

# Christchurch Tri-Agency Newsletter

March 2015

*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.*

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## Licensees

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

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## 1. The Effect Of Excess Breath Alcohol (EBA) Convictions On Your General Manager's Certificate.

### 1. Overview

Police view any offending involving the use of alcohol seriously. Offences of this nature reflect on your conduct as a manager and call into question your suitability to hold a General Manager's Certificate.

### 2. Drink Driving

On 1 December 2014 the breath and blood alcohol limits for driving in New Zealand were lowered. The change brings us into line with 89 other countries (including Australia) who have adopted the World Health Organization's recommended adult drink-driving limit.

While the overall limit has been lowered, there are different penalties applicable depending on the amount of alcohol detected in the driver's breath or blood.

Keeping in mind that a driver under the age of 20 is not permitted to have any alcohol at all on their breath or in their blood, the following penalties apply;

Micrograms of alcohol per litre of breath	Driver Under 20	Driver 20 or older
<b>0 – 150</b>	\$200 Ticket & 50 demerit points	No offence
<b>151 – 250</b>	3 months imprisonment, and/or \$2,250 Fine, and 3 months disqualification from driving	No offence
<b>251 – 400</b>	3 months imprisonment, and/or \$2,250 Fine, and 3 months disqualification from driving	\$200 Ticket & 50 demerit points
<b>&gt;400</b>	3 months imprisonment, and/or \$4,000 Fine, and 6 months disqualification from driving	3 months imprisonment, and/or \$4,000 Fine, and 6 months disqualification from driving

There are higher penalties for repeat offenders and a variety of other offences. Examples include refusing to supply a breath or blood sample, or being impaired by non alcohol based substances.

### 3. Additional risks to holders of General Manager's Certificates

Not dissimilar to the above penalty regime, a graduated framework of sanctions applies to holders of General Manager's Certificates who are apprehended driving with EBA.

Police apply to the Alcohol Regulatory and Licensing Authority (ARLA) pursuant to section 285 of the Sale and Supply of Alcohol Act 2012 for a suspension or cancellation of the offenders General Manager's Certificate. Police make recommendations as to an appropriate penalty, however ARLA make the decision as to how long the suspension (if any) will be, and between what dates it will be served, or in the case of a cancellation, whether or not to cancel the subjects General Manager's Certificate.

A guide to the Police application process and penalty recommendation to ARLA is reflected in the following table. Keep in mind that in the presence of aggravating circumstances, such as additional offences linked to the drink driving, Police may recommend a higher degree of punishment than that listed below. Police reserve the ability to treat each matter on its own circumstances and merits.

<b>Offence</b>	<b>Sanction</b>
1 <sup>st</sup> EBA (Either youth over 150 or Adult over 400)	Application for suspension of General Manager's Certificate with a recommendation for a 30 day suspension period.
2 <sup>nd</sup> EBA (Either youth over 150 or Adult over 400)	Application for suspension of General Manager's Certificate with a recommendation for a 60 day suspension period.
3 or more EBAs within 5 years (Either youth over 150 or Adult over 400)	Application for cancellation of General Manager's Certificate
1 <sup>st</sup> 'Low Range' EBA (Either youth < 151 or Adult between 251 - 400)	Warning letter from Police
2 <sup>nd</sup> 'Low Range' EBA within 2 years (Either youth < 151 or Adult between 251 - 400)	Police may apply for suspension of General Manager's Certificate

4. How much can you drink and stay within the law with respect to driving?

If you are under 20 years old – nothing! For those 20 and over, it really is a difficult question to answer because there are so many variables at play. The safest option is best reflected in the following message - if you are going to drive – don't drink at all.

If you do have a drink though, it's best to limit it to one or two. Here's what the scientists say – but remember;

- That a standard drink is equivalent to 330ml of beer, 100ml of wine or 32ml of spirits, containing 4, 13 and 40% alcohol respectively.
- In simple terms, a bottle of Speights is a standard drink – a bottle of Heineken is not.
- The following table relates to drinking at an even pace, over a two hour period, with an extra half hour at the end without drinking before you drive.

