

**CHRISTCHURCH TRI-AGENCY
NEWSLETTER**

May 2011

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

Licensees.

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

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1. Tri-agency Team Condolences.

The Christchurch City Council Liquor Licensing Team, Police Alcohol Strategy and Enforcement Team and Community & Public Health Liquor Licensing Officers offer our sincere condolences to everyone affected by the February Earthquake. If you have any questions regarding the status of your liquor licence or General Managers Certificate please don't hesitate to contact the Christchurch City Council Liquor Licensing Team who are temporarily based at the Upper Riccarton Library located at 71 Main South Road Christchurch.

2. Final Paper Mail-Out Of The Tri-Agency Newsletter.

To assist in reducing the amount of paper we use, this will be the last paper copy of the Tri-Agency newsletter that will be posted to you. In future the newsletter can be found on the Christchurch City Council website (past issues have been on the website for sometime):

<http://www.ccc.govt.nz/business/licencesconsents/liquorlicences/christchurchdistrictlicensingagencynewsletter.aspx>

For those who wish to have the newsletter emailed to them please email the address below with your details: Liquor.Licensing@ccc.govt.nz

Paul Rogers, Team Leader Liquor Licensing.

3. Availability of Low Alcohol beverages (under 2.5% alcohol)

A standard condition of On and Club licences is:

"The licensee must have available for consumption on the premises, at all times when the premises are open for the sale of liquor, a reasonable range of non-alcoholic refreshments and low-alcohol beverages."

In short: If you haven't got low alcohol beverages available – you can't sell any liquor.

Recent monitoring and licence renewal visits to premises are highlighting an increasing number of premises that are failing to ensure that low alcohol beverages are available.

Please ensure all staff are aware that failure to comply with any licence condition means that any liquor sold during the breach is an unauthorised sale (s 165) which can result in fines and/or suspensions for the Duty manager and the premises licence.

Peter Shaw, CDHB.

4. Recent Controlled Purchase Operation.

Christchurch liquor control agencies have serious concerns over the number of licensed premises that sold alcohol to minors during a recent Controlled Purchase Operation.

On Saturday 5 February 2011 Christchurch Police, assisted by Christchurch City Licensing Inspectors and staff from Community & Public Health, carried out controlled purchase operations throughout Christchurch and Banks Peninsula visiting On, Off and Club premises

While 24 premises refused service to the volunteers (aged between 15 and 17 years), five premises sold them liquor.

Of the five premises that sold, two were tavern-style on-licences, one was a bottle store attached to a hotel, one was a convenience store and one was a stand-alone bottle store.

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 the cases will be referred to the District Court and/or Liquor Licensing Authority.

Congratulations to the premises that were tested and didn't sell. They have been advised 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.

Sergeant Alastair Lawn.

5. Rugby World Cup.

This is going to be an important year for the Liquor Licensing Industry with the Rugby World Cup (RWC).

Firstly there are a number of you who will be looking towards the Cup and looking at the opportunities it could present. It is the view of Liquor Licensing that most if not all situations could be accommodated under a Special Licence under the Sale of Liquor Act. I would ask that if you are considering applying for a Special Licence that you do so in plenty of time. By that I mean at the latest 20 working days before the start of the RWC event as the Liquor Licensing Team will be strictly applying the 20 working days as set out in the Council Alcohol Policy.

You will have heard of the Rugby World Cup 2011 (Empowering) Act 2010 which has a special procedure for applying for RWC liquor licenses, (also resource consents), but there needs to be a connection to the RWC. The fees for these applications will be substantially more than an application for an On or Off licence.

There is also the Major Events Management Act (MEMA) 2007 which concerns the protection given to events which are designated major events under that Act. The RWC has been designated a major event under this Act. If you require advice on how this may affect you I suggest you Google: Major Events Management Rugby World Cup. You can then go to the following site:

www.rugbyworldcup.com/mm/Document/.../MEMAGuide_10232.pdf

Paul Rogers, Team Leader Liquor Licensing.

6. Sales Of Sprints Otherwise Than In A Glass. (s.169 Sale of Liquor Act)

Recently we have found a number of premises where spirits/spirituous liquor has been sold, for consumption on the premises, in vessels with a capacity greater than 500ml. Common vessels include 'tea-pots' and jugs, with beverages such as Soju, Pimms and Margaritas. Currently any beverage containing a distilled product is classified as a spirit/spirituous liquor and comes under this provision. If you wish to sell or supply cocktails, mixers etc in a jug/tea-pot, you must ensure the capacity of the vessel is less than 500ml. Stating that a vessel is for 4 or more persons to share does not negate this provision, the offence is the sale/supply in a vessel greater than 500ml.

Fiona Proudfoot, DLA Staff.

7. New Security Legislation Came Into Force On the 1st April 2011.

The Private Security Personnel And Private Investigators Act 2010 came into force on the 1st April 2011. I recommend licensed premises that employ security staff become familiar with this new legislation.

The following web sites will assist:

www.justice.govt.nz/services/private-investigators-and-security-guards-licensing

www.justice.govt.nz/tribunals/private-security-personnel-licensing-authority/commonly-asked-questions

It is important to note that premises that have achieved Security Providers Accreditation will also need to comply with this new legislation.

