



The Manager's Guide

A GUIDE TO THE SALE AND SUPPLY OF
ALCOHOL ACT 2012

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At the time of printing, the legislation in this Guide is current. As changes to legislation and regulations can occur at any time, please check the current obligations with the relevant statutory organisation or authority.

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Overview

Alcohol harm

Many people view alcohol as a drink that causes no apparent harm. However, even low alcohol use carries health and social risks and can lead to injury, drunk-driving offences, assaults (including sexual assaults), and whānau/family violence. Alcohol is a contributing cause to over 60 different diseases and health conditions and, for almost all, heavier alcohol use means higher risk. These include cancers and conditions affecting the liver, stomach, food pipe, intestines, heart, blood, immune system, nervous system and sex organs. Alcohol also harms the developing baby in their mother's womb which may result in lifelong disability. As a server of alcohol you are required under the Sale and Supply of Alcohol Act 2012 to minimise the harm caused by the excessive or inappropriate consumption of alcohol. You also have a vital role to play in communicating safe and responsible drinking messages to your customers.

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 promoted, and so on. So why does alcohol require so much special attention?

Only 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.

The Sale and Supply of Alcohol Act 2012 defines alcohol as:

“a substance

- a) that is or contains a fermented, distilled, or spirituous liquor; and at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or*
- b) that is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and is alcohol when completely thawed to 20°C ; or*
- c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.”*

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 approximately one hour 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. Various 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 is, the more water they carry in their bodies. Therefore, the alcohol is more diluted and the person is affected less.

Gender – Females generally 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.

Individual tolerance – Some people can 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.

Drugs – Whether legal or illegal, drugs can interfere with how the body reacts to alcohol. Even common, over-the-counter medications can reduce the body's ability to deal with alcohol effectively. Other drugs can have more dramatic effects.¹

As a bartender, it is unlikely that you will be able to easily distinguish whether a person is intoxicated due to alcohol or drug consumption, or a combination of the two. 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.

¹ For further information refer to *Drugs in Bars: A guide for licensees* available online from resources.alcohol.org.nz.

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 depress 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 are very effective intervention tools.

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. For example, if a group has come straight from work it may be a long time since they have eaten. Some bars provide free snacks and all must provide a reasonable range of food for sale.

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. For example, 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

The object of the Sale and Supply of Alcohol Act 2012 (the Act) is that:²

- 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.

The harm caused by the excessive or inappropriate consumption of alcohol includes:³

- c. 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
- d. 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).

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 Act. 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)
- Licensing Inspector
- Police
- Medical Officer of Health (MOoH).

² s.4(1).

³ s.4(2).

A Licensing Inspector or representatives from the Police and MOoH 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.

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.⁴

Functions of ARLA include:

- determining applications for licences and renewals and Manager's Certificates and renewals referred to it by DLCs⁵
- determining appeals arising from decisions of DLCs⁶

- determining applications for variation, suspension or cancellation of licences and Manager's Certificates from the Police or a Licensing Inspector⁷
- giving direction or statements to DLCs⁸
- advising people of the appropriate licensing committee⁹
- referring matters to DLCs for enquiry and report¹⁰
- other functions conferred on it by any Act.¹¹

District Licensing Committees

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.

4 s.179(1).

5 s.170(a).

6 s.170(b).

7 s.170(d).

8 ss.172 and 176.

9 s.173.

10 s.175.

11 s.170(e).

Functions of the DLC include:

- determining applications for licences, Manager's Certificates and renewals¹²
- determining temporary authority applications (on-/off-licences)¹³
- determining applications for varying, suspending or cancelling special licences¹⁴
- referring applications to ARLA¹⁵
- conducting enquiries and making reports as required by ARLA¹⁶
- other functions conferred on it by any Act¹⁷.

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.¹⁸

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 and renewals¹⁹ and Manager's Certificates and renewals²⁰ to the DLC or ARLA
- monitoring licensed premises' compliance with the requirements of the Act and reporting to the DLC or ARLA²¹
- appearing and being heard at ARLA and DLC hearings, appeals and other matters²²
- applying to ARLA for variation, suspension and cancellation of licences and Manager's Certificates²³
- making appeals to ARLA

12 s.187(a) and (b).

13 s.187(c).

14 s.187(d).

15 s.187(f).

16 s.187(g).

17 s.187(h).

18 s.267.

19 ss.103, 129 and 141.

20 ss.220 and 225.

21 s.197(2).

22 ss.204(3), 205 and 206.

23 s.206.

- issuing specified infringement offence notices²⁴
- providing information for development of local alcohol policies (LAPs)²⁵
- exercising the power to seize alcohol and containers without a warrant for the purpose of analysis.²⁶

Police

Police have a statutory role under the Act 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 (this must be displayed at the main entrance) or any records reasonably required to establish compliance with the Act²⁷.

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 ARLA²⁸
- monitoring licensed premises' compliance with the requirements of the Act and reporting to the DLC or ARLA
- 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 made²⁹
- 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 people, or allowing people to become intoxicated
- issuing an infringement notice to any person alleged to have committed certain offences under the Act³⁰
- exercising the power to seize alcohol and containers without a warrant for the purpose of analysis.³¹

24 s.262.