<b>Male</b>	<b>Safe</b>	<b>Female</b>	<b>Safe</b>
<b>55 kg / 160cm</b>	<b>2.5</b>	<b>40 kg / 145 cm</b>	<b>1.5</b>
<b>85 kg / 175 cm</b>	<b>3.5</b>	<b>70 kg / 160 cm</b>	<b>2.5</b>
<b>125 kg / 195 cm</b>	<b>4.5</b>	<b>110 kg / 180 cm</b>	<b>2.5</b>

*Sergeant Jon Harris, Alcohol Harm Prevention, NZ Police*

## 2. Food Availability Requirements

The expectations of the monitoring agencies are that 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 on table top or bar top menus.

We test for compliance. This will involve patrons requesting food. If inadequate food is offered, the patron will order liquor. If such a sale is made, this is considered an "unauthorised sale" due to the unavailability of 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*

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### 3 Remote Sales (Internet, Phone, Mail Order)

New requirements for making remote sales of alcohol using the internet by telephone or mail order came into force on 18 December 2012. These remote sales requirements apply under section 59 of the Act if you have an off-licence or are operating under a more limited Remote Sales (section 40) Endorsed off-licence (which does not permit direct sales from the door).

On renewal and with new licence applications we are checking that these requirements have been implemented and are complied with. However, if you are making any sales by way of internet, telephone, or mail order, you should be complying with the new requirements now.

The specific requirements are found in the Sale and Supply of Alcohol Regulations 2013 at sections 14 and 15. For all remote sales (whether by internet, phone or mail order) there are a number of steps that must now be complied with when verifying the age of the buyer.

#### **Reasonable steps to verify purchase age**

Licensees must require purchasers to declare at least twice that they (and the intended recipient) are over the purchase age, either through tick boxes or entering their date of birth, (for internet and catalogue sales) or verbally (for phone orders).

This verification must take place:

- When first entering the site, or at the beginning of an order form or phone order; and
- Then again immediately before the sale is completed.
- In the case of a physical order form, the procedure also requires the form to be signed in addition to the two tick boxes.

A sale cannot take place if the buyer has not declared on both occasions that he or she is 18 years or older.

Some licensees have a statement on their website or order forms indicating that the buyer must be over the age of 18 to purchase alcohol. This is no longer sufficient. You must now provide the two verification steps above.

#### **Information to be provided by the Licensee with the remote sales**

Information about the licence (the holder's name, licence number and expiry date) must be displayed on the website in a prominent place, in any catalogue, and on any receipt issues for the sale of alcohol. For internet sales they must also display a copy of the licence that must be either legibly displayed or a link provided through to it.

Please make sure you have made the appropriate updates immediately. Non compliance could result in a new or renewal application being opposed or delayed and you also may risk a \$250 infringement fine.

*Allison Houston, Team Leader Alcohol Licensing*

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### 4. Collaboration. Communication. Cooperation

Four years ago I would have never imagined that I would have such a close working relationships with community groups, other agencies, student associations, and the liquor industry. And not in a million years would I have believed that university students would be inviting Police to their parties and we would be helping them plan a problem free gathering.

How my perspectives have changed as the Police Prevention First policy has gained momentum. What continues to amaze me is how simple it is. Do the basics, talk to people, and work together towards a common goal.

Last time I wrote for this newsletter I promoted the Good One Party Register that had been developed in collaboration with ACC, HPA, CDHB, University of Canterbury, Lincoln University, and the University of Canterbury Students Association and Lincoln University Students Association, and is growing with other agencies and groups providing support. Good One is open to anyone planning a party / social gathering in Christchurch and is getting a good response from uni students. So far this year there have been over 40 parties registered. This success is borne from good collaboration, communication, and cooperation. It has had a positive effect within Christchurch neighbourhoods.



Super Liquor has jumped on board with the Good One Party Register and is promoting it within their stores. I see this as good alcohol responsibility by a liquor outlet, which reflects positively on them. I intend to approach the other alcohol retailers over coming months to provide them with information about Good One as well. Like I said at the start, I never imagined that this sort of cooperation was possible until we identified common goals.

The new university year has started and along with that comes the Orientation events for students. This year has been the most successful Orientation season that I have been involved in, with reduced disorder and anti social complaints, a high awareness and compliance with the Riccarton Ilam Alcohol Ban area, and really well run events to welcome the new students and integrate them into the neighbourhoods they live in.

