

CHRISTCHURCH MONITORING AGENCIES NEWSLETTER

October 2007

This newsletter is now jointly produced by the Christchurch Police Liquor Licensing, the Christchurch District Licensing Agency, and Community & Public Health Liquor Licensing Officers.

Licensees.

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

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1.

Central City licensees endorse continuing the Alcohol Accord

Christchurch's Central City licensees have made an on-going commitment to operate a one-way door at 4am and look at new initiatives to build on its success to further reduce alcohol-related inner city crime and violence.

In July the Central Business District Alcohol Accord Management Committee endorsed the continuation of the Alcohol Accord under which the one-way door at 4am was the first initiative.

The meeting also made a commitment to introduce a number of new initiatives under the Accord to enhance safety in the central city.

Committee chairman Peter Morrison said the industry was pleased with the success of the Alcohol Accord since it was launched in October last year.

"It has helped reduce central city crime and violence and has had no negative impact on licensee turnover. This is a great outcome for helping create a safe, enjoyable and prosperous night-time economy in Christchurch."

Christchurch Central Area Police Commander Inspector Gary Knowles reported the number of serious offences – grievous assaults, sexual attacks and robberies – fell during the six-month trial period from October 2006 to March 2007, by as much as 21% compared with the same period in 2005/06. And since the trial period ended three months ago, the number of serious offences has continued to decline.

Inspector Knowles said the police had made an on-going commitment to continue with the level of central city policing that has operated during the last six months, working to further reduce central city violence.

“The Alcohol Accord is a key initiative to help achieve this goal.”

Christchurch Mayor Garry Moore said the success of the Alcohol Accord was fantastic news for the city.

“The early indication is that the public perception of safety in Christchurch’s central city is improving and, in part, this can be attributed to the success of the Alcohol Accord and the one-way door at 4am.

Barry McDonald

A copy of the CBD Accord News letter is attached for your information.

2. Police are noticing more people arriving in the central city consuming alcohol.

This is in breach of the Central City Liquor Ban and has a penalty of a maximum fine of \$20,000. Police have the powers to search, seize the liquor and arrest the offender.

Further to this the Summary Offences Act 1981 has the following provisions for people who consume liquor on public transport.

Section 38: Drinking in public place

(1) Every person is liable to a fine not exceeding \$300 who, in or on any aircraft, hovercraft, ship or ferry or other vessel, train, **or vehicle that is carrying passengers for reward,**

This includes - Drinks any intoxicating liquor; Supplies or offers any intoxicating liquor or has in his possession or under his control any intoxicating liquor for consumption.

Furthermore every person under the age of 18 years commits an offence and is liable to a fine not exceeding \$300 who, in any public place and while not accompanied by his or her parent or legal guardian, drinks any intoxicating liquor; or has in his possession or under his control any intoxicating liquor for consumption.

Senior Constable Doug Oliver

3. Food Availability.

A condition included on all On and Club licences is:

“Food must be available for consumption on the premises as follows:

At all times when the premises are authorised to be open for the sale of liquor, food of a range and style similar to that shown on any menu submitted or a range of snack foods in the nature of pies, sandwiches, filled rolls, pizzas and the like, must be conveniently available for all patrons and the availability of those foodstuffs must be notified to them by appropriate notices throughout the premises.”

The term “conveniently available” has been determined to cover the time it takes to serve the food and the price of that food.

Previous newsletters have contained reminders about food availability.

Failure to meet this condition means that any sale/supply of liquor is “unauthorised” (section 165). If convicted of this offence a fine could be imposed of up to \$20,000 for both the licensee and duty manager. The public are increasingly aware of this requirement, which is resulting in regular complaints to the monitoring agencies.

On the first weekend in August, appropriate food availability was tested at a small sample of inner-city premises. Unfortunately three premises did not meet the required standard.

Due to the fact that intoxication can be avoided when substantial food is consumed before or during the consumption of liquor, Christchurch monitoring agencies strongly encourage the promotion and consumption of food on licensed premises.

