

Off-licensed premises toolkit for bottle stores

Disclaimer

The information contained in this Toolkit is intended as a general guide. While reasonable measures have been taken to ensure that the information is current and accurate as at March 2019, Te Whatu Ora – Health New Zealand cannot accept any liability for any inaccuracy, omission or deficiency in relation to the information. It is not legal advice and you should not rely on anything contained in this Toolkit in any legal proceedings. The information provided does not replace or alter the laws of New Zealand, and you should consult the legislation and obtain your own legal and professional advice as appropriate. Te Whatu Ora will not accept liability for any action taken in reliance on anything contained in this Toolkit.

Contents

Introduction.....	3	PART C: People safety	23
How to use this toolkit.....	3	Management of serious incidents	24
Legislation.....	3	Banned or trespassed persons.....	25
Regulatory agencies.....	4	Emergency management.....	26
Monitoring and compliance checks	5	PART D: Templates and forms.....	27
Local alcohol policies	5	i. Certified managers register	
PART A: Venue compliance	7	ii. Temporary and acting managers register	
Licence and official documents	7	iii. Sample Social Host Responsibility Policy	
Certified managers	7	iv. Writing a Social Host Responsibility Implementation Plan	
Venue signage.....	9	v. Duty manager start of shift checklist	
Incident recording	10	vi. Staff training register	
Remote sales	10	vii. Incident log	
Trading hours.....	10	viii. CPTED checklist for off-licensed premises	
Resources.....	11	ix. Banned or trespassed persons register	
Penalties and fines	12	x. Trespass notice template	
Infringement notices.....	13	xi. Staff emergency contacts	
Part B: Social Host Responsibility	15	xii. Useful contacts	
ONE: A socially responsible host is well trained.....	16		
TWO: A socially responsible host does not serve alcohol to minors	17		
THREE: A socially responsible host does not sell alcohol to intoxicated customers.....	20		
FOUR: A socially responsible host sells alcohol responsibly or not at all	20		
FIVE: A socially responsible host promotes responsible drinking practices	21		
SIX: A socially responsible host does not allow disorderly conduct	22		



Introduction

The purpose of this toolkit is to:

- provide a single location in which to collate important documentation relevant to your alcohol licence
- take the pressure out of compliance checks by enabling the swift presentation of all necessary documentation to regulatory agencies on request
- act as a quick reference guide for licensees, managers and other staff
- assist with staff training
- provide a prompt when licence renewals are approaching or refresher training is due.

How to use this toolkit

The toolkit is a living document, designed to capture and contain up-to-date information about your premises. We suggest that you:

- familiarise yourself with this toolkit and its contents
- insert documents relating to your premises where prompted
- print off extra copies of blank templates (e.g. trespass notices and ID noting forms) from resources.alcohol.org.nz and add them to the toolkit as required
- update registers and documentation as necessary
- follow the links to further resources that will assist in the running of your premises
- contact your local regulatory agencies for help with policies, plans and procedures.

This toolkit should form part of the induction process for every new staff member and all staff should be familiar with the contents and confident in its implementation. However, it does not replace the need for more in-depth Host Responsibility training.

“From a business owner’s point of view, it’s great to have everything together. You can quickly flick through and see if your certificates are out of date. It gives you a quick reference that your crowd control is out of date, duty managers and alcohol licences also.”

Licensee.

Legislation

The Sale and Supply of Alcohol Act 2012 (the Act) is the legislation governing New Zealand’s alcohol laws. The object of the Act is that:

- the sale, supply and consumption of alcohol should be undertaken safely and responsibly
- the harm caused by excessive or inappropriate consumption of alcohol should be minimised.

The harm caused by the excessive or inappropriate consumption of alcohol includes:

- 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
- 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 the paragraph above.

For further information, visit resources.alcohol.org.nz

Regulatory agencies

Several agencies have a statutory role to ensure licensed premises are operating within the law.

These include the:

- Alcohol Regulatory and Licensing Authority (ARLA)
- District Licensing Committees (DLCs)
- Licensing Inspectors
- NZ Police
- Medical Officer of Health.

All alcohol licence applications and renewals are investigated by:

- Licensing Inspectors
- NZ Police
- Delegates of the Medical Officer of Health.

Alcohol Regulatory and Licensing Authority

ARLA is the overarching national body set up to govern the Act. The Authority can have up to three District Court Judges (one of whom is the chairperson) and any number of other members. The Authority currently consists of a Chairperson (who is a District Court Judge) and three other members. The primary role of ARLA is to:

- determine applications for licences, renewals, variations and Managers' Certificates referred to it by DLCs
- determine appeals arising from decisions of DLCs
- determine appeals against draft local alcohol policies
- give directions or guidance to DLCs
- determine applications for variation, suspension or cancellation of licences and Manager's Certificates from the Police or a Licensing Inspector.

District Licensing Committees

DLCs are situated within local councils. Each council must appoint one or more licensing committees to manage licensing matters within their district.

DLCs are responsible for determining:

- licence applications, renewals and variations
- Manager's Certificate applications and renewals
- applications relating to licence suspensions for non-compliance with public health or fire precaution requirements
- applications for variation, suspension or cancellation of special licences, and applications for temporary authority.

