

LICENSED VENUE COMPLIANCE ESSENTIALS



How to use this document

Insert documents in this folder relating to your premises where prompted.

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1. Background

This manual is a useful resource where you can store important and essential documentation in one place.

This manual should be readily available during trading hours upon request by Licensing Inspectors, Police or Regional Public Health.

Legislation

The Sale and Supply of Alcohol Act 2012 is the legislation reforming New Zealand's alcohol laws. It replaces the Sale of Liquor Act 1989.

The object of the Act is that :

The sale, supply and consumption of alcohol should be undertaken safely and responsibly: and

The harm caused by excessive inappropriate consumption of alcohol should be minimised.

Regulations made under the Sale and Supply of Alcohol Act came into force on 18 December 2013.

Further Information

The Ministry of Justice website, the official source of information for the alcohol reform legislation, includes factsheets that anyone can use.

www.justice.govt.nz/policy/sale-and-supply-of-alcohol

Copies of the new Acts can be found on the New Zealand Legislation website

www.legislation.govt.nz

This Venue Compliance Essentials is based on the joint initiative of City of Melbourne, Victoria Police, Responsible Alcohol Victoria and the Licensees of Melbourne.



Reporting agencies

Under the Sale and Supply of Alcohol Act all alcohol licence applications are investigated by:

- Licensing Inspectors on behalf of the District Council
- Police
- Regional Public Health, on behalf of the Medical Officer of Health.

All or some of the reporting agencies may visit your premises before a license is issued. Information gathered will be used to assess the application.

Licensing Inspectors

Licensing Inspectors are appointed by the three Wairarapa district councils. The Inspector looks into the suitability of all applicants, the employment of certified managers, host responsibility practices, issues around operating hours, the proposed use, designation of the premises and a wide range of environmental issues concerning the proposed business and premises.

The Licensing Inspector reviews the findings filed by the Police and the Medical Officer of Health and files a report to the District Licensing Committee.

Inspectors monitor licensed premises on an ongoing basis to make sure they comply with the Sale and Supply of Alcohol Act 2012, and their host responsibilities.

Police

The Alcohol Harm Reduction Officer receives a copy of all managers and licence applications. Applications are vetted similarly to Licensing Inspectors but include background checks for suitability of individuals, members of partnerships, directors and shareholders of the applicant company.

The Police monitor all licensed premises on an ongoing basis to make sure they comply with the Sale and Supply of Alcohol Act 2012, and their host responsibilities.

Medical Officer of Health

With delegated authority from the Medical Officer of Health, Regional Public Health Advisors inquire into all new and renewal alcohol licence applications. Host responsibility and amenity and good order of locality are of particular interest. Findings will be included in the report to the District Licensing Committee.

Public Health Advisors assist the Licensing Inspector and the Police for compliance with the Sale and Supply of Alcohol Act 2012.

New Zealand Fire Service

The New Zealand Fire Service reviews applications for the approval of evacuation schemes for buildings, and monitors the ongoing trial evacuations or training programmes. Advice is offered for building evacuation procedures.





Compliance Visits

The Police, Licensing Inspectors and Regional Public Health regularly undertake venue compliance visits of licensed premises.

These agencies have a statutory role in ensuring licensed premises operate according to the law.

Police and Licensing Inspectors are able to enter your premises at any time and do an inspection of your venue.

Have this folder readily available with up to date information on request from the agencies.

Controlled Purchase Operations

Controlled Purchase Operations (CPO) are a compliance and enforcement initiative targeting the sale and supply of alcohol to minors, food availability, and prohibited persons, across all licence types.

Minor CPOs involve supervised volunteers aged under 18 attempting to buy alcohol from licensed premises. These can happen at any time.

If an alcohol sale is made to a volunteer, the premises' operator, manager or licensee is liable to prosecution or other sanction.

District Licensing Committees

The District Licensing Committee (DLC) will decide on all applications for new or renewed alcohol licences, manager's certificates and special licences.

DLCs are responsible for considering:

- all licence applications and renewals, regardless of whether they are contested or uncontested
- all managers certificate applications and renewals, regardless of whether they are contested or uncontested
- enforcement applications relating to licence suspensions for non-compliance with public health or fire precaution requirements
- Enforcement application for suspension or cancellation of special licences

Alcohol Regulatory and Licensing Authority

The Alcohol Regulatory and Licensing Authority (ARLA) has replaced the Liquor Licensing Authority (LLA).