But it's not just the universities and student associations who are taking a responsible approach to building positive relationships in the communities. Here are three examples of people in neighbourhoods taking ownership to make it a better place to live.

1) The Deans Ave Precinct Society (a community association along Deans Ave) put on a welcome BBQ for new residents and had a good turn out of people. When people know others in a neighbourhood they feel more connected and have more respect for each other, and believe it or not it actually helps reduce crime.

2) Not to be out done the Riccarton West Neighbourhood held a Connect 2015 event to welcome people to the neighbourhood, give some entertainment, and provide information about the community and crime prevention advice. Again a good number of people attended and enjoyed the company of others.

3) Accom-a-date 2015 was held for the first time in February this year. This event was designed to bring together landlords and tenants and provide them with information and experiences to make the flatting experience a pleasant one for them and the neighbourhood they live in.

Have you heard of Red Frog. No, find out about them, they are awesome. Red Frog started in Australia where a group of caring people got together to help keep young people safe and reduce the impacts of over indulgence of alcohol. Red Frog now has a group set up in Christchurch. They have worked at the Cricket World Cup and the Foo Fighters Concert. I have seen first hand how their caring and support has prevented young adults getting into situations that they would later regret.

Red Frog have also worked at University of Canterbury Student Association orientation events providing care and support for vulnerable intoxicated people and making sure they get home safely. Before the main social events Red Frog run an awesome event called "Random Acts of Pancake". University students who were having pre drinks at their flats were encouraged to register on the Good One Party Register. Red Frog would then turn up at the flat to cook them pancakes. Student were super impressed with this, enjoyed the pancakes, and it also gave opportunity for Red Frog and Police to engage positively and give them information about keeping safe, alcohol ban areas, and how to have a good time while being considerate of neighbours.



If you would like more information about anything I have commented on in this article, please contact me.

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

## 5. Designations

The designation for your premises tells you in what situation minors can, or can't, be on your premises.

The alcohol licence will state the premises (or part of the premises) that is designated either restricted or supervised. This can also be on a time basis. If the alcohol licence does not state a designation your premises is undesignated and minors can be on your premises at any time.

### What do these designations mean?

Restricted area: Minors must not be admitted.

Supervised area: This is an area to which minors must not be admitted unless accompanied by a parent or legal guardian.

If you admit a minor to a supervised area you must be sure they are with their parent or legal guardian.

### But what is a legal guardian?

Section 46 tells us a person is only a minor's guardian if he or she is guardian by virtue of the Care of Children Act 2004.

Section 245 - Permitting minors to enter or remain in restricted or supervised areas – offence  
The penalty for this offence is a fine of not more than \$2,000 for managers and licensees.

It is a defence if the defendant proves that –

- (a) there was produced to the defendant, or an agent or employee of the defendant, a document purporting to be an approved evidence of age document; and
  - (b) the defendant, agent, or employee believed on reasonable grounds that the document—
    - (i) was an approved evidence of age document; and
    - (ii) related to the customer; and
    - (iii) indicated that the customer was not a minor; and
  - (c) the defendant, agent, or employee reasonably believed that the customer was not a minor; and
  - (d) the defendant satisfies the court that, as soon as the defendant, agent, or employee became aware of the situation, reasonable steps were taken to remove the customer from the restricted area or supervised area.
- It is also a defence if the defendant proves that the defendant, or an agent or employee of the defendant, verified the customer's age using an approved evidence of age system in the approved manner.

Approved evidence of age documents are:  
Passport, NZ drivers licence, HANZ 18+ card

If you are unsure of the designation of the premises you work at please call us.

*Jenn Davison, Alcohol Licensing Inspector.*

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## 6. Is Your Outdoor Area licensed?

An On and Club licence authorises the consumption of alcohol **on that licensed premises**. The area in which alcohol may be consumed for each premises is specified on the latest authorised plan. The licensee should retain a copy of this plan on site and all staff should be familiar with it.

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

From time to time monitoring visits identify premises where outdoor areas are being used that are not identified as part of the licensed premises in accordance with the plans supplied by the applicant.

If alcohol purchased from the holder of an On or Club licence is consumed outside the licensed area the sale is considered unauthorised (section 247 of the Act) and if convicted of this offence the result could be a fine not exceeding \$20,000, or the suspension of the licence for a period not exceeding 7 days, or both.

