

Christchurch Tri-Agency Newsletter

April 2014

This newsletter is jointly produced by the Christchurch City Council Alcohol Licensing Team, the Police Alcohol Strategy and Enforcement Team, and Community and Public Health Alcohol Licensing Officers.

Licensees

Please ensure this newsletter is circulated to all staff, especially Duty Managers.

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1. Have You Visited The Christchurch City Council Alcohol Licensing Web Site?

www.ccc.govt.nz/alcohol

From this web site you can access the following:

- Types of alcohol licences
- Applying for an alcohol licence
- Application forms
- Managers Certificates
- Objecting to the granting of an alcohol licence
- Host Responsibility
- Alcohol bans
- Supplying food
- Frequently Asked questions
- Alcohol licence public notifications
- Christchurch Tri-Agency Newsletters
- Contact us

Paul Spang, Alcohol Licensing Inspector

2. Recent Under Age Controlled Purchase Operations

Since the last newsletter in October 2013 two under age controlled purchase operations were conducted in Christchurch and Banks Peninsula testing On, Off and Club premises.

On the 13 December 2013, 20 licensed premises were visited resulting in 2 on-licence sales to minors. On the 7 March 2013, 17 licensed premises were visited resulting in 4 on-licence sales to a minor.

A very disappointing result considering all the seller had to do was ask for I.D.

All the Licensees and Duty Managers involved are well aware of the legislation and the reasons for it. The volunteers used are clearly under 18 years of age, and there is a well understood industry led standard that requires anyone looking under 25 years to be checked for ID.

All sales resulted in the breaches being referred to the District Court and/or the Alcohol Regulatory Licensing Authority.

Congratulations to those premises that were tested and passed. They have been notified in writing.

Please, take this opportunity to remind all staff, and ensure you have systems in place to prevent sales to minors and other unauthorised persons.

Please remember that the only approved forms of ID are:

- New Zealand Drivers Licence
- New Zealand or overseas passport
- Hanz 18+ Card

Remember: No ID No Sale.

Sergeant Kelvin Giddens, Police Alcohol Team

3. Food Availability Requirements

The expectations of the monitoring agencies are:

- Food **must** be available and promoted throughout on licence and club licensed premises at all times that liquor is available. This is just as important at the end of business as the start.
- Unless the premises are set up and operate as a restaurant, menus (including price) should be large and clear rather than reliance of table top or bar top menus.

The Liquor Licensing Authority considered food availability in the “Waipapakauri Hotel” decision PH371-271/2010. The following is an extract from that decision:

[7] The Authority considers that the expression “must be conveniently available” means that the food must be available upon request and within a very short period of time.

[8] For patrons to wait for 15 or 20 minutes for food does not achieve the object of the legislation as set out in s.4 of the Act. The purpose of requiring food to be available is so that persons can eat and therefore reduce alcohol abuse. If persons are required to wait for some 15 to 20 minutes the chances are that they will proceed to have another drink.

It is clear from this decision that in respect of on licence premises, other than restaurants, food must be available almost immediately. This would preclude premises from relying totally on outsourced food although that remains available as an additional option to the food that is immediately available.

Controlled purchase operations to ensure compliance are being conducted. This will involve patrons requesting food. If it is revealed that food availability does not meet the required standard, an application for the suspension of both the on licence and general manager’s certificate is the likely consequence.

Peter Shaw, CDHB

4. Christchurch Alcohol Accord

The alcohol accord is a conduit where those operating licensed premises can talk with the regulatory agencies, other support agencies and each other in an informal setting to resolve issues and develop strategies to address concerns that they jointly face.

To that end we have started a round of breakfast meetings for premises in strategic areas to come together and discuss their own unique problems (every area is different so the problems they face may be different).

The purpose of the Accord is primarily to support licensees in light of the changes to the new Act. Times are changing. The new Act requires that we all look at addressing alcohol issues to a far greater extent than what previously occurred.

