



On-licensed premises toolkit



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Disclaimer

The information contained in this Toolkit is intended as a general guide. While reasonable measures have been taken to ensure that the information is current and accurate as at September 2023, Health Promotion, Health New Zealand – Te Whatu Ora cannot accept any liability for any inaccuracy, omission or deficiency in relation to the information. It is not legal advice and you should not rely on anything contained in this Toolkit in any legal proceedings. The information provided does not replace or alter the laws of New Zealand, and you should consult the legislation and obtain your own legal and professional advice as appropriate. Health Promotion will not accept liability for any action taken in reliance on anything contained in this Toolkit.

Introduction

The purpose of this toolkit is to:

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

How to use this toolkit

- The toolkit is a living document, designed to capture and contain up-to-date information about your premises. We suggest that you:
- familiarise yourself with this toolkit and its contents
- insert documents relating to your premises where prompted
- print off extra copies of blank templates (e.g. trespass notices and ID noting forms) from resources.alcohol.org.nz and add to the toolkit as required
- update registers and documentation as necessary
- follow the links to further resources that will assist in the running of your premises
- contact your local regulatory agencies for help with policies, plans and procedures.

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

The toolkit was piloted by the Safe Hutt Valley Alcohol Harm Minimisation Group, based on a similar resource being used successfully in Victoria, Australia.

Ongoing demand has led to the development of this toolkit, now available to all on-licensed premises in New Zealand.

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

Legislation

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

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

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

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

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

Regulatory agencies

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

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

All alcohol licence applications and renewals are investigated by:

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

Alcohol Regulatory and Licensing Authority

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

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

District Licensing Committees

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

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

Licensing Inspectors

Licensing Inspectors are appointed by local councils. The Inspector looks into the suitability of all licence applicants and applicants for Manager's Certificates; the employment of certified managers; Host Responsibility practices; issues around operating hours; the proposed use; designation of the premises; and a wide range of environmental issues concerning the proposed business and premises. The Licensing Inspector reviews the reports filed by the Police and the Medical Officer of Health and files a report to the DLC. The Licensing Inspector monitors licensed premises and licensees' compliance with the Act, and has the authority to issue infringement notices; appear at hearings; and make appeals to ARLA.

NZ Police

Alcohol Harm Prevention Officers receive copies of all Manager's Certificate and licence applications. Applications are vetted similarly to those for Licensing Inspectors but include background checks for suitability of individuals, members of partnerships, and directors and shareholders of the applicant company. Police have the power of entry to any licensed premises at any reasonable time or at any time when they have reasonable grounds to believe an offence against

the Act is being committed; the ability to require the closure of a premises in some circumstances including cases of rioting, fighting or serious disorder; and the ability to issue an infringement notice to any person alleged to have committed an offence under the Act.

Medical Officer of Health

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

Monitoring and compliance checks

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

Your premises may also be visited by other inspectors or officers, including the:

- Environmental Health Officer
- NZ Fire Service Inspector
- Dangerous Goods Inspector
- WorkSafe Inspector
- Gaming Compliance Inspector
- Building Safety Officer.

Fire and Emergency New Zealand (FENZ)

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

Controlled Purchase Operations

Controlled Purchase Operations (CPOs) are a compliance and enforcement initiative targeting the sale and supply of alcohol to minors. The operation involves supervised volunteers (under 18 years of age) attempting to buy alcohol from licensed premises. CPOs can happen at any time. If an alcohol sale is made to a volunteer, the manager, licensee and staff member who sold the alcohol are liable to prosecution. As long as your staff are well trained and your processes for identifying minors are robust, you should not encounter any issues with a CPO.

Compliance checks can also be undertaken to check compliance with other legal requirements and licence conditions, including issues such as unauthorised customers (this relates to club licences only) and food availability. Ensure your processes are robust.

Māori Wardens

Māori Wardens have specific powers 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”. The licensee or any employee commits an offence if, after being warned, they supply alcohol to that person on that day.