Paul Spang, DLA Staff.

8. Taverns And Hotels Trading On The Sacrosanct Days.

There are three and a half days each year when there are restrictions on how **Taverns and Hotels** can sell liquor – the days being Good Friday, Easter Sunday, Anzac day morning and Xmas day. On these days liquor may only be sold to persons present for the purpose of dining.

So what does for the purpose of dining mean?

Hotels and Taverns can not operate business as usual, however if they operate as a restaurant they may remain open to sell meals and supply liquor with that meal. The intent of legislation was to restrict the sale of liquor on those days to liquor sold only as an accompaniment to a meal.

The Authority has clearly indicated this would normally mean a sit down meal with knife and forks. Background music is acceptable, however televised sport and any other entertainment not consistent with a restaurant and dining is pushing things. In our view this includes pokie machines.

Providing food and meals is not an excuse to remain open. The purpose is to open exclusively to cater for dining customers.

This past Good Friday Inspectors and Police visited a number of Hotels and Taverns in Christchurch. We located premises blatantly trading as normal, others were providing food as an excuse to remain open and some were making efforts to comply but clearly were confused over who could be present and under what conditions.

Warnings have been given this time, but no more.

Licensees and Duty Managers can incur a fine of up to \$20,000 and every person present can incur a fine of up to \$2000. A suspension or cancellation of the licence may also be sought.

If any confusion remains discuss your plans with agency staff.

Martin Ferguson, DLA Staff.

9. Club Licence Suspended For 7 Days.

In LLA decision PH 1137-1139/2010 liquor was sold when not authorised by a club licence to persons attending a 21st birthday party and a member of the public in the restaurant. A Club licence only authorises the sale of liquor to club members, accompanied guests of a member, or a member of another club with reciprocal visiting rights.

In the course of the hearing clarification was sought as to the meaning of the words “and is accompanied by, a member of the club”. The Authority confirmed that at the time of the sale or supply of liquor to a guest, that guest must be accompanied by a member. The guest must be in the members company so they can supervise and take responsibility for the guest’s behaviour.

The Club licence was suspended for 7 days because the Authority considered that the Club should have recognised the *Taradale Club Decision* as a strong warning to desist breaching s.165 of the Act (unauthorised sale or supply).

Paul Spang, DLA Staff.

10. Appointment Of Duty Managers.

During monitoring visits we are regularly encountering situations where licensees and managers are not fully aware of their responsibilities in regards to the valid appointment of Duty Managers. A Duty Manager is required to be ON DUTY at all times when liquor is being sold or supplied to the public on any licensed premises and is responsible for:

The compliance with and enforcement of -

- The provisions of the Act AND;
- The conditions of the licence in force in respect of the premises AND;
- The conduct of the premises with the aim of contributing to the reduction of liquor abuse

Notice of Management Change (s.130 Sale of Liquor Act 1989)

The licensee is required to give notice within 2 working days of the appointment of Temporary Managers, Acting Managers, new Certificate-holding Managers and terminations of the appointment of duty managers to the Liquor Licensing Authority, the District Licensing Authority and the Police Licensing Sergeant at the Police Station nearest the relevant licensed premises. The notification form covers all appointments/terminations and is found on our website under forms as 'notice of management change'.

Failure to notify changes carries a maximum penalty of a \$5,000 fine.

Temporary Managers (s.128 Sale of Liquor Act)

A temporary manager may be appointed by the licensee (the licence holder) if a Manager is ill, absent for any reason, dismissed, or resigns.

A temporary manager does not need to hold a Manager's Certificate at the time he/she is appointed, but must apply for a certificate within 2 working days after the appointment. If a certificate is not applied for within 2 working days, or if the appointment is refused by the Liquor Licensing Authority, then the licensee shall cease to employ the individual as a Duty Manager.

Acting Manager (s.129 Sale of Liquor Act)

An acting manager may be appointed by the licensee when the duty manager is unable to act because of illness or absence. The maximum length of such an appointments is 3 weeks at any one time and for a period not exceeding 6 weeks in any one year.

It is not necessary for an acting manager to apply for a Manager's Certificate.

Notification of appointment must be made (pursuant to s.130), unless the appointment of a temporary or acting manager does not exceed a period of 48 hours.

Commonly we find:

- Staff who have completed a Licence Controller Qualification course, but have not applied for a Manager's Certificate, or been appointed as a Temporary Manager working as a duty manager.
- Temporary Managers (in post for more than 48 hours) who have not applied for a Manager's Certificate within 2 working days of their appointment
- Acting Managers have exceeded their maximum appointment time
- Notifications (pursuant to s.130) 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.

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

Fiona Proudfoot, DLA Staff.

11. New Liquor Ban Area In Riccarton/Ilam.

A temporary alcohol ban in the Riccarton/Ilam area commences on the 19th May 2011. Information including a map should be available on the Christchurch City Council web site in the near future.

Paul Spang, DLA Staff.

