

Christchurch Tri-Agency Newsletter

October 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. Good One Party Register. University Students Inviting Police To Their Party!

In January 2012 the Police established a Neighbourhood Policing Team in the Riccarton West area covering Matipo St, Riccarton Rd, Wharenui Rd, and Blenheim Rd. The Neighbourhood Policing Team consists of six Police Officers and taking a Prevention First approach. Initially Police talked to the people living in the area to identify the issues that concerned them, worked to address the underlying causes and establish a long term sustainable solution.



The Riccarton West area only has 22% home ownership. About half of the people living in the area are university students or workers of a similar age group and the biggest concerns in the community were disorder and antisocial behaviour (including noise complaints), breaches of the Liquor Ban, bonfires and flat parties.

As part of the Neighbourhood Police Team my first reaction was “how on earth do we even start trying to find a solution to all this”. The answer came through getting out and talking to the long term residents and the uni students. They gave us the answers and it turned out that most of the hosts are not the ones causing problems. In fact they often turn out to be the victims and neighbours were living in fear. Hosts actually wanted to have a good party that did not create problems for them or their neighbours but were unaware of what could go wrong and the simple things they could do that could prevent them. The majority of neighbours said they weren't so concerned when the host visited them beforehand and told them what was happening, taking away the fear of the unknown.

We started visiting the uni students before their parties started and offering advice and suggestions. Simple things like putting on food, controlling who came onto their property, what to do if gate crashers arrived, telling the neighbours beforehand and cleaning up the street the next day.

And it worked really well. So now we needed to help make it sustainable. We started having discussions with ACC, CPH, HPA, Canterbury and Lincoln Universities and their Student Associations. Out of that grew an online Party Register call 'Good One'. Check out www.goodone.org.nz. The Good One Party Register went live in February 2014 in time for Uni Orientations.

The Good One Party Register covers all of Christchurch City. When a party is registered, Police are notified and the organiser is called back to check they are prepared and to build a positive relationship with them. We were even invited to visit parties before hand and early in the evenings allowing us to build a good rapport with the organisers and their guests.

The purpose of Good One is not to stop parties but to prevent problems before they occur so that people can socialise in a responsible and safe manner, allowing the organisers, the guests, the neighbours, the wider community, and Police to all have a “Good One”.

Does it work, you bet it does. Since mid February there have been just under 100 parties registered on the site covering close to 10,000 invited guests and Police have noticed a reduction in the number of out of control parties, disorder and antisocial behaviour. In the Riccarton West area where 'Good One' started there has been over a 40% reduction in noise complaints and about a 30% reduction in Fire Service callouts to bonfires.

The next challenge is promoting 'Good One' to people who are hosting parties and bringing Licensees and particularly Off Licence Premises on board to help raise the awareness of the Good One Party Register by displaying posters, giving out flyers with purchases and talking to customers about Good One.

What is in it for Licensees? Firstly it's good community mindedness and secondly by actively promoting 'Good One' the Licensee is promoting good 'host responsibility' which the DLC is likely to take a positive view of. Lastly good host management of parties is proven to contribute to a reduction in alcohol related antisocial problems which is good for the whole community.

Anyone who wants to find out more about “Good One” can visit their website www.goodone.org.nz for information and tips on hosting a safe and successful party.

The Neighbourhood Police Team are always happy to answer any questions about the Good One Party Register and how it can help you have an enjoyable party.

Sergeant Stephen Jones
Riccarton Neighbourhood Policing Team
Hornby
Ph 03 3538722
Email: stephen.jones@police.govt.nz

Tri-agency staff see this initiative as a positive way of reducing the negative impacts of alcohol in our communities, and encourage Licensees and Duty Managers to support and promote this project.

2. Kinds Of Alcohol That Can Be Sold In Supermarkets And Grocery Shops

For those with supermarket or grocery shop licences granted under the old Sale of Liquor Act 1989, the conditions of your licence tell you what products you can sell.

All new licences (and renewals) granted under the Sale and Supply of Alcohol Act 2012 do not have these conditions on them. Section 58 of the Sale and Supply of Alcohol Act 2012 (restrictions on kinds of alcohol sold in supermarkets and grocery shops, and premises directly accessible from supermarket or grocery shop) replaces these conditions. The restrictions are essentially the same.

Supermarkets and grocery stores can only sell:

- Beer;
- Mead;
- Fruit or vegetable wine; and
- Grape wine.

All of these products must comply with the appropriate New Zealand food standard. At present this standard is the Australia New Zealand Food Standards Code. This code tells us what permitted additives can be in these products to ensure it remains, for example, a grape wine. Please note - these licences do not permit the sale of wine products or fruit and vegetable wine products. (For example - If there is an additive in the wine that is not permitted, the wine becomes a grape wine product and therefore cannot be sold in supermarkets or grocery shops).

