

LICENCE TO SERVE

ISSUE 002

News from the Liquor Licensing team



LICENSED PREMISES TOOLKIT

Whether you own a small restaurant, a club or a late night tavern, we 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 is developing a Licensed Premises Toolkit, which will bring together all of the alcohol documentation required by you as a licensee to meet your legal obligations and the requirements under the act.

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.

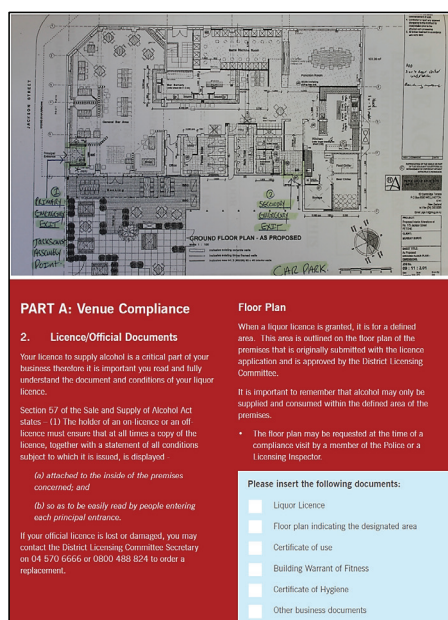
We encourage all licensees to circulate this newsletter to all staff, especially Duty Managers.

THIS ISSUE

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POLICE UPDATE

Due to the role of an Alcohol Harm Reduction Officer (AHRO) being a rotational position we have created a new email address to which all enquiries should be sent, so you don't have to keep trying to remember who the AHRO is.

The new email address is:

ahro.timaru@police.govt.nz

The Notice of Change of Management Form has been updated on the Timaru District Council website with this new email address for you to send us a copy of the form.

Another note regarding the Notice of Change of Management Forms. The Council has updated the forms and removed the fax numbers, replacing them with email addresses.

If you have old versions and want to update them, contact Sharon Hoogenraad at the Council (sharon.hoogenraad@timdc.govt.nz) and she will be able to send them through to you. Also please remember that you have to send the forms to both the Council and the Police when you send them.

It will include:

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

We plan to start delivering this toolkit to you sometime early this 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.

ANZAC DAY TRADING

Before 1.00pm on ANZAC Day, licensed premises that hold an On or Off licence cannot trade in their usual manner.

This year ANZAC Day (25th April) falls on a Tuesday.



As a reminder:

- If you hold an Off-Licence you cannot sell alcohol before 1.00pm. No exceptions.
- If you hold an on-licence, prior to 1.00pm you can only sell alcohol to persons currently living on the premises or people present on the premises to dine.
- You cannot sell alcohol to people who just want a drink. They must be intending to dine or have just finished a meal. This means no more than an hour before they start eating a meal and 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 (i.e. breakfast, lunch and dinner).

As another option, if you have an event of function planned to occur on the sacrosanct days, the licensing team recommends 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 prior to the event. Special licence applications will not be accepted for continuation of normal trading.

CPO RESULTS

Since the previous newsletter, the agencies have conducted two under-age Controlled Purchase Operations and also an unauthorised customer Controller Purchase Operation with some of our larger Clubs.

On 10 December 2016, 15 premises in the Waimate and Mackenzie Districts were tested to see if they would sell alcohol to minors, and are pleased to say that there were no sales, which are excellent.

On 15 January 2017, four club premises in the Timaru and Mackenzie Districts were tested to see if they would sell alcohol to an unauthorised customer and unfortunately one premises sold. Also on the same day 19 licensed premises in the Timaru and Mackenzie Districts were tested to see if they would sell alcohol to minors and unfortunately one premises sold.

Well done to those premises who passed. They have been notified in writing.

Controlled Purchase Operations are ongoing. Please take this opportunity to remind all staff, and ensure you have systems in place to prevent sales to minors and other unauthorised persons.



OPEN TO INTERPRETATION

Smokefree Environments Act 1990

Smokefree Enforcement Officers work on behalf of the Ministry of Health to ensure compliance with the Act.

Recently a smoke free enforcement officer and Shayne Broughton visited some of the smoking areas in four licensed premises. None of those premises' smoking areas were open areas as the Act requires. This means that your current smoking area may not be legal.

This is a good time to look at your smoking areas and compare them with this definition:

The Act defines both internal areas and open areas

Internal area, in relation to any premises or vehicle, means an area within or on the premises or vehicle that, when all its doors, windows, and other closeable openings are closed, is completely or substantially enclosed by –

- (a) a ceiling, roof, or similar overhead surface; and
- (b) walls, sides, screens, or similar surfaces; and
- (c) those openings.

Open area, in relation to any premises, means a part of the premises that is not an internal area.

Because the Ministry of Health is the lead enforcement agency, it is not able to provide advice on specific premises. Anyone wanting specific legal advice or legal interpretations of the Act should contact a lawyer or legal expert.

This guidance is intended to indicate how the Ministry of Health views the open area requirements of the Act. As with all legislative interpretation, elements of this guidance may develop over time including as a result of Court rulings.

Shayne will be introducing the new Smokefree Enforcement Officer to you when they are appointed, and they will assess and discuss your smoking area at that time.

Guidance for determining an 'open area'

When the Ministry of Health is considering whether an area is internal or open, it looks at the following factors.

- 1 Does the space have a roof? If not, then by definition it is an 'open area'.
- 2 Does the space have only one wall and a roof? If yes, then in all likelihood it will be an 'open area'.
- 3 If the space has three walls and a roof, it may not/probably will not meet the 'open area' definition.
- 4 The most important question to ask is 'what would a reasonable person say about this area?' Would a reasonable person consider it to be 'open' or 'internal'?



FOOD CONTROL PLAN REGISTRATION DEADLINE

The Food Act 2014 is now in full swing and the deadline is approaching for all food service businesses with an alcohol licence to register a food control plan with the Council.

Food Control Plans are used to manage food safety. Most businesses can use a template food control plan created by MPI, and register their business with their local council. You can find the food control plan templates on the Ministry of Primary Industries website: <http://www.mpi.govt.nz/> All licenced restaurants, cafes, caterers, hotels and bars that are not already operating a food control plan must apply to register by the 31st March 2017.

If you would like additional help to set up your food control plan, please contact our Environmental Health Unit and they can arrange a mentoring session that will help you to understand the requirements and tailor the plan to suit your specific business (charges apply).

Please contact Aleisha Campbell (027 224 6577) or Annette Davidson (027 224 6579) or you can email them on foodadmin@timdc.govt.nz for registration forms and further information.



Sneak Peek at what is in the next newsletter

Craig Chambers (Fire Risk Management Officer, NZ Fire Service) will be doing an article on the new look Fire Service (Fire Emergency New Zealand) and how the impact these changes will have on all licensees.

From the Secretary's desk

Some applications recently filed have been a bit light on detail. To save delays in the processing of your applications, please ensure you give your full attention to filling in the applications as much as possible.

We are also needing detailed floor plans to be provided when you are renewing your applications, as most of our files have not had floor plans provided for many years.

I am pleased to see that there has been a marked improvement in the CPO results since the last newsletter. Keep up the good work out there guys and keep that trend going.