25 s.78(4).

26 s.268(2).

27 s.267.

28 s.103(3).

29 s.266.

30 s.262.

31 s.268(2).

Medical Officer of Health

The Medical Officer of Health (MOoH) also has a statutory reporting role and may delegate powers and functions to any suitably qualified or trained person.³²

Functions of the MOoH include:

- enquiring into applications for licences and renewals and, where necessary, making reports to the DLC or ARLA³³
- providing information for development of LAPs³⁴
- reporting to DLC or ARLA where there are matters in opposition³⁵
- applying to ARLA for suspension of an on-licence or a club licence where there is evidence of non-compliance with public health requirements.³⁶

32 s.151.

33 s.103(3).

34 s.78(1)(4).

35 s.103(3)

36 s.286(1))

Monitoring and compliance checks

Police, Licensing Inspectors and the MOoH have a duty to collaborate in monitoring licences and enforcing the Act, and to implement strategies for reducing alcohol-related harm.³⁷ 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.
- Increased compliance with the Act.
- Reinforcement of 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.

37 s.295.

If you are visited by any of the agencies, approach them and be prepared to discuss the live situation with them, including customers you are watching and interventions you are making. Be proactive. Tell them what is happening and how you are managing the premises.

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 to 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.

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

- Environmental Health Officer
- Fire Risk Officer

- WorkSafe NZ Inspector
- Smoke-free 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. "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."³⁸

³⁸ Māori Community Development Act 1962, s.31.

The licensed premises

Types of licence

On-licence

Allows for the sale and supply of alcohol for consumption on the premises eg, a 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).

Off-licence

Allows for the sale and supply of alcohol 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 certain remote sellers.

Club licence

Allows for the sale and 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 for the sale and supply of alcohol to any person attending an event eg, private function, street party or sporting event. A special licence can also be issued to an on-licence or club licence for an event not covered by their licence (see page 16).

Applying for a licence

Application forms and details of what is required with a licence application are available on your local council website. 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.

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, in a newspaper nominated by the DLC, that you have submitted an application. You will also need to display, within 10 working days of lodging the application, a notice in a conspicuous place on or adjacent to the site to which the application refers.

Any person can object to an application within 25 working days of the publication of the first public notice. Working days are weekdays, excluding public holidays, and excluding 20 December – 15 January. Also excluded are Mondays where a public holiday falls on a weekend and is Mondayised – e.g. Waitangi Day or Anzac Day.

The application will be sent to the Licensing Inspector, Police and the MOoH. 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. If there are no objections, the application may be granted without a public hearing. If there are objections, a public hearing will be held unless the objection is considered vexatious or the objector does not require a hearing.

In considering any application for a licence, the DLC and ARLA must consider the following 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 the 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, Licensing Inspector or the Medical Officer of Health.
- On-, off- or club licence applications should include:
 - the completed application and three copies
 - if the applicant is incorporated, a copy of the certificate of incorporation
 - if the applicant is a company, a copy of the memorandum of association
 - if the applicant is a manager acting for any person pursuant to a property order, a copy of the property order
 - if the applicant is a club, a copy of the club's constitution or rules
 - 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 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
- if the applicant is a supermarket or grocery store, a plan of the footprint of the premises showing the proposed configuration and arrangement of the premises and the perimeter of an alcohol area
- if the applicant is not the owner of the premises, a written statement from the owner to the effect that they have no objection to the issue of a licence
- 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 section 76 of the Fire and Emergency New Zealand Act 2017
- a certificate of compliance with the Natural and Built Environment Act 2023
- a certificate of compliance with the Building Code
- the prescribed fee.

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.

An application for renewal of your licence must be publicly notified within 10 working days of filing the application 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 MOoH to enquire into. The Police and MOoH may report if they have matters in opposition. In accordance with the Act, the Inspector MUST report.

When deciding whether or not to renew an existing licence a DLC or ARLA must have regard to the object of the Act, the suitability of the applicant, any relevant provisions in any LAP, the days and hours of sale, the design and layout of the premises, the sale of other goods such as non-alcohol and low-alcohol drinks and food, the provision of other services, the amenity and good order of the locality (whether refusing to renew the licence would increase the

amenity and good order of the locality by more than a minor extent), any matters in reports by the Police, the MOoH or the Licensing Inspector or the the manner in which the licensee has sold, displayed, advertising, promoted and supplied alcohol under its existing licence. 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.

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.

Applying for a special licence

A special licence application form is generally available online from your local DLC. Applications are processed by the DLC, which will refer the application to the Licensing Inspector, MOoH 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. 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 and/or an Alcohol Management Plan.

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.

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

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)) |

| Condition | On-licence | Club licence | Off-licence | Special licence |
|---|--------------------------------|--------------------------------|-----------------------------------|------------------------------------|
| Assistance with information about transport | R (s.54) | R (s.54) | | D (s.147(1)(g)) |
| 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 people 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)) |

| Condition | On-licence | Club licence | Off-licence | Special licence |
|---|--|-------------------------------------|-------------------------------|---------------------------------|
| Management plans, NABEA 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)) |
| 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)) |

Conditions specifically relating to clubs

The holder of a club licence must take all practicable steps to ensure that:³⁹

- the club has a secretary at all times
- the club notifies ARLA or the DLC (whichever granted the licence) of a change in secretary within 10 working days of the change
- all proceeds from the sale of alcohol belong to the club
- the club committee ensures that the provisions of the Act are observed.

