cup 2023 tournament. Licensees are permitted to provide activities that support enjoyment of the games such as serving snacks and meals.

It is for enforcement staff to determine which activities they consider are unrelated to enjoyment of the games. They may factor in whether:

- there are big screens to watch the games
- the commentary is on
- most patrons are set up to watch the games, and
- there are concurrent organised activities distracting from the games.

Notification process

Licensees must notify the relevant territorial authority (city or district council) and the nearest Police station of their intention to extend their trading hours.

The notification can be for one or more games, and:

- must be in writing (either by post or email)
- must **be received** by both parties at least seven calendar days before each game, and
- must include a noise management plan.

Licensees can make more than one notification, but each notification is to include:

- the date of notification
- the name and contact details of licensee and premises
- the type of premises and type of licence held for the premises
- the capacity of the premises
- for each game: the teams playing or, if unknown the title of the game played (eg quarterfinal 1), the date, and approximate opening and closing times (NZ time), and
- a plan to manage noise.

It is important notifications contain all the requested information as Police are legally required to collect and keep these details.

Opening and closing times for extended trading hours

Premises' opening and closing times for extended trading hours will depend on their usual licensed trading hours and the details of the game or games they are screening. An overview of all the games and game times can be found in schedule 4 of the Act. The scheduled game times may be subject to change, and games may go longer than their estimated finish time (game times are estimated to last for 1 hour 45 minutes). The opening and closing times provided by the licensee are therefore approximate, but the notification should include as much relevant information as possible.

General rules for opening and closing:

- a premises can open one hour before the game starts
- if the first or only game starts no more than two hours after the premises' usual closing time, it can remain open in the leadup to the game
- a premises must stop selling alcohol 30 minutes after the final whistle unless this time is within the premises' usual licensed trading hours, or if this time overlaps with the time they can open before a subsequent game (see *'for successive notified games'*), and
- on-licensed premises must close to customers one hour after the only or final game ends, unless this time is after 6:00am or within the premises' usual licensed trading hours (or if this time overlaps with the time they can open before a subsequent game (see *'for successive notified games'*)).

Example: notification and display notice for an on-licensed premises with licensed hours from 8:00am-midnight, that is also usually open between 6:00am – 8:00am without serving alcohol		
Date	Game	Opening and closing time
18 September 2023	Australia v Fiji (3:45am – 5:30am)	<u>Opening time:</u> 2:45 am <u>Closing time:</u> N/A, within usual operating hours but will stop selling sale of alcohol at 6:00am, licensed trading hours begin at 8:00 am.
8 October 2023	Wales v Georgia (2:00am – 03.45am)	<u>Opening time:</u> Remain open from 7 October <u>Closing time:</u> 4:45am

Rules for successive notified games:

- if the time the premises must stop selling alcohol (30 minutes after the game ends) overlaps with the time the premises can open for the next game (one hour before the game starts), the premises can continue to sell alcohol through that period, and
- if the time an on-licensed premises must close for customers (one hour after the game ends) and this overlaps with the time the premises can open for the next game (one hour before the game starts), the premises can stay open. However, they must stop selling alcohol for the half hour in between.

Noise management

During the extended trading hours, premises must comply with the normal noise management conditions on their licence and have additional measures in place. These measures must be outlined in the notification, including how the licensee will comply with the following conditions that:

- premises cannot use their open areas¹ at all, even those normally used for smoking
- premises cannot use audio equipment such as loudspeakers in open areas, and
- staff cannot dispose of empty bottles or other rubbish, or leave them out for collection, in open areas.

Noise management can be a challenging area to monitor and enforce. For example, what constitutes an 'internal area'² could change based on configuration such as where there are retractable walls. It is likely that enforcement staff and licensees face similar challenges during usual licensed trading hours and have developed effective ways to monitor, enforce and minimise noise.

