



WHANGANUI DISTRICT COUNCIL, PUBLIC HEALTH &amp; WHANGANUI POLICE

# Liquor Matters



APRIL 2016

## Moving forward...

### Public notifications

We are investigating whether to use the Council website for public notifications as opposed to the local paper i.e. Council staff will enter your Public Notice on the relevant page on the website. Hopefully this can be a free service to our licensees. Sale and Supply of Alcohol Regulations 2013 refers:

R.36 Manner of publication of public notice of applications for new licences (other than special licences)

A public notice of the making of an application for a new licence (other than a special licence) must be published—

- (i) in a newspaper or newspapers circulating in the district concerned that has or have been nominated for the purposes of the application by the secretary of the licensing committee to which it was made; or
- (ii) on an internet site nominated for the purposes of the application by the secretary, and remain accessible on the internet site for at least 10 days after publication.

Next step will be to get the sanction of our Council.

### Annual fees

Automatic suspension for non-payment of annual fee.

(Be aware the law says it's automatic so we don't need to lodge an application with ARLA and then wait for the decision).

That is the applicable law for now! However, we don't want to kill businesses and we appreciate how tough the new fees structure has been for you all.

We are researching to see if the Sale and Supply of Alcohol (Fee-Setting Bylaws) Order 2013 would allow this Council to reduce the annual fee.

### Electronic applications

In the near future we will be looking into having liquor applications electronically so keep a look out for this. To kick start we are setting up an email database. Please email us your contact address to [DLAdministration@whanganui.govt.nz](mailto:DLAdministration@whanganui.govt.nz) and will start notifying you using the email address you supply.



### Council website

We have been working hard at creating an informative liquor area on our Council website. This newsletter is available on there as well. Check it out at

[www.whanganui.govt.nz/liquor](http://www.whanganui.govt.nz/liquor)

Please pass this newsletter on to your staff to keep them all informed as well.

### Your thoughts?

Any ideas or comments you wish to make please email us at

[DLAdministration@whanganui.govt.nz](mailto:DLAdministration@whanganui.govt.nz)

# Law on minors drinking with parents/guardians

Sale and Supply of Alcohol Act 2012  
Section 241.

## Supplying alcohol to minors

(1) A person who supplies alcohol to a minor commits an offence.

(2) A person who commits an offence against subsection (1) is liable on conviction to a fine of not more than \$2,000.

(3) It is a defence to a charge under subsection (1) if the person supplying the alcohol (the supplier)—

(a) is a parent or guardian of the minor, and supplies the alcohol in a responsible manner; or

(b) believes on reasonable grounds that the minor is not a minor; or

(c) believes on reasonable grounds that subsection (7) applies to the minor, and supplies the alcohol in a responsible manner; or

(d) believes on reasonable grounds that he or she has the express consent of the parent or guardian of the minor, and supplies the alcohol in a responsible manner.

(4) When considering for the purposes of subsection (3)(a), (c), or (d) whether alcohol was supplied to any person in a responsible manner, the court may, in relation to the occasion on which the alcohol was supplied, take into account the following:

(a) the steps taken by the supplier to supervise the consumption of alcohol;

(b) whether food was provided with the alcohol;

(c) whether a choice of low-alcohol or non-alcoholic beverages, or both, was offered;

(d) the nature of the occasion:

(e) any arrangements for, or provision of, safe transport;

(f) the period over which the alcohol was supplied;

(g) the strength and volume of the alcohol supplied;

(h) the age of the minor;

(i) any other matter it thinks relevant in the particular circumstances.

(5) Subsection (1) applies irrespective of any liability that may attach to the licensee or any manager or other person in respect of the sale or supply of the alcohol.

(6) A person does not commit an offence against subsection (1) by supplying alcohol to a person who then supplies it

to a third person who is a minor, unless it is proved that the person knew or had reasonable grounds to believe that the alcohol was intended for a minor.

(7) This subsection applies to the minor at any time if he or she is then no longer subject to guardianship by operation of section 28 of the Care of Children Act 2004.



## OTHER LINKS

Health Promotion Agency:

<http://alcohol.org.nz/alcohol-management-laws/nz-alcohol-laws/age-the-law/parents-and-guardians>

New Zealand Police:

<http://www.police.govt.nz/advice/drugs-and-alcohol/alcohol-laws-and-penalties>



## Staff training

Until recently, alcohol law only required potential managers to have formal training – in the form of the LCQ. Unfortunately there was no follow up training requirement unless the law changed (transition course in 2006 and bridging test in 2014). While that training was fresh, all was usually fine but after time the retention of knowledge usually eroded away as has become obvious in some interviews we do.

There has been no other mandatory training requirement for staff (or even licensees if they don't hold a manager's certificate) and unfortunately the requirement to "know the law" is not given priority. 80% of the businesses that fail police CPOs (Controlled Purchase Operations) fail due to the untrained staff who make the sale - not the manager or licensee – but who is affected? For your own protection and to meet the object of the Act – TRAIN YOUR STAFF!

It will be an expectation that ALL staff receive training in Host Responsibility Practices and general compliance with the Sale and Supply of Alcohol Act 2012.