Licensees need to be aware of what has changed and how they will be affected by those changes. They also need to be seen to be proactive. As an example, a recent decision of the Authority clearly stated it is not for objectors to prove how they may be adversely affected by a licensed premises, it is up to the licensee to show how they will not negatively affect the locality.

Communication and working towards solutions may be the key to retaining a viable business and is the core purpose of the Accord.

Feel free to call me if you want to know more.

Martin Ferguson, Senior Alcohol Licensing Inspector

5. Staff Training

Staff training is the key to operating a successful business, especially in overcoming the risks involved in a heavily regulated environment.

The three regulatory agencies combine to provide a staff training package that covers legislative requirements, licence conditions and the expectations of the agencies. These sessions are provided without charge.

Contact Peter Shaw, Community and Public Health to arrange training for your staff.
CPHLiquorLicences@cdhb.govt.nz

Peter Shaw, CDHB

6. Management Of Licensed Premises

When alcohol is being sold or supplied to the public on licensed premises there must be a duty manager on duty at all times and this manager must also be correctly appointed. When a licence is issued or renewed we often recommend in our inspector's reports what we consider to be appropriate number of duty managers are for the premises, considering the type of licence and the hours of operation. It is important that you have adequate staff coverage for all shifts.

If you are the duty manager it is your job to make sure the premises comply with the Sale and Supply of Alcohol Act 2012 and the conditions of the alcohol licence. This means a manager on duty on any licensed premises is responsible for the compliance with and enforcement of:

- The provisions of this Act AND;
- The conditions of the licence in force for premises AND;
- The conduct of the premises with the aim of contributing to the reduction of alcohol-related harm.

When monitoring premises we check that a correctly appointed manager is on the premises and their name is displayed.

An Acting Duty Manager should be appointed when the certified Duty Manager is unable to act through illness or absence and appropriate signage displayed.

Where an acting duty manager is appointed for less than a 48 hour period, the requirement to notify the agencies does not apply, however the acting duty manager's name is still required to be displayed.

The Section 231 notification form covers all appointments/terminations and is found on our website under forms as "notice of management change".

If you do not understand or are confused about the types of manager appointments please look at the definitions on our webpage or ring and ask a member of Licensing Staff.

Failure to correctly notify management changes can incur a fine of up to \$5,000.

Commonly we find:

Staff who have completed a Licence Controller Qualification course (LCQ), but have not applied for a Manager's Certificate, or been appointed as a Temporary Manager, working as a duty manager.

Temporary Managers who have not applied for a Manager's Certificate within 2 working days of their appointment.

Acting Managers have exceeded their maximum appointment time. (3 weeks at any one time and 6 weeks in any one year).

Notifications (pursuant to s.231) have not been made to the required Agencies.

The Temporary or Acting Managers name is not displayed.

The Temporary or Acting Manager was unaware of their appointment and responsibilities.

The Duty Manager has briefly left the premises for a short period (such as 5-10 minutes to go to the bank during the day or for an emergency) and no Acting Duty Manager has been appointed, yet there are experienced staff who could have been appointed.

Where an acting or temporary manager's appointment is invalid, any alcohol sales are unauthorised and could result in a fine not exceeding \$20,000, or, the suspension of the premises licence for a period not exceeding 7 days, or both.

Licensees need to be developing good practice **now**. From the 18 December 2013 the SSAA 2012 requires records of appointments to be kept by licensees for at least 2 years. Additionally the SSAA 2012 will allow the issues of Infringement notices (\$1000) surrounding failing to appoint managers correctly.

Licensee - Keeping a record of managers

As the Licensee you are required under Section 24 of the Sale and Supply of Alcohol Act Regulations 2013 to keep a record of information for each manager (full managers, acting managers, and temporary managers) at your premises.

Hospitality NZ have produced a managers register book. For further information please contact Amy McLellan-Minty on 0274-501-948.

The record must be kept by you, as the licensee, for at least two years.

