



The Manager's Guide 2014

**A BRIEF GUIDE TO THE SALE AND SUPPLY OF
ALCOHOL ACT 2012 AND OTHER LEGISLATION**



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Disclaimer

The purpose of this guide is to provide managers with the information needed to operate licensed premises in the manner required by the Sale and Supply of Alcohol Act 2012, as well as provide information regarding other relevant legislation and regulations. This publication is intended to act as a guide only, providing an overview of managers' responsibilities.

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- Sporting Clubs Association of New Zealand
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- Public Health South
- New Zealand Fire Service
- St John Ambulance.

Important

At the time of printing, March 2014, the legislation in this booklet is current. As changes to legislation and regulations can occur at any time, it may be advisable to check your current obligations with the relevant statutory organisation or authority.

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Overview

What is alcohol?

Alcohol is no ordinary commodity. There are laws about almost everything relating to alcohol – who can manufacture it, who can sell it, when it can be sold, where it can be sold, the size of containers in which it can be sold, how it can be advertised and promoted, and so on. So why does alcohol require so much special attention?

The Concise Oxford Dictionary defines alcohol as “a colourless volatile inflammable liquid forming the intoxicating element in wines, beers, spirits, etc, and also used as a solvent, as fuel, etc”.

From this definition it is clear that some types of alcohol are fit for human consumption while others, like fuels and solvents, are poisonous to humans. The alcohol we drink is known as ethanol or ethyl alcohol and can also be poisonous if consumed in too great a quantity.

It is because alcohol has an intoxicating effect that it must be treated carefully and responsibly by those providing and consuming it.

What happens when alcohol is consumed?

When alcohol is swallowed, it passes more or less unchanged into the bloodstream through the walls of the stomach and small intestine. Once in the bloodstream, alcohol circulates throughout the body within minutes. As it travels around the body, it starts to slow things down, causing symptoms of intoxication – relaxation, laughter, slurred speech, inability to walk straight, and impaired judgement and coordination.

The liver ultimately breaks down the alcohol to enable its elimination from the body. This is done at a slow and constant rate, taking one to two hours to process one standard drink. So when people consume alcohol at a rate faster than one standard drink per hour, alcohol concentration increases in the blood and they can become intoxicated.

Factors influencing the effect of alcohol on individuals

Understanding how the body deals with alcohol can help to minimise its harmful effect on the body. A range of factors may influence the effect alcohol has on the person drinking it. Some of these are beyond the influence of the person selling or supplying alcohol, others may be able to be controlled by the individual and are open to being influenced by bar staff.

Factors that influence the effect of alcohol

Body size – Generally speaking, the larger a person the more water they carry in their bodies. Therefore, the alcohol is more diluted and the person is affected less.

Keep an eye out for smaller people drinking a lot, as they are likely to be more vulnerable than larger people.

Gender – Females have a lower muscle-to-fat ratio in their bodies than males and this means they tend to have less water for their weight than males. As with body size, this leads to alcohol having a more concentrated effect on women than on men, even if they are exactly the same body weight. Chemical differences between men and women also make men better able to process alcohol than women.

General state of health – Someone who is ill, undernourished or recovering from an operation or injury is generally not able to cope with alcohol as well as a fit and healthy person. Heart and lung disease, influenza, epilepsy, diabetes and acute infections can all leave a person's body less able to cope with alcohol.

If you are aware or suspect that someone is ill or recovering from illness, take special care to monitor their rate of consumption.

Individual tolerance – Some people can just drink more than others even if all the other factors are taken into account. This is called 'individual tolerance'. Tolerance is also affected by drinking patterns.

Bar staff may get to know their regulars and become aware of those with low tolerance who need extra monitoring.

Medications – Many medications can interfere with how the body reacts to alcohol. Even common medications like aspirin and anti-inflammatory drugs can irritate the stomach and reduce the body's ability to deal with alcohol effectively. Other drugs such as antidepressants, tranquillisers, sleeping pills and narcotics can have a more dramatic effect. The amount of alcohol an individual can safely consume may be too high for someone on medication. The safest thing to do is avoid mixing alcohol and other drugs.

It is unlikely that a bar person will be aware that a customer may be taking any medications or illegal drugs. However, if a bar person suspects this is the case, extra care should be taken when serving alcohol.

As far as the law is concerned, the cause of intoxication doesn't matter. Anyone who is intoxicated must be denied service and removed from the premises or to a place of safety.

Bar staff can influence the effect of alcohol

Rate of consumption – The relationship between the amount of alcohol consumed and the time over which it is consumed has a very important effect on how the body copes with alcohol. This is because the body (liver) can only process approximately one standard drink per hour. If a person drinks more quickly than this, the alcohol will build up in the bloodstream, where it acts to slow the central nervous system.

Slowing the rate of consumption for someone starting to show signs of becoming intoxicated is important. Encouraging non-alcoholic or low-alcohol drinks or slowing service is a very effective intervention tool.

Food – Food in the stomach acts to slow down the speed at which alcohol is absorbed into the bloodstream and reduces the effect alcohol has on the body. High-protein and high-fat foods work best to slow down the absorption rate, as they take longer to digest. It is good to eat food before and during the consumption of alcohol.

Encourage patrons to eat. Remember, at certain times of the day this may be more important eg, if a group has come straight from work, it may be a long time since they have eaten. Some bars provide free snacks.

Mood – A person's mood may affect the way they react to alcohol.

Be aware of a customer's mood and try to influence it positively if possible.

Environment – The environment in which a person drinks can influence the speed at which they drink eg, if entertainment or activities such as pool, dancing or karaoke are available, less focus is placed on the consumption of alcohol and they are likely to drink less.

Encouraging patrons to participate in activities or entertainment can slow the rate of drinking.

The Sale and Supply of Alcohol Act 2012

In December 2012, new legislation governing the sale and supply of alcohol in New Zealand was introduced.

“The object of this Act is that—

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.”¹

“...the harm caused by the excessive or inappropriate consumption of alcohol includes—

- (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
- (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).”²

For more information on the Sale and Supply of Alcohol Act 2012, refer to the legislation itself (which can be found at <http://www.legislation.govt.nz>) or contact your local regulatory agencies or training provider for advice.

Regulatory agencies

Several agencies have a statutory role in ensuring licensed premises are operating according to the law. These agencies can also apply to have a licence suspended, varied or cancelled if they have evidence that premises are breaching the Sale and Supply of Alcohol Act 2012. Each agency has a particular focus for its input into the licensing process.

These agencies include:

- Alcohol Regulatory and Licensing Authority (ARLA)
- District Licensing Committee (DLC)
- Police
- Medical Officer of Health (MOH).

A Licensing Inspector or representatives from the police and MOH are likely to visit your premises to conduct a compliance check from time to time to ensure you are meeting the conditions of your licence and the provisions of the Act.

¹ s.4(1)

² s.4(2)

Alcohol Regulatory and Licensing Authority

ARLA is the overarching national body set up to govern the Sale and Supply of Alcohol Act. ARLA comprises up to three District Court Judges (one of whom will be the Chairperson) and any number of other members.³

Functions of ARLA include:

- determining applications for licences, renewals and Manager's Certificates referred to it by DLCs⁴
- determining appeals arising from decisions of DLCs⁵
- determining appeals against draft local alcohol policies⁶
- giving direction or statements to DLCs⁷
- advising people of the appropriate licensing committee⁸
- referring matters to DLCs for enquiry and report⁹
- determining applications for variation, suspension or cancellation of licences and Managers' Certificates from the police or a Licensing Inspector¹⁰
- other functions conferred on it by any Act.

District Licensing Committee

The DLC is part of the territorial authority (or local council) and is deemed to be a Commission of Inquiry. It also acts as a conduit for information to ARLA. Each territorial authority must appoint one or more licensing committees to manage licensing matters within that district.

Functions of the DLC include:

- determining applications for licences, Managers' Certificates and renewals¹¹
- determining Temporary Authority applications (on/off-licences)¹²
- varying, suspending or cancelling special licences¹³
- referring applications to ARLA¹⁴
- conducting enquiries and making reports as required by ARLA¹⁵
- other functions conferred on it by any Act.¹⁶

3 s.179(1)

4 s.170(a)

5 s.170(b)

6 s.170(c)

7 ss.172,176

8 s.173

9 s.175

10 s.170(d)

11 s.187(a)(b)

12 s.187(c)

13 s.187(d)

14 s.187(f)

15 s.187(g)

16 s.187(h)

Licensing Inspector

The chief executive of each territorial authority must also appoint one or more Licensing Inspectors within its district. Inspectors have power of entry to any licensed premises at any reasonable time and the ability to require to see the licence or any records reasonably required to establish compliance with the Act.¹⁷ Inspectors do NOT have to identify themselves immediately and may observe the operation of the licensed premises before approaching management. They will have evidence of identity to show they are a Licensing Inspector.

Functions of the Licensing Inspector include:

- enquiring into and reporting on applications for licences,¹⁸ Managers' Certificates¹⁹ and renewals²⁰ to the DLC or ARLA²¹
- monitoring licensed premises' compliance with the requirements of the Act and reporting to the DLC or ARLA²²
- appearing and being heard at ARLA and DLC hearings, appeals and other matters²³
- applying to ARLA for variation, suspension and cancellation of licences and Managers' Certificates²⁴

- making appeals to ARLA
- issuing specified infringement offence notices²⁵
- providing information for development of local alcohol policies (LAPs)²⁶
- exercising the power to seize alcohol and containers without a warrant for the purpose of analysis.²⁷

Police

Police have a statutory role under the Sale and Supply of Alcohol Act 2012 to enquire into all licence applications and monitor licensed premises to ensure compliance with the Act. Police have power of entry to any licensed premises at any reasonable time and the ability to require to sight the licence (these must be displayed at the main entrance) or any records reasonably required to establish compliance with the Act.²⁸

Functions of the police include:

- enquiring into, and where necessary reporting on, all applications for licences, Manager's Certificates and renewals to the DLC or ARLA²⁹
- monitoring licensed premises' compliance with the requirements of the Act and reporting to the DLC or ARLA

17 s.267

18 ss.103, 141

19 s.220

20 ss.129, 225

21 s.103(2)

22 s.197(2)

23 ss.204(3), 205, 206

24 ss.71, 170

25 s.262

26 s.78(4)

27 s.268(2)

28 s.267

29 s.103(3)

- ordering the closure of a licensed premises in the case of rioting, fighting or serious disorder, a threat to public health, public nuisance or for certain criminal offences. The closure can be for up to 24 hours from the end of the day on which the order was made³⁰
- applying to ARLA for the variation, suspension or cancellation of a licence
- advising ARLA when a licensee or manager has been convicted of an offence relating to the sale and supply of alcohol to minors, unauthorised sale or supply, sale or supply to intoxicated persons, or allowing persons to become intoxicated
- issuing an infringement notice to any person alleged to have committed certain offences under the Sale and Supply of Alcohol Act 2012
- exercising the power to seize alcohol and containers without a warrant for the purpose of analysis.³¹

Medical Officer of Health

The MOH also has a statutory reporting role and may delegate powers and functions to any suitably qualified or trained person.³²

Functions of the MOH include:

- enquiring into applications for licences and renewals and, where necessary, making reports to DLC or ARLA³³
- providing information for development of LAPs.³⁴

The local partnership of Inspector, Police and Medical Officer of Health

Police, Licensing Inspectors and MOH have a duty to collaborate in monitoring licences and enforcing the Act and to implement strategies for reducing alcohol-related harm.³⁵ Proactive monitoring and enforcement benefit the community in several ways:

- The visible presence of enforcement officers can have a deterrent and educational effect on premises' practices, patron behaviour and social attitudes.
- Compliance with the Sale and Supply of Alcohol Act 2012 increases.
- Public awareness that alcohol misuse, intoxication and resulting crime and disorder are neither desirable nor tolerated is reinforced.
- Enforcement acts as a deterrent to repeat offending and discourages offending by others.
- Bar staff are supported in refusing service.

30 s.266
31 s.268(2)
32 s.151

33 s.103(3)
34 s.78(1)(4)
35 s.295

It is recommended that licensees/managers make contact with these people to establish good working relationships and clear lines of communication.

Visits from regulatory agencies

When visiting premises, the inspector or representative of a regulatory agency is likely to make themselves known to the manager of the premises and carry identification. It is in your best interests to be courteous and cooperative with any inspectors. Remember that these people, like you, have a job to do and want their compliance check to be of minimum disruption to you.

For a routine check at granting or renewal time they may make an appointment before they call, but compliance checks can occur at any time.

On occasion, your premises will be visited by other inspectors or officers of the local council or regulatory agencies, including:

- Health Inspector
- Fire Service
- Dangerous Goods Inspector
- Health and Safety Officer
- Smokefree Officer
- Gaming Compliance Inspector
(Department of Internal Affairs)
- Building Safety Officer.

You are entitled to an explanation of any requests or requirements. Regulatory agencies should be able to provide you with justification for any actions they require.

Māori Wardens have specific powers constituted under the Māori Community Development Act 1962 to limit unruly behaviour on licensed premises. Section 31 states that a "Māori Warden may at any reasonable time enter any licensed premises in any area where he is authorised to carry out his duties and warn the licensee or any servant of the licensee to abstain from selling or supplying liquor to any Māori who in the opinion of the Warden is in a state of intoxication, or is violent, quarrelsome, or disorderly, or is likely to become so, whether intoxicated or not".

