

**CHRISTCHURCH TRI-AGENCY  
NEWSLETTER**

**September 2010**

This newsletter is jointly produced by the Christchurch City Council Liquor Licensing Team, the Police Alcohol Strategy and Enforcement Team, 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. The Christchurch District Licensing staff have shifted.**

On the 23<sup>rd</sup> of August 2010 the Christchurch District Licensing team started operating from the new Civic Offices situated at 53 Hereford Street Christchurch. The phone numbers remain the same but the postal address has changed to P O Box 73013 Christchurch 8154.

For security reasons access past the ground floor is restricted, so if you are visiting the new Civic Offices to speak with Liquor Licensing Staff appointments are recommended

Paul Rogers, Team Leader Liquor Licensing.

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**2. Additional Christchurch District Licensing Inspector appointed.**

We welcome Fiona Proudfoot to the team.

Fiona has a background which spans health, policing and the liquor industry. Fiona has spent the last two and half years in the NZ wine industry, being involved in both production and sales. Prior to this she was a UK Police Officer for nearly eleven years, involved in general duties and training and leaving the Police as a Training Sergeant. Before joining the Police Fiona worked for three years as a Clinical Scientist in the UK Health Service.

Paul Rogers, Team Leader Liquor Licensing.

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**3. Important information for Grocery stores**

For a number of years there has been concern at the number of smaller grocery type stores that have been able to obtain a liquor licence.

A High court decision released in July has clarified how such stores should be evaluated.

The key finding was that it must be the type of store where people do their normal weekly shopping.

In short a grocery store suitable to hold a licence must operate the same or similar to that of a supermarket. In practical terms what this means is, if you are currently the holder of an Off Licence and you are not a stand-alone bottle shop, hotel or tavern, or operating like a supermarket, then your ability to hold a licence may be challenged.

Martin Ferguson DLA Staff.

#### 4. SAYNOW (Sports assisting youth) launches in Christchurch

Heavy drinking after weekend sports events is a fairly entrenched aspect of New Zealand society today, the harmful consequences of which affect large sectors of society. A new programme created by Canterbury Police Officer Kerry Lancaster is set to improve the culture and behaviours associated with the after-game celebrations. Alcohol is a touchstone for community problems. It is known to be a major aggravator of antisocial behaviour within our communities and is readily identified in up to 80 percent of all crime.

The short and long term damage to our communities from alcohol abuse has been conservatively placed at between \$1 – 4 billion annually (Easton 2002) and upwards of \$16 billion annually. With Canterbury's population around 550,000 we are battling a financial cost that is upwards of \$29,000 for each individual annually. 50 - 70% of total crime is fuelled by consumption of alcohol (Police Strategic Plan to 2010). In 2006, 85% of arrests processed through the Canterbury watch-houses were affected by alcohol.

It is no secret that alcohol damages young sportspeople and their communities too. Every weekend, young players are involved in brawls, drink-driving accidents, damage of property or alcohol-fuelled domestic abuse. Those at the highest levels of sport are not immune to the negative affects of alcohol on their sports and their lives. Many club members provide alcoholic drinks to younger players as rewards for a good performance, and drinking sessions in clubrooms often go on into the early hours.

In Canterbury, Police Officer Kerry Lancaster has developed a programme using the people who work behind clubroom bars, supporters, players, coaches, managers, committee members and sponsors. She has developed a programme called SAYNOW an acronym for Sports Assisting Youth Now, which was launched in North Canterbury in March this year. Constable Kerry Lancaster is part of the region's Alcohol Strategy and Enforcement Team, as well as being a keen sportswoman. She has played at high level competitions in squash, tennis and netball. Lancaster has experienced firsthand the implications and consequences of alcohol misuse in sports clubs.

SAYNOW involves training respected members of sports clubs to impart positive messages about alcohol to younger players. Whilst clubs are not the centre of the problem they are an ideal place to capture and educate a portion of our target audience.

“It might be as simple as a regular supporter who says to players skulling beer, ‘Hey guys, pull your heads in’. Or a simple environmental change with a recovery sports drink being available in the locker rooms instead of alcohol.

The participants attend seminars which will incorporate a range of speakers; speakers to date have included ex All Black Scott Robertson, current Crusaders coach Todd Blackadder, All Black doctor Deb Robinson, mental skills coach Dave Hadfield, ER Specialist Jan Bone along with representatives from Police and Canterbury District Health. The seminars include informative, hard hitting and engaging presentations around alcohol. One seminar is aimed at players and coaches and the other seminar focuses on what clubs can do to curb the drinking culture within the club and to promote positive alcohol messages that the players continue outside their club involvement

SAYNOW is being launched with the assistance of ALAC, CCC, NZ Police and Sport Canterbury. If you have any questions regarding the SAYNOW initiative please contact Kerry direct on 378-0447.

Constable Kerry Lancaster.