Licensing Inspectors

Licensing Inspectors are appointed by local councils. The Inspector looks into the suitability of all licence applicants and applicants for Manager's Certificates; the employment of certified managers; Host Responsibility practices; issues around operating hours; the proposed use; designation of the premises; and a wide range of environmental issues concerning the proposed business and premises.

The Licensing Inspector reviews the reports filed by the Police and the Medical Officer of Health and files a report to the DLC. The Licensing Inspector monitors licensed premises and licensees' compliance with the Act, and has the authority to issue infringement notices, appear at hearings, and make appeals to ARLA.

NZ Police

Alcohol Harm Protection Officers receive copies of all Manager's Certificate and licence applications.

Applications are vetted similarly to those for Licensing Inspectors but include background checks for suitability of individuals, members of partnerships, and directors and shareholders of the applicant company. Police have the power of entry to any licensed premises at any reasonable time or at any time when they have reasonable grounds to believe an offence against the Act is being committed; the ability to require the closure of premises in some circumstances including cases of rioting, fighting or serious disorder; and the ability to issue an infringement notice to any person alleged to have committed an offence under the Act.

Medical Officer of Health

Delegates of the Medical Officer of Health enquire into all new licence applications and renewals. The Medical Officer of Health is particularly interested in processes or conditions that may minimise harm to the community from the sale and supply of alcohol.

Monitoring and compliance checks

Police, Licensing Inspectors and delegates of the Medical Officer of Health regularly undertake licensed premises compliance checks to ensure both legal obligations and conditions of alcohol licences are being met. Keep this toolkit up to date and readily available for when the regulatory agencies request to see it.

Fire and Emergency New Zealand

Licence applications (including renewals) request information about any approved evacuation schemes for buildings. Fire and Emergency New Zealand (FENZ) may monitor ongoing trial evacuations and training programmes and can offer advice for building evacuation procedures. A FENZ inspector can apply to suspend a licence for non-compliance with fire precaution requirements.

Controlled Purchase Operations

Controlled Purchase Operations (CPOs) are a compliance and enforcement initiative targeting the

sale and supply of alcohol to minors. The operation involves supervised volunteers (under 18 years of age) attempting to buy alcohol from licensed premises.

CPOs can happen at any time. If an alcohol sale is made to a volunteer, the manager, licensee and staff member who sold the alcohol are liable to prosecution. As long as your staff are well trained and your processes for identifying minors are robust, you should not encounter any issues with a CPO.

Local alcohol policies

Any council may have a local alcohol policy (LAP) in relation to the sale, supply and consumption of alcohol within its district. This policy may be more restrictive than the Act. It may restrict licensed premises' operating hours and location as well as providing other conditions. It is important you are aware of what is contained in any local LAP. Contact your Licensing Inspector to find out more about your LAP.

Alcohol Accords

An Alcohol Accord is a partnership to promote community safety through safer alcohol consumption. Members typically include Police, council, public health, representatives of on-licensed and off-licensed premises, Te Whatu Ora and other interested parties and organisations.

Accords provide a proactive, non-regulatory way of bringing about safer streets, neighbourhoods and communities. The key objectives are to promote safe alcohol use and minimise alcohol-related harm. They can result in:

- reductions in crime, disorder and anti-social behaviour
- reductions in alcohol-related harm in the community
- an increase in public confidence regarding safety.

Contact your local Licensing Inspector for more information.



Insert the following documents:

- **Membership of any Accord**
- **Membership of any association**



PART A: Venue compliance

Licence and official documents

Your licence to supply alcohol is a critical part of your business; therefore, it is important you read and fully understand the document and the conditions of your alcohol licence.

Section 57 of the Act states:

“The holder of an on-licence or an off-licence...must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed–

(a) attached to the inside of the premises concerned; and

(b) so as to be easily read by people entering each principal entrance.”

For further information about licences, including applications and renewals, temporary authorities and special licences, contact your local Licensing Inspector. If your licence is lost or damaged, you may contact the DLC Secretary to order a replacement.

Floor plan

An alcohol licence is granted for a defined area. This area is outlined on the premises floor plan submitted with the licence application and approved by the DLC. It is important to remember that alcohol may only be supplied and consumed within the defined area. The floor plan may be requested at the time of a compliance visit.

Certified managers

A Manager's Certificate allows you to manage any licensed premises including an on-licence, off-licence, club licence or special licence, unless limited by the DLC or ARLA. When alcohol is being sold or supplied to the public on licensed premises, there must be a manager on duty at all times.



Insert the following documents:

- **Copy of alcohol licence**
- **Floor plan indicating the defined area**
- **Certificate for Public Use**
- **Building Warrant of Fitness**
- **Certificate of Registration**
- **Commercial use of footpath permit**
- **Grading Certificate**

Responsibility of the duty manager

A manager on duty is responsible for ensuring compliance with the:

- legislation
- conditions of the licence
- conduct of the premises, with the aim of contributing to the reduction of alcohol-related harm.

The manager's full name must be prominently displayed inside the premises at all times while on duty. 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.

Before applying to the DLC for a Manager's Certificate, you must first complete the Licence Controller Qualification (LCQ).

The qualification is made up of two NZQA unit standards:

- 4646 – Demonstrate knowledge of the Sale and Supply of Alcohol Act 2012 and its implications for licensed premises
- 16705 – Demonstrate knowledge of Host Responsibility requirements as a duty manager of licensed premises.