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

A copy of the current licensed area plan should be kept on the premises for staff and Monitoring Agency staff to view.

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

*Paul Spang, Alcohol Licensing Inspector.*



There are three main offences in relation to intoxication:  
S248 – Sale or supply of alcohol to intoxicated people  
S249 – Allowing people to become intoxicated  
S252 – Allowing intoxication on licensed premises

If the Tri-Agency identify intoxicated patrons on your premises be ready to answer some questions such as: Why did we find them not you? How long have they been on your premises? What have they been drinking?

We often talk of a “place of safety”, this is mentioned in S252:

It is important you have a place of safety; an area that is away from the bar where patrons can be looked after while you arrange for them to get home. And it is vital that every staff member knows where that place is.

*Jenn Davison, Alcohol Licensing Inspector.*

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## 9. Tools To Help You Proactively Manage The Risks.

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 Managers, and staff all need to be aware of how their premises affect the good order and amenity of the locality. This could be from, amongst many things, noise, vandalism, graffiti, and disorder.

We have various tools available on our website for you to use to help promote proactive preventative approach to these types of issues:

We may request (for new applications or renewals) additional information on the management of your premises or premises policies where late night trading or good order and amenity may be a concern or risk.

You can now find on our website the following:

<http://www.ccc.govt.nz/business/licencesconsents/alcohollicensing/licenceforms.aspx>

- Licensed premises checklist
- Crime Prevention Through Environmental Design (CPTED) checklist for on and off licensed premises. (These also have a link through to the Health Promotion Agency “Licensed Premises CPTED Guide.)
- Alcohol Management Plan Template for On-licences
- A guide to preparing an Alcohol Management Plan (AMP) for special events

### **The Alcohol Management Plan Tool**

We are increasingly recommending and asking for Alcohol Management Plans (AMPs) for high risk and late night trading on-licence premises. AMP's are a practical tool for a premises to ensure the best result from any situation while maximising safety of staff and patrons and maintaining venue management and amenity and good order standards.

- If you have an AMP for your premises we expect this to be used as an operational risk management tool for dealing with the alcohol related concerns and that its is regularly reviewed and updated by your operations management. We expect all staff to be aware of any AMP and its contents.
- To work, AMP's should be a quick reference and a training tool for all staff and security while the premises are operating under the Alcohol Licence. A copy should be maintained behind all bar areas and accessible to all staff at all times for reference.
- Your AMP should also form part of your Host Responsibility Training for the premises - so that all staff are aware of Alcohol Management, and any Resource Management and Noise Management, Footpath Lease requirements and plans for the premises. It should also note amongst other things such as: any shift rules and expectations around incident and reporting logs, any precinct Alcohol Accord policies the premises may be signed up to, include a plan of the licensed premises area with designations marked.

If you have any queries about drafting an AMP or want feedback on your AMP please contact our office.

*Allison Houston, Team Leader Alcohol Licensing*



## 10. Trading Hours During The Sacrosanct Days

There are three and a half days of the year when premises holding an On or Off licence can not trade in their usual manner.

These are commonly referred to as the sacrosanct days and are Good Friday, Easter Sunday, Christmas day and before 1.00 pm on Anzac Day.

If you hold an Off licence you can not sell alcohol. No exceptions.

If you hold an On licence you can sell to persons currently living on the premises or people present on the premises to dine.

To be clear - you can not sell alcohol to people who just want a drink. They must be intending to dine or have just finished a meal.

Time lines are specific: No more than an hour before they start eating a meal or an hour after they have finished their meal.

What is dining? Generally a meal undertaken at a table with knife and fork and generally undertaken at meal times, breakfast, lunch and dinner.

The three monitoring agencies are required to enforce the provisions of the Act and will be monitoring premises for compliance.

As another option, if you have an event or function planned to occur on the sacrosanct days, I recommend you apply for a special licence. However please bear in mind that you need to apply for a special licence at least 20 working days before the event.

If any confusion remains discuss your plans with agency staff.

*Martin Ferguson, Senior Alcohol Licensing Inspector.*

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## 11. Availability Of Low Alcohol Beverages (Under 2.5% Alcohol)

A standard condition of On and Club licences requires low alcohol drinks to be available.