This requirement is in addition to any notice of management change you send into the Alcohol Licensing Team and the Police (under section 231 of the Act).

The Licensing Inspector or the Police may at any time request to sight the record of managers. **To assist with this we suggest you keep the record as a log book.**

Under the 2013 Regulations the following information must be recorded for each and every type of manager at your premises (this table can be found on our webpage under information for Managers (“Licensee – Keeping a Record of Managers”)) :

<p>Full Manager Full name Date of birth, and sex GM Certificate number and expiry date <i>Details of appointment/cancellation/termination</i></p> <ul style="list-style-type: none">• Date of appointment at premises• Date of termination• Date of notification of appointment to the DLC• Date of notification of appointment to the Police
<p>Acting Manager (including those appointed to be in the role for less than 48 hours) Full name Date of birth, and sex If one held, the GM Certificate number and expiry date <i>Details of appointment and ceasing of acting role</i></p> <ul style="list-style-type: none">• Each date of appointment at premises• Date each acting appointment ceased• Date of notification of appointment (if for more than 48 hours) to the DLC• Date of notification of appointment (if for more than 48 hours) to the Police <p><i>Details of Manager being replaced by acting appointment</i></p> <ul style="list-style-type: none">• Full name• Reasons for manager’s absence
<p>Temporary Manager Full name Date of birth, and sex Date application made for GM Certificate <i>Details of appointment/cancellation/termination</i></p> <ul style="list-style-type: none">• Each date of appointment at premises• Date each temporary appointment ceased• Date of notification of appointment (if for more than 48 hours) to the DLC• Date of notification of appointment (if for more than 48 hours) to the Police <p><i>Details of Manager being replaced by acting appointment</i></p> <ul style="list-style-type: none">• Reason for appointment as Temporary Manager• If reason was because of the dismissal or resignation of another manager<ul style="list-style-type: none">○ Give that managers full name

Allison Houston, Alcohol Licensing Inspector

7. Trading Hours Over Easter and Anzac Day (The Sacrosanct Days)

Please note there is a change affecting all on-licensed premises.

Previously Hotels & Taverns were the only premises that were restricted to selling alcohol to persons currently on the premises or to persons present for the purpose of dining.

Now **ALL** premises holding an **On License** can only sell liquor to persons present on the premises to dine.

This year Good Friday falls on 18th April, Easter Sunday on 20th April and Anzac day is on Friday 25 April. As a reminder:

1. Premises holding an Off-licence are not permitted to sell liquor on Good Friday, Easter Sunday, or before 1.00 pm on Anzac day.
2. All On-Licenses - No liquor is to be sold on Good Friday, Easter Sunday, or before 1.00 pm on Anzac day to any person other than those who are for the time being living on the premises or present on the premises for the purpose of dining.

Again for clarity, if you are functioning as a restaurant (providing meals) you may sell alcohol to a person as an accompaniment to their meal. Casual drinking is not permitted.

If any confusion remains discuss your plans with agency staff.

Martin Ferguson, Senior Alcohol Licensing Inspector.

8. Is your Outdoor Area Licensed?

An on-licence authorises the holder of the licence to sell alcohol to anyone present on the premises for consumption **on that premises**. The area in which liquor may be consumed for each premises is specified on a plan provided by the applicant at the time the licence is first issued and is held on the licensed premises file. The licensee should also retain a copy of this plan.

This means legislation does not allow for licensed premises in close proximity to each other to have communal drinking areas, or for patrons to migrate between different premises while consuming alcohol. Alcohol purchased for consumption on any specific premises must be consumed on that premises.

Unfortunately monitoring visits have identified premises where some outdoor areas are not identified as part of the licensed premises in accordance with the supplied plans.

This is considered an unauthorised sale (section 247 of the Act) and if convicted of this offence the result could be a fine not exceeding \$20,000, or the suspension of the licence for a period not exceeding 7 days, or both.

