

# Christchurch Tri-Agency Newsletter

September 2016



## Club licence suspended for 10 days

The Alcohol Regulatory and Licensing Authority (ARLA) recently suspended the Napier Returned Services Association licence for 10 days and a duty manager's certificate for 28 days for selling alcohol to an unauthorised person.

The club believed the customer was a guest of a member. The ARLA confirmed he was not. **Remember:** A club licence only authorises the sale and supply of alcohol to any person who:

- (a) Is a member of the club; or
- (b) Is on the premises at the invitation of, and is accompanied by, a member of the club; or
- (c) Is a member of some other club with which the club has an arrangement for reciprocal visiting rights for members.

Clubs need to have systems in place to ensure they know who is on their premises and who is eligible to purchase alcohol.

When alcohol is sold to a guest of a member, the guest must be **accompanied** by a member. This means the member must be in the member's company and the member is able to supervise and take responsibility for the guest's behaviour.

All club licensees and duty managers should read the ARLA decision: [www.nzlii.org/nz/cases/NZARLA/2015/553.html](http://www.nzlii.org/nz/cases/NZARLA/2015/553.html)

Any questions? Contact Paul Spang.

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# Summer Special Licence deadlines

The summer season is almost upon us, and a number of you will be already taking bookings for Christmas functions where a special licence may be required.

To ensure you do not disappoint prospective customers we remind you all that special licence applications must be lodged at least 20 working days before the event.

The period between 20 December 2016 and 15 January 2017 are not considered as working days under the legislation. This can cause some problems. For events between 15 January 2017 and 14 February 2017 you need to make sure you take account of the non-working day period. This includes Waitangi day on 6 February 2017.

Bear in mind that if the event occurs between 20 December and 7 February the application must be received by us by **22 November 2016**.

Get your applications in early. All the details about application deadlines dates are on the Council website: [www.ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/timelines-and-trading-days/](http://www.ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/timelines-and-trading-days/)



## Keeping records

Do you maintain a register of duty managers? The Act requires you to. There is a template available here:

[www.ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/managers-certificate/notification-of-management-change/](http://www.ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/managers-certificate/notification-of-management-change/)

## Licensed premises toolkit



Whether you own a small restaurant, a club or a late night tavern the agencies expect you to train your staff in the safe and responsible sale and supply of alcohol. You should also keep a record of this training and relevant documents.

The Health Promotion Agency are developing a Licensed Premises Toolkit. This toolkit will bring together all of the alcohol documentation required by you as a licensee to meet your legal obligations and requirements under the Act.

It will include:

- An overview of key obligations under the Act
- Registers of staff training and managers
- Templates; and
- Forms (incident logs, ID noting, trespass notices)

Licensing Inspectors plan to start delivering this toolkit to you in a ring binder towards the end of the year.

This toolkit will be a useful resource for licensees and should be considered the minimum of staff training you provide.

In the meantime make sure you keep your records up to date. You may be asked for them at renewal time.

# Temporary Authorities



## Some reminders about the purpose of Temporary Authorities and the requirements

We have had many premises changing hands this year. Of the 96 new licence (on and off) applications we've received this year to the end of July, about 55 of those involved a change of ownership and the need for a Temporary Authority.

If you're considering taking over an existing business that is licensed to sell alcohol you will need to be aware of the legal requirements that allow you to continue the sale and supply of alcohol.

**A temporary authority allows a new owner of licensed premise to trade on the existing licence (with the existing licence's conditions) until they can obtain a new licence in their own name.**

A Temporary authority cannot be issued to a club.

Documents required with your application are:

1. Proof of your tenure/right to occupy; and
2. Proof of ownership of the business.

For this we require:

- Either a sale and purchase agreement for the property
- or a signed copy of the lease;
- or evidence of right to occupy such as a written deed of assignment or letter of intent from the building owner.

Your Temporary Authority application should be lodged at least 10 working days before the takeover date.

You cannot sell alcohol until the Temporary Authority has been issued. Lodge your application as early as possible before the takeover date. If all relevant information is received and the Inspector and Police have no objection, a Temporary Authority normally can be issued within that 10 day period.

## Management of Licensed Premises under a Temporary Authority

When alcohol is available for sale to the public, a General Manager who holds a current Manager's Certificate must be on duty at all times. When operating under your Temporary Authority you will need to either:

- hold a General Manager's Certificate yourself, or
- employ someone who holds a certificate.

If you are new to the alcohol industry it can take up to six months for you to undergo the required training, and gain enough experience to obtain a General Manager's Certificate.

You should bear this in mind when considering the staffing of your new business.

A Temporary Authority cannot be issued if you do not have an experienced duty manager for your premises.

