

LICENCE TO SERVE

ISSUE 001

News from the Liquor Licencing team



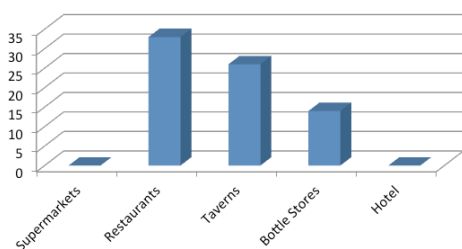
CPO FAILURES

Inspectors' News

As you may have seen recently in the media the NZ Police, District Licensing Committee Chief Licensing Inspector and Community & Public Health have conducted three Controlled Purchase Operations (CPO's) over a six month period in the Timaru and Mackenzie Districts. As a result of these three CPOs fourteen (14) premises sold to minors. Out of the 56 premises visited this resulted in a 25% failure rate.

The following breakdown shows the 'type of premise' and the failure rate over the last three CPO's:

Failure Rate Percentage



One issue we have identified looking at the statistics is that 78% of the sales were made by non-certificated staff members.

When planning our CPO's for the year we ensure we cover the industry across the board. This includes On, Off and Club premises.

We also cover from 'Very Low' risk premises to 'Very High' risk premises. Unfortunately we seem to be getting failures from all these categories.

All the licensee's and Duty Manager's involved are well aware of the legislation and the reasons for it. The volunteers used are all under 18 years of age and there is a well understood industry led standard that requires anyone looking under 25 years to be checked for ID.

All the premises that failed the CPO's have been referred to the District Court and/or the Alcohol Regulatory and Licensing Authority. All those that have been visited and did not sell to the minors are sent a letter from the District Licensing Committee congratulating them on passing the Controlled Purchase Operation. The letter also reminds licensees to make sure their staff continue to check ID when selling alcohol.

Please remember that the only approved forms of ID are:

- Valid New Zealand Drivers licence
- Valid New Zealand or overseas passport
- Hospitality NZ 18+ card

This newsletter is jointly produced by the Timaru District Council Alcohol Licensing Team, the Police Alcohol Harm Reduction Officer and the Community and Public Health Alcohol Licensing Officer.

We encourage all licensees to circulate this newsletter to all staff, especially Duty Managers.

THIS ISSUE

CPO Failures

Police Update

Service Wisdom

In the six month period prior to this period we visited all three Districts and tested 66 premises with one premise selling to a minor resulting in a 1.5% failure rate.

Under the Sale and Supply of Alcohol Act 2012 the Alcohol Regulatory and Licensing Authority have issued a 'three strikes you are out' policy whereby if a premise fails three CPO's (or any enforcement resulting in a negative holding) the Licensing Inspector or Constable MUST seek cancellation of that licence. We can confirm we currently have premises that are on their final warning in the three districts we cover.

"I hope that we can put these results behind us and look at how you can implement changes to ensure these sorts of results don't happen again."



CPO DOWN LOW

Police update

Controlled Purchase Operations (CPOs) are planned operations designed to monitor and enforce the provisions relating to the sale of alcohol to minors under the Sale and Supply of Alcohol Act 2012. There is an exemption under the Act that allows minors to enter licence premises to purchase alcohol on the request of a Constable. Parliament has deemed these are necessary to test that the industry is carrying out its obligations that they have been licenced for under the Act. You can find the section relating to this law under Section 243 of the Sale and Supply of Alcohol Act. This is not a new power as the same provisions were in the Sale of Liquor Act 1989 under Section 162 from 2004 onwards. The Police run these operations with the Licensing Inspector and the Canterbury District Health Board. We follow a set of guidelines – these are guidelines, they are not a prescriptive blueprint, and may be adapted to fit our resourcing or our local communities.

There is no discretion in regards to prosecution following a CPO. We are required to process all failures through the relevant judicial system (i.e. Alcohol Regulatory & Licensing Authority or the District Court).

Warnings are not an option.

We take the safety of our volunteers very seriously and we expect all licensees and

duty managers to do the same. They are asked to do a rather daunting task and the Alcohol Regulatory and Licensing Authority (ARLA) has not responded favourably to any misconduct directed at CPO volunteers in the past.