Local alcohol policies

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

Hospitality New Zealand

Hospitality New Zealand is the largest industry organisation and the only one representing all segments of the hospitality industry. They support their members with free employment and legal advice through their Regional Managers and in-house lawyer, and advocate on their behalf at Government and local level. Hospitality New Zealand members enjoy a range of services and benefits including:

- 24/7 advisory service – their specialty areas are employment and alcohol licensing.
- advocacy service at both local and national levels
- industry insights and annual remuneration survey reports
- training Academy programme to upskill staff and managers.
- future Leaders Scholarship to help nurture and develop industry leaders
- facilitate industry functions to meet other industry colleagues at conference and branch events throughout the year
- provide access to exclusive member services to save time and smart member savings with a wide range of offerings.

For more information go to
www.hospitalitynz.org.nz

Alcohol Accords

An Alcohol Accord is a partnership to promote community safety through safer alcohol consumption. Members typically include Police, council, public health, representatives of on and off-licensed premises, Health New Zealand and other interested parties and organisations. Accords provide a proactive, non-regulatory way of bringing about safer streets, neighbourhoods and communities. The key objectives are to promote safe alcohol use and minimise alcohol-related harm. They can result in:

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

Contact your local Licensing Inspector for more information.



Insert the following documents:

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

PART A: Venue compliance

Licence and official documents

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

Section 57 of the Sale and Supply of Alcohol Act states:

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

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

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

For further information about licences, including applications and renewals, temporary authorities and special licences, contact your local Licensing Inspector.

If your licence is lost or damaged, you may contact the DLC Secretary to order a replacement.

Floor plan

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

Certified managers

A Manager's Certificate allows you to manage any licensed premises including an on-licence, off-licence, club licence or special licence, unless limited by the DLC or ARLA. When alcohol is being sold or supplied to the public on a licensed premises, there must be a manager on duty at all times.¹

Responsibility of the duty manager

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

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

The manager's full name must be prominently displayed inside the premises at all times while on duty. If the licensee is involved in managing the premises, they must hold a Manager's Certificate in their own right. No person under the age of 20 years can be appointed as a manager of a licensed premises.

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



Insert the following documents:

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

¹ With the exception of a club licence, where the Act states that a manager does not need to be on duty at all times. However, it is strongly recommended that there are measures in place to actively manage the premises at any time the club is operating. Other limited exceptions may also apply under the Act, including for BYO restaurants.

The qualification is made up of two NZQA unit standards:

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

For further information go to www.serviceiq.org.nz

Manager's Certificate applications

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

Appointment of acting managers and temporary managers

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

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

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

Notifying changes

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



Duty managers

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

Temporary managers

If you want to appoint a staff member as a duty manager and they do not hold a Manager's Certificate, you must complete the **Temporary Manager's** section of the form. If they do not lodge an application, the licensee must stop using them as a manager. If the application is refused, the licensee must terminate their appointment as manager effective within 5 working days.

Acting managers

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

Keeping records

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



Insert the following documents:

- Copies of Manager's Certificates and/or renewals
- Register of certified managers*
- Register of temporary and acting managers*
- Copies of any notifications of management change made under section 231 of the Act

*Template available

Renewal of a Manager's Certificate

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

Host Responsibility

Host Responsibility is a set of strategies to help create safer drinking environments. It aims to reduce intoxication and its associated harms by:

- empowering the server of alcohol as well as other appropriate staff to intervene appropriately
- creating an environment where intoxication is not tolerated.

Host Responsibility is based on six key concepts

A responsible host:

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

For further information visit resources.alcohol.org.nz

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

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

Dealing with intoxication

The Act prohibits any licensee or manager from:

- allowing an intoxicated person to enter the premises
- selling or supplying alcohol to an intoxicated person
- allowing a person to become intoxicated
- allowing an intoxicated person to be or remain on a licensed premises²
- allowing disorderly conduct on premises.

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

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

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

1. Build staff capacity to intervene confidently and expertly.
2. Build customer expectations of an intervention.
3. Create a culture of strong team communication.

For further information refer to the Manager's Guide, available online at resources.alcohol.org.nz

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

The **INTOXICATION ASSESSMENT TOOL** outlines a range of indicators within speech, coordination, appearance and behaviour that can indicate whether a customer is sober, influenced or intoxicated. This can be downloaded or ordered from resources.alcohol.org.nz.