Outdoor areas should be clearly defined so patrons and staff know where alcohol can be consumed legally.

If you have any query regarding an outdoor area please contact our office.

Jenn Davison, Alcohol Licensing Inspector.

9. Updating Your Host Responsibility Policy

With all licence renewal applications we are double checking all existing Host Responsibility Policies held for a premises licence to ensure they are consistent with the new requirements of the Sale and Supply of Alcohol Act 2012 (and also now referring to the correct Act!).

Host responsibility means creating a responsible and safe drinking environment and looking out for your customers while they are on the premises, and also as they are leaving.

The Christchurch City Council is serious about ensuring all licensee's have good host responsibility policies in place, keeping customers safe, and are providing regular ongoing training for staff. Now is a

good time to be reviewing and updating your policies. We also encourage you to have a one page form of your policy on display in the premises for your customer's information.

You must satisfy the reporting Agencies that you have practical measures in place to prevent problems with intoxication, unruly behaviour and minors.

With the 2012 Act responsibilities and compliance are clearer around the supply of alcohol to those on your premises - minors, management of intoxicated persons, and the responsible promotion of alcohol, safe transport; and in relation to management of amenity and good order in the surrounding area of your premises, including the management of noise from the premises. You will see when your licence issued or renewed that these expectations are clearly stated in the licence conditions.

Water

You will notice one new condition appearing on your licences on renewal is the new mandatory condition that water must be freely available at a specified location on the premises while the premises are open for business. The Agencies are placing high importance on checking water is freely available when we are out monitoring. We also have new signage available "Water available here" which we can provide.

Food

You must have an appropriate selection of food available on the premises at all times that alcohol is for sale. Again we provide guidance on this on our web page in the "Host Responsibility Guidelines". You should also be familiar with the information provided in the Sale and Supply of Alcohol Act Regulations 2013.

Alcohol Promotions

If you are reviewing your Host Responsibility Policies check out the guidelines that can be found on our webpage "Host Responsibility Guidelines", and also the information about Alcohol Promotions which has a link to the National Protocol on Alcohol Promotions - from the Alcohol Advisory Council of NZ. This provides information on acceptable and unacceptable (and irresponsible) forms of promotion of alcohol by premises.

Again when we are out monitoring we will be asking you about what promotions you have and also checking how you are advertising these outside and in the premises, this includes the length of happy hours and the types of offers and discounts given on alcohol.

Allison Houston, Alcohol Licensing Inspector.

10. Special Licence Applications

With The Sale And Supply of Alcohol Act 2012 now fully in force there are changes which relate to how we deal with special licence applications. The three main changes are:

1. The Medical Officer of Health must now also report on Special Licence applications.
2. Amenity and good order must now be considered.
3. The District Licensing Committee now considers all unopposed or opposed applications.

The new object of the Act requires greater regard to the amenity and good order of the environment. For clarity this means - will the granting of this application make the area less pleasant and agreeable than if the licence was not issued? In short this now means you need to get your applications in as early as possible, at least 20 working days before the event. Realistically an opposed application could require a hearing and take upwards of five weeks to determine.

You also need to complete the application in full and put as much detail in the application as possible so that your application can be considered in the best light. This includes an updated plan showing the area you wish to be licensed. A lack of information may see it being opposed or simply returned.

Martin Ferguson, Senior Alcohol Licensing Inspector.

11. Aggravated Robberies – Vigilance Required

On Saturday night (5 April), just after closing time, two men armed with firearms robbed the Brickworks Restaurant and Bar on Centaurus Road, Christchurch.

Police have noticed a disturbing trend in aggravated robberies at licensed premises in the city over the past six months. In each case the premises have been targeted at or just after closing time.