For further information go to serviceiq.org.nz



Manager's Certificate applications

Contact your Licensing Inspector for an application form. Details are required of any relevant experience and training as well as other necessary information (e.g. criminal convictions).

Appointment of acting managers and temporary managers

The Act allows an uncertified person to be appointed as an acting or temporary manager if a holder of a Manager's Certificate is not available. An acting or temporary manager is considered to have the responsibilities of the holder of a Manager's Certificate and can be prosecuted for breaches of the Act just as the holder of a Manager's Certificate can.

An **acting manager** can be appointed to cover for short-term absences where the manager is ill, absent or on holiday. The acting manager may only be appointed for up to three weeks at any one time and up to six weeks in any 12-month period.

A **temporary manager** can be appointed where a manager is ill or absent for any reason, or is dismissed or resigns. The person appointed must apply for a Manager's Certificate within two working days. The person may then continue as a temporary manager until the application for a Manager's Certificate is determined.

Notifying changes

A licensee must give notice of the appointment, cancellation or termination of any manager, temporary manager or acting manager, within 48 hours of the appointment, cancellation or termination to both the Licensing Inspector and Police (if the temporary manager or acting manager is appointed for 48 consecutive hours or less then no notification is required). This document is available through your local council website. Email the notification to the Licensing Inspector and Police.

Duty managers

If you have just employed a person who already has a Manager's Certificate and you wish them to be a duty manager, you need to complete the **New Certificate Holding Manager** section of the form. If you end the employment of a certified manager, you must complete the **Termination/Cancellation of Manager Appointment** section of the form.

Temporary managers

If you want to appoint a staff member as a duty manager and they do not hold a Manager's Certificate, you must complete the **Temporary Manager's** section of the form. If they do not lodge an application, the licensee must stop using them as a manager. If the application is refused, the licensee must terminate their appointment as manager effective within five working days.

Acting managers

You can appoint an acting manager when the manager is ill, absent or on annual leave for a period of no more than three weeks at any one time; and for a maximum accumulated period of six weeks within a 12-month period. This person does not need to apply for a Manager's Certificate.

Keeping records

A record must be kept of information for each manager (full managers, acting managers and temporary managers) at your premises and must be kept for at least two years. This is in addition to any notice of management change you send the Licensing Inspector and Police. The Licensing Inspector or Police can ask to see the **MANAGER'S REGISTER** at any time.

Renewal of a Manager's Certificate

A new Manager's Certificate expires after 12 months and a renewed certificate expires after three years. It is the responsibility of the applicant to apply for a Renewal Manager's Certificate before the expiry date. Contact your Licensing Inspector.



Insert the following documents:

- **Manager's Certificates and/or renewals**
- **Certified managers register***
- **Temporary and acting managers register***
- **Any notifications of management change made under section 231 of the Act**

*Template available

Venue signage

Every holder of an 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. The licensee is also required to display, at each principal entrance, 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.

In addition:

- the full name of the manager on duty must be prominently displayed inside the premises where it can be easily read (remember to take it down again when your shift is over)
- a Social Host Responsibility policy should be prominently displayed
- the DLC also requires you to display signage including restrictions on the sale of alcohol to minors and the complete prohibition on sales to intoxicated persons.

Signage to be displayed:

- Copy of the licence
- Full name of the duty manager
- Host Responsibility Policy
- Ordinary hours of business for the sale of alcohol

Incident recording

Any incident that happens on your premises, whether significant or not, should be recorded in an **INCIDENT LOG**. Types of incidents that should be recorded include:

- minors being found on the premises
- staff interventions with intoxicated customers
- removal of intoxicated customers
- attempted purchase by a minor
- turning away of minors
- suspected presentation of fraudulent ID
- inappropriate behaviour by customers, fights, accidents, drug use, damage, theft, etc.

When visiting your premises, regulatory agencies will want to see an incident log. This indicates to them that you and your staff are actively managing incidents.

Remote sales

While remote sales can be made 24 hours a day, 365 days a year, alcohol sold by remote sale cannot be delivered to the buyer (or any other person on the buyer's behalf) on Good Friday, Christmas Day, Easter Sunday (unless it meets limited criteria), between 12.01am and 1pm on Anzac Day, and at any time after 11pm on any day and before 6am on the next day (ss48, 49 and 59(1) of the Act).

Every remote seller of alcohol (regardless of how it is sold) must print the licence holder's name, licence number and expiry date on every receipt issued for alcohol sold remotely.

For remote sales by catalogue, this information must be published in the catalogue. For remote sales by internet, this information must be displayed in a prominent place visible when people browse, enter or otherwise access the website, together with a legible image of the licence (or a clearly identified link to such an image).



Insert the following documents:

- **Completed incident log**

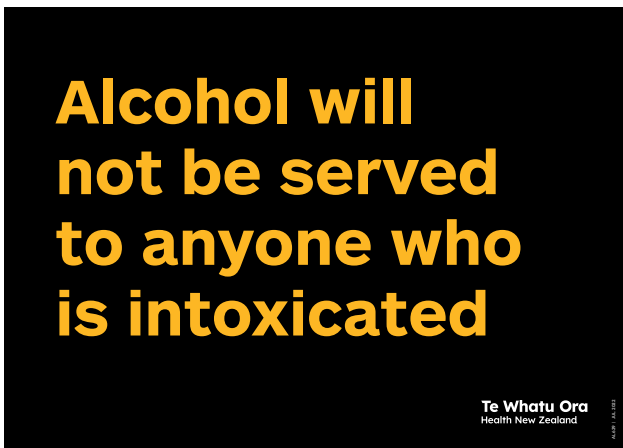
*Template available

Trading hours

The hours of trading stated on your alcohol licence declare the outer parameters of your trading period. Purchases must not be processed after the declared closing time and measures should be taken ahead of this time to ensure all customers are paid up and removed from the premises by closing time.