Insert the following documents:

- Copy of your Host Responsibility Policy*
- Copy of your Host Responsibility Implementation Plan*
- Copy of your Alcohol Management Plan*
- Duty manager checklist for start of shift*

*Template available



Place of safety

Intoxicated individuals may be vulnerable targets as well as problematic offenders. Licensed premises must remove intoxicated customers from the premises or manage and supervise them in a 'place of safety' until they can be removed safely from the premises. The Act doesn't define 'place of safety' and licensees should seek advice from the regulatory agencies before designating part of their premises as a place of safety. The expectations of the Police are that it would be an area in which a person could not be served alcohol, and is supervised, and which is a stepping stone to leaving the premises. It is not a chill out zone where marginal customers can be placed until sober and then allowed back to the bar. 'Places of safety' should be a last resort option, not the first. Your aim is to prevent customers from becoming intoxicated.

Dealing with minors

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

A range of restrictions also relate to minors being on licensed premises. In some instances, a minor may consume alcohol supplied to them by their parent or legal guardian who is with them.³

Designated areas

On-licences for a hotel or tavern must have a designation for at least part of the premises to be a "restricted area". Other licensed premises may have all or part of the premises designated as a "restricted area" or a "supervised area", or may be undesignated.

Restricted area

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

Supervised area

- Most bars are designated as supervised. Persons under 18 may be present but only if accompanied by a parent or legal guardian.

Undesignated area

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



Insert the following documents:

- Identify the location of your 'place of safety'

³ 'Parent' means natural, adoptive or foster parent. 'Guardian' means a guardian under the Care of Children Act 2004. A guardian has all the duties, powers, rights and responsibilities that a parent has. A legal guardian is **NOT** just an older friend, coach or family member. It is a legal status and customers must provide proof of this relationship (ask for the legal documents that prove guardianship).

Quick reference chart

How and when minors may be on licensed premises

	Supervised	Restricted	Undesignated
Under 18 accompanied by parent or legal guardian	Yes	No	Yes
Under 18 unaccompanied	No	No	Yes

How and when a minor can purchase alcohol

	Supervised	Restricted	Undesignated
Under 18 accompanied by parent or legal guardian	No	No	No
Under 18 unaccompanied	No	No	No

Employment of minors

Staff position	Supervised	Restricted	Undesignated
Bar/alcohol service (any age under 18)	Yes	No	Yes
Entertainment	No, unless accompanied by a parent or legal guardian	No	Yes
Cleaning/food service/maintenance/removing equipment/stocktaking/checking cash ⁴	Yes	Yes	Yes

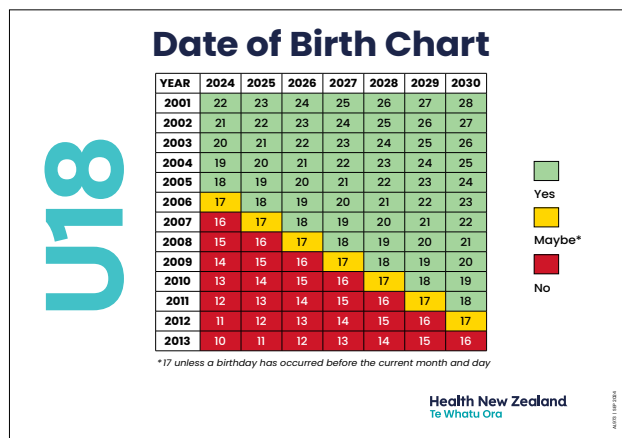
Proof of age

Staff are responsible for establishing proof of age and should ask for identification. The customer must prove they are old enough to buy alcohol or be on a licensed premises. With no proof of age, they should be denied entry and service. Many premises have a policy of asking for ID if a customer looks under 25 years of age. Ask for ID every time.

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

- New Zealand or overseas passport.
- New Zealand driver licence.
- 18+ card issued by Hospitality New Zealand.