Intoxication

The Sale and Supply of Alcohol Act 2012 states that a person is intoxicated when he or she is observably affected by alcohol, other drugs or other substances (or a combination of two or all of these things) to such a degree that two **or more** of the following are evident:³⁶

- Speech is impaired.
- Coordination is impaired.
- Appearance is affected.
- Behaviour is impaired.

Indicators of intoxication may include but are not limited to:

- **Speech:** slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible.
- **Coordination:** spills drinks, trips, weaves, walks into objects, unable to stand unaided or sit straight.
- **Appearance:** bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
- **Behaviour:** seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers.

Certain medical conditions and disabilities may share some of these indicators of intoxication, so it is important to carefully and respectfully investigate a customer's apparent intoxication before making any assumptions.

The Sale and Supply of Alcohol Act 2012 specifically prohibits any licensee or manager from:

- allowing an intoxicated person to enter the premises³⁷
- selling or supplying alcohol to intoxicated people³⁸
- allowing people to become intoxicated³⁹
- allowing intoxicated people to be or remain on licensed premises (unless it is a safe place)⁴⁰
- allowing disorderly conduct on the premises.⁴¹

It is also an offence for a manager or any employee to be intoxicated on duty.⁴²

37 s.252

38 s.248

39 s.249

40 s.252(3)

41 s.253

42 ss.250, 251

Place of safety

Intoxicated individuals may be vulnerable targets as well as problematic offenders. Licensed premises must remove intoxicated customers from the premises or manage and supervise them in a 'place of safety' until they can be removed safely from the premises. The Act doesn't define 'place of safety' and licensees should seek advice from the regulatory agencies before designating part of their premises as a place of safety.

The expectations of police are that it would be an area in which a person could not be served alcohol, is supervised, and is a stepping stone to leaving the premises. It is not a chill out zone where marginal customers can be placed until sober enough to go back to the bar. 'Places of safety' should be a last resort option, not the first. Your aim is to prevent patrons from becoming intoxicated.

PENALTIES

Heavy penalties are attached to breaches of the law in relation to intoxication.



Offence	Section	Licensee or manager	Bar staff
Unlawful promotions	237	\$10,000. The licence may also be suspended for up to seven days	\$10,000
Sale or supply to an intoxicated person	248	\$10,000. The licence may also be suspended for up to seven days	\$2,000
Allowing a person to become intoxicated	249	\$10,000. The licence may also be suspended for up to seven days	
Allowing intoxication on licensed premises	252	\$5,000	
Allowing disorderly conduct on licensed premises	253	\$10,000	
Being intoxicated on duty	250, 251	\$4,000 or an Alcohol Infringement Offence Notice \$500	\$2,000 or an Alcohol Infringement Offence Notice \$500

Alcohol and other drugs

The legislation does not differentiate between intoxication due to alcohol consumption and that due to other drug consumption.

The results of combining alcohol with other drugs are uncertain, although we do know that the effects of each may be exacerbated. Combinations of some drugs may severely affect bodily functions and may make a person more unpredictable than someone who has only consumed alcohol.

Alcohol and victimisation

There is a strong link between alcohol and both physical and sexual violence, for the attacker and the victim. Australian research⁴³ suggests that up to 91% of public assaults occurring between 10pm and 2am involve alcohol. Although alcohol does not create predators or cause sexually aggressive behaviour, research indicates strong associations between alcohol and incidences of sexual harassment and assault.

Drink spiking is a relatively new phenomenon that may result in a customer inadvertently becoming intoxicated at the hands of someone else. Drink spiking is a crime and is often associated with sexual assault. Alcohol is the most common drug used in drink-spiking cases.

43 Brinkman, S., Chikritzhs, T., Stockwell, T., & Mathewson, P. (2001). An indicator approach to the measurement of alcohol related violence. In P. Williams (Ed.), *Alcohol, young persons and violence*. Canberra: Australian Institute of Criminology.

For more information on intoxication, including strategies for prevention, see pages 57–59.

Intoxication Assessment Tool			
Indicators may include but are not limited to:			
	SOBER	INFLUENCED	INTOXICATED
S peech	Coherent, clear speech, normal tone/volume, may be talkative.	May be overly talkative, opinionated and interruptive, may stumble over words, becoming loud, inappropriate language, jokes, comments.	Slurring, difficulty forming words, loud, repetitive, loose train of thought, nonverbal, unrecognisable.
C oordination	Coordinated, balanced, standing without help or support.	Showed or delayed reactions, swayed or occasional staggers or stays.	Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand un-aided or at all.
A pppearance	Tidy, clear eyes, alert.	Vacant or blank expression, smell of alcohol on breath, may look unwell.	Bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dazed/lethargic.
B ehaviour	Behaving sensibly but may be more inebriated.	Over friendly or withdrawn, inappropriate or risky actions, argumentative, annoying, fading attention, increased consumption rate.	Seriously inappropriate actions or language, aggressive, rude, belligerent, obvious behaviour affecting other customers.
	Monitor & serve responsibly	Intervene	Deny & remove

ALH&A | June 2013

Responsible promotion of alcohol

The promotion of alcohol is a necessary part of the business of selling alcohol. However, there are concerns that some alcohol promotions may adversely affect young people and other vulnerable groups. The Advertising Standards Authority (ASA) recognises this and has developed a voluntary code covering advertising and promotion. Previous legislation made it an offence for licensees and managers to promote alcohol on licensed premises in a way that intended to or was likely to encourage excessive consumption. New legislation extends the controls in this area.

ASA Code

The ASA's 'Code for Advertising and Promotion of Alcohol' identifies principles for judging the acceptability of alcohol promotions and sponsorship.

Alcohol advertising and promotions shall:

- observe a high standard of social responsibility
- be consistent with the need for responsibility and moderation in alcohol consumption
- be directed at adult audiences in both content and placement.

Sponsorship advertisements shall promote the sponsored activity, team or individual. The sponsor may be featured only in a subordinate manner.

Promotions and sponsorship that are thought to breach these principles may be referred to the Advertising Standards Complaints Board for a decision.

Legislation

The Sale and Supply of Alcohol Act 2012 creates offences and penalties for certain 'irresponsible' alcohol promotions or activities. Irresponsible promotions can increase alcohol-related harm and also damage the reputation and prospects of a business. Under the Act it is an offence to do any of the following and breaches may result in fines and licence suspensions:

- Encourage excessive consumption of alcohol. This applies anywhere – not just on licensed premises.
- Promote or advertise discounts on alcohol of 25% or more, anywhere that can be seen or heard from outside the licensed premises.
- Promote or advertise free alcohol.
- Offer goods, services, or prizes on condition that alcohol is purchased.
- Promote alcohol in a way that is aimed at or likely to have special appeal to minors.

Regulations under the Gambling Act 2003

- Under the Gambling (Prohibited Property) Regulations 2005 it is an offence to offer or use alcohol as a prize for gambling activities eg, raffle prizes.

Fair Trading Act 1986

- False or misleading representations about goods or services are a breach of the Fair Trading Act.

Penalties

The penalty for breaching the Sale and Supply of Alcohol Act 2012 relating to promotions is a fine of not more than \$10,000. In addition, the licence could be suspended for not more than seven days. The way promotions have been conducted will also be considered when the licence is renewed.⁴⁴

When a licensee or manager commits three offences within three years against these provisions or for unauthorised sales, sales to minors and sales to intoxicated people, the licence may, and the certificate will, be cancelled for five years.⁴⁵

While you need to promote your licensed premises, you must take care not to undertake promotions that conflict with the Sale and Supply of Alcohol Act 2012. Remember that it is an offence to allow someone to become, or be, intoxicated on your premises.⁴⁶

National guidance on alcohol promotions for on and off-licensed premises

This guidance on pages 16 to 20 is intended to aid understanding of the advertising, promotions, activities and events that are likely to be considered acceptable or unacceptable. The determination of an unacceptable promotion or event will always be decided on an individual basis.

⁴⁴ s.237(3)

⁴⁵ s.288

⁴⁶ s.252(1)

ON-LICENSED PREMISES EXAMPLES OF PROMOTIONS THAT CAN BE SEEN OR HEARD FROM OUTSIDE THE PREMISES

Acceptable	Unacceptable
<p>Promotion of a particular brand of alcohol that provides incentives to purchase that brand, as long as the promotion does not encourage the consumption of alcohol to an excessive extent.</p>	<p>Any promotion that encourages the consumption of alcohol to an excessive extent.</p>
<p>Promotion of discounts of up to 25%.</p>	<p>Promotion of alcohol at a discount that leads people, or is likely to lead people, to believe the price is 25% or more below the price at which the alcohol is ordinarily sold.</p>
<p>Promotion of a single price that does not lead people to believe it is a discount of 25% or more.</p>	<p>Promotions that do not mention a discount but that customers are likely to believe will involve discounts of 25% or more because of the use of words describing discounts (eg, promotions that use words such as 'crazy prices' or 'massive discounts').</p>
<p>Promotions involving competitions that do not require alcohol to be purchased.</p>	<p>Promotion of the complimentary sampling of alcohol in on-licensed premises.</p>
<p>Promotion and advertising of loyalty programmes that provide rewards or discounts, as long as the rewards or discounts are not primarily redeemed for alcohol.</p>	<p>Promotion of discounts that lead people, or are likely to lead people, to believe the price is 25% or more below the price at which the alcohol is ordinarily sold in, but not limited to, print, broadcast and social media, including Facebook.</p>
<p>Promotion of a wine and food match.</p>	<p>Promotion of alcohol as a prize for a competition or reward for purchasing a certain amount of alcohol.</p>
	<p>Promotions that are aimed at or have special appeal to minors.</p>
	<p>Promotion of free alcohol.</p>

ON-LICENSED PREMISES EXAMPLES OF PROMOTIONS THAT CAN BE SEEN OR HEARD FROM INSIDE THE PREMISES

Acceptable	Unacceptable
Any promotion that is acceptable outside the premises.	Any promotion, signage or activity that encourages the consumption of alcohol to an excessive extent or encourages faster than normal drinking.
Promotion of discounts of up to and greater than 25%.	Promotions involving large quantities of free alcoholic drinks (eg, free drinks for women all night).
Promotion of the complimentary sampling of alcohol in on-licensed premises.	Promotions along the lines of 'all you can drink for \$x'.
Promotions such as a 'happy hour', providing they do not encourage the consumption of alcohol to an excessive extent.	Promotions that are aimed at or have special appeal to minors.
Promotions involving free alcohol, providing they do not encourage the consumption of alcohol to an excessive extent.	Time-related promotions that may lead to excessive or rapid alcohol consumption (eg, 'free drinks until the first try').
Promotions that have alcohol as a prize for a competition, providing they do not encourage the consumption of alcohol to an excessive extent.	
Promotions that offer a prize to people who buy more than a certain quantity of alcohol, providing they do not encourage the consumption of alcohol to an excessive extent.	

ACCEPTABLE PROMOTIONS must still be suitably monitored, managed and controlled to ensure excessive consumption of alcohol is not encouraged.

OFF-LICENSED PREMISES EXAMPLES OF PROMOTIONS THAT CAN BE SEEN OR HEARD FROM OUTSIDE THE PREMISES

Acceptable	Unacceptable
<p>Promotion of a particular brand of alcohol that provides incentives to purchase that brand, as long as the promotion does not encourage the consumption of alcohol to an excessive extent.</p>	<p>Any promotion that encourages the consumption of alcohol to an excessive extent.</p>
<p>Promotion of discounts of up to 25%.</p> <p>For example:</p> <ul style="list-style-type: none"> • \$15.99 save 20% • \$15.99 save \$4 • was \$19.99 now \$15.99 • save 20% on all x branded beer. 	<p>Promotion of alcohol at a discount that leads people, or is likely to lead people, to believe the price is 25% or more below the price at which the alcohol is ordinarily sold.</p>
<p>Promotion of a single price that does not lead people to believe it is a discount of 25% or more.</p>	<p>Promotions that do not mention a discount but that customers are likely to believe will involve discounts of 25% or more because of the use of words describing discounts (eg, promotions that use words such as 'crazy prices' or 'massive discounts').</p>
<p>Promotion and advertising of loyalty programmes that provide rewards or discounts, as long as the rewards or discounts are not primarily redeemed for alcohol.</p>	<p>Promotion of discounts that lead people, or are likely to lead people, to believe the price is 25% or more below the price at which the alcohol is ordinarily sold in, but not limited to, print, broadcast and social media, including Facebook.</p>
<p>Promotion of complimentary sampling of alcohol in off-licensed premises (eg, wine tasting).</p>	<p>Promoting alcohol as a prize for a competition or reward for purchasing a certain amount of alcohol.</p>
<p>Promotion of a wine and food match.</p>	<p>Promotion of free alcohol.</p>
<p>Promotion of a 'wine week'; or 'beer sale'.</p>	<p>Promotions that are aimed at or have special appeal to minors.</p>
<p>Promotions involving competitions that do not require alcohol to be purchased.</p>	

OFF-LICENSED PREMISES EXAMPLES OF PROMOTIONS THAT CAN BE SEEN OR HEARD FROM INSIDE THE PREMISES

Acceptable	Unacceptable
Any promotion that is acceptable outside the premises.	Any promotion, signage or activity that encourages the consumption of alcohol to an excessive extent.
Promotion of discounts of up to and greater than 25%.	Promotions that are aimed at or have special appeal to minors.
Promotions that do not mention a discount but that customers are likely to believe will involve discounts of 25% or more because of the use of words describing discounts (eg, promotions that use words such as 'crazy prices' or 'massive discounts').	<p>Once a supermarket or grocery store has a single area restriction as a condition in its licence:</p> <ul style="list-style-type: none"> • Display, promote or advertise alcohol outside the single alcohol area. • Display, promote or advertise non-alcohol products (eg, food or general merchandise) within the single alcohol area.
Promotions involving free alcohol, providing they do not encourage the consumption of alcohol to an excessive extent.	
Promotion of complimentary samples (eg, wine tasting or samples).	
Promotions that have alcohol as a prize for a competition, providing they do not encourage the consumption of alcohol to an excessive extent.	
Promotions that offer a prize to people who buy more than a certain quantity of alcohol, providing they do not encourage the consumption of alcohol to an excessive extent.	
Offers of goods or services on the condition alcohol is purchased (eg, free towel with a dozen beer).	