If you are unsure about a product you should contact your supplier who will be able to tell you the ingredients of the product and from this you can refer to the Australia New Zealand Food Standards Code to establish if it is a product you can sell.

Supermarkets and grocery shops can also sell food flavouring prepared for culinary purposes that contain alcohol and are unsuitable for drinking undiluted.

Supermarkets and grocery stores are reminded that when any breach of a licence condition or requirement of the Act is identified, legal action can result. In addition renewal application may be opposed.

Alcohol Licensing Inspectors may require you provide evidence that certain products comply with Section 58 of the Sale And Supply Of Alcohol Act 2012.

Jenn Davison, Alcohol Licensing Inspector.

3. 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.health.nz

Peter Shaw, CDHB

4. Health Protection Agency (HPA) Parental Consent Brochure

It has recently come to my attention that a number of licensees were sent the "Parental Consent" brochure that was published by the HPA prior to the introduction of the new legislation.

To clear up any confusion, this document has no application at all on licensed premises.

The only exceptions to minors, as they relate to consumption and designated areas, is that they must be accompanied by either their parent or legal guardian (as defined by section 15 of the Care of Children Act 2004).

You may be aware that there have been a number of events held in Canterbury involving minors who have taken BYO alcohol for consumption that is not supervised by their parents or guardians. The police position on this is that it is not lawful.

A parent or guardian may supply alcohol to their child but they must do it responsibly which would suggest that it was done under their supervision as opposed to being given alcohol to take away and drink elsewhere.

A minor carrying a signed note from mum or dad holds no weight unless the person being presented the note is sure of the identity of the minor and either recognises the parent's signature or establishes authenticity in some other way. The note then only applies to any person who is given express consent to SUPPLY the alcohol to the minor.

Once that hurdle has been crossed, there then follows quite a list of pre conditions that must be complied with such as supervising the drinking, providing food, providing low alcohol or non alcohol drinks and safe transport.

I am aware of the extreme pressure brought to bear on parents to accede to requests by their kids to go to these large gatherings late at night and drink alcohol. When you consider the numbers, age and inexperience of teenagers the potential for things to go very wrong is enormous.

There is more work to be done to see how to best police these events in the future. But the message from Police is clear - they are not condoned or supported by Police in any way.

Senior Sergeant Gordon Spite, Police Alcohol Team

5. Variations: Changes To Licence Conditions And To The Nature Of The Business

Are you planning to make any changes to your business?

- To increase your trading hours?
- To increase or decrease the size of your licensed area or layout, including the size of restaurant and bar areas in relation to the rest of the premises
- To have an outdoor area
- To the general nature of your business

These require a "Variation" to licence conditions and need an application made under section 120 of the Sale and Supply of Alcohol Act. Some of these changes may previously have been made as a "Redefinition". You now do this as a Variation request at the same time as your licence renewal, or at anytime as a new application for variation.

Please talk to the licensing inspectors early in your business planning stage **before** you make any changes to your business operation or premises so we can help you work through this process and provide you advice. With these types of changes you may be required to also apply for a Certificate of Compliance (Sale of Alcohol) as there may be City Plan requirements (including a Resource Consent) that need to be met.

It is important we ensure you have an alcohol licence that suits the style of your business.

We will have updated information about this on our webpage shortly about how to make changes to licence conditions and the lodging of a Variation Application.

Allison Houston, Alcohol Licensing Inspector

6. Food Availability Requirements

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.

The expectations of the monitoring agencies are:

- Food **must** be available and promoted throughout on licence and club licensed premises at all times that alcohol 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.

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

7. Good Order And Amenity

The concept of good order and amenity is new to all of us. It is a matter the Tri-Agencies consider when assessing all applications and the District Licensing Committees consider when deciding whether or not to grant a licence and with what conditions. There have been some decisions from the Authority about good order and amenity you may be interested in reading:

Barcode [2013] NZARLA 1214

Tony’s Liquor Upper Hutt Limited [2014] NZARLA 253428

These and other Authority decisions are available on the Ministry of Justice website:

<http://www.justice.govt.nz/tribunals/alcohol-regulatory-and-licensing-authority/search-nzlii-lla>

Licensees, duty manager, and staff all need to be aware of how their premises affects the good order and amenity of the locality. This could be from, among many things, noise, vandalism, graffiti, and disorder.

We may request (for new applications or renewals) information on Crime Prevention Through Environmental Design (CPTED). There will soon be a checklist you may find helpful on our website and a booklet with guidelines for licensed premises here:

<http://resources.ccc.govt.nz/files/licensedpremissescptedguide.pdf>

Jenn Davison, Alcohol Licensing Inspector.

