

CHRISTCHURCH MONITORING AGENCIES NEWSLETTER

February 2007

We hope 2007 is going well for you.

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. Onset of Intoxication: Tackling the intoxication issue

The Liquor Licensing Authority have stated that allowing intoxication on licensed premises is one of the more serious offences committed under the Sale of Liquor Act 1989.

Where intoxicated persons are found on licensed premises the monetary penalties which may be imposed have been doubled, and the liquor licence can also be suspended. It is pointed out that the seriousness of the offence requires the police to report on the conviction to the Authority. This includes the reporting of the matters in section [132A\(2\)](#) of the Sale Of Liquor Act. The Authority may cancel the licence or suspend the licence for up to six months. The Authority has said, in *Dayal Holdings Ltd LLA Decision PH568/04*, that:

“It seems to us that allowing a person to be or become intoxicated while on licensed premises is the most vivid form of liquor abuse.”

The three monitoring agencies are trying to reduce, with the help of bar managers and staff, the level of intoxication on licensed premises.

This can only be achieved with premises adopting a strategy which utilises all staff to target 'onset intoxication' (early signs of intoxication), and applying this in their premises.

Considering the object of the Sale of Liquor Act 1989, controlling intoxication on licensed premises is the most obvious way to contribute to a reduction in Liquor Abuse.

We really need a greater commitment from all of us to target the onset of intoxication. The agencies are fully committed to encouraging and facilitating all stakeholders to do this through continued monitoring and staff training.

Sergeant Alastair Lawn

2. General Managers Certificates – Important Note

As of 1 April 2006 the District Licensing Agency **cannot** issue or renew a General Managers Certificate unless the applicant holds the Licensed Controllers Qualification (LCQ).

The Act nevertheless allows an application to be made and considered if applicants do not hold the required qualification. Section 121(1) of the Act requires that the agency determine any unopposed application in accordance with the Act. This means the District Licensing Agency may convene a public hearing and determine the application in due course.

The Liquor Licensing Authority have recommended that a suitable period of time (2 months), that an agency could wait to allow an applicant sufficient time to obtain the Licensed Controllers Qualification.

The District Licensing Agency has received a considerable number of applications where the LCQ has not been provided. A hearing will be called shortly to deal with all these applications. In all likelihood many of these will not be issued or renewed.

Please check that all duty managers have a current Managers Certificate, and if they currently have an application in with us, that they have made application for the LCQ.

The applicant must provide the DLA with a copy of the LCQ before the application can be issued or renewed.

Martin Ferguson, DLA

3. Food Availability

All liquor licenses that allow for the consumption of liquor on the premise (On, Club and Special) carry a condition requiring that food is to be available at all times that liquor is available.

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

It is the intention of the agencies to test compliance, in this regard, especially on those premises subject to a complaint, by use of a “mystery shopper” scenario.

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

Peter Shaw, CDHB

4. Controlled Purchase Operations

Just a reminder that further controlled purchase operations will be carried out. On, Off, and Club licensed premises will be visited. This will include the Banks Peninsula area.

For those who aren't aware, controlled purchase operations involve a minor (person under 18 years of age), entering a licensed premise and attempting to purchase alcohol. Under-age volunteers are instructed to lie about their age, just as most under-age people would if trying to purchase liquor.

A sale to a minor will result in legal action through the Liquor Licensing Authority and/or the District Court.

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

5. Christchurch CBD Alcohol Accord

More than 45 bars in the central business district have formed an Alcohol Accord, in partnership with the Christchurch City Council, New Zealand Police, Community and Public Health, a division of the Canterbury District Health Board, and HANZ.

The Accord objectives are:

- To create a safe and prosperous night-time economy within the Christchurch CBD
- To reduce alcohol-related harm and crime-related costs
- Contribute to the reduction of liquor abuse
- Reduce intoxication, underage drinking and antisocial behaviour
- Build better relationships between stakeholders and the public.

The first initiative under the Accord is the One-Way Door policy. The policy is currently being trialled in the Christchurch CBD and means that on Friday, Saturday and Sunday mornings from 4am no new patrons will be admitted to any of these bars and patrons who leave the premises will not be re-admitted once they have left.

The Accord, and specifically the One-Way Door, is designed to stop the migration of alcohol-affected individuals and groups between bars and areas within the central city which had resulted in a disproportionately high rate of serious offending such as common assaults and sexual assaults.

The Accord has now been in place for 4 months and feedback from the industry and key stakeholders so far has been extremely positive. Christchurch Central Police Station Area Commander Inspector Gary Knowles says the incidents of violence are down as a result of the Alcohol Accord. "Violence is trending down which is what the Accord was designed to achieve. Early indications are it is having a dramatic effect on violence," he says. Breaches of the liquor ban and disorderly conduct are up as Police work focuses on preventing the spike in violence that has traditionally occurred between 4am and 6am. He says by apprehending people for disorderly conduct or breaches of the liquor ban early in the evening, the Police are stopping them from being the victim of a serious assault or becoming an offender later in the evening. Inspector Knowles praised the new environment that had evolved with Police and bar owners working together to help create a safer inner city and prosperous night-time economy. He hopes at the end of the six-month trial the positive impact will mean everyone will want to keep the Alcohol Accord operational and explore new ways to reduce inner city crime and violence.

Peter Morrison, Chairman of the Central Business District Alcohol Accord Management Committee says for licensees the Alcohol Accord is helping to reduce crime and having minimal impact on their businesses. Mr Morrison says it is pleasing at this stage that the majority of licensees believe the Accord should continue after the six-month trial. "This is fantastic. It shows strong acceptance of the joint responsibility to reduce violence and crime in the central business district".