12. Liquor Licensing Survey.

Further to us using less paper, Liquor Licensing are conducting an electronic survey of licensee's to see how we might improve our service to you. The survey will be on the Council's internet site: www.ccc.govt.nz – then click on Business/Licenses & consents/Liquor licensing/Related Topics and click the link to the survey. I ask you all too please complete the survey. There are 10 questions and they seek to find out how satisfied you are with the service of the Liquor Licensing Team.

Paul Rogers, Team Leader Liquor Licensing.

13. 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 the requirements of the Sale of Liquor Act 1989, licence conditions and the expectations of the agencies. These sessions are provided without charge.

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

Peter Shaw, CDHB.

14. Food Control Plan – Food Service Businesses And Caterers.

Are you serious about Food Safety in your business?

There are proposed changes to the legislation around regulation of food in New Zealand. The Food Safety Authority has designed a Food Control Plan (FCP), a new risk management tool. It encourages food operators to take direct responsibility for providing their customers with safe food by giving them a FCP that is intended to help them manage food safety in their business.

A FCP is a written programme designed to identify and control food safety risk factors (hazards). A FCP is a templated, ready-made set of procedures a food business operator uses to manage the food safety aspects of their business. There is a diary for recording activities such as purchases, wastage and maintenance. The food control plan identifies potential food safety risks at each point from receiving and storing goods to preparing, cooking and serving food. Step-by-step information and checklist style tools show staff how to manage those risks to protect customers.

Here are some advantages of having a Food Control Plan:

- Help to develop a positive food safety culture and is a great training tool.
- Includes a set of clear, straight-forward procedures.
- Gives a marketing edge and sets good business systems and rules for employees to follow.
- Provides a good record of staff performance and includes standards and consistency.

We are strongly encouraging food service businesses and caterers to adopt this Food Control Plan voluntarily to ease into the new system ahead of the rest and take advantage of the support we can provide. Currently the Food Control Plan kit is free along with DVD, posters, fridge magnet and digital probe thermometer.

Now available a new resource released by the Food Safety Authority, "Easy as Pie" DVD. It shows food businesses how simple it is to manage food safety with the help of a Food Control Plan. For more details please refer to page 5 at this website

http://foodsafety.govt.nz/elibrary/2010_11_Food_Connect.pdf Free copies of the "Easy as Pie" DVD can be obtained by phoning 0800 NZFSA1 (0800 693 721).

For further information please see websites:

<http://www.ccc.govt.nz/business/healthsafety/foodsafetyprogramme.aspx>;

<http://www.foodsafety.govt.nz/policy-law/food-bill/domestic-food-review/fcp/> (MAF Food Safety)

Businesses interested in adopting an FCP can get a copy and if you have any questions regarding Food Control Plans please contact Environmental Health Officer/Food Act Officer in Health Licensing Team at Health.Admin@ccc.govt.nz or Phone 941 8999

Rowena Yee, Food Act Officer, Health Licensing.

15. Noise Issues On Licensed Premises.

For some reason, (it could be the warmer weather) we have experienced an increase in the number of complaints regarding noise emanating from licensed premises.

The CCC received in total approximately 1,900 noise complaints last month.

Ongoing noise issues could ultimately effect your trading hours or even your ability to hold a licence. It is your responsibility as licensee to ensure your operation does not negatively affect your neighbours.

The Authority has stated “The escape of noise (particularly music) is an example of bad management. The Authority takes the view that if no attempt is made to prevent the escape of, or reduce noise, then it is the Authorities duty to monitor the hours of opening, if not the existence of the licence.”

They have also stated “Times change, communities and environments change. Social habits and levels of tolerance change. Any licensee takes a licence under the risk that conditions may change, and a report may recommend adjustment.”

Some tips to reduce noise;

- Turn the bass down (bass noise carries)
- Don't leave windows and doors open
- Face speakers into the building not towards windows and doors.
- Go outside periodically to check the level of escaping noise.

Martin Ferguson, DLA Staff.

16. Training Providers With Tri-agency Input.

Telephone

Avonmore Tertiary Academy 977-2700

Christchurch Polytechnic Institute of Technology 940-8000

Liquor Licensing & Training Christchurch Limited 383-4735

17. Contact Telephone Numbers. (please note - some temporary changes and shared phones)

Christchurch District Licensing Agency

Paul Rogers (Team Leader) 941-8821 Martin Ferguson (Senior Inspector) 941-8956

Paul Spang (Inspector) 027-242-7890 Fiona Proudfoot (Inspector) 027-479-7938

Natashia Lafituanai 941-8068 Maria White 941-8821

Michele Vincent 941-8068 Fax number 941-5033

Email: liquor.licensing@ccc.govt.nz

Web Site: www.ccc.govt.nz/business/licencesconsents/liquorlicences/index.aspx

Community and Public Health Paul Tweed 027-212-7383

(Medical Officer of Health) Peter Shaw 027-212-7382

New Zealand Police Liquor Licensing 378-0430

Regards

Christchurch City Council Liquor Licensing Team

Police Alcohol Strategy and Enforcement Team

Community and Public Health Liquor Licensing

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