A club licence allows for the sale of alcohol on club premises only to 'authorised customers'. It does not allow for the sale of alcohol to the general public. An authorised customer is:⁴⁰

- a member of the club; or
- someone who is on the premises at the invitation of, and is with, a member of the club; or

- a member of another club that has reciprocal visiting rights (this must be a specific condition on your licence; you must request it).⁴¹

A reciprocal visiting rights agreement is a formal, documented agreement between two clubs. This document must be ratified at a club committee meeting to validate the arrangement.

In order for a guest of an affiliated club member to purchase alcohol, your club must be endorsed under section 60 of the Act. For further information, speak with your local Licensing Inspector.

39 s.61.

40 s.60(3).

41 s.60(1)(b).

Conditions of off-licences

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, and containing no more than 15% alcohol, be sold under the licence:⁴²

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

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 page 47).

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 to alcohol sales on Good Friday, Easter Sunday, Christmas Day and before 1.00pm on Anzac Day.⁴³

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.

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.*

42 s.58.

43 s.47(1).

** 'Dining' is 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.*

Off-licences

Off-licence sales (except remote sales) and deliveries are prohibited on Good Friday, Christmas Day and before 1.00pm on Anzac Day. Cellar door wine sales (only of alcohol made on the premises or made from fruit harvested on the premises) may be made on Easter Sunday;⁴⁴ otherwise all off-licence sales and deliveries are prohibited.⁴⁵

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, the Saturday before Easter Sunday, on Christmas Eve and on the evening before Anzac Day.

Club licences

Club-licensed premises are exempt from restricted trading days and an RSA club with a current club licence may serve alcohol on Anzac Day from 4am onwards.⁴⁶

Local alcohol policies

Any territorial authority may (but is not compelled to) have a policy relating to the sale, supply or consumption of alcohol within its district.⁴⁷ This policy may be more restrictive than the relevant district plan.⁴⁸ A local alcohol policy may include policies on:⁴⁹

- 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

46 s.47A.

47 s.75.

48 s.93.

49 s.77.

44 s.48(b).

45 s.48.

- 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.⁵⁰ 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.⁵¹

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.⁵²

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.⁵³

The full name of the manager must also be prominently displayed inside the premises where it can be easily read.⁵⁴

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.

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 Health Promotion, Health New Zealand – Te Whatu Ora at [resources.alcohol.org.nz](http://www.resources.alcohol.org.nz) (<http://www.resources.alcohol.org.nz>).

50 s.89(1)(a).

51 s.90(5).

52 s.57.

53 s.56.

54 s.214(3).

Resources

Slow Down

On the way?

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!



Health New Zealand
Te Whaitu Ora

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Intoxicated?

Gone too far?

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!



Health New Zealand
Te Whaitu Ora

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Alcohol will not be served to anyone who is intoxicated



Health New Zealand
Te Whaitu Ora

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No ID No Service No Exceptions



Health New Zealand
Te Whaitu Ora

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Alcohol will not be served to minors



Health New Zealand
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Alcohol will not be sold or supplied to anyone who is intoxicated or to minors



Health New Zealand
Te Whaitu Ora

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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 interruptive, may stumble over words, becoming loud, inappropriate language, jokes, comments. | Slurring, difficulty forming words, loud, repetitive, loses train of thought, non-sequenced, unrelatable. |
| Coordination | Coordinated, balanced, standing without help or support. | Stowed or delayed reactions, swagger or occasional stagers or strops. | Spills drinks, stumbles, trips, waves, works into objects, unable to stand unaided or at straight. |
| Appearance | Tidy, clear eyes, alert. | Vacant or blank expression, small or dilated on breath, may look unsteady. | Reddened eyes, eyes glazed, inability to focus, tired, asleep, dishevelled. |
| Behaviour | Behaving sensibly but may be more relaxed. | Overly friendly or withdrawn, inappropriate or silly actions, argumentative, annoying, losing attention, increased consumption rate. | Seriously inappropriate actions or language, aggressive, rude, belligerent, conscious behaviour affecting other customers. |
| | Monitor & serve responsibly | Intervene | Deny & remove |

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



Intoxication Prevention Tool

1 SOBER

Customer Behaviour

- Customer clear speech, normal tone and volume, may be talkative.
- Customer coherent, standing without help or support.
- Clear eyes, tidy, alert.
- Behaving sensibly.

SERVER'S ROLE

Monitor customer consumption.

- Identify customer's usual drinking pattern.
- Take note of the customer's usual alcohol preference.
- Use non-assertive monitoring techniques such as eye contact.
- Establish clear and consistent standards for serving the size of the portions.
- Check customer's friends' situations where necessary to set out of place and inappropriate.