The additional conditions, and the requirement to outline measures in the notification form, helps to ensure licensees are aware of the additional impact that extended trading hours can have on their neighbours and take extra steps to minimise noise.

Concerns about noise should be reported to the territorial authority and Police, and it will be for their enforcement staff to determine the appropriate response.

¹ "Open area" is defined in section 2(1) of the Smokefree Environments and Regulated Products Act 1990 as any area that is not an "internal area". An "internal area" is defined as, essentially, any area within a premises that is enclosed by a ceiling or roof, walls, and windows and doors that shut.

² An "internal area" is defined as, essentially, any area within a premises that is enclosed by a ceiling or roof, walls, and windows and doors that shut.

Cancellation of notifications

This year, licensees are also required to notify the relevant territorial authority and the nearest Police station again if they change their minds about extending their trading hours for a game they have already notified for – and as soon as practicable. This requirement aims to give Police better information about who is open and when, so that frontline staff can be deployed effectively.

The cancellation:

- should be in writing, and emailed rather than posted to ensure it is received promptly
- should provide the same details as the original notification, including date and information about the premises
- must make it clear which game or games, including the date and time, that the cancellation applies to, and
- can be in an edited version of the original notification.

Displaying information about extended trading hours

Licensees must display information about how the premises will use the extended trading hours alongside, and in the same way as they normally display, their licensing conditions. Section 45F of the Act requires this information to be displayed promptly, meaning that licensees should display this information as soon as possible after having notified for the first game. Licensees should also update the information when they make further notifications or cancel notifications.

The display notice is to include:

- for each game notified, the date, the teams playing or, if unknown, the stage of tournament (eg quarterfinal 1) and the approximate opening and closing times, and
- a list of the conditions licensees are subject to under the Act, including under sections 45A-45H, and a description of how they will manage noise.

Section 57 of the Act sets out the requirements related to the display of licences. These requirements also apply to the display notices under section 45F. For this Rugby World Cup, section 45F makes it clear that failing to comply with the requirements to display information as set out in section 57 is an offence under section 259(1) and liable for a fine of up to \$5,000.

One-way door policies

Any one-way door policy that applies to a premises' usual trading hours does not apply one hour before, during, or one hour after the extended trading hours.

This is to allow customers to arrive specifically to watch a game. This also means that smokers will be able to leave and come back to continue watching the game instead of using the smoking or vaping areas of the premises.

Conditions on the extended trading hours

During the 2023 Rugby World Cup, sections 45A to 45H of the Act will override certain conditions related to restrictions on trading hours (including local alcohol policies and the Resource Management Act 1991) and one-way door policies.

However, licensees must comply with all other conditions that apply to their usual licensed trading hours such as restrictions on types of drinks sold, or who the premises can sell and supply alcohol to.

Offences in the Act that the amendments do not override still apply during extended trading hours (eg it remains an offence to serve intoxicated people).

Licensees in breach of the conditions under sections 45A to 45H of the Act could have their extended hours privileges immediately revoked. This may happen if enforcement staff file an application for an order under section 280 of the Act (eg to vary, revoke, suspend or cancel a licence).

Police retain all their usual enforcement powers under the Act, including those under sections 265 and 266, and sub-part 9 of Part 2.

Special licences

If a premises has applied for a special licence for a game or games, they are only subject to the conditions under the special licence.

However, licensees can choose to notify for a game for which they already hold a special licence. If they do so, they will be subject to the conditions for extended trading hours under sections 45A-45H of the Act.

Duty to keep records

For this Rugby World Cup, Police are required to keep records of notifications. This includes information on:

- the number of notifications
- the number of cancelled notifications
- details about who has made the notifications including the location, size, and type of premises, and
- details about the notification, such as the time between the notification and when the extended trading hours begin, and the date and times notified for.

This requirement will help ensure that there is better data about the amendments to inform future work. To help Police with this requirement, it is important that licensees provide all the required information when making notifications or cancelling them.