Christchurch Mayor Garry Moore says the early results were great for Christchurch, going a long way to helping make Christchurch New Zealand's safest city.

Community Violence Reduction Project

6. Training

Staff training is the key to operating a successful business, especially in overcoming the risks involved in a heavily regulated environment.

The three regulatory agencies combine to provide a staff training package that covers the requirements of the Sale of Liquor Act 1989, licence conditions and the expectations of the agencies. These sessions are provided without charge.

Contact Peter Shaw, Community and Public Health to arrange training for your staff.

peter.shaw@cdhb.govt.nz or 379 9480 extn 812

7. Results of the Duty Managers Recognition of Compliance (ROC) Promotion – October 2006

The promotion was well received but showed plenty of room for compliance improvement. Of the 40 licensed premises visited 21 met all requirements on our checklist and qualified for Reading movie passes.

Requirements not met:

- Duty manager's name not displayed 6 premises
- Duty manager not on premises 2 premises
- Incorrect duty manager's name displayed 3 premises
- Base licence not displayed correctly 4 premises
- No alternative transport signage 4 premises.

We hope to run this promotion again later in the year.

You can download a copy of our checklist from the Christchurch District Licensing website, or contact me direct if you would like a laminated copy (phone numbers and website at end of newsletter).

Paul Spang, DLA

8. Good Friday, Easter Sunday and Anzac Day

This year Good Friday is on 6 April, Easter Sunday falls on 8 April, and Anzac day is on Wednesday, 25 April.

As a reminder:

Off-licences are not permitted to sell liquor on Good Friday, Easter Sunday, or before 1.00pm on Anzac day. This means no alcohol can be sold from 12 midnight the day before these sacrosanct days unless a special licence has been obtained.

Hotel or Tavern: No liquor is to be sold on Good Friday, Easter Sunday, or before 1.00pm on Anzac 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. Student Orientation

The busy Christmas and New Year's season rush has finished, it's life as usual and for most of us it's back to work – EXCEPT for the thousands of students who for a week in February will be partying like its 1999.

Students will again test the boundaries and even limits of their drinking and what they do and get away with is most likely going to set the standard for their drinking year ahead. So once again bars and bar staff need to retrain the mob and set clear standards for the students on what is appropriate drinking in Christchurch bars.

Here are the dates and some details of what universities and polytechnics are planning so that when the hordes migrate to your bars (and they will) you are prepared and we are happy.

CPIT Orientation 07 – 19-23 February

The Students' Association has put together a week of entertainment from events every lunchtime in the CPSA centre. For more information on the week's activities visit the CPSA website at <http://www.cpsa.org.nz/community/>

University of Canterbury – 22 February – 4 March

UCSA has a jam packed line up full of fun and entertainment with some big name NZ artists playing most nights - www.ucs.org.nz

Lincoln University – 12 – 23 February

Two weeks of lunch time and evening entertainment. Halls of Residence orientation 12th-18th.

Maria Smolar, CDHB

10. Authorised Duty Managers

A common belief is that a staff member can work duty managers shifts because they are booked into, or have completed a Duty Managers training course. This is incorrect.

An authorised Duty Manager is either the holder of a current Managers Certificate, or someone who has been correctly appointed as an acting or temporary duty manager. Unfortunately a few people are getting this wrong and in doing so commit serious offences under the Sale of Liquor Act.

Temporary Managers (Section 128 Sale of Liquor Act)

A temporary manager may be appointed by the **licensee** (the licence holder) if a Manager is ill, absent for any reason, dismissed, or resigns.

A temporary manager does not need to hold a Manager's Certificate at the time he/she is appointed, but must apply for a Certificate **within two working days** after the appointment.

If a certificate is not applied for within two working days, or if the appointment is refused by the Liquor Licensing Authority, then the licensee shall cease to employ the individual as a manager.

Acting Managers (Section 129 Sale of Liquor Act)

An Acting Manager may be appointed by the **licensee** (the licence holder):

- When the duty manager is unable to act because of illness or absence. The maximum length of such an appointment is three weeks.
- When the duty manager is on vacation or annual leave. The maximum length or appointment is an aggregate 6 weeks in each 12 month period.
- It is not necessary for an Acting Manager to apply for a Manager's Certificate.

The appointment of an **Acting or Temporary** Manager must be notified (pursuant to section 130), to the Liquor Licensing Authority, the District Licensing Agency, and the Police Licensing Sergeant at the Police Station nearest to the relevant licensed premise, **unless** the appointment of a temporary or acting manager does not exceed a period of 48 hours. In both cases we recommend you have a copy of the appointment form available for inspection on the licensed premise. The acting or temporary manager's name must still be displayed.

The most common mistakes:

- The temporary manager has not made application for a manager's certificate within two working days of their appointment.
- The acting manager has exceeded their maximum appointment time.
- The notice of appointment form has not been forwarded to the required agencies.
- The temporary or acting manager's name is not displayed.
- The temporary or acting manager was unaware of their appointment and responsibilities.

Where an acting or temporary manager's appointment is invalid, any liquor sales are unauthorised and could result in a fine not exceeding \$20,000 or the suspension of the licensee's licence for a period not exceeding seven days, or both.

I recommend licensees and managers physically sight and keep copies of Managers Certificates, and check all appointments of acting and temporary managers are valid.

Paul Spang, DLA

11. 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

12. 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