## How long does a Temporary Authority last?

A Temporary Authority can only be issued for up to three months and during this time you need to obtain your own licence.

- As soon as you receive your Temporary Authority you should start gathering the supporting information you need for your licence application.
- Start this process as early as possible, and have your application lodged within six weeks of the granting of your Temporary Authority. This means the licence(s) can be processed and granted before your Temporary Authority expires.
- New licence applications take a minimum of 5–6 weeks to process. This is dependent on the quality of the application and reporting timelines, so may take longer.
- At the same time you apply for a licence you must also apply for a Certificate of Compliance Alcohol.
- If there is a good reason you are unable to lodge a new licence application before your Temporary Authority expires you need to let us know as soon as possible so we can work with you. Temporary Authorities are not renewable and so you need to apply for a new one if looks like yours might expire.



# Host responsibility policy

Do patrons read your host responsibility policy? Would they if it was a bit more interesting? Would it mean more if it was tailored to your premises? Smash Palace have thought outside the box a bit so we wanted to share theirs with you.

## Smash Palace Host Responsibility Policy

*Here at Smash Palace we want everybody to have a good time and get home safely. We have certain responsibilities that we must adhere to under the Sale and Supply of Alcohol Act 2012. We regularly hold meetings with our staff where they are trained on their responsibilities with regard to the Act.*

*There's a lot of rules so please don't be mean to staff if you think they're being unduly sensible. If you've got issues, you can ask to talk to management.*

*Here's how it works: The bar is designated "unsupervised" until 8pm when it becomes "supervised". This means anybody can come and enjoy the space during the day, but come night time you'll have to be with your mummy or daddy if you're not yet old enough to vote.*

*If we think you're a minor we'll ask to see an 18+ Card, a NZ driver's License or a passport. Minors will be allowed in the bar at all times. They are salt-of-the-earth hardworking types. Morris Minors will be allowed in the bar at the owner's discretion.*

*You'll notice signage displayed at the point of sale. This deals with minors, intoxication, non and low alcohol beverages, alternate forms of transport, and food.*

*We have to deal with intoxication. Don't take offense if we suggest you're pissed. It's not like in the old days when you could get completely rat-arsed at a pub and everything was fine.*

*If you show up pissed, you'll be told to "piss off"*

*If you've been hanging out and you're stumbling, slurring, flushed, aggressive or thinking you're funny when you're not, we may ask to manage your intoxication. This is done by moving you onto non-alcoholic drinks and food and giving your body time to process the alcohol.*

*There's a whole range of non-alcoholic drinks available at all times: juices; soft drinks; free water; tea; coffee; hot chocolate; mocktails. Why would you go anywhere else?*

*Also, you don't just have to eat food as an excuse for sobering up. The food here is great and you should eat it because food should always be a part of the drinking experience. Whenever we are open, food is available. The staff eat it all the time. Ask them and they'll be happy to recommend something. Go on, the menus are hanging beside the bar.*

*Another strategy for prolonging a night out is low-alcohol drinks, which are available all the time. You could try low alcohol beer or single shot spirits. Or what about a shandy? We've got a few blokes that drink "mandies" which are just shandys with a manly name. Local brewers have also put a lot more effort into lower-alcohol beers over the past few years with lots of top drops available in the 3%-4% range. Ask the staff and they'll direct you in the right direction.*

*Any good night involves getting home safely. Don't be an idiot and drive or ride home drunk. We want to keep you alive so you can come back. The staff will call you a taxi if you need one. We can even find a dial-a-driver service if you need to get your car home.*

*When people ask if we can call them a taxi, we have been known to respond: "You're a taxi". But we're allowed to be un-funny without being intoxicated.*


*Lastly, we have to adhere to the severe sounding Alcohol Promotions Protocol Section 237 which basically means we can't promote excessive drinking or wildly discount drinks. This means we will tend to promote food or entertainment as a reason for visiting our premises. Thank god the days of cheap tequila laybacks and dollar shots are a thing of the past.*

*We'd hope you're all here for the company and not the cheap drinks anyway. Go safe folks and be kind to one another.*

## Prohibited persons signs



**No ID  
No Service  
No Exceptions**

Hospitality 

### We all recognise these signs.

We are now seeing some more inventive ways of saying the same thing. You don't have to use what we provide. You can make your own. Make them in your branding, suitable for your premises and your patrons.

Orange Studios have done just that. Orange Studios are a music recording studio and live venue. That suits their patrons — we have no idea what some of the Greek terms mean! See what you think and see if you can change yours to make them more interesting.

IF YOU LOOK YOUNGER THAN THIS:



Please don't be offended if we ask you for I.D.