Identify customer intentions

- Recognise that a variety of customers may present themselves in different ways.
- Identify and address, manage from early signs of the danger.
- Be aware that high-risk people include those exhibiting serious health, safety, criminal, and driving risks.
- People engaged in activities to alcohol.
- Actively prevent and manage other patrons' use of the service customer's behaviour.

2 INFLUENCED

Customer Behaviour

- May be overly talkative, opinionated, and interruptive.
- Language of comments.
- Increased or delayed reactions, swagger or occasional stagers or strops.
- Overly friendly or withdrawn, inappropriate or silly actions, argumentative, annoying, losing attention, increased consumption rate.

SERVER'S ROLE

Communicate with team.

- Inform your manager on team about what's going on and discuss strategy.
- Monitor customer's situation and regularly check in on their wellbeing.
- Take note of customer's usual drinking pattern.
- Check in on customer's friends and other patrons.
- Identify and address, manage from early signs of the danger.
- Be aware that high-risk people include those exhibiting serious health, safety, criminal, and driving risks.
- People engaged in activities to alcohol.
- Actively prevent and manage other patrons' use of the service customer's behaviour.

3 INTOXICATED

Customer Behaviour

- Slurring, difficulty forming words, loud, repetitive, loses train of thought, non-sequenced, unrelatable.
- Spills drinks, stumbles, trips, waves, works into objects, unable to stand unaided or at straight.
- Reddened eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
- Security inappropriate actions or language, aggressive, rude, belligerent, conscious behaviour affecting other customers.

SERVER'S ROLE

Communicate with team and manager.

- Inform your manager on team about what's going on and discuss strategy.
- Monitor customer's situation and regularly check in on their wellbeing.
- Take note of customer's usual drinking pattern.
- Check in on customer's friends and other patrons.
- Identify and address, manage from early signs of the danger.
- Be aware that high-risk people include those exhibiting serious health, safety, criminal, and driving risks.
- People engaged in activities to alcohol.
- Actively prevent and manage other patrons' use of the service customer's behaviour.

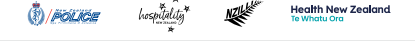
Date of Birth Chart

| YEAR | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|------|------|------|------|------|------|------|------|
| 2001 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 2002 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 2003 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 2004 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 2005 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 2006 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 2007 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 2008 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 2009 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 2010 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 2011 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 2012 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 2013 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

*17 unless a birthday has occurred before the current month and day

U18

- Yes
- Maybe*
- No



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, certain remote sellers, and off-licence cellar door sales).⁵⁵ The manager is responsible for compliance with and enforcement of the:

- provisions of the Act
- 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.⁵⁶ 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.⁵⁷

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.

⁵⁵ s.215.

⁵⁶ s.214(3).

⁵⁷ s.216(1).

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.⁵⁸

Refer to page 30 for details about the Licence Controller Qualification.

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 consider the following matters:

- the applicant's suitability⁵⁹
- any convictions⁶⁰
- experience, particularly recent experience, in controlling licensed premises⁶¹
- training, particularly recent training, that the applicant has undertaken and evidence of the prescribed qualification⁶²

- issues raised by the reports from the Inspector and the Police.⁶³

If the DLC is satisfied that you meet the above criteria, it will issue the Manager's Certificate. The application may be referred by the DLC 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.

58 s.218. See also Sale and Supply of Alcohol Regulations 2013, reg 23.

59 s.222(a).

60 s.222(b).

61 s.222(c).

62 s.222(d).

63 s.222(e).

The Act requires all applicants for renewal to hold the prescribed qualification, which is the Licence Controller Qualification (LCQ).

Acting and temporary managers

Provisions in the Act 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*⁶⁴

A licensee can appoint someone who is not the holder of a Manager's Certificate as an acting manager:

- (a) for any period not exceeding three weeks at any one time where a manager is unable to act because of illness or absence; and
- (b) for periods not exceeding in the aggregate 6 weeks in each period of 12 months to enable a manager to have a vacation or annual leave.

*Temporary manager*⁶⁵

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. If that person does not apply for a Manager's Certificate within two working days, the licensee must cease to employ the person as a manager.

64 s.230.

65 s.229.

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 local Licensing Inspector.

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.⁶⁶

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.

⁶⁶ s.232.

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

For further information on the LCQ, please contact ServiceIQ on 0800 863 693 or visit [serviceiq.org.nz](http://www.serviceiq.org.nz) (<http://www.serviceiq.org.nz>).

Host Responsibility

The Sale and Supply of Alcohol Act 2012 sets out certain requirements on holders of on-licences and club licences such as providing low-alcohol and non-alcoholic beverages, providing food and providing information on transport options. These and other requirements fall under the term 'Host Responsibility' and are intended to minimise alcohol harm and help create safer drinking environments.

It aims to prevent intoxication and its associated harms by:

- empowering the server of alcohol to intervene appropriately
- creating an environment where intoxication is not tolerated.

Host Responsibility incorporates seven key strategies. These are:

- Staff training
- Preventing intoxication
- Denying service to minors
- Responsible promotion of alcohol

- Offering low-alcohol and non-alcoholic options
- Providing food
- Helping customers with transport options.

1. Staff training



It is important that all staff are aware of their legal obligations and their role in minimising alcohol-related harm. Training helps provide staff with clear roles and responsibilities, and models service and interventions that ensure premises meet their legal obligations.