1. We need to see a copy of any training programmes and evidence of the staff being trained. Evidence of attendance is easy – an attendance list headed up with what the agenda was and the date etc, signed by the staff members. Locally, there has been a staff training record template developed for businesses to use, free of charge.
2. Every six months would be a minimum expectation.
3. Essentials in this training would be a copy of your premises licence PLUS the Host Responsibility Policy and intoxication assessment guidelines, which are then discussed and signed off as being received, read and understood.
4. Many organisations have their own in-house training packages and all staff must complete/attend on a regular basis.

5. There are outside training organisations that do seminars at their own training centre or will come to you. Often an outside trainer delivers the message better than "the boss". These usually have certificates of attendance.
6. There are some useful resources available put out by the Health Promotion Agency:
  - The Bar Code – Frontline bar staff and the law
  - Host responsibility: guidelines for licensed premises
  - The Manager's Guide 2014
  - Intoxication assessment guidelines.

These resources are excellent, easy to use tools. Copies can be collected for free from Whanganui District Council or ordered from [www.alcohol.org.nz](http://www.alcohol.org.nz).

7. Best practice would be regular sessions in-house where staff get copies of the licence, the host responsibility policy, intoxication assessment guidelines and one of the above books and you go through them and explain. Staff then sign the attendance register.
8. There is a template staff training record that has been developed to help with your staff training. If you would like a copy, please contact Public Health Centre.

## CONTACT DETAILS

### Public Health Centre

Health Protection, Lambie Hostel,  
Private Bag 3003, Whanganui  
Telephone (06) 348 1775  
Fax (06) 348 1783

E-mail:

[PHUWang@midcentraldhb.health.nz](mailto:PHUWang@midcentraldhb.health.nz)

For URGENT enquiries after hours  
Telephone (06) 348 1234



## Staff training continued...

**ServeWise**, Health Promotions Agency's new national e-learning tool developed for frontline sellers and servers of alcohol, is now live. To access it go to <https://servewise.alcohol.org.nz> and register.

The tool has been developed in response to industry as well as regulatory agency demand for improved standards of training across all licensed premises.

The e-learning tool provides a basic understanding of the Sale and Supply of Alcohol Act, with a strong focus on identifying intoxication, minors, server intervention and host responsibility. It employs a vibrant and engaging game format that utilises video and animation to assist the player's learning.

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

The modules take approximately an hour to complete and are free of charge.



## Be aware

Alcohol related incidents within the CBD are increasing. Some examples are preloading which occurs at home and side loading in vehicles which park near licenced premises, damage to properties including urination and vomiting, and drinking in Liquor Ban Areas. Please have staff and security monitor your patrons and if they see any crimes occurring contact the Police.

## Friendly reminders

- Please have your applications along with all the appropriate documentation to us within **20 working days** prior to the event or expiry date.
- Please use current application forms which can be printed off our website ([www.whanganui.govt.nz/liquor](http://www.whanganui.govt.nz/liquor)) or come into our office Whanganui District Council, 101 Guyton Street, Whanganui and collect the most up to date versions.
- If you're applying for a **Special Licence** please provide along with the application a detailed list of the food available, a map of the licenced premises marking any designations necessary and a copy of a poster if you are advertising the event.

# After all the talk Doug's big day has finally arrived!

Despite everything that has been thrown at me over the years I have survived and now intend retiring on 12 April 2016 to a life of walking sticks, cane chairs on the deck and mixing medications with alcohol!!

Reminiscing (while I still have the ability to remember) there have been interesting times.

When I started in the role we had some rough pubs (they improved as soon as I left), monitored the hell out of them until they came up to specifications, now they only require the occasional 'show the flag and wave the big stick'. We have of course had to grasp new legislation that in my view hasn't, and probably won't, achieve what we all thought was required. Phenomenal increase in fees, drop off in patronage etc etc – you know it all better than I.

Training I received was minimal to say the least, so I was pretty much self-taught. I was lucky to receive valuable support and guidance from Snr. Sgt. Irvine (now retired). He was one who understood that a bit of preventative maintenance would reap benefits further down the track.

I have met some great people, some shysters, some experts in everything imaginable, some tremendous patrons and loved them all - I was never assaulted or abused.

I tried to make myself available to help licensees and managers with any questions – just don't ask me "if I have to close over Easter"!!

## My personal observations:

But for gaming machines, I believe a number of currently licensed premises would no longer be operating – should this be addressed? Those of you familiar with Maslow's Theory of Human Motivation/Needs will appreciate that humans need each other, to be part of a group etc and therefore rather than have individuals wandering the streets and causing all sorts of (expensive) mayhem we should be encouraging them to frequent your fine establishments. I am a firm believer that your establishments offer so much to the community and have always advocated that the bean counters should add the intangible benefits to the credit side of the balance sheet rather than as a supposed cost!

You need to be better advocates for yourselves. Don't expect the politicians (both local and central government) to make the right decisions for you – in my opinion they rarely get it right and 'do gooders' are killing the industry.

We need to cut our cloth to suit etc and have local solutions for local conditions. Because it worked in Auckland doesn't automatically mean it will work here. Even though I'm leaving town I still firmly believe Whanganui has tremendous potential and you will benefit from it. You must be driving developments – don't leave it to the university graduates who have no experience or a clue!

Thanks for letting me into your premises (and in a lot of cases your personal lives/issues etc). I have really truly enjoyed it.



Liquor  
Matters

Whanganui District Council  
101 Guyton Street  
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[www.whanganui.govt.nz](http://www.whanganui.govt.nz)