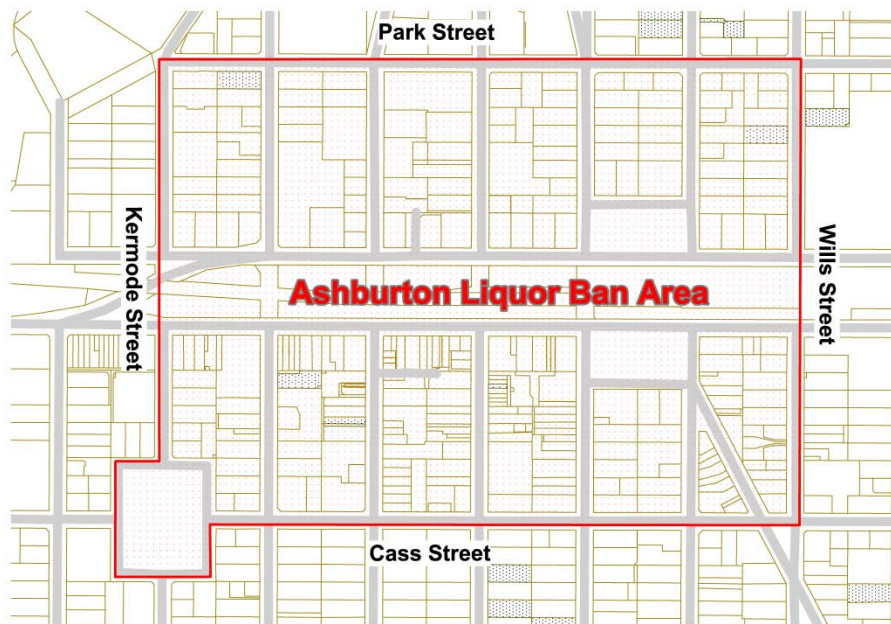


# LIQUOR LICENSING NEWS



## This Edition:

- Liquor Ban Area
- Controlled Purchase Operations and Minors
- Host Responsibility & Food
- Legal Update
- Intoxication
- Do you hire out your facilities
- Private Security Personnel and Private Investigators Act 2010

## What Does the Liquor Ban Area Mean to You?

Did you know that it is against the law to drink or carry open containers of alcohol in the Ashburton Liquor Ban Area? Persons caught offending are breaching the Ashburton District Council Bylaws and can be issued with an Infringement Notice by Talbot Security Group Personnel or be arrested by the Police. The cost of the infringement is \$200.00.

Regular security and Police patrols are undertaken throughout the Liquor Ban Area. The Liquor Ban is effective between 9.00pm and 7.00am every day of the year.

The Liquor Ban Area is clearly marked by signs throughout the area on power poles and on the pavements.

Allowing patrons to leave on-licence premises with a drink is a breach of the on-licence conditions and the patron is also breaching the Liquor Ban by being in possession of an opened container of alcohol.

Serving "last drinks" in plastic cups (as opposed to stubbies) can persuade patrons not to leave a premise with concealed drinks.

## CONTROLLED PURCHASE OPERATIONS & MINORS

A quick reminder that controlled purchase operations are routinely carried out with other Agencies (Police/Health) throughout the District. On, Off and Club licenced premises are visited to monitor whether the licence conditions are being complied with. Minors may attempt to purchase alcohol or patrons attempt to purchase food. The penalties for non compliance can be severe, including large fines and closure of the licensed premises. Please ensure that you and your staff comply with the licence conditions at all times.



## Contact Us

Ashburton District Council  
5 Baring Square West  
Ashburton  
7740

Telephone:  
(03) 307 7700

E-Mail:  
[aimée.grigg@adc.govt.nz](mailto:aimée.grigg@adc.govt.nz)

Web Site:  
[www.adc.govt.nz](http://www.adc.govt.nz)

## Host Responsibility and Food

A condition of every on-licence and club licence is that an approved range of food is available at all times that liquor is available. This is detailed in the “conditions” of your licence.

Having food available is one of the seven requirements of being a “responsible host”.

Food can significantly slow down the absorption of alcohol from the stomach, which therefore slows down the onset of intoxication.

If you are in a restaurant, your restaurant menu must be available at all times you are operating. For bars, taverns and clubs a range of savory foods must be available. The availability of food is required to be notified to patrons throughout the premises.

Make food appetizing and appealing and be a responsible host.

***So, food is one host responsibility principle, what are the others?***

- Having a range of non-alcoholic drinks
- Having low alcohol beverages
- Not selling to minors
- Intoxicated patrons are not served/ being proactive to prevent intoxication
- Safe transport options
- Liquor promotions not to encourage excessive consumption



How you comply with these requirements should be in your Host Responsibility Policy. Your policy may need to be reviewed to ensure you are able to meet your legal responsibilities.

### Legal Update

The proposed law changes are not yet finalised. Some detail is available; however some issues, including whether the purchase age will change, are yet to be decided. The Ministry of Justice has advised that the time frame for the new Act is:

- April 2012 – Assent of the new Act (ie Bill becomes law)
- October 2012 – Transition period from October 2012 to April 2013
- April 2013 – new law in full effect

This could however change

## Intoxication

It is against the law to sell liquor to an intoxicated person. It is also an offence to allow someone to become intoxicated on your premises. Please ensure that you and all of your staff are aware of the signs of intoxication and the actions to be taken where you suspect that someone is becoming intoxicated.