You are required to have a staff training policy in place. This should be outlined in your Host Responsibility Implementation

Plan and located within your **Licensed Premises Toolkit**. This toolkit is a practical resource that brings together all the alcohol documentation, policies and procedures for your premises. It can also be used as another tool for staff training.

All bar staff are encouraged to complete **ServeWise**, a free e-learning tool for bar staff that provides a basic understanding of the Act. 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](http://www.servewise.alcohol.org.nz) (<http://www.servewise.alcohol.org.nz>).

2. Preventing intoxication

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

- prevent people from becoming intoxicated on licensed premises⁶⁷
- refuse service to people who have become intoxicated⁶⁸
- prevent intoxicated people from entering the premises⁶⁹
- ensure intoxicated customers leave the premises⁷⁰
- remove violent, quarrelsome, insulting or disorderly customers from the premises.⁷¹

It is also an offence for a manager or any employee to be intoxicated on duty.⁷²

67 s.249.

68 s.248.

69 s.252.

70 s.252.

71 s.253.

72 ss.250 and 251.

Intoxication is defined in the Act 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:⁷³

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

These indicators 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.

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. |
| | Monitor & serve responsibly | Intervene | Deny & remove |

Certain medical conditions and disabilities may display characteristics similar to intoxication. Make sure you don't make assumptions, and be respectful and careful before pronouncing a customer intoxicated.

Strategies for preventing intoxication

While not every customer intends to become 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 other 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 may not have skills to confidently manage potentially confrontational situations before commencing work. These skills need to be 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

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.⁷⁴

A **place of safety** should be

- an alcohol-free area
- away from the bar
- away from friends / other patrons who are drinking
- where staff can keep an eye on them.

You should know where your **place of safety** is as you may be asked by the regulatory agencies when they visit your premises.

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 consumed only alcohol.

Licensees and managers have a duty to be responsible hosts to all customers, including those using substances like illegal drugs or medicines. The good news is you can reduce problems and harm to your customers by having good policies, processes, responses and training. *Drugs in Bars* (<https://www.drugfoundation.org.nz/info/drugs-in-bars/>) is a guide for alcohol licensees about drug law and reducing substance-related problems in your premises.

Alcohol and victimisation

There is a strong link between alcohol and both physical and sexual violence for the attacker and the victim. Australian research⁷⁵ 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 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.

3. Denying service to minors

In New Zealand we have a minimum legal purchase age, not a drinking age. This means that *under no circumstances 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.⁷⁶

'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.

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.

⁷⁵ 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.

⁷⁶ s.241(3)(a) and (d).

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. The duty manager and licensee are 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

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

Supervised

- People 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

- People of any age may be in this area. Most restaurants and clubs are undesignated. People 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.

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 minors 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 | Yes | Yes | Yes |

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

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 Act provides for four age-identification documents:⁷⁷

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

Each contains a photograph for positive identification.

Guide to checking ID

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

- Ask to see the customer's ID if they look under 25.
- The customer must remove the ID from their wallet so it can be properly vetted.
- 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.

⁷⁷ Sale and Supply of Alcohol Regulations 2013, r.4 and 5.

Date of Birth Chart

18

| YEAR | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|------|------|------|------|------|------|------|------|
| 2001 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 2002 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 2003 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 2004 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 2005 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 2006 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 2007 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 2008 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 2009 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 2010 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 2011 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 2012 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 2013 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

 Yes
 Maybe*
 No

*17 unless a birthday has occurred before the current month and day



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- 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)

The most frequent 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.

Fake and fraudulent ID

Every effort must be made to prevent the use of fake or fraudulently presented ID to gain illegal entry to licensed premises. Note any incidents of suspected presentation of fraudulent ID in the **Incident Log**.

If you suspect that an ID has been tampered with or is fraudulently presented, follow these steps:

1. Ask the person if they have another form of identification (often a person will have only one form of false 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 false ID and any other ID that may be produced on the **ID Noting Form**. Record particulars from 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 are contacted and arrive to inspect the ID
 - refuse entry to your venue.
5. Hold on to the ID and wait with the person until Police arrive.

If the person will not wait for Police but agrees to abandon the ID:

- complete an ID noting form and issue a receipt
- insist the person obtains an authentic ID before any future entry into the venue and service will be considered.

If the person demands the return of the ID:

- you have no statutory power to seize the ID and you should return the ID to them
- make contact with other licensed premises in your area and alert them to the suspected false or fraudulently presented ID and give them a description of the person

- record the circumstances and person's description and forward these on 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 abandoning the document in the possession of yourself or one of your staff members, you must:

- treat the false or fraudulent ID like lost property
- secure the ID (for handover to Police)
- note and record the time, date and circumstances surrounding the abandonment of the ID for the information of Police, on the ID noting form, and promptly deliver the ID to Police (Alcohol Harm Prevention Officer) for further enquiries.

Genuine IDs could be fraudulently presented if they have been stolen or supplied by an older sibling or friend. It is important to get these IDs to Police promptly as other offences may be disclosed.

You must not dispose (throw away) retained ID, as this could give rise to a complaint of theft by the ID owner, and you may be liable for the cost of its replacement.