Resources





Penalties and fines

Serious penalties can be incurred for breaches of the Act. Licensees, managers and store staff can all be prosecuted. It is essential that all staff understand the requirements of the legislation, and its significance to their job.

Penalties and fines (maximums stated)			
Offence	Section	Licensee or manager	Store staff
Irresponsible promotions	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 (licensee)	
Allowing minors to be in a restricted or supervised area contrary to the Act	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
Being intoxicated on duty	250/251	\$4,000	\$2,000
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
Allowing a person on licensed premises outside licensing hours	256	\$10,000	
Failure to comply with certain requirements or restrictions	259	\$5,000	
Sale of a prohibited alcohol product	259	\$5,000	
Failure to appoint a manager, or to have a manager on duty at all times, or to notify appointments and terminations	258, 259(1)(a)	\$5,000	
Refusal or unreasonably delaying of entry to Police/Inspector, or refusal to provide Police with particulars or evidence	267(4) and 269	\$2,000	\$2,000
Refusal or failure to produce licence or documentation, or to provide assistance or information to Police/Inspector	267(5)	\$2,000	

Infringement notices

Where a Licensing Inspector or Police Officer 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, they may issue an infringement notice to that person for an amount not exceeding \$1,000.

Offences for which infringement notices may be issued may be prosecuted through the courts and on being found guilty may incur up to the maximum fine (except for an offence against section 259 – failure to comply with certain requirements or restrictions, which can only result in an infringement notice). The following table summarises infringement offences.

Infringement offences			
Offence	Section	Max fine	Infringement fee
Underage purchase	243	\$2,000	\$250
Underage presence in restricted, 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
Offences relating to evidence of age documents	257	\$2,000	\$250
Failure to display duty manager's name	258(1)(b) and 214(3)	\$5,000	\$250
Failure to comply with certain requirements or restrictions	259	\$5,000	
Sale of a prohibited alcohol product	259	\$5,000	
Consumed/possessed or brought alcohol into an alcohol banned area	147 (Local Government Act 2002)		\$250



Part B: Social Host Responsibility

The Sale and Supply of Alcohol Act

All off-licensed premises are guided by and must comply with the object of the Act. Any server of alcohol must not, to the best of their knowledge, contribute to the excessive or inappropriate consumption of alcohol.

The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

The harm caused by the excessive or inappropriate consumption of alcohol includes:

- 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
- 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 the paragraph above.

What is Social Host Responsibility?

Social Host Responsibility is a concept that has emerged in off-licences over recent years. It refers to the steps taken by licensees to minimise the negative impacts of alcohol misuse on their local community.

Social Host Responsibility provides a platform for sellers of alcohol to:

- assess whether the sale of alcohol will contribute to social problems within the community
- address some of the broader societal impacts of harmful drinking.

While sellers have little control over the consumption of alcohol purchased from an off-licence, by taking a

proactive stance they can have some influence over whether or not they are enabling:

- intoxication
- consumption by minors
- drink driving
- on-supply to minors
- fighting and disorderly behaviour
- breach of an alcohol ban
- nuisance, wilful damage, noise and litter in their local community.

Premises that implement social responsibility policies and practices demonstrate their commitment to the object of the Act.



Social Host Responsibility is based on six key concepts

A socially responsible host:

1. is well trained and fully understands their legal and social obligations
2. does not serve alcohol to minors and does not sell alcohol to an adult who intends to on-supply to a minor
3. does not serve alcohol to intoxicated customers
4. serves alcohol responsibly or not at all
5. promotes and encourages responsible drinking practices
6. does not allow violent, insulting, disorderly or quarrelsome behaviour on the premises.

At licensing and renewal times, the Licensing Inspector, the Police and the Medical Officer of Health will want to see a copy of your Social Host Responsibility Policy and a plan of how you are going to implement this policy. This is your Social Host Responsibility Implementation Plan.

!

Insert the following documents:

- **Social Host Responsibility Policy***
- **Social Host Responsibility Implementation Plan***

*Template available

B This icon represents recommendations for best practice Host Responsibility strategies within each of the key concept areas.

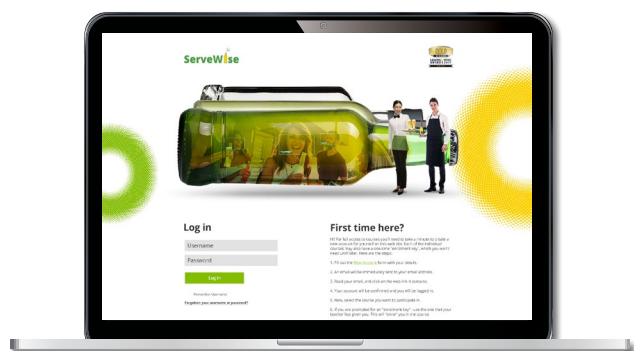
ONE: A socially responsible host is well trained

A socially responsible host is well trained and fully understands both their legal obligations and their role in reducing alcohol-related harm. Training helps provide staff with clear roles and responsibilities, and models service and interventions that ensure premises meet their legal obligations.