8. Are Your Contact Details Up To Date?

It is important you keep us updated with your current contact details including:

- Address for service of documents
- Phone numbers
- Email address

If any of this information changes at any time please email:

alcohollicensing@ccc.govt.nz to inform us of the changes.

Allison Houston, Alcohol Licensing Inspector.

9. Recent Under Age Controlled Purchase Operations

Since the last newsletter in April 2014, one under age controlled purchase operations was conducted in Christchurch and Banks Peninsula testing On, Off and Club premises.

On 2 May 2014, 12 licensed premises were visited resulting in no sales to minors.

An excellent result. Well done to those premises tested. 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

Please remember: If they look under 25 - No ID, No Sale, No Exceptions.

Sergeant Kelvin Giddens, Police Alcohol Team

10. Club Licence Holder Reminder

A large number of Club Licenses will be applying for renewal next year, so this is a good opportunity to remind all holders of a Club licence who they can sell alcohol to.

An **authorised customer** in relation to premises where a club licence is held means a person who;

- (a) is a member of the club concerned; or
- (b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- (c) is an authorised visitor.

An **authorised visitor** is a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

A **member** is a person who;

- (a) has expressly agreed in writing to comply with the club's rules; and
- (b) is recognised as a member of the club by those rules.

Put simply, an On-Licence allows the sale and supply of alcohol to the public, **a Club licence does not allow the sale and supply of alcohol to the public** unless the club has been issued a special licence.

The licensee and manager of any licensed premises that sells or supplies alcohol when not authorised by the licence commits an offence under section 247 of the Sale And Supply Of Alcohol Act 2012 - Unauthorised sale or supply. The possible penalty in the case of the licensee is a fine not exceeding \$20,000 and/or the suspension of the licensee's licence for a period not exceeding 7 days. In the case of a manager, a fine not exceeding \$20,000.

Before alcohol is sold in a club the following must be known:

- 1 - they are a member of the club, or
- 2 - they are an invited guest that is accompanied by a member of the club, or
- 3 - they are an authorised visitor from another club which has arranged reciprocal visiting rights with your club.

In addition, I believe there are a small number of Clubs hosting weddings, birthdays etc and selling alcohol where a special licence should have been obtained.

Please remember, if a Special licence is required the Christchurch Licensing Team must receive the application for a special licence at least 20 working days before it is required.

Monitoring visits will be carried out to check for compliance.

If you have any questions please don't hesitate to contact me directly.

Paul Spang, Alcohol Licensing Inspector.

11. Trading Hours Over Christmas (The Sacrosanct Day)

This year Christmas day falls on a Thursday. As a reminder:

Now **ALL** premises holding an On-Licence can only sell alcohol to persons present on the premises to dine.

1. Premises holding an Off-licence are not permitted to sell liquor on Christmas day.
2. All On-Licences - No liquor is to be sold on Christmas 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.

12. Licence Applications – Must Be Complete And Legible

On average we receive 50 applications for new licences, renewals and special licences each week.

To assist us to process any application you make we require the application to be **COMPLETE** and **LEGIBLE**.

All application forms are available on our website as writeable PDFs.

All parts of the form must be filled in and all additional information provided. We require a copy of the plan of the premises with every application including renewals.

Incomplete or illegible applications will be returned.

Jenn Davison, Alcohol Licensing Inspector.

13. Health Licensing Team Update

FOOD ACT 2014 / FOOD CONTROL PLANS

If you are not already implementing the Food Control Plan (FCP), this year your local Health Licensing officer will discuss the FCP with you.

The Food Act 2014 has been enacted and will commence on 1 March 2016. Information on the Food Act is available on the Ministry for Primary Industries (MPI) website at www.mpi.govt.nz.

The Act states that businesses at a higher food safety risk will operate with FCP, which includes restaurants, cafes, takeaway food or catering business particularly premises holding liquor licenses. You can start using the FCP as part of the Voluntary Implementation Programme (VIP).

You can look at and download for free the template Food Control Plan from the MPI website at www.foodsafety.govt.nz. There is also an electronic version of the FCP available to use.

At this stage we are able to provide assistance to businesses choosing to implement the FCP, we strongly advise that you take advantage of the support we can offer.

To contact us call 941 8999 and ask to speak to Health Licensing Team or email healthlicensing@ccc.govt.nz.

Rowena Yee, Food Act Officer, Health Licensing

14. Training Provider With Tri-Agency Input

Avonmore Tertiary – Phone 0800-428-666

Christchurch Polytechnic Institute of Technology – Phone 940-8000

Pinnacle Hospitality Training - Phone 0277-594-428

15. 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

Regards

Christchurch City Council Alcohol 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