⁴ Sections 242(3), 244(4)



Guide to checking ID

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

The biggest mistake bar 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 that date is under age. See **Date of Birth Chart** above.

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

1. Ask the person if they have another form of identification (in many instances a person will only have one form of fake ID and if they produce another form of ID it may help to verify their identity).
2. If the presented ID has a signature, invite the person who has presented the ID to sign a blank piece of paper and compare the signature to the one on the ID.
3. Record the details of the suspected fake ID and any other ID that may be produced in the **INCIDENT LOG**. Record the particulars of the person presenting the ID and their next-of-kin (home address and phone number[s]).
4. Tell the person who has presented the ID that it appears to be fraudulently presented and:
 - note their explanation
 - ask them if they are willing to wait until the Police are contacted to arrive to inspect the ID
 - refuse entry to your venue.
5. Wait with the person until Police arrive.

If the person will not wait for Police but agrees to abandon the ID, follow the steps below:

- Record the details of the ID in the INCIDENT LOG.
- Arrange to drop the ID to the Police Station or Alcohol Harm Prevention Officer.
- Insist the person obtains an authentic ID before any future entry into the venue and service will be considered.



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 the person
- make contact with other licensed premises in your area and alert them to the suspected fake or fraudulently presented ID and give them a description of the person
- record the circumstances and person's description and forward to 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:

- secure the ID (for handover to Police)
- record the time, date and circumstances surrounding the abandonment of the ID for the information of police and promptly deliver the ID to Police (Alcohol Harm Prevention Officer) for further enquiries.

Substantial food

A reasonable range of food must be made available at all times, at reasonable prices and within a reasonable period of time. Food on display, menus on tables and menu boards can help to ensure the food is actively promoted. A minimum of three substantial types of food should be available (and this does not mean three types of pie). For further information see the Manager's Guide, available online at resources.alcohol.org.nz, or contact your Licensing Inspector.

Free water

Water must be freely available at all times and all on-licences have to include a condition stating a place or places on the premises where it will be available to customers. It should be chilled, attractively presented and free of charge. A reasonable range of non-alcoholic drinks and low-alcohol drinks (those with 2.5% alcohol or less) must also be made available, at reasonable prices, at all times.



Alcohol promotions

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

It is an offence to:

- encourage excessive consumption of alcohol
- promote or advertise discounts on alcohol of 25% or more, anywhere that can be seen or heard from outside the licensed premises
- promote or advertise free alcohol (unless the promotion/advertisement cannot be seen or heard from outside the premises)
- offer goods, services, or prizes on condition that alcohol is bought (unless the offer is made on the premises about buying alcohol on the premises)
- promote alcohol in a way that has special appeal to minors.



Insert the following documents:

- Local transport information – taxi, bus, dial a driver etc.

Alcohol Advertising and Promotion Code

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

Alcohol advertising and promotions shall:

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

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

Advertising, promotions and sponsorship that are the subject of a complaint may breach these principles and may be referred to the Advertising Standards Complaints Board for a decision.

For further information on appropriate alcohol promotions, see 'National guidance on alcohol promotions' and 'National guidance on remote sales of alcohol' available at resources.alcohol.org.nz

Transport options

Accurate information about the forms of transport available must be readily accessible to customers at all times. Staff must also be readily accessible to provide this information. It is therefore important that you have this information collated, kept updated, and that staff are aware of transport options available in your area.



Staff training

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

You are required to have a staff training policy in place. This should be outlined in your **HOST RESPONSIBILITY IMPLEMENTATION PLAN**.

Complete the **STAFF TRAINING REGISTER** at the time staff training is completed. This information may be requested by the Police or a Licensing Inspector.

- no cost to you or your staff
- the ability for staff to access and complete the training when it suits them
- increased compliance with the Act.

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

ServeWise

ServeWise is a free e-learning tool for bar staff that provides a basic understanding of the Sale and Supply of Alcohol 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



Insert the following documents:

- Staff training register*
- Copies of staff training certificates

*Template available



Venue signage

Every holder of an on-licence must display a copy of the licence, showing the conditions, in the interior of the premises where it can be easily read by people entering the premises. The licensee is also required to display, at each principal entrance, a sign where it can be easily read on the exterior of the premises, showing the ordinary hours of business during which the premises are open for the sale of alcohol (or for the consumption of alcohol at a BYO endorsed restaurant).