Staff training

All staff should have regular training and a record of this should be maintained as evidence in the **STAFF TRAINING REGISTER** at the time the training is completed. This information may be requested by the Police or a Licensing Inspector and helps to demonstrate that the premises are well run and that management and staff understand their legal responsibilities.

All off-licensed premises are required to have a staff training policy in place. The policy should be outlined in your **SOCIAL HOST RESPONSIBILITY IMPLEMENTATION PLAN**.



ServeWise

ServeWise is a free e-learning tool for sellers and servers of alcohol and provides a basic understanding of the Sale and Supply of Alcohol Act 2012. It has a strong focus on intoxication, minors, server intervention and Host Responsibility.

The benefits of having all staff complete ServeWise include:

- increased staff knowledge of legislation and personal liability
- development of practical competencies and interventions
- no cost to you or your staff
- the ability for staff to access and complete the training when it suits them
- increased compliance with the Act.

Staff can access the training at [ServeWise.alcohol.org.nz](https://www.serveWise.alcohol.org.nz). Certificates of completion can be printed off and copies placed on file in the staff training register (as above.)



Insert the following documents:

- **Staff training register***
- **Staff training certificates**

*Template available

TWO: A socially responsible host does not serve alcohol to minors

In New Zealand, we have a minimum legal purchase age, which means that under no circumstance can alcohol be sold to a person under 18 years of age (a minor). Your policy for managing minors should be stated clearly in your **SOCIAL HOST RESPONSIBILITY POLICY**.

Bottle stores are generally designated as 'Supervised'. This means persons under 18 may be present but only if accompanied by a parent or legal guardian. A legal guardian, as defined in the Care of Children Act 2004, is someone who is appointed by either the High Court or the Family Court to be responsible for providing day-to-day care for the child. It is not an older friend, coach or relative.

Proof of age

Staff are responsible for establishing proof of age and should ask for identification. The customer must prove they are old enough to buy alcohol or be on licensed premises. With no proof of age, they should be denied service.

B Best practice premises have a policy of asking for ID if a customer looks under 25 years of age. Ask for ID every time.

B Best practice premises make a point of not serving alcohol to anybody in school uniform, regardless of their age or identification.

Groups

B Where several young people are purchasing alcohol, best practice premises will ID each member of the group. This will help establish that the alcohol is not being purchased for consumption by a minor in that group. It also establishes that they are legally allowed on the premises.

Identification

Only four types of identification are considered acceptable. Each contains a photograph for positive identification. These include a current:

- New Zealand or overseas passport
- New Zealand driver's licence
- Approved 18+ Evidence of Age Card
- Kiwi Access Card.

Guide to checking ID

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

Do the maths!

The biggest mistake staff make is to calculate the age incorrectly from the date of birth provided.

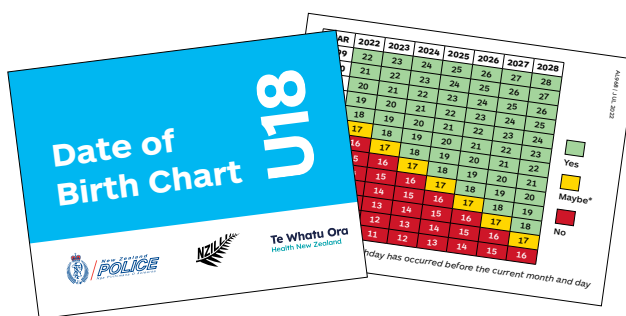
The **DATE OF BIRTH CHART** below provides an easy reference check to determine whether a person is old enough to purchase alcohol (green), is too young to purchase alcohol (red), or requires closer inspection (yellow).

Three easy steps determine whether a customer is old enough to purchase alcohol:

1. Ask for date of birth (years are plotted on the left-hand column of the chart).
2. Cross-reference with the current date (plotted across the top of the chart).

3. Where they intersect will tell you the age of the customer.

If the age is 17 (yellow) you will need to look at the exact birth date and determine whether the customer has had a birthday yet this year. If yes, they are already 18 and able to purchase; if no, they are a minor and cannot be served alcohol, and must leave the store.



Date of birth charts can be downloaded or ordered from resources.alcohol.org.nz

Fake and fraudulent ID

Every effort must be made to prevent the use of fake or fraudulently presented ID to purchase alcohol. Note any incidents of suspected presentation of fraudulent ID in the **INCIDENT LOG**.

If you are suspicious that ID has been tampered with or is fraudulently presented, follow the steps outlined below:

1. Ask the person if they have another form of identification (in many instances a person will only have one form of fake ID and if they produce another form of ID it may help to verify their identity).
2. If the presented ID has a signature, invite the person who has presented the ID to sign a blank piece of paper and compare the signature to the one on the ID.