ACCEPTABLE PROMOTIONS must still be suitably monitored, managed and controlled to ensure excessive consumption of alcohol is not encouraged.

Additional compulsory conditions for supermarkets and grocery stores

From 18 December 2013, all new and renewed licences (as they are renewed after this date) must contain a condition describing one area within the premises as a permitted area for the display and promotion of alcohol ('the single area'). There may be up to three adjacent 'single areas'. The purpose is to limit (as far as is reasonably practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol and advertisements for alcohol. Businesses renewing a licence may be granted additional time (up to 18 months) to make any necessary layout changes.

The single area must not contain any part of (or all of):

- any area of the premises through which the most direct pedestrian route between any entrance to the premises and the main body of the premises passes; or
- any area of the premises through which the most direct pedestrian route between the main body of the premises and any general point of sale passes." (Sale and Supply of Alcohol Act 2012).⁴⁷

Once a single area condition is in place, all advertising, display and promotion of alcohol within the store must occur within the single alcohol area. Non-alcohol products must not be displayed, advertised or promoted within this area.

The restriction on the promotion and advertising of alcohol to within the single area does not apply to:

- signs locating the alcohol area
- promotions or advertisements in newspapers, magazines or catalogues.

⁴⁷ s.114(b)(1)(i),(ii)

The minimum legal purchase age

In New Zealand we have a minimum legal purchase age, not a minimum drinking age. This means that *under no circumstance can alcohol be sold to a person under 18 years of age (a minor)*. A range of restrictions also relate to minors being on licensed premises. In some circumstances a minor can consume alcohol supplied by someone who is their parent or legal guardian.⁴⁸

'Parent' means natural, adoptive or foster parent. 'Guardian' means a person who has all the duties, powers, rights and responsibilities that a parent has in bringing up their child, as detailed in the Care of Children Act 2004. (Note that this includes providing day-to-day care for the child, contributing to the child's intellectual, emotional, physical, social and cultural development and even helping to determine questions about important matters that affect the child.)

For the majority of minors, legal guardianship continues to be concurrent with parental status. Establishing legal guardianship still requires a formal legal process. A guardian is not just anyone involved in the day-to-day care of a child. This is something to keep in mind when interacting with younger-looking people on licensed premises.

⁴⁸ s.241(3)(a)&(d)

Designations

Descriptions of who may be in what area of licensed premises are provided below.

Supervised area

Most bars are designated as supervised.

- Persons under 18 may be present but only if accompanied by a parent or legal guardian.⁴⁹
- The manager has responsibility to establish proof of the relationship and is entitled to request ID or other proof to establish that the relationship exists.

Persons under 18 accompanied by a parent or legal guardian may consume alcohol, but they cannot purchase it.

Restricted area

- Persons under the age of 18 are not permitted in a restricted area.

Undesignated area

- Most restaurants and club premises are undesignated (have no designation).
- Persons of any age may be in this area.


Persons under 18 accompanied by a parent or legal guardian may consume alcohol, but they cannot purchase it.

Off-licensed premises

The minimum legal purchase age of 18 also applies to bottle stores and takeaway sales. Alcohol cannot be sold to a person under 18 under any circumstance.

⁴⁹ s.244(2)

QUICK REFERENCE CHART

	Supervised	Restricted	Undesignated
How and when minors may be on licensed premises			
Under 18 accompanied by parent or legal guardian	Yes	No	Yes
Under 18 unaccompanied	No	No	Yes
How and when a minor can purchase alcohol			
Under 18 accompanied by parent or legal guardian	No	No	No
Under 18 unaccompanied	No	No	No
Employment of minors			
Bar/alcohol service (any age under 18)	Yes	No	Yes
Entertainment	No, unless accompanied*	No	Yes
Cleaning/food service/maintenance/removing equipment/stocktaking/checking cash ⁴⁹	Yes	Yes	Yes

* 'Accompanied' means accompanied by the individual's parent or legal guardian.

PENALTIES

Offence	Section	Licensee or manager	Bar staff
Sale or supply of alcohol to minors	239	\$10,000. The licence may also be suspended for up to seven days	\$2,000
Employment of a minor in a restricted area	242	\$2,000	
Allowing minors to be in a restricted or supervised area	245	\$2,000	

Proof of age

Servers are responsible for establishing proof of age and are entitled to ask for identification. The customer must prove they are old enough to buy alcohol or be on licensed premises. If they cannot supply adequate proof, there is no obligation to allow them into the premises and they should be denied entry and service.

The Sale and Supply of Alcohol Act 2012 provides for three age-identification documents:

- New Zealand or overseas passport.
- New Zealand driver's licence.
- An approved 18+ Evidence of Age card.

Each contains a photograph for positive identification.

Many premises have a policy of asking for ID if a customer looks under 25 years of age. Ask for ID every time. Don't be flexible or you could be targeted by minors as well as authorities.

Guide to checking ID

- Ask to see the customer's ID if they look 25 or under.
- The customer must remove the ID from their wallet.
- Check the date of birth (know the cut-off birth date at which you must deny customers access to your premises).
- DO NOT look at the picture first; look at the picture last.
- Feel the surface and edges of the card with your thumb, checking for blemishes or tampering.
- FIRST, while talking to the customer, look for distinguishing features on their face, nose, chin and jaw.
- SECOND, look at the picture on the card – ensure this has the same features as the face.
- Shine a torch from behind the photo and the date of birth.
- If further validation is required, check their signature against the card (get them to sign).

- Can you PROVE to police you have ID-ed them? (Cameras/Notebook/Stamp)
- FAKE IDs: Do you know the correct procedure for retaining an ID? And how to complete the form ('Licensed Premises Retained ID Noting Form')?

The biggest mistake staff make is to calculate the age incorrectly from the date of birth provided. You should know today's date and subtract 18 years. Anyone born after this date is under age and should be removed from the premises. A sign on the till showing today's date and 18 years earlier will help staff make this call efficiently and effectively.

***When checking ID, remember:
if in doubt, keep them out!***

If the ID has been tampered with in any way, refuse the customer entry. Don't accept ID if you have any doubts about it – refuse entry and service and insist the person obtains another ID before you admit entry or serve the customer.



The licensed premises

Types of licence

On-licence

Allows sale/supply of alcohol for consumption on the premises eg, tavern, bar, hotel, café, restaurant, entertainment venue or a conveyance (train, plane etc).

At the request of the applicant on-licences may be endorsed for a BYO restaurant (allowing more flexible requirements regarding managers) or for a caterer (allowing the sale and supply of alcohol at any reception, function or social gathering promoted by someone other than the holder of the licence).⁵¹

Off-licence

Allows sale/supply of alcohol to persons for consumption off the premises eg, bottle stores, supermarkets.

At the request of the applicant off-licences may be endorsed for auctioneers who hold an auctioneer's licence, or for a remote seller.

Club licence

Allows sale/supply of alcohol for consumption on the club premises to members of the club, their guests and members of clubs with reciprocal visiting rights.

Special licence

Allows sale/supply to any person attending an event eg, private function, street party or sporting event. A special licence can also be issued to an on or club licence for an event not covered by their licence.

Applying for a licence

Your DLC can provide you with application forms and details of what is required with a licence application. You will need to pay the appropriate fees when you lodge your application. Fees are calculated on a cost recovery basis and reflect risk weighting.⁵² It may be helpful to meet the Licensing Inspector to explain your application and discuss any issues before lodging the application.

The licence application is submitted to the local DLC. Within 20 working days of lodging the application, you will need to give public notice that you have submitted an application in a newspaper nominated by the DLC.⁵³ You will also need to display, within 10 working days of lodging the application⁵⁴, a notice in a conspicuous place on or adjacent to the site to which the application refers.

Any person with a particular interest, greater than that of the public generally, may object to the application within 15 working days⁵⁵ of the publication of the first public notice. The application will be sent to the Licensing Inspector, police and MOH.⁵⁶ You will receive copies of their reports and any objections lodged by the public.

The DLC considers and determines all licences and licence renewals. Provision is made for applications to be referred to ARLA for a decision but the Chair of ARLA must give leave for this to happen.⁵⁷ If there are no objections, the application may be granted without a public hearing.⁵⁸ If there are objections, a public hearing will be held unless the objection is considered vexatious or the applicant does not require a hearing.⁵⁹

In considering any application for a licence, the DLC and ARLA must consider the new, expanded criteria:

- The object of the Act.
- The suitability of the applicant.
- Any relevant local alcohol policy.
- The days and hours of sale.
- The design and layout of premises.
- The sale of goods other than alcohol and refreshments.
- The provision of other services not related to the sale of alcohol and refreshments.
- Whether amenity and good order of the area would be substantially reduced.
- The undesirability of further licences where amenity and good order have already been reduced.
- Whether the applicant has systems, staff and training to comply with the law.
- Any matters reported by the police, an inspector or the Medical Officer of Health.

52 Reg 5 Sale and Supply of Alcohol (Fees) Regulations 2013

53 s.101(b)

54 s.101(a)

55 s.102(2)

56 MOHs are now sent all licence applications

57 s.104(2)

58 s.202(1)

59 s.202(3)

On, off or club licence applications should include:

- the completed application and three copies
- a copy of the certificate of incorporation, if the applicant is incorporated
- a copy of the memorandum of association, if the applicant is a company
- a copy of the property order, if the applicant is a manager acting for any person pursuant to a property order
- a copy of the club's constitution or rules, if the applicant is a club
- a photograph or artist's impression of the exterior of the premises or proposed premises
- a map showing the location of the premises
- scale plans of the premises showing:
 - the parts of the premises that are to be used for the sale and supply of alcohol, to enable an assessment of whether the design and layout are appropriate
 - the parts of the premises (if any) that are to be designated restricted or supervised areas
 - each main entrance to the premises
- for supermarkets and grocery stores
 - a plan of the footprint of the premises showing proposed configuration and arrangement of the premises and the perimeter of an alcohol area⁶⁰
- a written statement from the owner to the effect that they have no objection to the issue of a licence, if the applicant is not the owner of the premises
- a Host Responsibility policy for the premises
- a copy of a menu showing the range of food that will be available and a brief explanation of the storage, handling and preparation of food
- a statement that the owner of the premises, where required, has an evacuation scheme required by s.21B of the Fire Service Act 1975⁶¹
- a certificate of compliance with the Resource Management Act 1991
- a certificate of compliance with the Building Code
- the prescribed fee.⁶²

60 s.113(2)

61 s.100(d)(i)

62 s.100(e)

Temporary Authority

Existing premises – existing licence

A Temporary Authority can be obtained for existing premises that currently have an on or off-licence. A Temporary Authority allows the holder to operate the premises until their on or off-licence application has been determined. If you are planning to take over premises that currently have an on or off-licence, you should check with your local DLC to confirm the terms and conditions of that licence, and that the licence is still current.

If you take over and continue the operation of premises that are currently licensed, you need to obtain a Temporary Authority and then apply for a new licence. A Temporary Authority is valid for up to three months. Sometimes it may take longer than three months to obtain the new licence, and in this situation the DLC may issue another Temporary Authority if the delay is NOT of your making. In order for the DLC to issue another Temporary Authority, the underlying licence must still be current.

New premises – new licence

If you are seeking to obtain an on or off-licence for previously unlicensed premises, or premises that do not have a current on or off-licence, it is not possible to obtain a Temporary Authority. You will, therefore, need to obtain the on or off-licence before opening your business to sell and supply alcohol on or from the premises.

Renewing a licence

All on, off and club licences must be renewed after an initial 12-month period and then every three years. You should submit your renewal application to your local DLC. Some DLCs send reminder notices to licensees that their licences are due for renewal, but the licensee is responsible for lodging the application for renewal of the licence at least 20 working days before the expiry date.⁶³

An application for renewal of your on, off or club licence must be publicly notified within 10 working days of filing the application⁶⁴ and you must also display a notice in a conspicuous place on or adjacent to the premises site.

The renewal application will be referred to the police, Licensing Inspector and MOH to enquire into. The police and MOH may report if they have matters in opposition. In accordance with the Act, the Inspector MUST report. The renewal application will be referred to the police, Licensing Inspector and MOH, who may report pursuant to the Act. Where there is no change to licence conditions, objections may only be made in relation to the suitability of the applicant. Renewal applications are considered by the DLC and may be granted for three more years. An annual fee is also payable and varies according to risk factors and compliance history.

63 s.127(2)(b)

64 s.127(3)

Special licences

A special licence may be obtained for any lawful purpose, but it cannot be used as a substitute for an on or club licence, and should not be used as a means of extending trading hours in respect of the day-to-day activities of an individual premises.

There are two kinds of special licences.

On-site special licences are for consumption of alcohol on the premises by people attending an event and can be held by the holder of an on-licence or a club licence for special events outside of normal hours.

Off-site special licences are for consumption elsewhere by people attending an event.⁶⁵

Applying for a special licence

A special licence application form is available from your local DLC. Applications are processed by the DLC, which will refer the application to the Licensing Inspector, MOH and police.