Future food availability tests will be carried out, and may result in legal action if the licence condition relating to food is not met. Furthermore, monitoring agencies will be taking a closer look at menus at renewal time. If this licence condition is not being met the application will be opposed.

Please ensure that all staff members are aware of the importance of complying with all licence conditions, including this one.

Peter Shaw, CDHB

4. Renewal of General Manager's Certificate & Licence Controller Qualification (LCQ)

Applications for renewal of a manager's certificate must be lodged with the DLA before the expiry date or they lapse. An expired manager's certificate cannot be renewed.

The District Licensing Agency **cannot** issue or renew a General Managers Certificate unless the applicant holds the LCQ *and* the applicant has provided a copy of it to the DLA.

This Agency has received a large number of applications for renewal where the LCQ has not been provided. As a result many of these applications have been declined.

The Liquor Licensing Authority has recommended that 2 months is a suitable period of time for an agency to allow an applicant to obtain the LCQ.

If you have applied for a General Managers Certificate, or a renewal, and have been waiting for more than two months for it to be issued, it is possible we are waiting for a copy of your LCQ. If you are unsure please contact us.

When you change your address, it is important that you advise us of the change so any correspondence is sent to your correct and current address.

Please note – Some training providers may not offer the transition test for the LCQ beyond March 2008. If you require the LCQ within the next six months, and intend to achieve this via the transition test, act now.

Martin Ferguson, DLA

5. Controlled Purchase Operations

On Saturday the 24th of March 2007, the Police, Community And Public Health, and the Christchurch District licensing Agency, carried out a controlled purchase operation in Christchurch and Banks Peninsula. On, Off, and Club Licensed premises were visited. Four premises sold to the minors. Two On licence premises in Akaroa, one On licence premises in Lyttelton, and one Bottle-store in Christchurch. All sales resulted in legal action. Duty Managers had their Managers Certificates suspended for up to six weeks, the licensees had their Liquor Licenses suspended for up to four days, and if the seller didn't hold a managers certificate they were charged in the District Court. The premises that were visited and didn't sell have been advised and congratulated in writing.

A disappointing result. We do not want sales during controlled purchase operations.

Further controlled purchase operations will be carried out. On, Off, and Club licensed premises will be visited.

Please take this opportunity to remind all staff, and ensure you have systems in place to ensure sales are not made to minors and other unauthorised persons.

Please remember – if they look under 25 years of age and have no suitable ID – then no service – NO EXCEPTIONS.

Paul Spang, DLA

6. Focus On Duty Managers

Section 115 (2), Sale of Liquor Act 1989 states:

*The manager on duty in respect of licensed premises is responsible for –
The **compliance with** and **enforcement** of –
The provisions of this 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.*

Amongst other things, this clearly places an onus on the Duty Manager to ensure that all staff are properly trained to ensure that they have a thorough working knowledge of the relevant provisions of the Act and the conditions of the licence together with the ability to implement procedures to ensure compliance and enforcement.

Often, when compliance issues arise, Duty Managers and Licensees point the finger at inexperienced or poorly performing staff. It is clear from recent decisions of the Liquor Licensing Authority that explanations of this type are not accepted. The responsibility lies with the Duty Manager.

The Police, Sale of Liquor Inspectors and Medical Officer of Health representatives are all willing to assist managers in training staff on these aspects.

Contact Community and Public Health to arrange training for your staff.
cphliquorlicenses@cdhb.govt.nz

Peter Shaw, CDHB

7. The sale of party pills in conjunction with the sale of liquor.

The Liquor Licensing Authority has released decisions where they have made comment on the association between the sale of liquor and the sale of party pills.

LLA PH 109/2006 at paragraph 42 it was stated;

“It is in our view irresponsible for a licensee to act as a vendor of party pills in conjunction with the sale of liquor. For Ms Stadler to continue to do so would in our view show a lack of suitability. The issue is about raising standards in the industry and keeping them high. We would not be prepared to make an enforcement order at this time but would hope that the licensee will take into account what has been said.”