3. Record the details of the suspected fake ID and any other ID that may be produced in the INCIDENT LOG. Record the particulars of the person presenting the ID and their next-of-kin (home address and phone number(s)).
4. Tell the person who has presented the ID that it appears to be fraudulently presented and:
 - note their explanation
 - ask them if they are willing to wait until the Police arrive to inspect the ID
 - deny service.
5. Wait with the person until Police arrive. If the person will not wait for Police but agrees to
6. abandon the ID, follow the steps below:
 - Record the details of the ID in the INCIDENT LOG.
 - Arrange to drop the ID to the Police Station or Alcohol Harm Prevention Officer.
 - Insist the person obtains an authentic ID before any future entry into the venue and service will be considered.
7. If the person demands the return of the ID:
 - you should return the ID to the person, as you have no statutory power to seize the ID
 - make contact with other licensed premises in your area and alert them to the suspected fake or fraudulently presented ID and give them a description of the person
 - record the circumstances and person's description and forward these to the Police (Alcohol Harm Prevention Officer).

Note: Do not use force to retain the ID.

If the person presenting the ID leaves the licensed premises, leaving the document with you or one of your staff members, you must:

- secure the ID (for handover to the Police)
- record the time, date and circumstances surrounding the abandonment of the ID for the



- information of the Police and promptly deliver the ID to the Police (Alcohol Harm Prevention Officer) for further enquiries.

On-supply to minors

A socially responsible host does not serve alcohol to adults who intend supplying this alcohol to minors. This is called social supply and most minors obtain their alcohol this way.



Insert the following documents:

- **Completed incident log***

*Template available

THREE: A socially responsible host does not sell alcohol to intoxicated customers

The Act prohibits any licensee or manager from:

- allowing an intoxicated person to enter the premises
- selling or supplying alcohol to an intoxicated person
- allowing an intoxicated person to be or remain on licensed premises
- allowing disorderly conduct on premises.




If an intoxicated person enters the premises, they must be removed immediately.

The Act 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 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.

Intoxication assessment tool			
Indicators may include but are not limited to:			
	Sober	Influenced	Intoxicated
Speech	Coherent, clear speech, normal tone/volume, may be talkative.	May be overly talkative, opinionated and interrupts, may stumble over words, becoming loud, inappropriate language, jokes, comments.	Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible.
Coordination	Coordinated, balanced, standing without help or support.	Slowed or delayed reactions, swagger or occasional staggers or sways.	Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand unaided or sit straight.
Appearance	Tidy, clear eyes, alert.	Vacant or blank expression, smell of alcohol on breath, may look untidy.	Bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
Behaviour	Behaving sensibly but may be more relaxed.	Overly 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.
Intoxication definition	Monitor & serve responsibly	Intervene	Deny & remove

INTOXICATED means 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: (a) appearance is affected; (b) behaviour is impaired; (c) coordination is impaired; (d) speech is impaired.



The Intoxication Assessment tool can be downloaded or ordered from Publications and Templates at resources.alcohol.org.nz

FOUR: A socially responsible host sells alcohol responsibly or not at all

Off-licensed premises are under no compulsion to sell alcohol to a potential customer who enters the store. Sellers must be able to satisfy themselves that by serving alcohol they will not further contribute to the levels of alcohol-related harm in the community.

Refusal of service should be viewed as an indication you are concerned your customers' welfare. Staff must comply with their legal obligations under the Act.

Single serves

B A 'single serve' is the purchase of a single bottle of alcohol, typically an RTD (ready to drink), by individuals who may be making multiple visits to an off-licence in a single day. This pattern of purchasing can in some circumstances indicate an individual who is managing an alcohol problem. Best practice premises will take extra care to determine whether the customer is intoxicated or requires support of any kind.

Repeat sales

B If a customer is visiting a bottle store more than once a day, best practice premises will take extra care to determine whether the customer is intoxicated or requires support of any kind.

Remote sales

It is common for off-licences to sell alcohol remotely via telephone or the internet. Alcohol must still be sold responsibly.

The licensee of an off-licence endorsed for remote sales must take responsibility for:

- ensuring deliveries are made during permitted hours only – see 'Remote sales' on page 10
- verifying the age of the buyer and receiver – take reasonable steps to verify that the buyer of any alcohol is not under the purchase age. If a person other than the buyer is to receive it, verify that the

receiver is not under the purchase age. Regulation 14 of the Sale and Supply regulations 2013 sets out what constitutes reasonable steps for:

- **internet sales:** if alcohol is being sold via the internet, the licensee must ask, and the prospective buyer must declare by ticking an on-screen box, that he or she, and, if applicable, the receiver, is 18 years of age or over. This must be done once when the buyer first enters the site, and again immediately before the sale is completed (Regulation 14)
- **mail order sales:** if alcohol is being sold by mail order, the mail order form must:
 - require the buyer to sign at or near the end of the form
 - contain a request at the beginning of the form, and another request immediately before the place where the buyer is required to sign, that the prospective buyer declares, by ticking a box, that he or she, and, if applicable, the receiver, is 18 years of age or over; and
 - require the prospective buyer to tick both boxes and sign the form before the alcohol is sold
- **telephone sales:** if alcohol is being sold by telephone, the licensee must ask, and the prospective buyer must declare orally, that he or she, and, if applicable, the receiver, is 18 years of age or over. This must be done at the start of the conversation and again immediately before the conversation is completed.