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

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

This is a standard condition for On and Club alcohol licenses. Please ensure all staff are aware that failure to comply with any licence condition means that any liquor sold during the breach is an unauthorised sale (s 247) which can result in fines and/or suspensions for the Duty Manager and the premises licence.

*Paul Spang, Alcohol Licensing Inspector.*

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## 12. The Role Of The Duty Manager And Management Of The Premises

When alcohol is being sold or supplied to the public on licensed premises that hold an On or Off Licence, there must be a Duty Manager on duty at all times. This manager must also be correctly appointed through a formal Notification of Management Change under section 231 that must be emailed to [managerchange@ccc.govt.nz](mailto:managerchange@ccc.govt.nz) AND to [alcoholcanterbury@police.govt.nz](mailto:alcoholcanterbury@police.govt.nz).

When a licence is issued or renewed we often recommend in our inspector's reports what we consider the appropriate number of duty managers are for the premises, considering the type of licence and the hours of operation.

It is important that the number of Duty Managers appointed is adequate to ensure coverage at all times you are open for the sale and supply of alcohol and to help you provide appropriate support for your staff in supervision of those purchasing and consuming alcohol on your premises.

If you are the Duty Manager it is your job to make sure that, during your shift, you and your staff actively monitor patrons and all areas of your premises to ensure that the premises comply with the Sale and Supply of Alcohol Act 2012 and the conditions of the alcohol licence.

This means the compliance with, and enforcement of:

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

We also expect Duty Managers to be familiar with:

- The premises Host Responsibility Policy.
- Any Resource Management Consent conditions that apply to land use as a licence premises, which may include: noise management conditions, including types of entertainment permitted on the premises and conditions over the use of outside areas.
- Any Footpath Lease conditions
- Other policies in place at the premises, such as a one way door policy, or an Alcohol Management Plan
- Any operational undertakings given by the licensee when the licence was granted

*Allison Houston, Team leader Alcohol Licensing*

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### 13. Health Licensing Team Update

The new Food Act 2014 will be in force from 1 March 2016. Information on the Food Act is available on the Ministry for Primary Industries (MPI) website at [www.mpi.govt.nz](http://www.mpi.govt.nz).

The Act states that businesses in the high food safety risk group should operate with a Food Control Plan (FCP). This group includes restaurants, cafes, takeaway food or catering business particularly premises holding liquor licenses. Special point is that clubs and societies should also look at this document as you may be required to be registered with us and operate a FCP, in particular those who provide regular meals to member and guests.

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

Your local Food Safety Health Licensing Officer will be actively encouraging food premises to operate with Food Control Plan. 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 please call 941 8999 and ask to speak to Food Safety Health Licensing Team or email [healthlicensing@ccc.govt.nz](mailto:healthlicensing@ccc.govt.nz).

*Rowena Yee, Food Act Officer, Health Licensing*

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### 14. Training Providers 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

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### 15. Contact Telephone Numbers

(Please note staff changes)

<ul style="list-style-type: none"><li>• <b>Christchurch Alcohol Licensing Team</b> Allison Houston (Team Leader) - Phone 941-8821 Martin Ferguson (Senior Inspector) - Phone 941-8956 Paul Spang (Inspector) - Phone 941-8826 Jenn Davison (Inspector) - Phone 941-8828 Natashia Lafituanai (Technical Assistant) - Phone 941- 8827 Karin Bathgate (Technical Assistant) - Phone 941-5470 Gina Moore (Technical Assistant) - Phone 941-8068 Fax - 941-5033 <a href="mailto:managerchange@ccc.govt.nz">managerchange@ccc.govt.nz</a> <a href="mailto:alcohollicensing@ccc.govt.nz">alcohollicensing@ccc.govt.nz</a></li></ul>	<ul style="list-style-type: none"><li>• <b>Community and Public Health</b> Peter Shaw - Phone 378-6812 Helen Braithwaite - Phone 378-6745 <a href="mailto:CPHLiquorLicences@cdhb.health.nz">CPHLiquorLicences@cdhb.health.nz</a></li><li>• <b>Alcohol Harm Prevention, New Zealand Police</b> - Phone 372-5784 <a href="mailto:alcoholcanterbury@police.govt.nz">alcoholcanterbury@police.govt.nz</a>.</li></ul>
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*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**