MINORS WILL NOT BE SERVED ALCOHOL.

DORIANS, PHRYGIANS AND AEOLIANS EXCEPTED.

You can get fined, we can get fined and nobody wins. Let us serve you a ginger beer and you can pretend like it's an alcoholic beer. We can pour it in a beer glass and nobody will know.

# Outside areas

**Do you have an outside area at your premises? If you do you need to make sure your staff and patrons know where that area is.**

Alcohol can only be sold and supplied within the area marked on the licensed area plan. We advise:

- You update your host responsibility policy to make note of the outside area.
- Let patrons know the rules with table talkers, notes on menus, or staff providing table service.
- Keep a plan of the licensed area on the premises.

**Here are some of our ideas for updating your host responsibility policy or for table talkers:**

- Our staff will ensure that patrons are aware not to remove alcohol from the licensed area. This will be monitored by staff on a regular basis.

- Our tables outside are licensed for the sale of alcohol. Our staff will provide table service to these tables and ensure that our customers do not drink alcohol outside of the licensed area.
- These tables are for the use of patrons frequenting x premises. We will be out to take your order soon. Please do not remove alcohol from these tables
- Please enjoy our outside area. Please keep your drinks within it.
- Our premises is supervised however our outside area is not. If you have minors with you please ensure that a parent or guardian is with them when they come inside.
- Our outside area is only licenced to 10pm. After that time you are welcome to enjoy the atmosphere inside.
- All tables outside the shop are arranged within the designated licensed area. Any alcoholic drinks are not to be served to customers if they are sitting on the tables that are not within the licensed area.
- All staff are to be informed and made aware of the licensed area within the premises and are to inform customers about the designated licensed area at all times.

If you have any questions please call or email Paula Williams. If you do update your host responsibility policy don't forget to send us a copy.

## Recent Controlled Purchase Operations

The agencies conducted an operation in May 2016. 28 premises were tested, one failed. **Remember:** If the patron looks under 25 years old ask them for ID.





# Do you need to do the bridging test?

If you are renewing your manager's certificate for the first time under the new legislation OR you hold a limited interim certificate you need to do the Bridging Test.

The 2012 Act requires all applicants for renewal to hold the prescribed qualification, which is the new LCQ qualification under the 2012 Act.

This means if you already hold the existing LCQ completed under the 1989 Sale of Liquor Act you will need to complete the bridging test. This is a 20 question test to assess your knowledge of the Sale and Supply

of Alcohol Act 2012 and has been developed by Service IQ in conjunction with NZQA. It's free.

The Service IQ Bridging Test may only be offered until the end of this year (2016). We suggest you get it completed now and don't leave it until the last minute to complete. If you miss out on completing the Bridging Test you will have to complete in full the new LCQ course.

Any questions? Contact Service IQ at 0800 863 693.

<https://serviceiqskillsonline.org.nz/lcq-bridging-test>



## Applying for a special licence

When you are applying for a special licence please make sure you answer EVERY question and tick every box that applies and that your application is legible.

The most common problems are:

- The address of the place where the event is being held. This must be the rateable address
- The name of the applicant should be the person or group taking the profit from the sale of alcohol
- The name of the premises
- The name of the event or who the event is for
- Days and hours you want to be able to sell alcohol

- Plan of the licensed area.

Applications must be completed in full. If they are not you risk having them sent back to you and may not be processed in time.

If you have any questions when you are filling in an application form for a special licence please call the Alcohol Licensing Team.

Due to competing priorities the Police and Community and Public Health may not be able to report on late applications which will mean the Special Licence cannot be issued.

## Get your Act together!

Reprint as at 14 April 2016



**Sale and Supply of Alcohol Act 2012**

Public Act 2012 No 120  
Date of assent 18 December 2012  
Commencement see section 2

At renewal you have to provide a copy of your Host Responsibility Policy with your application. We are frequently finding that the wrong Act is referred to. This is worrying as the Act changed in 2012. Even more worrying is that some new licence applications refer to the old Act. Your policy should be for your premises and to suit your business. It should not just be copied from someone else's.

The Sale and Supply of Alcohol Act 2012 replaced The Sale of Liquor Act 1989.

A Host Responsibility Policy is a great way of telling your staff and patrons what your licensed premises offers and what is/is not tolerated. The Christchurch City Council have guidelines on how to write your Host Responsibility Policy on their website so you can double check you have the basics in there: [www.ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/host-responsibility/](http://www.ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/host-responsibility/)

It's your way of getting the fundamentals of the Act right so make sure you check yours and get it updated.



*This newsletter is jointly produced by the  
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the Police Alcohol Harm Reduction Unit,  
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