FIVE: A socially responsible host promotes responsible drinking practices

Alcohol promotions

The Act creates offences and penalties for certain irresponsible alcohol promotions or activities. These can result in fines and licence suspensions, could have a negative impact on the licence or Manager's Certificate (e.g. at renewal), and can also damage the reputation and prospects of a business. It is an offence to:

- encourage excessive consumption of alcohol
- 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 (unless the promotion/advertisement cannot be seen or heard from outside the premises)
- offer goods, services or prizes on the condition that alcohol is bought (unless the offer is made on the premises about buying alcohol on the premises)
- promote alcohol in a way that has special appeal to minors.

Guidelines for off-licence promotions

The guidelines below are 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 made on an individual basis.



National guidance on alcohol promotions and National guidance on remote sales of alcohol can be downloaded or ordered from Publications and Templates at resources.alcohol.org.nz

Code for Advertising and Promotion of Alcohol

All advertising and promotions should also comply with the Advertising Standards Authority's voluntary 'Code for Advertising and Promotion of Alcohol'. This code identifies principles by which the acceptability of alcohol advertising, promotions and sponsorship should be judged.

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.

For further information, go to asa.co.nz

Alcohol bans

To help reduce the negative impacts that drinking alcohol has had in some public places, alcohol bans have been set up in communities around New Zealand.

Alcohol bans provide the Police with a tool for dealing with the anti-social behaviour caused by drinking alcohol, to ensure our communities are kept safe. Check with your local council whether or not you are in or near to an alcohol ban area. If you are, signage should be posted near the primary entrance stating that this is the case. Contact your local council for further information.

SIX: A socially responsible host does not allow disorderly conduct

Any customer displaying disorderly behaviour, such as arguments, fighting, damage or theft, should be removed from the premises. Any incident that happens on your premises, whether significant or not, should be recorded in an **INCIDENT LOG**. See 'Incident recording' on page 10.



Insert the following documents:

- **Completed incident log***

*Template available

PART C: People safety

Amenity and good order

At the time of licence renewal, the DLC will consider the effects of your licensed premises on local amenity and good order.

‘Amenity and good order’ is defined in section 5 of the Act as “...the extent to which, and ways in which, the locality in which the premises concerned are situated... is pleasant and agreeable”.

It has a physical, or tangible, component, which may include the character and appearance of a building; proximity to shopping facilities; provision of parking facilities; traffic density and movements; quality of infrastructure; absence of noise and disorder; and unsightliness or offensive odours. It may also incorporate intangible components such as psychological, social or moral components.

For new licences, the Act specifies that, in deciding whether amenity and good order would be likely to be reduced by more than a minor extent, the following must be taken into account:

- current, and possible future levels of noise, nuisance and vandalism
- the number of other licensed premises in the area
- compatibility with the current and future use of surrounding properties (other considerations also apply if the DLC considers that the amenity and good order is already badly affected by existing licences – see section 105(1)(i)).

Noise, litter, anti-social behaviour and congestion around licensed premises can detract from amenity and good order and cause concerns for the community. They can also impact on a licensee’s suitability. As a licensee you have a responsibility to prevent anti-social behaviour in and around your premises.

Late trading has a significant effect on the amenity of local residents.

Being a good neighbour

Proactively manage your relationship with immediate neighbours by providing them with a contact number to call if there are issues requiring attention.

Crime Prevention through Environmental Design

Giving thought to the way you design your premises inside and out can lead to a reduction in criminal opportunity and helps to foster positive social interaction amongst your customers.

Crime Prevention through Environmental Design (CPTED) for licensed premises covers areas such as shop layout, lighting, ventilation, closed circuit television, and entrances and exits. The CPTED Checklist for off-licensed premises will highlight areas needing further attention or improvement.



Safer bottle stores: A guide to Crime Prevention through Environmental Design can be downloaded or ordered from Publications and Templates at resources.alcohol.org.nz



Insert the following documents:

- **Completed incident log***

*Template available



Closed circuit television

Closed circuit television (CCTV) has become cheaper and easier to use. It is particularly useful for observing areas that cannot be easily or naturally observed within and around licensed premises.

CCTV can act as a deterrent to bad behaviour, particularly where members of the public are aware that they are being monitored and that action may be taken against them. If the purpose of installing a CCTV is to deter, then it should be highly visible; if the purpose is to provide intelligence for identification purposes, it should be more discreet.

Staff must understand how to operate the equipment and how to view and download footage. CCTV, as well as other forms of visual recording including GoPro cameras and other recording devices, captures images of people that can be used, stored, manipulated and disseminated. Those who operate the systems need to be aware of how to manage privacy issues. For further information, go to the website of the Privacy Commissioner privacy.org.nz and search 'CCTV and privacy'.

Management of serious incidents

NZ Police have provided the following information as a guide on how to manage serious incidents. All staff should be familiar with the process outlined below.

1. Preventing a potentially serious incident by early removal of potential problems is always the preferred course of action. Remember that as a licensee you can close your premises at any stage.
2. In the event of a serious incident you must designate someone to call the Police immediately. Emergency services need to be on the way as soon as possible to prevent any possible escalation.
3. If injury or serious harm has occurred, the injured party should receive medical attention from a sober person. Preferably this will be a staff member. If it is unsafe to give assistance at the immediate scene, remove the injured person to a safer area.
4. If a weapon is identified (glass, bottle, knife or other implement), this should be secured in the location it was discovered. However, if it is not safe to do so, or there is a chance it might go missing, carefully store it in an area that is safe.
5. Where possible, customers should be separated into those who saw something, and those who say they did not. It is not imperative that staff get this exactly right. The following investigation will determine the accuracy of the statements made by either group.
6. If someone wants to leave, try and dissuade them from doing so. If you cannot persuade people to stay, attempt to get the name and details of the people leaving and verify them where possible. Be aware there is NO legal justification for bar staff or the licensee to do this. In these circumstances, if possible, try to obtain their facial images on a camera without them knowing. They can be identified during the following investigation.