In addition:

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

Incident recording

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

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

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



Signage to be displayed:

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

Insert the following documents:

- **Completed incident logs***

*Template available

Resources

**Alcohol will
not be served
to minors**

Health New Zealand
Te Whaitu Ora

ALCOHOL 18+ 2019

**Alcohol will
not be served
to anyone who
is intoxicated**

Health New Zealand
Te Whaitu Ora

ALCOHOL 18+ 2019

**No ID
No Service
No Exceptions**

Health New Zealand
Te Whaitu Ora

ALCOHOL 18+ 2019

**Alcohol will not
be sold or supplied
to anyone who
is intoxicated or
to minors**

Health New Zealand
Te Whaitu Ora

ALCOHOL 18+ 2019

THE LAW

Intoxication

Intoxicated people are not permitted on licensed premises. It is an offence to allow persons to become intoxicated here. It is an offence to serve an intoxicated person.

Intoxicated people will be required to leave.

Minors

A current NZ driver's licence, passport, Hospitality NZ 18+ card, or Kiwi Access card are the only types of ID that we can accept.

If you look under 25, you may need to prove your age.

It is a condition of our licence that **food, low and non alcohol drinks and free drinking water** are available at all times.

Please ask at the bar or counter.

Health New Zealand
Te Whaitu Ora

ALCOHOL 18+ 2019



Signage can be downloaded or ordered from resources.alcohol.org.nz

Penalties and fines

Serious penalties can be incurred for breaches of the Act. Licensees, managers and bar staff can all be prosecuted. It is essential

that all staff understand the requirements of the legislation, and its significance to their job.

Penalties and fines (maximums stated)			
Offence	Section	Licensee or manager	Bar staff
Irresponsible promotions	237	\$10,000. The licence may also be suspended for up to seven days	\$10,000
Sale of a banned alcohol product	238	\$20,000	\$20,000
Sale or supply of alcohol to minors	239	\$10,000. The licence may also be suspended for up to seven days.	\$2,000
Employment of a minor in a restricted area	242	\$2,000	
Allowing minors to be in a restricted or supervised area contrary to the Act	245	\$2,000	
Unauthorised sale or supply	247	\$20,000. The licence may also be suspended for up to seven days	
Sale or supply to an intoxicated person	248	\$10,000. The licence may also be suspended for up to seven days	\$2,000
Allowing a person to become intoxicated	249	\$10,000. The licence may also be suspended for up to seven days	
Being intoxicated on duty	250/251	\$4,000	\$2,000
Allowing intoxication on a licensed premises	252	\$5,000	
Allowing disorderly conduct on a licensed premises	253	\$10,000	
Sale of spirits in a vessel exceeding 500 ml	254	\$2,000	\$2,000
Allowing a person on licensed premises outside licensing hours	256	\$10,000	
Failure to comply with certain requirements or restrictions	259	\$5,000	
Sale of a prohibited alcohol product	259	\$5,000	
Failure to appoint a manager, have a manager on duty at all times, or to notify appointments and terminations	258, 259(1)(a)	\$5,000	
Refusal or failure to supply licence and assistance to Police	269	\$2,000	\$2,000
Refusal or failure to produce licence, documentation or to provide assistance or information to Police/Inspector	267 (5)	\$2,000	\$2,000



Infringement notices

Where a Licensing Inspector or Police Officer observes a person committing an infringement offence or has reasonable cause to believe that an infringement offence is being or has been committed by that person, they may issue an infringement notice to that person for an amount not exceeding \$1,000.