#### 5. Discounting

Recently there has been a spate of bars in the inner city offering drinks at what I would call ridiculously low prices. I would like to remind every one that the HANZ/ALAC guidelines on promotions strongly discourages such practices. (the guidelines may be viewed at [alac.org.nz](http://alac.org.nz))

Section 154A of the Act makes it an offence to do anything in the promotion of a business that is intended or likely to encourage persons to consume alcohol to an excessive extent. (There is no requirement to prove that excess consumption actually happens)

You may ask how cheap is to cheap?

The Authority have given an indication that a discount of over 50% could be taken as excessive. If you are unsure if your promotion is acceptable, contact the agency staff before going ahead.

Martin Ferguson DLA Staff.

## 6. Security Provider Accreditation (SPA)

The Security Provider Accreditation launch on the 30<sup>th</sup> March 2010 went very well and the initiative has continued to gain momentum with only a handful of licensed premises in the CBD with security that have not lodged an application for SPA. These operators have been identified and their details forwarded to the Christchurch Central Business District Alcohol Accord committee. Please direct any SPA questions or application form requests to me at [paul.spang@ccc.govt.nz](mailto:paul.spang@ccc.govt.nz) or DD 941-8826.

SPA training. The free SPA security training is provided and organized by Peter Shaw from Community & Public Health, and Police Liquor Licensing Staff. The course covers minors, preventing, identifying and dealing with intoxication, host responsibility processes, drink spiking, incident books, the role of regulatory agencies, use of force, self defence, and the Trespass Act. Staff must be booked in for training. To confirm training dates make bookings please contact Peter Shaw on 378-6812.

Paul Spang, DLA Staff.

## 7. Hazardous Substances and Licensed Premises.

“Hazardous substances we don’t have them here mate”. This is the usual response to the Council’s Hazardous Substances Enforcement Officers when conducting inspections on licensed premises.

Yet if a pub/bar or hotel uses liquid petroleum gas or diesel to heat water, or the building, then they may be storing amounts that need to be covered by the Hazardous Substances and New Organisms Act 1996 (HSNO) and the City Plan.

The following points will help to keep your customers and you safe.

- Store all LPG cylinders in the upright position.
- Do not use outdoor patio heaters indoors – killing your customers is not a good look.
- If you have over 15 kgs or 450 litres of diesel then please contact the Hazardous Substances Officers at the Council (Time and information is given free of charge and is unbiased).

NB It is important that you comply with the HSNO Act and because your building and contents insurance may be invalid if you do not.

For further information please see websites [www.ccc.govt.nz/business/health&safety/hazardous](http://www.ccc.govt.nz/business/health&safety/hazardous), [www.energysafety.govt.nz](http://www.energysafety.govt.nz) (Energy Safety), [www.lpga.org.nz](http://www.lpga.org.nz) (LPG Association).

If you have any questions regarding Hazardous Substances please contact Liam direct at [Liam.tarpey@ccc.govt.nz](mailto:Liam.tarpey@ccc.govt.nz) or Phone (027) 2004694

Liam Tarpey, Hazardous Substances officer.

## 8. Grossly Intoxicated Driver Results in Licence Suspension.

In LLA decision PH 781-783/2010 Police apprehended a grossly intoxicated person driving a motor vehicle. An evidential breath test gave a reading of 1249 micrograms of alcohol per litre of breath and a blood reading of 299 milligrams of alcohol per 100 millilitres of blood.

It transpired that he had been drinking at the Tawa Returned Services Association Incorporated clubrooms. The Police alleged there had been breaches of s.166 of the act (sale or supply of liquor to intoxicated persons) and s.167 of the act (allowing a person to become intoxicated on licensed premises). In addition the Tawa RSA had lodged an application for the renewal of the Club licence.

The Duty Manager had stopped service to the intoxicated person and removed that persons car keys once he became aware of the man’s level of intoxication.

The Authority considered that it is desirable that both the club licence and the Club Manager’s Certificate should be suspended. The Authority recognised the unblemished record of both the Club and Manager.

Subsequently the Club’s licence was suspended for 24 hours, the Club manager’s Certificate was suspended for 31 days and the Club Licence was renewed for a reduced period of 12 months.

Paul Spang, DLA Staff.

## 9. Recent LLA Decision Regarding Food Availability

The Liquor Licensing Authority have recently considered food availability in the “Waipapakauri Hotel” decision PH 371-271/2010.

The following is an extract from that decision:

[7] The Authority considers that the expression “must be conveniently available” means that the food must be available upon request and within a very short period of time.

[8] For patrons to wait for 15 or 20 minutes for food does not achieve the object of the legislation as set out in s.4 of the Act. The purpose of requiring food to be available is so that persons can eat and therefore reduce alcohol abuse. If persons are required to wait for some 15 to 20 minutes the chances are that they will proceed to have another drink.

It appears clear from this decision that in respect of on licence premises, other than restaurants, food must be available almost immediately. This would preclude premises from relying totally on outsourced food although that remains available as an option to the food that is immediately available.