Police are urging licensees to be vigilant and observant about the security of their business around closing time and we encourage all licensees to review their closing time procedures:

- Ensure all doors/windows are secured as soon as the premises is closed.
- Staff drinks after closing increase the risk of being robbed - don't make it obvious people are still on the premises.
- Safe cash management procedures reduce the opportunity for robbery.
- Pay extra attention to people loitering in the vicinity near closing time - don't hesitate to call Police and report any suspicious people or activity.
- Make sure your staff are educated in keeping themselves safe.

Please click on the link below to read our 'Business Crime Prevention' information. In particular refer to these sections - 'Working irregular hours', 'Robbery' (tips on what staff should do), 'Cash management'.

<http://www.police.govt.nz/sites/default/files/publications/business-crime-prevention.pdf>

For more information or advice please contact Sergeant Kelvin Giddens, ph. (03) 372 5782.

Sergeant Kelvin Giddens, Police Alcohol Team

12. Health Licensing Team Update

Important Reminders for Food Safety

Operators who have safe food practices can be confident that the food they sell will be safe for their customers. Having good food safety systems would help minimise food complaints. Safe food practices include:

- Use safe source of food or food ingredients.
- Safe temperature of food either cold (5°C) or hot holding (60°C or hotter).
- Food is cooked properly (75°C or hotter), especially foods such as meat, poultry, and pork.
- Proper handling of food to prevent cross-contamination from the environment (for example, common work areas or common utensils).
- Proper hand washing so food handlers know how to prevent contamination . Food handlers who may be sick with vomiting or diarrhoea should not be handling food.
- Keep your kitchen clean, use clean equipment and have a personal hygiene policy in place will help you produce safe food which is all important to prevent food poisoning; as harmful bacteria can build up on equipment, surfaces, chopping boards, crockery, utensils, switches, door handles, taps and other areas that you and food can come into contact with.
- Keep your kitchen in good state of repair as defective and poorly maintained equipment, fixtures and fittings can result in the physical contamination of food.
- Keep pests (for example, flies, mice, ants,) out of your premises; pests contaminate food with harmful bacteria and cause serious damage to stock and the structure of the premises. Uncontrolled pest issue will mean that premise is closed down and prosecuted.

Food Control Plans

The Food Control Plan (FCP) for the Food Service and Catering businesses are currently available for those wanting to implement a food safety programme in their food service business. At this stage we are able to provide some assistance and so businesses choosing to implement this FCP are able to take advantage of the support we can offer.

We advise keeping in touch with our Health Licensing team as legislation relating to food is expected to change and this is likely to affect food premises in the Food Service and Catering industry particularly premises holding liquor licences.

For further information regarding this FCP, please contact Environmental Health Officer in the Health Licensing team at HealthLicensing@ccc.govt.nz or phone 941 8999.

Rowena Yee, Food Act Officer, Health Licensing

13. Training Provider With Tri-Agency Input

Christchurch Polytechnic Institute of Technology – Phone 940-8000
Pinnacle Hospitality Training - 0277-594-428

14. Contact Telephone Numbers

- **Christchurch Alcohol Licensing Team**
Fiona Proudfoot (Team Leader & Chief Inspector) – Phone 941- 5064
Martin Ferguson (Senior Inspector) - 941-8956
Paul Spang (Inspector) – Phone 941-8826
Jenn Davison (Inspector) – Phone 941-8828
Allison Houston (Inspector) – Phone 941-8821
Natashia Lafituanai – Phone 941- 8827
Karin Bathgate – Phone 941-5470
Gina Moore – Phone 941-8068
Fax – 941-5033
 - **Community and Public Health**
Paul Tweed – Phone 378-6771
Peter Shaw – Phone 378-6812
 - **New Zealand Police Alcohol Licensing** - Phone 372-5784
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Regards

Christchurch City Council Liquor Licensing Team, Police Alcohol Strategy and Enforcement Team and Community and Public Health Alcohol Licensing

PLEASE CIRCULATE THIS TO ALL YOUR STAFF- ESPECIALLY DUTY MANAGERS - AND/OR PLACE ON YOUR NOTICE BOARD