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

Infringement offences			
Offence	Section	Max fine	Infringement fee
Underage purchase	243	\$2,000	\$250
Underage presence in restricted, or supervised areas not accompanied by a parent or guardian	244	\$1,000	\$250
Permitting minors to be in restricted or supervised areas	245	\$2,000	\$250
Manager intoxicated on duty	250	\$4,000	\$500
Employee intoxicated on duty	251	\$2,000	\$500
Spirit sales in vessels over 500 ml	254	\$2,000	\$250
Offences relating to evidence of age documents	257	\$2,000	\$250
Failure to display duty manager's name	258(1)(b) and 214(3)		\$250
Failure to comply with certain requirements or restrictions	259	\$5,000	
Sale of a prohibited alcohol product	259	\$5,000	
Consumed/possessed or brought alcohol into an alcohol banned area	147 (Local Government Act 2002)		\$250

PART B – People safety

Amenity and good order

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

Amenity and good order are defined in the Act as “...the extent to which, and ways in which, the locality in which the premises concerned are situated...is pleasant and agreeable”. It has a physical, or tangible, component, which may include the character and appearance of a building; proximity to shopping facilities; provision of parking facilities, traffic density and movements; quality of infrastructure; absence of noise and disorder; and unsightliness or offensive odours. It may also incorporate intangible components such as psychological, social or moral components.

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

- current, and possible future, levels of noise, nuisance and vandalism
- the number of other licensed premises in the area
- compatibility with the current and future use of surrounding properties (other considerations also apply if the DLC’s opinion is that the amenity and good order is already badly affected by existing licences – see s105[1](i)).

On renewal applications the DLC must consider whether the amenity and good order would likely be increased by more than a minor extent by not renewing the licence, and must take into account current, and possible future, levels of noise, nuisance and vandalism.

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

Noise management

Noise is often identified as a nuisance in the local environment and is a frequent cause of complaints. A noise management plan may be required, for example where a venue has:

- live or loud music
- people spilling out into a residential neighbourhood
- received a noise complaint in the past year
- late operating hours
- a discretionary condition on the licence (local alcohol policy).

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

Being a good neighbour

Proactively manage your relationship with immediate neighbours by providing them with a contact number to call if there are issues requiring attention. Notify neighbours of planned events that might extend beyond normal trading hours and manage any concerns before they escalate.



Insert the following documents:

- Copy of CPTED self-audit*
- Noise management plan*

*Template available



Crime Prevention through Environmental Design

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

Crime Prevention through Environmental Design (CPTED) for licensed premises covers areas such as bar layout, crowding, lighting, ventilation, closed circuit television, entrances, exits and outdoor drinking areas. A **CPTED SELF-AUDIT** will highlight areas needing further attention or improvement. For further information see resources.alcohol.org.nz

Closed circuit television

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

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

Staff must understand how to operate the equipment and how to view and download footage. CCTV, as well as other forms of visual recording including Go Pro cameras and other recording devices, capture images of

people, which can be used, stored, manipulated and disseminated. Those who operate the systems need to be aware of how to manage privacy issues. For further information, go to the website of the Privacy Commissioner www.privacy.org.nz and search 'CCTV and privacy'.

Crowd control

All crowd controllers (including door staff and security) must be licensed or certified under the Private Security Personnel and Private Investigators Act 2010 and must hold and carry a current Certificate of Approval (COA). Certificate colours are updated annually for ease of identification. COA details should be recorded in the **CROWD CONTROL REGISTER**.

If your premises engages a crowd controller without a licence or COA, you could be committing an offence and be liable to a fine of up to \$20,000. Crowd controllers will be issued with a unique ID badge and this must be visible at all times when working. Failure to do so is an offence and the crowd controller is liable to a fine of up to \$2,000.



Insert the following documents:

- **Crowd control register***
- **Crowd control standard operating procedures***

*Template available

Being legally responsible for the premises, licensees must provide clear guidelines and orientation to security personnel or subcontractors who are hired as crowd controllers.

Premises should develop **CROWD CONTROL STANDARD OPERATING PROCEDURES** which include:

- monitoring or controlling behaviour
- screening entry (including checking ID and screening for false ID and intoxication)
- procedures for removing persons
- a process for reporting incidents.