7. If the scene can be kept clear, you should then apply the following steps to that scene: FREEZE – CONTROL – PRESERVE. It is probable that the scene will be heavily contaminated; therefore witnesses in this instance are possibly far more important evidentially.
8. Once the incident is over, the licensee should be able to provide the full details of the staff present, and what they have been doing in relation to the incident, to the attending Police on their arrival.
9. Finally, as the licensee, it is your responsibility to secure and preserve the video footage of ALL cameras in and around the premises. The Police will uplift them later.

Banned or trespassed persons

There will be many different reasons why you might want to have someone trespassed from your premises. This may be due to people committing offences on your property, being disorderly, violent or intoxicated, or simply having no right to be there. As the licensee and occupier, you have the right to control access and deny entry to anyone at any time.

How to serve a trespass notice

There is no legal requirement to give a trespass notice in writing. Section 5 of the Trespass Act 1980 says that trespass notices “*shall be given to the individual person concerned either orally, or by notice in writing delivered to [the individual concerned] or sent to [the individual concerned] by post in a registered letter at [that person’s] usual place of abode in New Zealand*”.

A written document reinforces the situation for the person given the trespass notice, so that they cannot say they did not know of the notice and the requirement to leave and not return. The completed trespass notice can be served by the occupier (licensee) or an agent of the occupier with the occupier’s authority. Once issued, a **TRESPASS NOTICE** remains in force for 24 months.

Written trespass

If you give a written notice, duplicate the notice and provide one copy to the trespasser and keep one for your records. To serve a notice, you simply hand it to the person concerned. If they refuse to accept it and drop it on the floor, it is still considered served. Keep that copy and note down that the person refused to accept the notice.

Verbal trespass

Taking time to provide a written notice can sometimes agitate an incident, requiring the person to wait while the written notice is completed. A verbal trespass notice is just as valid as a written notice. If you deliver a trespass notice verbally, record the matter on a trespass notice and record that it was given verbally.

In either case, the person issuing the trespass notice must record their own full personal details, including a contact phone number, on the back of the copy kept on the premises. This is so that at a later date that person can be contacted by the Police if it is necessary to validate the trespass notice.

Action after serving a trespass notice

You are required to give reasonable time for the trespasser to leave. If the person remains in or outside your venue, or is taking unreasonable time to comply, call the Police.

If a person previously trespassed returns at any time after they have been given a trespass notice, either written or verbally, they be committing an offence. Call the Police.

No one representing the licensee (including security staff) should physically attempt to remove the trespasser. Instead the Police should be called.

Keep a **TRESPASS REGISTER** of the people you have served a trespass notice to, along with a copy of the notices. Try to get the person’s date of birth. This is important for the Police to identify the correct person.

If the person to be trespassed cannot be identified, enquiries should be made to try to identify the person. Record the incident in the **INCIDENT LOG**. The person may be identified later and still be trespassed.



Insert the following documents:

- **Banned or trespassed persons register***
- **Copies of issued trespass notices***

*Template available

Emergency management

As a licensee, under the Health and Safety at Work Act 2015 you are required to have procedures in place to manage emergencies effectively. Staff must be trained in these procedures. Ensure that all staff know about your emergency procedures, including where you keep this information and where emergency equipment is stored.

Licences can be suspended on an application by Fire and Emergency New Zealand or the Medical Officer of Health for non-compliance with fire precaution requirements.

For further information and a set of simple forms to help identify and manage your emergency procedures, see business.govt.nz/worksafe/information-guidance

Fire safety

Fire safety legislation makes it the responsibility of building owners to take fire safety precautions, including having evacuation procedures or schemes.

A registered evacuation scheme is required when:

- the building can hold **more than 100 people**
- there are **more than 10 employees** in the entire building
- overnight accommodation is provided for more than five people.

For further information about fire safety requirements and evacuation schemes, contact Fire and Emergency New Zealand or visit their website at fire.org.nz

Ensure fire wardens and all other staff are trained in fire safety procedures. This training should be recorded in the **STAFF TRAINING REGISTER**.

- Check daily that all exits are clear and unlocked.
- Make sure staff know how to use the fire extinguishers.
- Make sure staff know how to get people out of the building.



Insert the following documents:

- **Your emergency procedures**
- **Staff emergency contacts***
- **Evacuation scheme**
- **Venue floor plan showing all exits, fire equipment, etc.**

*Template available

PART D: Templates and forms

(see attachments)

- i. Certified managers register
- ii. Temporary and acting managers register
- iii. Sample Social Host Responsibility Policy
- iv. Writing a Social Host Responsibility Implementation Plan
- v. Duty manager start of shift checklist
- vi. Staff training register
- vii. Incident log
- viii. CPTED checklist for off-licensed premises
- ix. Banned or trespassed persons register
- x. Trespass notice template
- xi. Staff emergency contacts
- xii. Useful contacts

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To order resources visit [**resources.alcohol.org.nz**](https://resources.alcohol.org.nz)

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