### Look out for:

- Loud or slurred speech
- Vacant or glazed look
- Hand eye co-ordination problems
- Clumsy, slow or delayed reactions
- Unsteady on their feet
- Annoying, over friendly or inappropriate behaviour

### What to do:

- Do not serve any more alcohol
- Arrange for their removal from the premises if their personal safety is not at risk
- Arrange suitable transport for the person

## Do you hire out your facilities?

If you occasionally hire out your facilities to third parties, we would like to remind you that you should take great care to ensure that your facilities are looked after properly by the hirer. Where alcohol is to be available (licensed or not) you should exercise great care and due diligence to ensure that unaccompanied minors are only supplied alcohol by a parent or guardian, and that the usual good host responsibilities are in place at all times.

We strongly recommend that you have a formal written contract of agreement between you and the hirer to protect your assets. This agreement should include the provisions for safety, cleanliness, alcohol consumption, transport and cleaning up the facility after use etc.

If you require further information or would like an example contract please contact [aimee.grigg@adc.govt.nz](mailto:aimee.grigg@adc.govt.nz)

## Private Security Personnel and Private Investigators Act 2010

This information sheet sets out some important things you need to know to comply with the Private Security Personnel and Private Investigators Act 2010.

### Who is affected?

The Private Security Personnel and Private Investigators Act 2011 (the Act) regulates private investigators, property guards, security technicians, security consultants, confidential document destruction agents, crowd controllers and personal guards.

The Act covers both those in employment in any of the above categories and those running businesses, either incorporated companies or as sole traders, in these lines of work.

Generally speaking employees require a certificate of approval under the new Act and companies and sole traders require a licence. All certificates of approval come with an identification badge as well.

### What do I need to do by when?

#### **1 June 2011**

If you were licenced under the old Private Investigators and Security Guards scheme you need to have applied for a new licence or certificate of approval by 1 June 2011 to continue working legally. If you did not apply by 1 June or are a new to the industry you are permitted to work in the industry once you have received your new licence or certificate.

#### **1 November**

Crowd controllers and personal guards (eg bouncers and body guards) are required to be licenced or certified by 1 November to continue working legally. Apply early, by mid August at the latest, to ensure you have received your licence or certificate in time for the 1 November deadline.

### What if I need work urgently?

#### **Temporary Certificates**

If you need to work as an employee in the security industry while your application is being processed you may apply to obtain a temporary certificate of approval. These can only be granted where a full certificate of approval has been applied for and where the applicant has no disqualifying criteria.

#### **Emergency Appointments**

If you do not have enough certified staff to carry out your business due to significant staff illness or genuine emergency you can notify the Licensing Authority and then make an emergency appointment. This will be valid for two weeks and is only to be used in situations where you cannot wait for a temporary certificate.

### What happens if people don't comply?

- They risk being prosecuted for an offence under the Act.
- An employee working in the security industry without a certificate of approval faces a fine, on conviction, of up to \$20,000.
- A person who employs or engages a security industry employee without a certificate of approval faces a fine, on conviction, of up to \$20,000.
- An individual conducting business in the security industry without a licence faces a fine, on conviction, of up to \$40,000.
- A company conducting security industry business without a licence faces a fine, on conviction, of up to \$60,000.



## Private Security Personnel and Private Investigators Act 2010

### Enforcement

The Act established an independent body, administered by the Department of Internal Affairs, called the Complaints, Investigation and Prosecution Unit (CIPU). The CIPU will investigate complaints against licence or certificate holders and provide information and reports to the Licensing Authority when requested.

The CIPU can also prosecute offences against the Act, such as operating a security business without a licence. Complaints will then be heard by the Licensing Authority or its Deputy and disciplinary action will be taken, such as the suspension of licences or certificates and the imposition of fines.

For more information, or to file a complaint, go the Authority's website: [www.pspla.govt.nz](http://www.pspla.govt.nz).

### How will I know if I am employing an approved individual?

There is a public register of licence and certificate holders on the Authority's website.

### Are there any training requirements?

At the moment there are no training requirements, however eventually crowd controllers, property guards and personal guards will be required to meet minimum competency requirements.

The Government has not yet decided on the date by which crowd controllers, property guards and personal guards will need to be trained, however, it will not be before mid 2012.

### How do I apply?

Applications can be filled in online, at the Authority's website: [www.pspla.govt.nz](http://www.pspla.govt.nz)

### Where can I find out more?

More information about the Act and the Authority is available at [www.pspla.govt.nz](http://www.pspla.govt.nz).

For advice on whether you or your business is affected by the scheme contact your industry representative organisation (such as the New Zealand Security Association or Hospitality Association New Zealand) or seek a legal opinion.

## ***Information provided by the Private Security Personnel Licensing Authority***

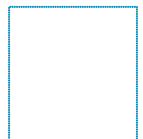
From:

E mail Address:

*Please add me to your e mail alert list. I wish to receive further newsletters and relevant information via e mail.*

To:

Liquor Licensing Inspector  
Ashburton District Council  
Ashburton 7740



*This form can also be handed in at the Council reception*