4. 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. The Sale and Supply of Alcohol Act 2012 addresses irresponsible promotions.

ASA Code

The ASA Codes support responsible advertising. All ads in all media should comply with the Advertising Standards Code. In addition, The Alcohol Advertising and Promotion Code identifies principles for judging the acceptability of alcohol promotions and sponsorship.⁷⁸

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.

Sponsorship advertisements should 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 Act creates offences and penalties for certain 'irresponsible' alcohol promotions or activities.⁷⁹ 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.

⁷⁸ <https://www.asa.co.nz/codes/codes/alcohol-advertising-and-promotion-code/>

⁷⁹ s.237.

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 \$10,000.⁸⁰ 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.

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 manager's certificate will, be cancelled for five years.⁸¹

You must take care not to undertake promotions that conflict with the Act. Remember that it is an offence to allow someone to become, or be, intoxicated on your premises.⁸²

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

The factsheets '*National guidance on alcohol promotions: On-licensed premises*' and '*National guidance on alcohol promotions: Off-licensed premises*' (<https://www.alcohol.org.nz/management-laws/nz-alcohol-laws/advertising-alcohol>) 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 decided on an individual basis.

⁸⁰ s.237(3).

⁸¹ ss.288, 289, 290, 292 and 293.

⁸² 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 excessive consumption of alcohol.</p> | <p>Any promotion that encourages the excessive consumption of alcohol.</p> |
| <p>Promotion of discounts of less than 25%.</p> | <p>Promotion of alcohol at a discount that leads, 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 excessive consumption of alcohol or encourages faster than normal drinking. |
| Promotion of discounts of less than 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 \$xx'. |
| Promotions such as 'happy hour', providing they do not encourage the excessive consumption of alcohol. | Promotions that are aimed at or have special appeal to minors. |
| Promotions that have alcohol as a prize for a competition, providing they do not encourage the excessive consumption of alcohol. | Time-related promotions that may lead to excessive or rapid alcohol consumption (eg, 'free drinks until the first try'). |
| Promotions that offer a prize to people who buy more than a certain quantity of alcohol, providing they do not encourage the excessive consumption of alcohol. | |

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 excessive consumption of alcohol.</p> | <p>Any promotion that encourages the excessive consumption of alcohol.</p> |
| <p>Promotion of discounts of less than 25%. 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, 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, 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>Promotion of 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 |
|--|---|
| <p>Any promotion that is acceptable outside the premises.</p> | <p>Any promotion, signage or activity that encourages the excessive consumption of alcohol.</p> |
| <p>Promotion of discounts of up to and greater than 25%.</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 that are aimed at or have special appeal to minors.</p> <p>Once a supermarket or grocery store has a single area restriction as a condition on its licence:</p> <p>Display, promote or advertise alcohol outside the single alcohol area.</p> <p>Display, promote or advertise non-alcohol products (eg, food or general merchandise) except for non- and low-alcohol beer, wine or mead, within the single alcohol area.</p> |
| <p>Promotions involving free alcohol, providing they do not encourage the consumption of alcohol to an excessive extent.</p> | |
| <p>Promotion of complimentary samples (eg, wine tasting or samples).</p> | |
| <p>Promotions that have alcohol as a prize for a competition, providing they do not encourage the excessive consumption of alcohol.</p> | |
| <p>Promotions that offer a prize to people who buy more than a certain quantity of alcohol, providing they do not encourage the excessive consumption of alcohol.</p> | |
| <p>Offers of goods or services on the condition alcohol is purchased (eg, a free towel with a dozen beer).</p> | |

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

All off-licences for supermarkets and grocery stores must contain a condition describing one area within the premises as a permitted area for the display and promotion of alcohol ('the single area').⁸³

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.

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.⁸⁴

All advertising, display and promotion of alcohol within the store must occur within the single alcohol area. Non-alcohol products (other than beer, wine or mead that is not alcohol) must not be displayed, advertised or promoted within this area except for non- and low-alcoholic beer, wine, or mead.

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.

83 s.112(2).

84 s.114(b)(1)(i) and (ii).

5. Providing 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.⁸⁵

People choose to drink low-alcohol or non-alcoholic drinks for various reasons, including because they want to be sociable without getting intoxicated, 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 readily 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.

6. Offering 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 range 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.

85 s.52.

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 reasonable range of different types of food should be available in portions suitable for a single customer.

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.

7. Helping customers with transport options

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 then 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 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 for developing a Host Responsibility policy

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. Alcohol use is encouraged to be safe and responsibly:
 - 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 people 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, or dial-a-driver service 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.

We provide and actively promote a good range of food. 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 attractively presented and available free of charge at all times.

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 current New Zealand driver's licence, an 18+ Evidence of Age card, a Kiwi Access card or a current passport.

We will not allow anyone to become intoxicated. We may slow or stop alcohol service and offer other options instead to prevent this.

Patrons who arrive intoxicated will be denied service, will be required to leave the premises and encouraged to take advantage of safe transport options

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

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

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

We make sure all of these services are well promoted – you won't have to go looking for them.