A special licence application must be lodged at least 20 days before the event, unless there are special circumstances in which the DLC agrees to a shorter period.⁶⁶

If there are any matters in opposition to an application for a special licence, the DLC must call a public hearing to consider the application. Your local DLC can advise you further on this. Where a special licence relates to a large-scale event, the DLC may require the applicant to provide an Event Management Plan.⁶⁷

Conditions of licences

All licences have conditions relating to the sale and supply of alcohol as well as other matters relating to the operation of the premises. Failure to comply with the conditions of your licence can lead to action being taken by the regulatory agencies, which may ultimately lead to fines and/or loss of the licence. The Act specifies mandatory conditions to be imposed on all licences of a certain type and discretionary conditions that may be imposed. There are also requirements in the Act that must be complied with even though they may not be described in the licence as a condition.

⁶⁵ s.22

⁶⁶ s.127(2)(b)

⁶⁷ s.143

MATTERS THAT MAY BE SUBJECT TO LICENCE CONDITIONS

Condition	On-licence	Club licence	Off-licence	Special licence
Days and hours that alcohol may be sold	M (s.110(2)(a))	M (s.110(2)(a))	M (s.116(2)(a))	M (s.147(3)(a)) D (s.147(1)(k))
Hours of opening signs to be displayed at principal entrances	R (s.56)		R (s.56)	
Days and hours that alcohol may be delivered			R (s.59(1))	
Kinds of alcohol that may be sold or delivered			D (s.116(1)(c)) R (s.58)	D (s.147(1)(c)) D (s.147(1)(k)) R (s.55(a))
Type of container in which alcohol is provided				D (s.147(1)(i)(i))
Type of container in which alcohol is not to be provided				D (s.147(1)(i)(ii))
Provision of food for consumption	R (s.53)	R (s.53)		D (s.147(1)(d))
Low alcohol beverages available	R (s.52(1)) NR (s.52(2))	R (s.52(1)) NR (s.52(2))		D (s.147(1)(e))
Non-alcoholic beverages available	R (s.51)	R (s.51)		D (s.147(1)(f))
Assistance with information about transport	R (s.54)	R (s.54)		D (s.147(1)(g))

Condition	On-licence	Club licence	Off-licence	Special licence
Location of free drinking water	M (s.110(2)(c))	M (s.110(2)(c))	M (s.116(2)(c))	M (s.147(3)(b)) D (s.147(1)(k))
Steps to ensure prohibited persons are not sold alcohol	D (s.110(1)(a))	D (s.110(1)(a))	D (s.116(1)(a)) R (s.59(3)&(4))	D (s.147(1)(a)) D (s.147(1)(k))
People to whom alcohol may be sold or supplied	D (s.110(1)(c))	D (s.110(1)(c)) R (s.60)	D (s.116(1)(b))	D (s.147(1)(b)) D (s.147(1)(k))
Only alcohol sold on premises may be consumed		R (s.62)		
Exclusion of the public from premises				D (s.147(1)(h))
One-way door restrictions	D (s.110(1)(d)) R (s.50(1))	D (s.110(1)(d)) R (s.50(1))		D (s.147(1)(k))
Single display area for supermarkets and grocery stores			M (s.112(2))	
Designation of restricted or supervised areas	M (s.119(1))	D (s.119(2))	D (s.119(2))	D (s.119(2))
Management plans, RMA certificates and liaison for large-scale events				D (s.143(1))
No free alcohol on premises not open for off-premises sale				R (s.55(b))

Condition	On-licence	Club licence	Off-licence	Special licence
Licence to be displayed	R (s.57(1))	R (s.57(2))	R (s.57(1))	DR (s.57(3))
Information provided by remote sellers			R (s.59(5)-(7))	
Fees payable	M (s.110(2)(b))	M (s.110(2)(b))	M (s.116(2)(b))	D (s.147(1)(k))
Requirements for the management of premises	D (s.110(1)(b))	D (s.110(1)(b)) R (s.61)		D (s.147(1)(k))
Manager to be appointed	R (s.212)	R (s.212)	R (s.212)	R (s.213)
Manager to be on duty	R (s.214) D (s.37(2)(b)) D (s.110(1)(e))	D (s.110(1)(e)) NR (s.215(1)(a))	R (s.214) NR (s.215(1)(c))	R (s.214) D (s.147(1)(k))
Filing of returns on alcohol sold				D (s.147(1)(j))
Any reasonable condition	D (s.117(1))	D (s.117(1))	D (s.117(1))	D (s.117(1)) D (s.147(1)(l))

Key

- M** mandatory condition to be imposed
- D** discretionary condition that may be imposed
- R** a requirement of the Act
- NR** not a requirement of the Act
- DR** discretionary requirement

Conditions specifically relating to clubs

1. The club shall have a secretary at all times.
2. The club shall notify ARLA or the DLC (whichever granted the licence) of a change in secretary within 10 working days of the change.
3. All proceeds from the sale of alcohol shall belong to the club.
4. The club committee shall ensure that the provisions of the Act are observed.

Conditions of off-licences

Supermarkets and grocery stores

It is a condition of all off-licences issued for supermarkets and grocery stores that only the following types of alcohol, complying with the appropriate New Zealand food standard, containing no more than 15% alcohol, be sold under the licence:⁶⁸

- Fruit or vegetable wine.
- Grape wine.
- Mead.
- Beer.
- Food flavouring containing alcohol prepared for culinary purposes that is unsuitable for drinking.

This does not include fortified wines such as port and sherry, cream and other liqueurs, or ready-to-drink mixes (RTDs).

Supermarkets and grocery stores will also have conditions imposed on their licences requiring that the display, advertising and

promotion of alcohol are restricted to a single area within the premises that does not contain the most direct route from the entrance through the main body of the premises to the checkout area, and that display, advertising and promotion of other products must not occur within a designated alcohol area (see Responsible promotion of alcohol on pages 14–20).

An off-licence also authorises the complimentary supply of alcohol by way of sampling on the premises.

Restricted trading days

There are restrictions that apply in respect of alcohol sales on Good Friday, Easter Sunday, Christmas Day and before 1.00pm on Anzac Day.⁶⁹

On-licences

No alcohol is to be sold on on-licensed premises on Good Friday, Easter Sunday, Christmas Day and before 1.00pm on Anzac Day to any person other than those who are:

- residents or lodgers, or
- on the premises to have a meal.*

** 'Dining' is now defined as more than an hour before a person starts (or is due to start) eating a meal; or more than an hour after he or she finishes eating a meal. If they are there outside these constraints, they are unauthorised.*

68 s.58

69 s.47(1)

These restrictions take effect from midnight, which means that on the Thursday before Good Friday, the Saturday before Easter Sunday, on Christmas Eve and the evening before Anzac Day on-licensed premises are required to cease their usual operation at 12.00 midnight.

Off-licences

Off-licence sales and deliveries are prohibited on Good Friday, Christmas Day and before 1.00pm on Anzac Day. Cellar door wine sales may be made on Easter Sunday;⁷⁰ otherwise all off-licence sales and deliveries are prohibited.⁷¹

This also means that where takeaway 'across the bar' sales are usually permitted under licence after 12.00 midnight, they will be required to cease at midnight on the Thursday before Good Friday, Saturday before Easter Sunday, on Christmas Eve and on the evening before Anzac Day.

Display of signage

Every holder of an on or off-licence must display a copy of the licence, showing the conditions, in the interior of the premises where it can be easily read by people entering the premises.⁷²

The licensee is also required to display a sign where it can be easily read on the exterior of the premises, showing the ordinary hours of business during which the premises are open for the sale of alcohol.

The full name of the manager must also be prominently displayed inside the premises where it can be easily read.⁷³

On-licences may be required to display notices throughout the premises advising that food is available.

A Host Responsibility policy should also be prominently displayed.

70 s.57

71 s.48

72 s.57

73 s.214(3)

Host Responsibility signage

A range of signage is available to licensees to help you meet your legal obligations. These can be obtained from your local DLC, public health service, or the Health Promotion Agency (HPA) alcohol.org.nz.

RESOURCES



ON THE WAY?

Slow Down

Time to go on the water, eat some food or call a taxi? We will tell you if you've had too much and make all these things available to you. Otherwise it's home time mate.

That's the law! Hospitality 

GONE TOO FAR?

Intoxicated?


That's when you're drunk, rat-faced, mulleted, munted, trashed... When you've gone too far we can't serve you and it's time to go home mate.

That's the law! Hospitality 

Alcohol will not be served to anyone who is intoxicated

Hospitality 

**No ID
No Service
No Exceptions**

Hospitality 

Alcohol will not be served to minors

Hospitality 

Intoxication Assessment Tool

Indicators may include but are not limited to:

	SOBER	INFLUENCED	INTOXICATED
S peech	Coherent, clear speech, normal tone/volume, may be talkative.	May be overly talkative, opinionated and interrupt, may stumble over words, becoming loud, inappropriate language, jokes, comments.	Slurring, difficulty forming words, loud, repetitive, loss of train of thought, nonsensical, unintelligible.
C oordination	Coordinated, balanced, standing without help or support.	Slowed or delayed reactions, swayer or occasional staggers or sways.	Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand un-aided or sit straight.
A pppearance	Tidy, clear eyes, alert.	Vacant or blank expression, smell of alcohol on breath, may look unwell.	Bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
B ehaviour	Behaving sensibly but may be more relaxed.	Over friendly or withdrawn, inappropriate or risky actions, argumentative, annoying, fading attention, increased consumption rate.	Seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers.

Monitor & serve responsibly Intervene Deny & remove

ALB&A | June 2013

Penalties for breaching the Sale and Supply of Alcohol Act 2012

There are serious penalties for breaching the Sale and Supply of Alcohol Act 2012. As the following chart indicates, licensees, managers and bar staff can all be prosecuted under the Act. It is essential for all staff to be familiar with the requirements of the legislation and understand its importance to their job.

LICENSED PREMISES, MANAGEMENT AND STAFF

Offence	Section	Licensee or manager	Bar staff
Inappropriate promotions (see section on Promotion of Alcohol for detail)	237	\$10,000. The licence may also be suspended for up to seven days	\$10,000
Sale of a banned alcohol product	238	\$20,000	\$20,000
Sale or supply of alcohol to minors	239	\$10,000. The licence may also be suspended for up to seven days	\$2,000
Employment of a minor in a restricted area	242	\$2,000	
Allowing minors to be in a restricted or supervised area	245	\$2,000	
Unauthorised sale or supply	247	\$20,000. The licence may also be suspended for up to seven days	
Sale or supply to an intoxicated person	248	\$10,000. The licence may also be suspended for up to seven days	\$2,000
Allowing a person to become intoxicated	249	\$10,000. The licence may also be suspended for up to seven days	
Allowing intoxication on licensed premises	252	\$5,000	
Allowing disorderly conduct on licensed premises	253	\$10,000	
Sale of spirits in a vessel exceeding 500 ml	254	\$2,000	\$2,000

Offence	Section	Licensee or manager	Bar staff
Allowing a person on licensed premises outside licensing hours	256	\$10,000	
Being intoxicated on duty	250,251	\$4,000	\$2,000
Failure to comply with licence restrictions or conditions	259	\$5,000	
Failure to appoint a manager, have a manager on duty at all times, or notify appointments and terminations	258, 259(1)(a)	\$5,000	
Refusal or failure to supply licence and assistance to police	269	\$2,000	\$2,000

GENERAL PUBLIC

Offence	Section	Penalty
Encourage excessive consumption of alcohol	237	\$10,000
Supply to a minor	241	\$2,000
Sale of alcohol without a licence	233	\$40,000 and up to three months in prison
Allowing unlicensed premises to be used for the sale of alcohol	234	\$40,000 and up to three months in prison
Use of unlicensed premises as a place of resort for consumption of alcohol	235	\$20,000
Persons found on unlicensed premises kept as a place of resort for consumption of alcohol	236	\$2,000
Purchase of alcohol by minors	243	\$2,000
Minors found in a restricted area or unaccompanied in a supervised area	244	\$1,000
Being on licensed premises outside licensing hours	255	\$2,000
Presenting or providing incorrect evidence of age documentation to a licensee or manager	257	\$2,000
Refusal or failure to supply particulars or evidence to the police	269	\$2,000

Infringement notices

Where a member of the police observes a person committing an infringement offence or has reasonable cause to believe that an infringement offence is being or has been committed by that person, the officer may serve an infringement notice on that person.

All offences for which infringement notices may be issued may instead be prosecuted through the courts and, if the person committing the offence is found guilty, they are liable for up to the maximum fine. The police may also issue infringement notices under the Summary Offences Act 1981 for minors drinking alcohol in public places and the Local Government Act 2002 for breach of an alcohol ban.