Management of serious incidents

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

1. Preventing a potentially serious incident by early removal of potential problems is always the preferred course of action. Remember that as a licensee you can close your premises at any stage.
2. In the event of a serious incident you must designate someone to call the Police immediately. Emergency services need to be on the way as soon as possible to prevent any possible escalation.
3. If injury or serious harm has occurred, the injured party should receive medical attention from a sober person. Preferably this will be a staff member. If it is unsafe to give assistance at the immediate scene, remove the injured person to a safer area.
4. If a weapon is identified (glass, bottle, knife or other implement), this should be secured in the location it was discovered. However, if it is not safe to do so, or there is a chance it might go missing, carefully store it in an area that is safe.
5. Where possible, customers should be separated into those who saw something, and those who say they did not. It is not imperative that staff get this exactly right. The following investigation will determine the accuracy of the statements made by either group.
6. If someone wants to leave, try and dissuade them from doing so. If you cannot persuade people to stay, attempt to get the name and details of the people leaving and verify them where possible.
Be aware there is NO legal justification for bar staff or the licensee to do this. In these circumstances, if possible, try to obtain their facial images on a camera without them knowing. They can be identified during the following investigation.
7. If the scene can be kept clear, you should then apply the following steps to that scene: FREEZE – CONTROL – PRESERVE. It is probable that the scene will be heavily contaminated; therefore witnesses in this instance are possibly far more important evidentially.
8. Once the incident is over, the licensee should be able to provide the full details of the staff present, and what they have been doing in relation to the incident, to the attending Police on their arrival.
9. Finally, as the licensee, it is your responsibility to secure and preserve the video footage of ALL cameras in and around the premises. They will be uplifted at a later time by the Police.

Banned or trespassed persons

There will be many different reasons why you might want to have someone trespassed from your premises. This may be due to people committing offences on your property, being disorderly, violent or intoxicated, or simply having no right to be there. As the licensee and occupier, you have the right to control access and deny entry to anyone at any time. Once issued, a **TRESPASS NOTICE** remains in force for 24 months.

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

Taking time to provide a written notice can sometimes agitate an incident, requiring the person to wait while the written notice is completed. A verbal trespass notice is just as valid as a written notice. If you deliver a trespass notice verbally, record the matter on a trespass notice and record that it was given verbally. In either case, the person issuing the trespass notice must record their own full personal details, including a contact phone number, on the back of the copy kept with the premises. This is so that at a later date that person can be contacted by the 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 the Police.

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

It is advisable that no one representing the licensee (including security staff) should physically attempt to remove the trespasser. Instead the Police should be called.

Keep a **TRESPASS REGISTER** of the people you have served a trespass notice to, along with a copy of the notices. Try to get the person’s date of birth. This is important for the Police to identify the correct person. If the person to be trespassed cannot be identified, enquiries should be made in an attempt to identify the person. Record the incident in the **INCIDENT LOG**. The person may be identified later and still be trespassed.



Insert the following documents:

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

*Template available





Emergency management

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

Licences can be suspended on an application by Fire and Emergency NZ (previously the Fire Service) or the Medical Officer of Health for non-compliance with fire precaution requirements.

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

Fire safety

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

A registered evacuation scheme is required when:

- the building can hold more than 100 people
- there are more than 10 employees in the entire building

- overnight accommodation is provided for more than five people.

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

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

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



Insert the following documents:

- Copy of your emergency procedures
- Staff emergency contact list*
- Copy of evacuation scheme
- Copy of venue floor plan showing all exits, fire equipment etc.

*Template available

PART C: Templates and forms

(see attachments)

- i. Register of certified managers
- ii. Register of temporary and acting managers
- iii. Sample Host Responsibility Policy
- iv. Writing a Host Responsibility Implementation Plan
- v. Alcohol Management Plan
- vi. Duty manager checklist for start of shift
- vii. Staff training register
- viii. Incident log template
- ix. CPTED checklist
- x. Noise management plan
- xi. Crowd control register
- xii. Crowd control standard operating procedures
- xiii. Banned or trespassed persons register
- xiv. Trespass notice template
- xv. Staff emergency contact list
- xvi. Useful contacts

Health Promotion, Health New Zealand – Te Whatu Ora

Email: hp-enquiries@tewhatauora.govt.nz

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

To order resources visit resources.alcohol.org.nz