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

If regulatory agencies feel there is a heightened risk for a particular licensed premises then an Alcohol Management Plan (AMP) could be a condition of the licence under section 117 of the Act.

An AMP may also be required when planning a large-scale event.

An AMP details how the sale and supply of alcohol and alcohol-related risks are to be managed. The plan aligns these risks with proven strategies to manage them.

The plan will also detail steps taken to comply with the Act and the conditions of your licence.

For further information, contact your local Licensing Inspector or refer to your Licensed Premises Toolkit.

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 | Licenses or manager | Bar staff |
|--|---------|---|-----------|
| Inappropriate promotions (see section on <i>Responsible Promotion of alcohol for detail</i>) | 237 | \$10,000. The license may also be suspended for up to seven days. | \$10,000 |
| Sale of 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 | |

| Offence | Section | Licenses or manager | Bar staff |
|--|--------------------|---|-----------|
| 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 |
| 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(l) (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 |
| People 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 police | 269 | \$2,000 |

Infringement notices

Licensing inspectors and the Police may serve infringement notices on people they consider to be committing infringement offences.

The infringement notice will have a fee and payment timeframe attached to it. It is

possible for it to be considered by the courts where the offender may be found either not guilty or guilty. A guilty verdict could involve a higher fine.

Police may also issue infringement notices to minors drinking alcohol in public places and for breach of an alcohol ban.

Infringement offences

| Offence | Section | Maximum fine | Infringement fee |
|--|------------------------------------|--------------|------------------|
| Underage purchase | 243 | \$2,000 | \$250 |
| Underage purchase 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 | \$1,000 | \$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 (Local Government Act 2002) | | \$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 or 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 or 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 by customers, they can apply to ARLA, who may vary, revoke or impose licence conditions, 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.⁸⁶

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 allowed for the manager to remedy any issues.⁸⁷

Non-compliance with health or safety requirements

If the Medical Officer of Health or a member of Fire and Emergency New Zealand believes that requirements for public health or fire evacuation are not being 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.⁸⁸

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

When a licensee or manager commits three holding offences 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.⁸⁹

86 ss.280, 283 and 284.

87 s.285.

88 s.286.

89 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 provide legal advice.

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 to allow an intoxicated person or a minor (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.

Section 3, Summary Offences Act 1981

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 people or property to start or continue."

Section 2, Crimes Act 1961

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 9, Summary Offences Act 1981

"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 196, Crimes Act 1961

"Every person is liable to imprisonment for a term not exceeding 1 year who assaults any other person."

Section 5 of the Trespass Act 1980

Issuing a trespass notice

Licensees and managers have the ability to issue trespass notices ('Blueys') to troublesome customers to bar them from the premises. The trespass notice remains in force for 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.

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 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.

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

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 with the

premises. This is so that at a later date that person can be contacted by Police should it be 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 Police.

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

It is advisable that no one representing the licensee (including security staff) should physically attempt to remove the trespasser. Instead 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 in attempt to identify the person.

Record the incident in the **Incident Log**. The person may be identified later and still be trespassed.

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 Fire and Emergency New Zealand.
- 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.
- Laboratory fume cupboards.
- Any building requires a compliance schedule if the building has a cable car attached to it, or servicing it.

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

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 [building.govt.nz](http://www.building.govt.nz) (<http://www.building.govt.nz>).

Health and Safety at Work Act 2015

Health and safety is about looking out for one another; it's about making sure that people go home from work healthy and safe. It's not just good for business; it's the right thing to do.

A guiding principle of the Health and Safety at Work Act 2015 (HSWA) is that workers and other people should be given the highest level of protection against harm to their health, safety and welfare from work risks that is reasonably practicable.

HSWA ensures that everyone has a role to play and makes everyone's responsibilities clear:

- Businesses have the primary responsibility for the health and safety of their workers and any other workers they influence or direct. They are also responsible for the health and safety of people at risk from the work of their business.
- Officers (company directors, partners, board members, chief executives) must do due diligence to make sure the

business understands and is meeting its health and safety responsibilities.

- Workers must take reasonable care for their own health and safety and that their actions don't adversely affect the health and safety of others. They must also follow any reasonable health and safety instruction given to them by the business and cooperate with any reasonable business policy or procedure relating to health and safety in the workplace.
- Other people who come into the workplace, such as visitors or customers, also have some health and safety duties to ensure that their actions don't adversely affect the health and safety of others.

For further information about the Health and Safety at Work Act 2015 refer to [worksafe.govt.nz/](https://www.worksafe.govt.nz/) [worksafe/hswa](https://www.worksafe.govt.nz/hswa) or phone 0800 030 040.

Fire and Emergency New Zealand Act 2017

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

A building owner must ensure the building complies with the Fire and Emergency New Zealand Act 2017 and the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018. Some buildings require an approved evacuation scheme instead of an evacuation procedure. Fire and Emergency New Zealand 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 75 of the Fire and Emergency New Zealand Act 2017.

Buildings requiring an approved evacuation scheme include those that:

- are used for gatherings, for any purpose, of 100 or more people
- provide employment facilities for 10 or more people
- provide accommodation for more than five people (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 premises' evacuation scheme needs to be approved by Fire and Emergency New Zealand or if you need more information about the Fire and Emergency New Zealand Act 2017, go to [fireandemergency.nz](http://www.fireandemergency.nz) (<http://www.fireandemergency.nz>).