INFRINGEMENT OFFENCES

Offence	Section	Maximum fine	Infringement fee
Underage purchase	243	\$2,000	\$250
Underage presence in restricted areas, or supervised areas not accompanied by a parent or guardian	244	\$1,000	\$250
Permitting minors to be in restricted or supervised areas	245	\$2,000	\$250
Manager intoxicated on duty	250	\$4,000	\$500
Employee intoxicated on duty	251	\$2,000	\$500
Spirit sales in vessels over 500 ml	254	\$2,000	\$250
Manufacture, supply or presentation of fake, falsified or inapplicable evidence of age documents	257	\$2,000	\$250
Consumption/possession or purchasing of alcohol in an alcohol banned area	147 (LGA)		\$250

Offence	Section	Maximum fine	Infringement fee
<p>Other requirements and restrictions:</p> <ul style="list-style-type: none"> • Sale outside trading hours or days (ss.46, 47, 48) • Non-compliance with one-way door restriction (s.50) • Non-availability of non-alcoholic and low-alcohol drinks, food, or information about transport (ss.51, 52, 53, 54) • Inappropriate sale and supply from off-site special licensed premises (s.55) • Signage not displayed: name of manager, hours, licence and conditions (ss.258(1)(b), 56, 57) • Sale of alcohol at a supermarket or grocery store that is not permitted (s.58) • Remote sellers delivering between 11pm and 6am, failing to verify age of purchaser, not providing required information (s.59) • Club selling to unauthorised people (s.60) • Club with no secretary or secretary not advised to DLC, or proceeds not belonging to club (s.61) • Consumption in clubs of alcohol not sold by the club (s.62) • Breach of any licence condition (s.63) 	259	\$5,000	\$250

Variation, suspension or cancellation of licence

If the police or Licensing Inspector suspect a breach of the Act or licensing conditions, unsuitability of the licensee, or disorderly and obnoxious use of premises, they can apply to ARLA, who may vary or revoke any condition of a licence, impose a condition, or suspend or cancel the licence. ARLA has the power to suspend, cancel or vary the licence, or adjourn the application to give the licensee time to remedy the situation.⁷⁴

Suspension or cancellation of Manager's Certificates

If the police or Licensing Inspector suspect that a manager has failed to conduct any licensed premises in a proper manner or is unsuitable to hold a Manager's Certificate, they may apply to ARLA, who may suspend or cancel the certificate. Time may be given to the manager to remedy any issues.⁷⁵

Non-compliance with health or safety requirements

If the Medical Officer of Health or a member of the Fire Service believes that requirements for public health or fire evacuation are not complied with and that the health and safety of patrons will be endangered, the DLC may order the licensee to remedy the situation, suspend the licence until the situation is remedied, or order the closure of the premises while work is undertaken to remedy the situation.⁷⁶

Cancellation of licences and Manager's Certificates for repeat holding offences

When a licensee or manager commits three holding offences⁷⁷ within three years, the licence may be, and the Manager's Certificate will be, cancelled for five years. There is no right of appeal to the High Court.⁷⁸

⁷⁴ ss.280, 283, 284
⁷⁵ s.285

⁷⁶ s.286
⁷⁷ s.288
⁷⁸ ss.288-294

Other relevant legislation

Please note that these are brief notes about the law as it affects licensees. They are not intended to give legal advice on a particular problem or situation.

Legislation governing appropriate behaviour on licensed premises

Several pieces of legislation besides the Sale and Supply of Alcohol Act 2012 are directly relevant to the enforcement of appropriate behaviour on licensed premises. These include the:

- Human Rights Act 1993
- Summary Offences Act 1981
- Crimes Act 1961
- Trespass Act 1980.

The following information outlines some of the relevant sections from these Acts in relation to refusing service to and removing problem customers from your premises.

Rights of refusal

Subject to the Human Rights Act 1993, you are not obliged to serve alcohol at any time or to any person. It is also an offence (with exceptions) to remain on your premises or to allow violent, quarrelsome, insulting or disorderly conduct to take place. Your customers don't want to put up with inappropriate behaviour either, so it is in your best interests to deal promptly and consistently with instances of intoxication or inappropriate behaviour.

The Human Rights Act 1993 states that prohibited grounds for discrimination are sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status, family status, sexual orientation.

Therefore, you can refuse entry and service to anyone, at any time, but cannot use any of the above reasons. Where there is any doubt about a person's age or level of intoxication, you should not serve them. All managers, supervisors and staff have the right to refuse entry to any person. You don't have to give a reason, but it can help.

Removal

It is better to recognise a problem and refuse or modify service than to have to remove someone from your premises. If you do have to remove someone, however, keep both them and yourself safe. The following may provide some background information.

Disorderly behaviour

“Every person is liable to imprisonment for a term not exceeding three months or a fine not exceeding \$2,000 who, in or within view of any public place, behaves, or incites or encourages any person to behave, in a riotous, offensive, threatening, insulting, or disorderly manner that is likely in the circumstances to cause violence against persons or property to start or continue.”

Section 3, Summary Offences Act 1981.

Assault

“Assault means the act of intentionally applying or attempting to apply force to the person of another, directly or indirectly, or threatening by any act or gesture to apply such force to the person of another, if the person making the threat has, or causes the other to believe on reasonable grounds that he or she has, present ability to effect his purpose; and to assault has a corresponding meaning.”

Section 2, Crimes Act 1961.

“Every person is liable to imprisonment for a term not exceeding six months or a fine not exceeding \$4,000 who assaults any other person.”

Section 9, Summary Offences Act 1981.

Issuing a Trespass Notice

Licenseses and managers have the ability to issue Trespass Notices (Blueys) to troublesome customers to bar them from the premises. The Trespass Notice can remain in force for a maximum of 24 months. It formally and legally advises a person that they are not allowed on the premises, that they must leave immediately, and that they can be arrested if they do not leave. To be effective, Trespass Notices must be used correctly and be fair and consistent.

“Every person commits an offence against this Act who trespasses on any place and, after being warned to leave that place by an occupier* of that place, neglects or refuses to do so.”

Section 3, Trespass Act 1980.

“Where any person is trespassing or has trespassed on any place, an occupier of that place may, at the time of the trespass or within a reasonable time thereafter, warn him to stay off that place.”

Section 4(1), Trespass Act 1980.

"Where an occupier of any place has reasonable cause to suspect that any person is likely to trespass on that place, he may warn him to stay off that place."

Section 4(2), Trespass Act 1980.

"A warning under section 3 or section 4 shall be given to the individual person concerned either orally, or by notice in writing delivered to him or sent to him... ."

Section 5, Trespass Act 1980.

The penalty for breaching sections 3 and 4 of the Trespass Act is a fine not exceeding \$1,000 or a period of imprisonment not exceeding three months.

** 'Occupier' means "any person in lawful occupation of that place or land; and includes any employee or other person acting under the authority of any person in lawful occupation of that place or land".*

Section 2(1), Trespass Act 1980.

The Building Act 2004

The Building Act 2004 regulates the physical management and operation of buildings. All aspects are addressed under one statute and coordinated at a national level. The Act includes building safety procedures and penalties for non-compliance, which are of primary importance to building owners and managers.

Specified systems

The use and maintenance of all buildings must be monitored if they have any of the following systems:

- Automatic systems for fire suppression (eg, sprinkler systems).
- Automatic or manual emergency warning systems for fire or other dangers.
- Electromagnetic or automatic doors or windows (eg, doors or windows that close on fire alarm activation).
- Emergency lighting systems.
- Escape route pressurisation systems.
- Riser mains for use by the Fire Service.
- Automatic back-flow preventers connected to potable water supply.
- Lifts, escalators, travelators or other systems for moving people or goods within buildings.
- Mechanical ventilation or air conditioning systems.
- Smoke control systems.
- Audio loops or other assistive listening systems.
- Building maintenance units providing access to exterior and interior walls of buildings.
- Emergency power systems for, or signs relating to, a system or feature specified above.

A building that has one or more of the above systems will be issued with a Compliance Schedule from the territorial authority. The Compliance Schedule will outline the items from the above list that are applicable along with the inspection, maintenance and reporting requirements.

A Compliance Schedule will address the specified system that relates to:

- means of escape from fire
- safety barriers
- means of access and facilities for use by people with disabilities
- hand-held hose-reels for fire fighting
- any signs required by the Building Code or for buildings requiring access and facilities for people with disabilities.

Warrant of fitness

The Building Act also places a responsibility on owners of buildings with Compliance Schedules to provide a warrant of fitness. The warrant of fitness is the owner's statement that all necessary maintenance and inspections have been carried out in the previous 12 months. A copy of the warrant of fitness is to be publicly displayed at all times on the premises. The building owner must retain the Compliance Schedule and other written reports for two years and make them readily available to the inspecting officers. The warrant of fitness is to be returned to the territorial authority along with all certificates of inspection, maintenance and reporting procedures.

Maximum occupancy numbers

The Building Act 2004 and associated Building Code also contain the details for setting the maximum occupancy numbers for premises. If you are unsure about the maximum occupancy numbers for your premises, your territorial authority's Building Control Department can advise you.

The territorial authority's role

The territorial authority (city or district council) is required to administer the Building Act 2004 and regulations, which include the New Zealand Building Code, within its area. It will issue a Building Consent, which is the authority issued to you or your builder to carry out building or alterations in accordance with approved plans and specifications. The Building Consent is a single permit that covers all areas of construction.

Direct any enquiries about the Building Act 2004 and Building Code to the Building Control Department at your local council, or refer to dbh.govt.nz.

The Health and Safety in Employment Act 1992

The Government is currently reviewing the Health and Safety in Employment Act 1992. The reform will see the new Health and Safety at Work Act replace the Health and Safety in Employment Act 1992. The new law and key supporting regulations are expected to start coming into force from 1 April 2015.

Responsibilities to your employees

The Health and Safety in Employment Act 1992 requires you, as an employer, to take all practicable steps to ensure the safety and health of workers and others while at work, by:

- identifying and controlling hazards in consultation with employees
- providing and maintaining a safe working environment
- providing and maintaining facilities for the safety and health of employees
- ensuring plant, machinery and equipment are made, set up and maintained to be safe for all
- ensuring systems of work do not lead to employees being exposed to hazards
- providing procedures to deal with emergencies.

Responsibilities to the public

You must take all practicable steps to ensure the safety of your customers, neighbours, contractors and the general public while they are in or near your premises.

Employees' responsibilities

Employees also have responsibilities under the Act. They must:

- take all practicable steps to ensure their own safety and ensure that no action or inaction by them at work causes harm to any other person
- not knowingly expose themselves or others to harm. This means, for example, employees must use safety equipment and other measures provided.

For further information about the Health and Safety in Employment Act 1992 or for information about the Reform Bill, refer to business.govt.nz/worksafe or phone 0800 030 040.

Fire Safety and Evacuation of Buildings Regulations 2006

All buildings (other than those containing three or fewer household units), regardless of size or number of occupants, must have an evacuation scheme or procedure that allows for a safe, efficient and expeditious evacuation of all building occupants in an emergency.

Evacuation schemes

Some buildings require an approved evacuation scheme instead of an evacuation procedure. The New Zealand Fire Service must approve an evacuation scheme. Buildings requiring an evacuation scheme approved by the Fire Service are called 'relevant buildings' and are referred to in section 21A of the Fire Service Act 1975.

Buildings requiring an approved evacuation scheme include those that:

- are used for gatherings, for any purpose, of 100 or more persons
- provide employment facilities for 10 or more persons
- provide accommodation for more than five persons (other than in three or fewer household units)
- have hazardous substances on site in quantities exceeding the prescribed minimum amounts, whatever the purpose for which the building is used.

Note that there is some variation for buildings fitted with fire sprinklers.

It is the building owner's responsibility to apply for an evacuation scheme. However, another person may be given the authority (in writing) to apply for a scheme for the building.

If your building meets one of the requirements to have an approved evacuation scheme, you should check with the building owner to ensure one is in place for the building. An approved evacuation scheme must also be maintained. This is usually achieved by holding trial evacuations six monthly. Failure to do this could lead to the approved scheme lapsing.

At the time of applying for a new licence or renewal of a current licence, the licensee must sign a statement that an approved fire evacuation scheme exists for the premises and is being maintained or, alternatively,

that the premises are exempt from having to have an approved scheme. If you require, but do not have, an approved evacuation scheme, or if your building's approved evacuation scheme has not been maintained there is a risk that the issue or renewal of your licence may be refused.

It can take up to 20 working days to process the application for a new evacuation scheme so it is important to do this well in advance of applying for a new licence or the renewal of an existing licence.

If you are unsure whether your premise's evacuation scheme needs to be approved by the Fire Service or if you need more information about the Fire Safety and Evacuation of Building Regulations 2006, refer to the 'Online services (Evac Scheme)' quick link at fire.org.nz, or check with the nearest New Zealand Fire Service Fire Risk Management Department.

Food Hygiene Regulations 1974

Food premises are subject to annual registration under the Food Hygiene Regulations 1974. This includes on and club licensed premises, and some special-licensed premises that are required by the Sale and Supply of Alcohol Act 2012 to provide a reasonable range of food available for sale to their customers.⁷⁹

In accordance with the new Food Amendment Act (No.2), food premises may apply for an exemption to the Food Hygiene Regulations 1974 if they have an approved Food Safety Programme (FSP) in place. This will become mandatory in the future, when all food premises will be required to have an approved FSP. As an operator/owner of food premises, you have a duty to ensure the food is produced and maintained in a safe and wholesome manner and you should be thoroughly familiar with the Food Hygiene Regulations 1974 and have an understanding of the principles of food safety.

Contact the health department at your local council or the Ministry for Primary Industries for information on food safety and FSPs. In some areas, various agencies and training organisations (eg, polytechnics) run training courses, either in a classroom situation or by correspondence.

Further advice should be available from your local council.

Good hygiene practices for bar staff

- Do not attend work if you have vomiting or diarrhoea, and do not return to work until you have been well for 24 hours. Viruses are highly infectious and can be spread through saliva droplets and poor hygiene. Virus particles can survive in the environment for long periods.
- Wash your hands thoroughly before starting work, after using the toilet, blowing your nose, handling refuse, smoking, etc.
- Ensure you have a suitable sickness and personal hygiene policy in place. A sickness policy can be downloaded from foodsafety.govt.nz.
- Before preparing fruit for cocktails, ensure your hands are washed and that all equipment is clean. Food must be prepared in an area free from any form of contamination, including customer contamination.
- Ensure you have a cleaning schedule in place that provides for the cleaning and sanitising of all equipment and surfaces.