LLA PH 690/2007

This was an off licence application for a bottle store following a change of ownership of the business. A public hearing resulted from a public objection and an opposition from the Sale Of Liquor Inspector. The sale of party pills attracted the objection and opposition. At paragraph 17 it as stated:

“We have received a closing comment from Mr Singh to the effect that his main business was the sale of liquor. He stated that if there was a chance that his licence would not be granted, then he wanted us to understand that there might be a change of heart. Mr Singh was advised there was a real chance that the application would not be granted.”

As a consequence the applicant signed an undertaking to remove all products that can be referred to as party pills before the licence is granted, and that there will be no sale or supply of these products while the licence is in force. The objections and opposition were withdrawn and subsequently the licence application was granted.

Christchurch reporting agencies will oppose the renewal of a liquor licence if party pills are for sale in conjunction with liquor.

Paul Spang, DLA

8. Christmas Day.

It is time to think about trading hours over this period. This year Christmas Day falls on a Tuesday.

Off-licences are not permitted to sell liquor on Christmas Day. This means no alcohol can be sold from 12 midnight the day before.

Hotels or Taverns: 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.

If you are considering applying for a special licence please do so now.

If you are not clear on this requirement, particularly in regards to diners, please don't hesitate to contact Agency staff.

Martin Ferguson, DLA

9. Intoxication.

Duty managers must be able to recognise the early signs of intoxication, high risk patrons, and intervene by either slowing or stopping service of liquor **before** a patron becomes intoxicated.

To keep it simple, and based on Liquor Licensing Authority decisions, we consider someone to be intoxicated to the degree where they should not be on licensed premises if they are showing any three of these signs:

- Slurred speech
- Glazed look on their face
- Hand eye co-ordination problems.
- Unsteady on their feet.

A popular misconception is that a strong cup of coffee or substantial meal will sober up an intoxicated person. That is incorrect. It takes time for the liver to remove the alcohol from the blood. Food can make a huge difference but must be eaten before or at least while liquor is being consumed. High fat high protein foods are considered best at slowing down alcohol absorption.

Can an intoxicated person remain on licensed premises?

No – with one exception.

If you believe that removing an intoxicated person from the licensed premises would endanger them,

and you have moved them to a place of safety on the premises,

and you have or are arranging safe transport,

and they are not consuming liquor,

and all bar staff are aware of the situation; **we would consider you a very responsible host.**

BUT in saying that, if the person in question became intoxicated on your premise an offence has been committed.

Patron safety is an important issue. Keep in mind that a drink spiking victim may also exhibit the signs of intoxication.

Offences relating to intoxication

- Section 165: Unauthorised sale or supply.
- Section 166: Sale of supply of liquor to intoxicated persons.
- Section 167: Allowing persons to become intoxicated.
- Section 168(a): Allows any intoxicated person to be **or** to remain on the licensed premise.

Your focus must be on preventing intoxication.

Paul Spang DLA

10. Accredited Course Providers Are:

	Telephone
Avonmore Tertiary Academy	977-2700
Christchurch Polytechnic Institute of Technology	940-8000
Liquor Licensing & Training Christchurch Limited	383-4735
New Zealand School Of Food & Wine	3797-501

11. Contact Telephone Numbers (Please note new Police number)

Christchurch District Licensing Agency

Martin Ferguson (Inspector) 941-8956	Paul Spang (Inspector) 941-8826
Natashia Lafituanai 941-8827	Helen Ward 941-8821

Fax number 941-8792

Email: liquor.licensing@ccc.govt.nz

Web Site: www.ccc.govt.nz/liquor

Community and Public Health

(Medical Officer of Health)379-9480

New Zealand Police Liquor Licensing378-0446

Regards

Christchurch District Licensing Agency

Christchurch Police Liquor Licensing

Community and Public Health Liquor Licensing

**PLEASE CIRCULATE THIS TO ALL YOUR STAFF- ESPECIALLY
DUTY MANAGERS**

and/or place on your notice board