The expectations of the monitoring agencies are:

- Food must be available and promoted throughout on licence and club licensed premises at all times that liquor is available. This is just as important at the end of business as the start.
- Unless the premises are set up and operate as a restaurant, menus (including price) should be large and clear rather than reliance of table top or bar top menus.
- Controlled purchase operations to ensure compliance are being conducted. This will involve patrons requesting food. If it is revealed that food availability does not meet the required standard, an application for the suspension of both the on licence and general manager’s certificate is the likely consequence.

Peter Shaw, CDHB.

## 10. Controlled Purchase Operations

For those who aren’t aware, controlled purchase operations involve a minor (person under the age of 18 years of age), entering a licensed premise and attempting to purchase liquor. On, Off and Club premises in Christchurch and Banks Peninsula are visited. The sale of liquor to a minor results in legal action against the seller, Duty Manager, and Licensee.

The two most recent controlled purchase operations in Christchurch and Banks Peninsula were as follows:-

- Friday 26<sup>th</sup> February 2010 – 22 premises visited with 1 sale from a Tavern.
- Thursday 15<sup>th</sup> July 2010. This CPO was carried out during school holidays. 88 premises visited with 6 sales from: two Restaurants; one Club; one tavern; one supermarket specialising in Asian groceries and one grocery store specialising in Asian groceries.

Congratulations to the premises that were tested and didn’t sell. They have been advised in writing.

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 Staff.

## 11. 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 & Public Health to arrange training for your staff. [CPHLiquorLicences@cdhb.govt.nz](mailto:CPHLiquorLicences@cdhb.govt.nz) or (03) 3786812

Peter Shaw, CDHB.

## 12. Christmas Day 2010.

This year Christmas Day falls on a Saturday. As a reminder:

Off-licences are not permitted to sell liquor on Christmas Day.

Hotel or Tavern. 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.

( unless a special licence has been obtained ).

If you are considering applying for a special licence **please do so now**. If an application for a special licence is not received by the District licensing Agency with at least 10 working days notice, it is unlikely to be processed in time. If you are not clear on this requirement, particularly in regards to diners, please don't hesitate to contact Agency staff.

Martin Ferguson DLA Staff.

## 13. Liquor Offences Detected in Christchurch Asian Grocery Stores

We have discovered a number of unlicensed grocery stores selling cooking wines that contain alcohol, and licensed grocery stores selling liquor such as Soju and Sake, which are not authorised under their licence.

Under the Sale of Liquor Act, liquor means any fermented, distilled or spirituous liquor that is found on analysis to contain 1.15 percent or more alcohol by volume. This includes any food condiment containing liquor which is prepared for culinary purposes and rendered unsuitable for drinking, e.g. cooking wines that contain liquor.

The unlicensed sale of liquor to the public is an offence liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$40,000.

Licensed premises selling liquor which is not allowed under their licence are liable to a fine not exceeding \$20,000 and/or the suspension of the liquor licence for a period not exceeding 7 days.

"Anyone wanting to sell alcohol needs to make sure they understand the requirements of the Sale of Liquor Act. Anyone who wants advice on whether they have the correct licence for the products they are selling should contact the Council's Liquor Licensing team. Future offences are likely to result in legal action.

Paul Spang, DLA Staff.

## 14. Would You Like to be Emailed Newsletters?

Simply email [Liquor.Licensing@ccc.govt.nz](mailto:Liquor.Licensing@ccc.govt.nz) with the appropriate email address for your premises and we'll add you to an email list for newsletters and other licensing information.

Paul Rogers, Team Leader Liquor Licensing.

## 15. Training Providers with Tri-agency Input.

Telephone

Avonmore Tertiary Academy 977-2700

Christchurch Polytechnic Institute of Technology 940-8000

Liquor Licensing & Training Christchurch Limited 383-4735

## 16. Contact Telephone Numbers

Christchurch District Licensing Agency

Paul Rogers (Team Leader)	941-8909	Martin Ferguson (Senior Inspector)	941-8956
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Paul Spang (Inspector)	941-8826	Fiona Proudfoot (Inspector)	941-5064
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Natashia Lafituanai	941-8827	Maria White	941-8821
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Michele Vincent	941-8068	Fax number	941-5033
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Email: [liquor.licensing@ccc.govt.nz](mailto:liquor.licensing@ccc.govt.nz)

Web Site: [www.ccc.govt.nz/business/licencesconsents/liquorlicences/index.aspx](http://www.ccc.govt.nz/business/licencesconsents/liquorlicences/index.aspx)

Community and Public Health  
(Medical Officer of Health) 364-1777  
New Zealand Police Liquor Licensing 378-0430

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Regards

Christchurch City Council Liquor Licensing Team  
Police Alcohol Strategy and Enforcement Team  
Community and Public Health Liquor Licensing

**PLEASE CIRCULATE THIS TO ALL YOUR STAFF- ESPECIALLY  
DUTY MANAGERS - AND/OR PLACE ON YOUR NOTICE BOARD**