For further information, refer to mpi.govt.nz or the public health service within your local District Health Board.

Resource Management Act 1991

The Resource Management Act 1991 aims to promote the sustainable management of natural and physical resources. The Act requires your territorial authority to prepare, in consultation with the community, a district plan that covers land use within its territory. The district plan sets out the policies and rules on the use, development or protection of land and natural resources. It also includes policies and rules on any actual or potential effects of the use, development or protection of land and the subdivision of land.

When applying for a licence under the Sale and Supply of Alcohol Act 2012 or carrying out any development or change of use of a particular site, it is important to ensure that the proposed use of the site complies with the council's district plan under the Act. The Sale and Supply of Alcohol Act 2012 requires that all applications for on, off or club licences or for the variation of conditions of a licence must include a certificate from the territorial authority stating that the application complies with the Resource Management Act 1991. For example, a restaurant changing to a tavern-type operation may not comply with the district plan just because it has an existing on-licence. Where the proposed use of a site does not comply, an application for Resource Consent may be needed.

The Resource Consent process has various levels, depending on the nature of the proposed use and the area in which the site is located. Often the process will include public notification and in some cases a public hearing. Neighbouring land use is an important factor that is taken into account when trading hours are being decided by ARLA or DLC. It is essential that you consult the planning department of your local council before applying for an on, off or club licence, or when considering any change of use of the site.

Local alcohol policies

Any territorial authority may have (but is not compelled to have) a policy relating to the sale, supply or consumption of alcohol within its district.⁸⁰ This policy may be more restrictive than the relevant district plan.⁸¹ A local alcohol policy may include policies on:⁸²

- the location of licensed premises (by reference to broad areas)
- the location of licensed premises by reference to proximity to premises of a particular kind
- the location of licensed premises by reference to proximity to facilities of a particular kind
- whether further licences should be issued for premises in the district or any part of the district
- maximum trading hours
- the issue of licences subject to discretionary conditions
- one-way door restrictions.

Once adopted, any elements of a local alcohol policy relating to maximum trading hours or a one-way door policy become regulations.⁸³ The territorial authority must take all reasonably practicable steps to give licensees affected by the policy, written notice of the adoption of the policy and a brief description of the effect of the policy.⁸⁴

80 s.75

81 s.93

82 s.77

83 s.89(1)(a)

84 s.90(5)

Noise control under the Resource Management Act 1991

The noise control provisions of the Act are designed to provide relief from noise of a temporary nature – defined as excessive noise. This is noise that is of “such a nature as to unreasonably interfere with the peace, comfort and convenience” of persons being affected by it eg, loud stereo or band music, or a person or group of persons.

The Act does not require that the noise be measured by a sound-level meter. A noise control officer will simply visit the site and subjectively (with his/her ears) judge whether the noise is excessive. This allows for some degree of flexibility so that all circumstances can be taken into consideration. If an oral or written notice is not complied with, the officer may return with the police and seize the noisemaking equipment or render it inoperable. In cases of repeated or ongoing noise problems from any licensed premises, the Licensing Inspector may recommend to ARLA or the DLC that the conditions of the licence be varied to cut back the hours of operation or that the licence not be renewed.

When considering applications, Licensing Inspectors will consider all environmental impacts, including noise, as part of an assessment of amenity and good order. Therefore, when applying for a licence, you should think about minimising the noise impacts, particularly if the premises are in, or near to, a residential area.

Further information relating to recommended hours of operation and environmental impacts can be obtained from your local council.

The Smoke-free Environments Act 1990

Workplaces and public places (including licensed premises, restaurants, casinos, and gaming machine venues) must be smokefree in internal areas. More specifically, employers, licensees and operators of restaurants and other venues must take “all reasonably practicable steps” to ensure that no person smokes at any time in any internal part of the premises. An ‘internal area’ is an area that “when all its doors, windows, and other closable openings are closed, is completely or substantially enclosed”.

The Act provides for fines of up to \$4,000 in the case of a person who is a body corporate, or \$400 in the case of a person who is not a body corporate.

Further information is available from the Ministry of Health moh.govt.nz including a calculator guide for determining whether an area is ‘open’ or ‘internal’ for the purposes of the Smoke-free Environments Act 1990.

The manager

The role of the manager

At all times alcohol is sold to the public from licensed premises, a manager must be on duty (with the exception of BYO licences, club licences, remote sellers, and off-licence cellar door sales).⁸⁵ The manager is responsible for the compliance with and enforcement of the:

- provisions of the Sale and Supply of Alcohol Act 2012
- conditions of the licence
- conduct of the premises, with the aim of ensuring the safe and responsible sale and supply of alcohol and minimising alcohol-related harm.

The manager's name must also be prominently displayed inside the premises at all times while on duty. The holder of a Manager's Certificate may manage any licensed premises unless limited by the DLC or ARLA. If the licensee is involved in managing the premises, they must hold a Manager's Certificate in their own right.

No person under the age of 20 years can be appointed as a manager of licensed premises.⁸⁶

Manager's Certificate applications

A Manager's Certificate application must be submitted to your local DLC. There is a standard application form that requests details of any relevant experience and training as well as other necessary information eg, any criminal convictions. It is important to complete the application form fully and include evidence of any training and experience you have had. It is also helpful if you can provide a character reference.

All new applications for a Manager's Certificate require the applicant to hold the prescribed qualification or to have completed the prescribed course of training as required by the regulations.⁸⁷

Refer to page 56 for details about the Licence Controller Qualification.

85 s.215

86 s.216(1)

87 s.218

Manager's Certificate process

The DLC will refer your Manager's Certificate application to the Licensing Inspector and the police. When the DLC is considering an application for a Manager's Certificate, it must keep in mind:

- the applicant's suitability⁸⁸
- any convictions⁸⁹
- experience, particularly recent experience, in controlling licensed premises
- training, particularly recent training, that the applicant has undertaken
- evidence of the prescribed qualification⁹⁰
- issues raised by the reports from the Inspector and the police.

If the DLC is satisfied that you meet the above criteria, it will issue the Manager's Certificate. The application may be referred to ARLA for determination. ARLA will evaluate the application using the same criteria as the DLC.

Manager's Certificate renewals

A Manager's Certificate is initially issued for 12 months and then is usually renewed every three years. It is the responsibility of the holder of a Manager's Certificate to ensure that a renewal application is lodged in time. While not mandatory, some DLCs send out reminders to holders of Manager's Certificates to inform them their certificates are due to expire. It is, therefore, important to advise the issuing DLC of any change of address. The process for renewal of a Manager's Certificate is similar to the application process.

For those currently holding a Club Manager's Certificate and the Licence Controller Qualification (LCQ), a Bridging Test must be undertaken before renewal, at which point a Manager's Certificate will be issued. For those without the LCQ, this must be completed before renewal. Failure to hold the LCQ at the time of renewal will result in a 12-month limited renewal period.

For those currently holding a General Manager's Certificate, a Bridging Test must be undertaken before renewal, at which point a Manager's Certificate will be issued. Failure to undertake the Bridging Test will result in a 12-month limited renewal period being granted.

88 s.222(a)

89 s.222(b)

90 s.222(d)

Acting and temporary managers

Provisions in the Sale and Supply of Alcohol Act 2012 allow, in certain circumstances, for the appointment of an uncertified person as an acting or temporary manager if a holder of a Manager's Certificate is not available.

Acting manager

A licensee can appoint someone who is not the holder of a Manager's Certificate as an acting manager for any period not exceeding three weeks at any one time. The total period of time for which a licensee appoints an individual as an acting manager cannot exceed six weeks in any 12-month period.

Temporary manager

A temporary manager can be appointed where a manager is ill or absent for any reason or is dismissed or resigns. A licensee may appoint a person who is not the holder of a Manager's Certificate as a temporary manager.

A person appointed as a temporary manager must, within two working days, apply for a Manager's Certificate. That person may then continue as a temporary manager until the application for a Manager's Certificate is determined.

Should an acting manager or a temporary manager be appointed?

The position of acting manager is usually a short-term appointment, while a temporary manager is likely to be a longer-term replacement for a permanent staff member. Generally the provisions allow for the appointment of an acting manager where the holder of a Manager's Certificate is ill, absent or on holiday, but where the absence is more of a short-term nature. A temporary manager would be more appropriate when the usual or permanent Manager's Certificate holder suddenly leaves or is ill or absent for a significant period. If you have any queries about a particular situation and are uncertain which option would be most appropriate, contact your DLC.

Notice of appointment of manager, acting manager or temporary manager

The licensee must advise the DLC and police within two working days of the appointment, cancellation or termination of a manager, temporary manager or acting manager. It is not necessary to notify those agencies if the appointment is for any period not exceeding 48 hours, but all such appointments must be recorded in a day book, or log book, along with the reason for the appointment.⁹¹

Responsibilities of acting or temporary managers

If a licensee appoints a person who is not the holder of a Manager's Certificate to be an acting or temporary manager, that person is considered to have the responsibilities of the holder of a Manager's Certificate. An acting or temporary manager can be prosecuted in the District Court for breaches of the Act just as a Manager's Certificate holder can.

The Licence Controller Qualification

Applicants for a Manager's Certificate must hold the nationally-recognised Licence Controller Qualification (LCQ). This qualification has been developed to standardise and improve the overall quality and skills of managers working in licensed premises.

The qualification is made up of two unit standards. These require:

- demonstrated knowledge of the Sale and Supply of Alcohol Act 2012 and implications for the operation of licensed premises (Unit 4646)
- demonstrated knowledge of Host Responsibility requirements as a manager of licensed premises (Unit 16705).

Holders of existing Manager's Certificates will have to undertake a Bridging Test to update their LCQ qualifications in line with the Sale and Supply of Alcohol Act 2012.

For further information on the LCQ and the Bridging Test, please contact ServiceIQ on 0800 863 693 or visit serviceiq.co.nz.

Host Responsibility

Host Responsibility outlines a set of strategies to help create safer drinking environments. It aims to reduce intoxication and its associated harms by focusing on the server of alcohol and the environment in which alcohol is consumed.

Host Responsibility is based on six key concepts

A responsible host:

1. prevents intoxication
2. does not serve alcohol to minors
3. provides and actively promotes low-alcohol and non-alcoholic alternatives
4. provides and actively promotes substantial food
5. serves alcohol responsibly or not at all
6. arranges safe transport options.

Preventing intoxication

Every licensee, manager and server of alcohol has a legal obligation to:

- prevent people from becoming intoxicated on licensed premises
- refuse service to people who have become intoxicated
- prevent intoxicated persons from entering the premises
- ensure intoxicated customers leave the premises
- remove violent, quarrelsome, insulting or disorderly customers from their premises.

Intoxication is defined in the Sale and Supply of Alcohol Act 2012 as being observably affected by alcohol, other drugs or other substances (or a combination of two or all of those things) to such a degree that **two or more** of the following are evident:

- Speech is impaired.
- Coordination is impaired.
- Appearance is affected.
- Behaviour is impaired.

Indicators of intoxication may include but are not limited to:

- **Speech:** slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible.
- **Coordination:** spills drinks, trips, weaves, walks into objects, unable to stand unaided or sit straight.
- **Appearance:** bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
- **Behaviour:** seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers.

Certain medical conditions and disabilities may share some of these indicators of intoxication, so it is important to carefully and respectfully investigate a customer's apparent intoxication before making any assumptions.

Strategies for preventing intoxication

While not every customer intends becoming intoxicated, a relatively small percentage do set out with this in mind and they are often easy to spot before they reach their goal. They are likely to stand out from the crowd and should be closely monitored; establishing an early rapport softens a later intervention, while providing further insight into their condition.

Similarly, not every customer who enters licensed premises is sober – they may have been drinking elsewhere or have used illicit substances.

While servers may feel confident in identifying an intoxicated customer, slowing or stopping service and removing an intoxicated customer from the premises can be more challenging. Systems should be in place to support bar staff to intervene. They must feel confident in managing the service (and non-service) of alcohol to customers.

Three key strategies should be used to limit or prevent intoxication:

1. Build staff capacity to intervene confidently and expertly

Bar staff are not born with skills to confidently manage potentially confrontational situations. These skills are learned. Staff training provides an opportunity to up-skill staff, standardise practice and enhance customer service.

2. Build customer expectations of an intervention

Many customers are unaware – and, therefore, need to be informed – of your legal obligations and their rights as customers.

Customers should see intervention as normal and likely. Raising the expectation of an intervention may alleviate some of the risks involved. It can be done by:

- displaying signs outlining the Act and the licensee's obligations
- having the house policy on display
- ensuring open communication between staff and customers
- intervening consistently over a period of time
- installing posters and multi-media, table-top or whiteboard messages.

3. Create a culture of strong team communication

Effective management of licensed premises is based on good communication between staff and customers, and among staff at all levels. While an experienced staff member can confidently stop service or remove customers from the premises, less experienced staff may find it daunting. Clear and effective communication can provide the necessary support and


intervention. Door-staff play a key role both in preventing minors and intoxicated customers from entering the premises and in efficiently removing them from the premises where necessary.

The Intoxication Prevention Tool


The Intoxication Prevention Tool outlines key indicators of intoxication and appropriate server interventions and provides a strong basis for staff training.