Food Act 2014

Food premises are subject to registration under the Food Act 2014. This includes on- and club-licensed premises, and some special licensed premises that are required by the Sale and Supply of Alcohol Act to make a reasonable range of food available for sale to their customers. In accordance with the Food Act, operators must be registered to sell food.

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 safety requirements and procedures that are in your Food Control Plan 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 Food Control Plans.

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 or <https://www.mpi.govt.nz/food-business/food-act-2014/>.

Resource Management Act 1991

The Resource Management Act 1991 (RMA) 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 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. The Sale and Supply of Alcohol Act 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 RMA. For example, a restaurant changing to a tavern-type operation may not comply with the district plan even though 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 the 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.

Noise control

The noise control provisions of the RMA 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 people being affected by it eg, loud stereo or band music, or a person or group of people.

The RMA 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 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

In workplaces and certain public spaces (including licensed premises, restaurants, casinos and gaming machine venues) smoking may occur only in 'open areas'. Smoking may not occur in spaces that are substantially or completely enclosed (an 'internal area'). 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 part of the premises that is substantially or completely enclosed. These steps include, but are not limited to, the removal of ashtrays, placement of Smokefree signage, and staff training on how to approach patrons who are smoking in an internal area. The Smokefree Environments 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 for licensees who do not take all reasonably practicable steps to stop smoking occurring in internal areas.

See [health.govt.nz](http://www.health.govt.nz) (<http://www.health.govt.nz>) for further information on determining whether an area is open or internal is available from Manatū Hauora (Ministry of Health).

Safety tips

Recording incidents

An incident log should be maintained on the premises. This can be found in your Licensed Premises Toolkit. The manager should check the log before starting a shift and then record any important or unusual incidents to make other members of the management team aware of any issues or individuals they need to manage.

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, tank room, 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 make sure:

- you have a fire evacuation plan, fire extinguishers and a first aid kit
- there are signs showing LPG is present and cylinders are labelled
- you and your staff are trained to use LPG safely
- you have a safety data sheet for LPG from your supplier
- you or a member of your staff are specifically responsible for the safe management of the LPG you have.

Limits for LPG indoors

Cafés, bars or restaurants that occupy a standalone building or share one wall with an adjacent premises must not have more than 10 kg of LPG per 10 square metres of indoor floor area, up to a maximum of 100 kg. In all other cases, a maximum of 20 kg of LPG can be located indoors irrespective of the floor area ie, two 9 kg cylinders. If you have more than 50 kg 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 at Work Act 2015.

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 250 kg. Your supplier will tell you what is needed. Any cylinder over 13 kg must be securely held in place with chains and/or brackets.

Facilities with more than 100 kg

If your café, restaurant or bar has more than 100 kg 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 100 kg and 300 kg 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 300 kg 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 100 kg 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 Fire and Emergency New Zealand.
- Do not reuse any defective cylinder or appliance until it has been tested and declared safe.

In the event of fire

- Dial 111 for Fire and Emergency New Zealand 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 100 kg.
- If you have between 100 kg and 300 kg, 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](http://www.epa.govt.nz) (www.epa.govt.nz).

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.

All collapsed patients should be carefully assessed to decide what emergency care is necessary. The 'DRSABCD' of resuscitation is the method used for the assessment:

- D Dangers** – check for any danger to you, the patient or bystanders and make the area safe.
- R Response** – check for response by asking a simple question and grasp/squeeze the shoulders.
- S Send for help** – call for an ambulance or send someone else to call.
- A Airway** – open the airway by tilting the head back and lifting the chin.
- B Breathing** – check normal breathing.

C CPR – perform chest compressions and breaths.

D Defib – apply an AED (Automated Electronic Defibrillator) if available.

Chest compressions are the most important part of CPR – if for any reason you cannot give breaths to a patient, you should still perform chest compressions.

Once CPR is started, continue until the ambulance arrives and the paramedics advise you what to do.

Key points to remember:

- Call 111 for an ambulance as soon as possible.
- Push hard and fast on the chest.
- Chest compressions are the most important part of CPR.

Continue CPR until:

- The patient recovers.
- The ambulance officers take over.
- A medical professional advises you to stop.
- You are unable to continue, usually due to exhaustion.

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 the 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.
 - 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.
3. 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 they are breathless; lie them down if they are 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 they are unconscious, use the recovery position and call an ambulance.
- If the person vomits, ensure a clear airway.
- If they are conscious, make the person comfortable and call an ambulance.
- Do not leave them alone.

For further information in relation to any of the situations above, go to [stjohn.org.nz/First-Aid/First-Aid-Library](http://www.stjohn.org.nz/First-Aid/First-Aid-Library) (<http://www.stjohn.org.nz/First-Aid/First-Aid-Library>).

Health Promotion, Health New Zealand – Te Whatu Ora

Email: enquiries@hpa.org.nz

For help contact the
Alcohol Drug Helpline on **0800 787 797**

To order resources visit resources.alcohol.org.nz