The only defence available to you under Section 239 "Sale or supply of alcohol to people under the purchase age on or from licence premise" is if you have seen some valid ID that shows they are over the purchase age and you honestly believe it is theirs, or the alcohol is supplied to them by someone over 18 and you did not know about it. So the best way to deal with any CPOs is to ask for ID. If you follow Hospitality NZ policy of asking anyone for ID who looks under 25 then you can't really go wrong.

On 26 October 2016 new penalty guidelines were released by the Alcohol Regulatory & Licensing Authority. These are:

Licences:

- (i) On Licences (taverns) or premises which rely solely on the sale of alcohol for income – 48 hour suspension
- (ii) On Licenced premises other than taverns (i.e. hotels, restaurants, conveyances, or other on-licensed businesses that do not rely solely on the sale of liquor for their income) – 72 hours

"If you follow Hospitality NZ policy of asking anyone for ID who looks under 25 then you can't really go wrong."

- (iii) Off Licences for stand-alone liquor retail premises or bottle stores – 48 hour suspension
- (iv) Off Licences (supermarkets) – five day suspension
- (v) Off Licences (grocery stores) – seven day suspension

Managers Certificates

- (vi) First failure in a CPO – 28 day suspension
- (vii) First conviction for excess blood/breath alcohol – 28 day suspension

(It is emphasised that the sanctions in (i) to (vi) above are confined to failed Controlled Purchase Operations and are to be applied to first offences only).

Given the "three strikes" provisions of s.288 and s.290 of the Act the Authority now requires that second or subsequent breaches will be heard by way of public hearing.

Sgt Hamilton, Alcohol Harm Reduction Officer, NZ Police



SERVING UP WISDOM

Canterbury District Health Board

In the last six months we have had a bad run on failed CPOs. This has been because of a number of different reasons, some being human error, poor operation standards by staff and ignorance of the law. All of these issues can be addressed through staff training.

I know it is hard to obtain staff in your industry and retaining good staff is another issue. So on the job training is a real issue and if you are running a business like a tavern or restaurant there is a lot of other training that must take place as well as training relating to the Sale and Supply of Alcohol Act.

All is not lost though because a lot of money has been spent to make this easier for you in the development of ServeWise. This system was launched live on 16 February 2016 and many of you attended the launch in Christchurch. Below is information from their website www.alcohol.org.nz/alcohol-management-laws/managing-alcohol/host-responsibility/serve-wise

All you have to do is direct your staff (or potential staff member) to this website and have them complete the training. The modules take approximately an hour to complete and are free of charge.

ServeWise is a new national e-Learning tool developed for sellers and servers of alcohol.

ServeWise provides an understanding of the Sale and Supply of Alcohol Act, with a strong focus on intoxication, minors, server intervention and host responsibility. The tool has been developed in response to a demand for improved standards of training and the creation of a level playing field across on, off and club licensed premises.

The training is tailored to meet the needs of both sellers of alcohol in off-licensed scenarios (ie, bottle stores and supermarkets) and servers of alcohol in on-licensed settings (ie, bars, restaurants, cafes, clubs and entertainment venues).

After completing the training the trainee will receive a certificate to say they have completed ServeWise. This certificate should be shown to their employer. This allows the employer to focus on other in-service training and be reassured that their staff have a good understanding of licensing laws.

It would be good practice if you made it a requirement for all non-duty managers and/or new staff to do before starting employment. I am sure you will agree that it is in no one's interest to fail any CPO's.

Shayne Broughton, Canterbury District Health Board

"I know it is hard to obtain staff in your industry and retaining good staff is another issue."



PROHIBITED PERSONS SIGNS

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. If however you do want any of the signs below, please feel free to contact our Licensing Inspector **sharon**. hoogenraad@timdc.govt.nz and she will send you some out.

**Alcohol will
not be served
to minors**

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

**Buying alcohol?
If you look under
25
You will need to prove your age***

No offence!
We can lose our licence for serving anyone under 18
*No photo driver licences, NZ 18+ cards and current passports are acceptable evidence of age documents

**No ID
No Service
No Exceptions**

From the Secretary's desk

A reminder that the District Licensing Committee 'working days' cease on 20 December 2016 and will recommence 15 January 2017. What this means is that any applications received during this period will not be processed until after 15 January 2017. If your application is due within these dates you need to ensure you get your applications in early.



From the team at the Liquor Licensing unit have a safe and enjoyable Christmas