Intoxication Prevention Tool


1 SOBER MONITOR



2 INFLUENCED INTERVENE



3 INTOXICATED DENY AND REMOVE



1 SOBER MONITOR

CUSTOMER BEHAVIOUR

- Coherent, clear speech, normal tone and volume, may be talkative
- Coordinated, balanced, standing without help or support
- Clear eyes, tidy, alert
- Behaving sensibly

SERVER'S ROLE

MONITOR CUSTOMER CONSUMPTION
All staff have a role in monitoring the effect of alcohol on patrons

Talk with the customer – this will build rapport and give insight into their condition

Use unobtrusive monitoring techniques such as glass collection

ESTABLISH CLEAR AND CONSISTENT STANDARDS
Management and staff are responsible for setting the tone of the premises

Create a sociable, friendly atmosphere where intoxication will be out of place and unacceptable

IDENTIFY CUSTOMER INTENTIONS
Recognise that a minority of customers on your premises intend becoming intoxicated

Identify and actively manage those who appear to be high risk

Be aware that high-risk people include those celebrating, ordering in quick succession, and ordering shots

OFFER LOW-ALCOHOL AND NON-ALCOHOLIC DRINKS AND FOOD OPTIONS
Provide a range of alternatives to alcohol

Actively promote and encourage other products as part of the broader customer experience

2 INFLUENCED INTERVENE

CUSTOMER BEHAVIOUR

- May be overly talkative, opinionated, stumble over words, loud, inappropriate language or comments
- Slowed or delayed reactions, swagger or occasional staggers or sways
- Vacant or blank expression, smell of alcohol on breath, may look untidy
- Overly friendly or withdrawn, inappropriate or risky actions, argumentative, fading attention, increased consumption rate

SERVER'S ROLE

COMMUNICATE WITH TEAM
Inform your manager and team about what's going on and anyone to keep an eye on

Maintain communication and regularly follow up on those identified

SLOW OR STOP ALCOHOL SERVICE
Talk to the customer – intervene early and tactfully

- Offer non-alcoholic drinks and food options
- Don't offer refills – wait till they ask; be busy serving other customers
- Serve their next drink with water on the side
- If possible, use the customer's friends to rein in their drinking

BE ASSERTIVE, NOT AGGRESSIVE
Make your requirements clear and allow customers the chance to comply without losing face

- Never respond to provocation; stay calm and employ calming strategies

3 INTOXICATED DENY AND REMOVE

CUSTOMER BEHAVIOUR

- Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical
- Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand unaided or sit straight
- Eyes glazed or bloodshot, inability to focus, tired, asleep, dishevelled
- Seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers

SERVER'S ROLE

COMMUNICATE WITH TEAM AND MANAGER
Inform your manager and team of issues so they can support an intervention

House policy will determine who should remove the customer from the premises

REMOVE CUSTOMER FROM PREMISES
Remove the audience effect:

- Consider your own personal safety
- Enter the incident in the logbook
- Consider customer safety – mates or a taxi
- Customers are not allowed to remain on the premises except in a place of safety

Minors

A minor (someone under 18 years of age) cannot purchase alcohol under any circumstances. Both management and staff are responsible for ensuring alcohol is not served to minors. All customers who look under the age of 25 should be asked for valid ID. Management is responsible for ensuring minors are not on the premises illegally.

Who can drink and where

The following designations outline who may be on the premises and under what conditions:

Restricted

- Persons under 18 are not permitted in a restricted area.

Supervised

- Persons under 18 may be present only if accompanied by a parent or legal guardian.* They may consume alcohol, but they may not purchase it. Any alcohol consumed by a minor must be purchased by the parent or legal guardian and supplied to the minor by that person.

Undesignated

- Persons of any age may be in this area. Most restaurants and clubs are undesignated. Persons under 18 accompanied by a parent or legal guardian may consume alcohol, but they cannot purchase it. Any alcohol consumed by a minor must be purchased by the parent or legal guardian and supplied to the minor by that person.

** 'Parent' means natural, adoptive or foster parent. 'Guardian' means a person who has all the duties, powers, rights and responsibilities that a parent has in bringing up their child. For the majority of minors, legal guardianship continues to be concurrent with parental status. Establishing legal guardianship requires a formal legal process.*

Proof of age

Servers are responsible for establishing proof of age and are entitled to ask for identification. The customer must prove they are old enough to buy alcohol or be on licensed premises. If they cannot supply adequate proof, there is no obligation to allow them into the premises and they should be denied entry and service.

The Sale and Supply of Alcohol Act 2012 provides for three age-identification documents:

- New Zealand or overseas passport.
- New Zealand driver's licence.
- An approved 18+ Evidence of Age card.

Each contains a photograph for positive identification.

Many premises have a policy of asking for ID if a customer looks under 25 years of age. Ask for ID every time. Don't be flexible or you could be targeted by minors as well as authorities.

Guide to checking ID

- Ask to see the customer's ID if they look 25 or under.
- The customer must remove the ID from their wallet.
- Check the date of birth (know the cut-off birth date at which you must deny customers access to your premises).
- DO NOT look at the picture first; look at the picture last.
- Feel the surface and edges of the card with your thumb, checking for blemishes or tampering.
- FIRST, while talking to the customer, look for distinguishing features on their face, nose, chin and jaw.
- SECOND, look at the picture on the card – ensure this has the same features as the face.
- Shine a torch from behind the photo and the date of birth.
- If further is validation required, check their signature against the card (get them to sign).
- Can you PROVE to police you have ID-ed them? (Cameras/Notebook/Stamp)
- FAKE IDs: Do you know the correct procedure for retaining an ID? And how to complete the form ('Licensed Premises Retained ID Noting Form')?

The biggest mistake staff make is to calculate the age incorrectly from the date of birth provided. You should know today's date and subtract 18 years. Anyone born after this date is under age and should be removed from the premises. A sign on the till showing today's date and 18 years earlier will help staff make this call efficiently and effectively.

Low-alcohol and non-alcoholic options

Licensed premises must provide a reasonable range of non-alcoholic drinks and low-alcohol drinks for sale and consumption, at reasonable prices, at all times. Low alcohol means less than 2.5% alcohol content.⁹²

People choose to drink low or non-alcoholic drinks for a range of reasons, including sport and fitness, weight loss, driving, a non-drinking policy, pregnancy, intolerance, or because they are taking medication.

Having a good range of options to offer customers makes good business sense. Low-alcohol drinks, including light beers, diet drinks and alcohol-free drinks are now widely sought after and widely available. You should actively promote them through menus and recommendations and as a way of slowing down intoxication.

Water must be made freely available at all times. It should be chilled, attractively presented and free of charge.

Food

Food works to reduce intoxication by slowing the rate at which alcohol is absorbed into the bloodstream. For this to be effective, food must be consumed before drinking begins or before the drinker becomes intoxicated.

A reasonable amount of food must be made available at all times the licensed premises are open for business and must be made available within a reasonable period of time.

Having appealing food available is part of the overall package that attracts customers to an establishment, while providing management with an opportunity to make more money.

The type of food provided depends on the type of premises and the clientele you are trying to attract. Providing something bulky and filling is important to slow down the absorption of alcohol into the bloodstream. A minimum of three types of food should be available (and this does not mean three types of pie) eg, panini, pizza, lasagne, pies, toasted or fresh sandwiches, wedges, filled rolls, and/or salads.

Licensed premises may have a full commercial kitchen, a freezer and a microwave, an arrangement with a local food provider where meals are brought in, or anything in between. It is acceptable to have a menu from neighbouring premises to provide for one or two of these options. However, there must be a back-up option

that could be produced on site. A minimum acceptable standard on site would be a microwave or fryer and utensils, and a supply of a variety of 'long life' meals that do not require temperature control, or tins of soup and rolls. There should be an area for preparing the food and utensils for serving the food.

The key thing is that appealing and affordable food is promoted and available at all times. This may mean menus on every table, a menu board, or food on display.

Good bar staff will actively promote the range of food options available.

Providing free bar snacks that smell and taste great will encourage people to think about and maybe buy more food, reducing the chance of intoxication.

Responsible promotion of alcohol

The promotion of alcohol is a necessary part of the business of selling alcohol. However, there are concerns that some alcohol promotions may adversely affect young people and other vulnerable groups. The Advertising Standards Authority recognises this and has developed a voluntary code covering advertising and promotion.

The Advertising Standards Authority's 'Code for Advertising and Promotion of Alcohol' identifies principles for judging the acceptability of alcohol promotions and sponsorship.

Alcohol advertising and promotions must:

- observe a high standard of social responsibility
- be consistent with the need for responsibility and moderation in alcohol consumption
- be directed at adult audiences in both content and placement.

Under the Sale and Supply of Alcohol Act 2012 it is an offence to:

- encourage excessive consumption of alcohol. This applies anywhere – not just on licensed premises
- promote or advertise discounts on alcohol of 25% or more, anywhere that can be seen or heard from outside the licensed premises
- promote or advertise free alcohol
- offer goods, services or prizes on condition that alcohol is purchased
- promote alcohol in a way that is aimed at or likely to have special appeal to minors.

Your premises should have written guidelines that staff and customers must comply with, and staff should be trained to ensure that promotions or activities do not encourage the excessive consumption of alcohol.

While you need to promote your licensed premises, you must take care not to undertake promotions that conflict with the Act.

Refer to pages 14 to 20 for more detail on what is considered acceptable and unacceptable practice in alcohol promotions for both on and off-licensed premises.

Transport

Licensed premises must have free, comprehensive and accurate information about transport options available for customers. This forms part of the overall service offered to customers to ensure they enjoy a safe and relaxed experience on your premises.

Specifically, it is designed to minimise the risks of customers drinking and driving.

Options include:

- making taxis as available and easy to use as possible:
 - offering to call a taxi for customers
 - having a free phone available for customer use
 - installing taxi signage
 - arranging discount taxi schemes
- dial-a-driver:
 - offering information about this taxi system, which delivers a driver to take the customer home in their car
 - displaying signage in a visible place
- courtesy coach:
 - using a courtesy coach to pick up and drop off customers, especially in remote areas
- designated drivers:
 - encouraging groups to designate a sober driver and providing them with free non-alcoholic drinks.

Developing a Host Responsibility policy

Your premises should have a Host Responsibility policy documenting your commitment to Host Responsibility practices. The Licensing Inspector may ask to see this policy as part of the licence renewal process.

While a Host Responsibility policy outlines your commitment to the principles of Host Responsibility, this should be followed up with an implementation plan outlining how staff will apply the policy.

Manager's checklist

1. Your Host Responsibility policy is written specifically for the premises, ideally with staff input.
2. The policy is clearly visible to patrons and staff.
3. Staff are aware of the policy, are suitably trained and receive obvious support from management, including the ongoing discussion of issues that may arise.
4. Food is available at all times alcohol is sold. Menus are clearly visible. It is a condition of all licences that food and non-alcoholic and low-alcohol drinks are available at all times alcohol is sold or served.
5. The safe and healthy use of alcohol is encouraged:
 - Various food promotions and specials are available cheaply and quickly.
 - Low-alcohol and non-alcoholic drinks are promoted and readily available and staff have a positive attitude towards these drinks.
 - The premises supports a designated driver scheme.
 - Safe drinking and driving levels are actively encouraged.
 - Tea, coffee and iced water are available at the bar. Iced water is free of charge.
 - There is clear signage about the size of spirits served – doubles or singles.
6. Clear and obvious notices about the laws relating to serving minors and intoxicated persons are displayed.
7. Staff are trained to recognise and understand intoxication and practical interventions. They are encouraged to intervene early, either directly or through friends, and instructed not to continue serving alcohol to any customer who appears to be getting intoxicated.
8. A telephone is readily available so patrons can call a taxi easily.
9. There are no promotions that encourage intoxication.

SAMPLE POLICY



The management and staff of (the premises) believe that we have a responsibility to provide an environment that is not only comfortable and welcoming but where alcohol is served responsibly. Because of this, we have implemented the following Host Responsibility policy.

Customers who are visibly intoxicated will not be served alcohol, will be asked to leave the premises and will be encouraged to take advantage of safe transport options.

It is against the law to serve alcohol to minors. If we are in doubt about your age, we will ask for identification. Acceptable forms of proof of age are a photo driver's licence, an 18+ Evidence of Age card or a current passport.

Our policy is zero tolerance for aggressive, coercive or violent behaviour.

A good range of food is always available. Menus are visible at all times.

We provide and actively promote a range of low-alcohol and non-alcoholic drinks, including (insert your own choices eg, low-alcohol beer, fruit juices, soft drinks, tea and coffee). Iced water is available free of charge at all times.

We promote a range of transport options to get you home safely.

We encourage people to have a designated driver. We will make the driver's job more attractive by providing an interesting range of low-alcohol and alcohol-free drinks.

All of these services are well promoted along with signage required under the Sale and Supply of Alcohol Act 2012.

We maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.

Please be our guest and take advantage of the services we offer.

We pride ourselves on being responsible hosts.

(Signed)

Alcohol management plans

When planning a large-scale event, the DLC may require an alcohol management plan, detailing how the sale and supply of alcohol and alcohol-related risks are to be managed for a particular event and at a specific venue. The plan aligns these risks with proven procedures to manage them. It should be based on a pre-event risk assessment specific to the event type and should integrate with other components of the event, such as promoting the event, communications, security and staff training. It should detail how the event will comply with the Sale and Supply of Alcohol Act 2012 as well as the conditions of the special licence.

For further information, contact your local Licensing Inspector or refer to Guidelines for Managing Alcohol at Large Events, which can be downloaded from alcohol.org.nz.

The final chapter

Beer and post-mix systems

Daily checks

- **Stocks:** Adequate? Age?
- **Temperature:** Cool room, line chiller, keg cabinet.
- **Gas pressure:** Spare cylinder of gas.
- **Cleanliness:** Lines, tankroom, taps, glasses.

Weekly checks

- Lines and cool room cleaned.
- Tapping heads and beer taps cleaned.
- Mark detergent container on glass washer to measure detergent usage.
- Check evaporator(s) not iced up, tray and draining clear.
- Does gas use compare with beer consumption? Check for leaks.

Keg handling

- Use old stocks first.
- Mind your back! Use a trolley or two people when moving kegs.
- Leave the cap with the keg for easy identification and 'best before' date.
- Keg should be in cool room 24 hours before tapping.

Safety issues

Cleaning chemicals

- Tank and line-cleaning chemicals often contain caustic soda (strong alkali).
- Protect eyes, skin and clothing. Wash off any splashes with plenty of water.
- Caustic-based cleaners are not recommended when cleaning dispenser tap parts as there is a risk of spray reaching face or eyes when brushing.

For further advice, consult your beer systems manual or technician.

LPG cylinders

LPG is a highly flammable gas that will burn, and may explode, when ignited. Anyone using LPG must know how to handle it safely, where to seek advice and what to do in an emergency.

If you use LPG you must:

- have a fire evacuation plan, fire extinguishers and a first aid kit
- make sure there are signs showing LPG is present and cylinders are labelled
- make sure that you and your staff are trained to use LPG safely

- make sure that you have a safety data sheet for LPG from your supplier
- make sure that you or a member of your staff are specifically responsible for the safe management of the LPG you have.

Limits for LPG indoors

Cafes, bars or restaurants that occupy a stand alone building or share one wall with an adjacent premises must not have more than 10kg of LPG per 10 square metres of indoor floor area, up to a maximum of 100kg. In all other cases, a maximum of 20kg of LPG can be located indoors irrespective of the floor area, ie, two 9kg cylinders. If you have more than 50kg of LPG inside a building you need signs on the building warning people that LPG is present.

LPG stored outside

You may have a single LPG cylinder outside the building, but more likely you will have a 'Twin-pack' or multi-cylinder facility. You must comply with the hazardous substances legislation, the Gas Act 1992 if you have a permanent installation, as well as the Health and Safety in Employment Act 1992.

All fixed gas appliances, including pipes and hoses, must be installed by a licensed gasfitter. Ask the gasfitter for a certificate of compliance for the installation. If the LPG is stored outdoors, a sign is required if you have more than 250kg. Your supplier will tell you what is needed. Any cylinder over 13kg must be securely held in place with chains and/or brackets.

Facilities with more than 100kg

If your cafe, restaurant or bar has more than 100kg of LPG the premises must be inspected by a test certifier. The test certifier will issue you with a location test certificate. Your supplier will need to see your certificate before they commence supply.

If you have between 100kg and 300kg of LPG, your supplier can perform ongoing checks of your installation. You will need to check with your supplier that they provide this service. If they do not, you must continue to use a test certifier to ensure your facility remains safe.

If you have more than 300kg of LPG, you must have a test certifier inspect your facility and provide you with a certificate. The certificate will be valid for one year but may be extended to three years. Ask the test certifier about an extension.

Groups of cylinders with more than 100kg of LPG in total must be secured against unauthorised access eg, the cylinders might be housed in a locked metal cage.

Keeping safe

LPG leaks

Even a small gas leak can cause a serious fire. Make sure the appliances you use are safe by doing the following:

- Check the connections – inspect rubber seals, 'O' rings and hoses for cracking or deterioration. Replace parts if damaged.
- Use the soapy water test – apply soapy water to the connections and turn on the cylinder. If bubbles appear, you have a leak.

- Use your nose – LPG smells like rotten cabbage. If you can smell it, you have a leak.
- Handle empty LPG cylinders with care – they contain vapour and are potentially dangerous.

Protecting people

- Stand away from the flame when turning on an LPG appliance.
- Always keep your appliance at least one metre away from anything that may catch fire.
- Have a guard around your appliance to prevent people and young children from touching it.
- When using heaters indoors, keep rooms well ventilated by leaving a window partially open to reduce condensation and allow heater emissions to dissipate.
- Keep appliance grills and vents clear of obstructions and free of lint and dust.
- Never use patio heaters or barbecues indoors.
- Service LPG cabinet heaters annually.

If you smell gas

- Do not switch any electrical appliances on or off – this could cause a spark and ignite the gas.
- Open doors and windows to increase ventilation.
- If you cannot stop the leak, dial 111 and ask for the Fire Service.
- Do not reuse any defective cylinder or appliance until it has been tested and declared safe.

In the event of fire

- Dial 111 for the Fire Service and tell them that LPG cylinder(s) are on the premises.
- If it can be done safely, turn off the supply.
- Leave the area.

Final check

- Observe the limits for storing LPG indoors.
- Ensure you have a test certificate for amounts greater than 100kg.
- If you have between 100kg and 300kg, check if your supplier will carry out the checks on your system, otherwise check the expiry date on your test certificate and have a test certifier renew it.
- Have your cylinders tested at a cylinder testing station every 10 years.
- Get a safety data sheet from your supplier and follow the advice for storage, signage, handling and emergency management.
- Ensure you have an approved handler and/or approved filler if necessary.
- Ensure you have a gas certificate.
- Keep this checklist on hand.

To find out more about storing and using LPG, talk to your supplier or check epa.govt.nz

Recording incidents

An incident logbook should be maintained on the premises. The shift supervisors or manager should check the logbook before starting their shifts. They should then record any important or unusual incidents in the diary so that all other members of the

management team are aware of current issues – and likely characters they need to know about.

A sample incident report follows – this may be useful for distribution to frontline staff when an incident has occurred.

INCIDENT REPORT

<p>Incident</p>	<p>Please complete this form promptly, giving accurate descriptions and as much detail as possible. Use your own words – you should NOT confer with other people. Each witness should complete a separate report. Hand in to your supervisor or other person as requested.</p>
<p>Report made by (your full name and job title)</p>	
<p>Date and time of incident</p>	
<p>Nature of the incident/event (choose from the following)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Inappropriate behaviour <input type="checkbox"/> Assault/fight <input type="checkbox"/> Accident requiring first aid treatment <input type="checkbox"/> Damage to premises/other person’s property <input type="checkbox"/> Theft of property <input type="checkbox"/> Refusal of patron (state reason) <input type="checkbox"/> Drug use (state drug if known) <input type="checkbox"/> Other (state reason)

Location of incident (where did the incident occur?)											
Description of events including time (if you're not sure of exactly when, try to indicate the sequence of events. Draw a simple floor plan with relevant details if necessary) Checklist <table border="0"><tr><td>1. Where were you?</td><td>6. Photographs/videos?</td></tr><tr><td>2. What did you see?</td><td>7. Trespass notice served?</td></tr><tr><td>3. What did you hear?</td><td>8. Police called – when?</td></tr><tr><td>4. What happened first?</td><td>9. Ambulance/doctor?</td></tr><tr><td>5. Who was there?</td><td>10. Were there witnesses?</td></tr></table> <hr style="border-top: 1px dashed #ccc;"/>		1. Where were you?	6. Photographs/videos?	2. What did you see?	7. Trespass notice served?	3. What did you hear?	8. Police called – when?	4. What happened first?	9. Ambulance/doctor?	5. Who was there?	10. Were there witnesses?
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3. What did you hear?	8. Police called – when?										
4. What happened first?	9. Ambulance/doctor?										
5. Who was there?	10. Were there witnesses?										
Witnesses (Please list names and/or a brief description of all persons you saw near the incident)											
Date and time of completing report											
Declaration	I hereby declare this report to be a true and accurate statement describing the event I witnessed. Signature										

For incident reports, remember to:

- get a report from all those involved in the situation
- notify the manager
- notify the appropriate authorities if required
- if a Trespass Notice has been issued, attach a copy
- attach photographs or video
- check for unsafe or damaged property
- replace stocks in the first aid cabinet.

An incident report should be completed when one of these situations has occurred:

- physical removal
- injury to staff or customers
- confiscation of a person's ID or keys
- suspected drug use or dealing
- damage to persons or property
- unacceptable behaviour
- any other incident you believe other staff or management should know about.

First aid

If in doubt call an ambulance (111)

The following information has been provided by St John Ambulance. These notes are a guide only – all staff are urged to have current workplace first aid certificates from an accredited first aid trainer.

Resuscitation

The first essentials in all emergency treatment are:

- (Danger) Safety of self and person needing treatment.
- Response of person to voice and touch.
- Send for help (if no response).
- Airway—open and clear? Breathing freely/normally?
- Breathing.
- CPR and/or control severe bleeding.

CPR (cardiopulmonary resuscitation)

- Place person on back and loosen tight clothing around neck.
- Look in mouth – clear if necessary. Tilt head, lift chin and check for breathing for 10 seconds (and 10 seconds can feel like a long time!).
- Give 30 chest compressions. Centre of the chest. Hard and fast. 100/min. Depth 1/3 of the chest.

- Keeping the head tilted back, pinch nostrils and give two slow breaths, making sure you seal your lips around the person's mouth. Watch for chest to rise.

Choking

Immediately remove any obvious obstruction. If it is a partial obstruction

– instruct the person to try to cough the object out. Do NOT use back blows or chest thrusts on a person who has a partial obstruction as you may make the situation worse.

How you can help

1. Call 111 for an ambulance
2. If patient is conscious, give up to five back blows
 - With an adult or child, standing or sitting (and leaning forward), and using the heel of one hand, give the back blows between the patient's shoulder blades.
 - Place a baby face down on your lap for the back blows. Ensure you support the baby's head. Give firm but gentle back blows to avoid physical injury to the baby.
3. If unsuccessful, give up to five chest thrusts
 - With an adult or child, standing or sitting, wrap both arms around the patient, at chest level.
 - Place one fist with the thumb side against the middle of the breastbone.
 - Grasp that fist with your other hand and give up to five, separate, inward and upward thrusts.

- Continue the thrusts until the obstruction is dislodged or the patient becomes unconscious.
- Place a baby face upwards across your lap and give up to five sharp chest thrusts just below the nipple line.

The chest thrusts are given separately with a check after each one to see if the obstruction has been relieved. Note: A small child can also be positioned across your lap.

4. If the obstruction has not been relieved
 - Continue by alternating back blows and chest thrusts until the ambulance arrives.

Unconsciousness

- The unconscious person is in danger of suffocation by inhaling their own blood or vomit.
- Place the person in recovery position and ensure open airway by tilting head back.
- Call an ambulance.

Feeling faint

- Lie person down with legs elevated.
- If person becomes unconscious, use recovery position.

Control bleeding

Apply direct pressure and elevation. If the wound is large and open, gently pull the sides together and cover gently but firmly with a pad. Wear gloves. Objects embedded in wounds should be left where they are. If there has been any major bleeding and the person is conscious, raise their legs. This helps the blood flow to the brain.

Concussion

A severe fall or blow to the head or face can cause concussion. The person may lose consciousness, feel sick or dizzy, have double vision and show signs of shock.

- Place person in comfortable position.
- Monitor breathing and pulse.
- All injuries and blows to the head should be treated seriously – complications can develop.
- Call an ambulance.

Burns and scalds

- Cool the injured area under cool gently running water for up to 20 minutes.
- Cover the injured area with cling film.
- Do not apply any lotions, ointments or oily dressings.
- Do not prick blisters.

If the patient is badly injured, or the burn is causing significant pain, or involves the eyes, or is larger than half the patient's arm – call 111 for an ambulance.

See a doctor if the burn is causing ongoing significant pain, or involves the face, hands, joints or genitals.

Chest pain

The patient may feel heavy pressure, tightness, crushing pain or unusual discomfort in the centre of the chest. It may feel like indigestion. The pain may spread to the shoulders, neck, jaw or arms. The pain usually lasts more than 15 minutes. It may stop or get less and then return. There may

be sweating, nausea, faintness or shortness of breath. Many people will not admit that they are in trouble, or think it is not serious.

- Ensure the person has an open airway, adequate breathing and circulation.
- Rest patient quietly.
- Sit person up if breathless, lie down if faint.
- Call an ambulance.
- When you see the signals, do not wait.

Poisoning

- Maintain airway breathing.
- Do not induce vomiting.
- Call an ambulance or the poisons information centre (24 hrs) 0800 POISON.

Intoxication

Intoxication can cause a lowered level of consciousness and threaten a person's life.

- If unconscious, use the recovery position and call an ambulance.
- If the person vomits, ensure a clear airway.
- If conscious, make the person comfortable and call an ambulance.
- Do not leave them alone.

For further information in relation to any of the above situations go to stjohn.org.nz/First-Aid/First-Aid-Library

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Health Promotion Agency

Level 4, ASB House

101 The Terrace

PO Box 2142

Wellington 6140

Phone: (04) 917 0060

Freephone: 0508 258 258

Fax: (04) 473 0890

Email: enquiries@hpa.org.nz

NORTHERN REGIONAL OFFICE

Health Promotion Agency

Level 2, Ascot Central

7 Ellerslie Racecourse Drive, Greenlane East

PO Box 11791

Ellerslie

Auckland 1542

Phone: (09) 916 0330

Fax: (09) 916 0339

Email: enquiries@hpa.org.nz

SOUTHERN REGIONAL OFFICE

Please contact the Wellington Office

To order resources visit alcohol.org.nz
and go to Order Resources