ARLA's primary role is to:

- consider and determine appeals against decisions of district licensing committees
- consider and determine enforcement applications regarding alleged breaches by licensees or managers
- consider and determine appeals against local alcohol policies
- determine applications referred to it by district licensing committees, with the leave of the ARLA chairperson.

Local Alcohol Policies

The Sale and Supply of Alcohol Act provides a system for the supply of alcohol.

Through the adoption of local alcohol policies (LAPs), communities will be able to administer supply control measures on hours, density and location to restrict the availability of alcohol proportionate with the levels of control required to reduce the harms to an acceptable level.

Wairarapa Local Alcohol Policy

The three Wairarapa councils are currently developing a LAP. The LAP may restrict licensed premises operating hours, location of licensed premises and other conditions. It is important you are aware of what is contained in the LAP. Once a provisional policy has been adopted the Councils must publicly notify the community of its adoption.

Hospitality New Zealand

Hospitality New Zealand is the trade association that represents, advises and assists hospitality businesses nationwide. Membership of the association includes:

- 24/7 advisory service for all alcohol licensing, employment and other industry matters from your local regional manager and in-house lawyer
- local regional manager and in-house lawyer
- access to over 100 information resources to assist with all employment and alcohol licensing questions and compliance
- savings from specially negotiated buying benefits
- updates on industry and compliance issues.



PART A: Venue Compliance

2. Licence/Official Documents

Your licence to supply alcohol is a critical part of your business therefore it is important you read and fully understand the document and conditions of your alcohol licence.

Section 57 of the Sale and Supply of Alcohol Act states the holder of an on-licence, off-licence or club licence must ensure that at all times a copy of the licence, together with a statement of all conditions subject to which it is issued, is displayed -

(a) attached to the inside of the premises concerned; and

(b) so as to be easily read by people entering each principal entrance.

If your official licence is lost or damaged, you may contact your local council to order a replacement.

For further information visit:

<http://www.mstn.govt.nz/services/liquor/index.php>

Floor Plan

When an alcohol licence is granted, it is for a defined area. This area is outlined on the floor plan of the premises that was originally submitted with the licence application and is approved by the District Licensing Committee.

It is important to remember that alcohol may only be supplied and consumed within the defined area of the premises.

- The floor plan may be requested at the time of a compliance visit by a member of the Police or a Licensing Inspector.

Please insert the following documents:

- Alcohol Licence
- Floor plan indicating the designated area
- Certificate of use
- Building Warrant of Fitness
- Certificate of Hygiene
- Other business documents



3. Certified Managers

A manager's certificate is needed by anyone who intends to be a duty manager of licensed premises such as a tavern, bar, hotel, club, supermarket or bottle store.

The Licence Controller Qualification (LCQ) has been developed by the hospitality industry to standardise and improve the overall quality and skills of managers working on licensed premises.

The LCQ can be applied for by anyone who has completed the two unit standards:

- 4646 – Demonstrate knowledge of the Sale and Supply of Alcohol Act 2012 and its implications for licensed premises
- 16705 – Demonstrate knowledge of host responsibility requirements as a duty manager of licensed premises

The LCQ will be needed before your application for a manager's certificate will be considered by a District Licensing Committee.

Appointment of Managers, Acting Managers and Temporary Managers

A licensee can appoint, under certain circumstances, a temporary manager who does not hold a manager's certificate. They must apply for a manager's certificate within two working days.

An acting manager may be appointed for not more than three weeks at any one time due to illness or absence of the licensee, and not more than six weeks in total in each year to enable a manager to have a holiday or take annual leave. The acting manager does not have to hold a manager's certificate (Section 229 and 230 of the SASAA).



1. Notifying

A licensee must give notice to the DLC and the Police within two working days of an appointment, cancellation, or termination of the appointment of any manager, temporary manager or acting manager as per s231 (1). (The exception being that you do not have to notify the appointment of an acting manager if the appointment does not exceed 48 consecutive hours.) The DLC may within five working days notify the licensee that it does not approve of the appointment.

2. Recording

You must record each appointment of a manager, temporary manager, or acting manager, even if the appointment is less than 48 hours. You must keep these records for at least **two years**.

This information is needed so that the Police and Licensing Inspector can check:

- the suitability of the appointments
- that the requirements for notifying the agencies of appointments and terminations has been met.

The Sale and Supply of Alcohol Regulations 2013, regulations 24 – 26 outline the exact information you are required to record in relation to managers, acting managers and temporary managers.



Renewal of a Manager's Certificate

A new Manager's Certificate expires after 12 months and a renewal certificate can be issued for up to three years.

- **It is the responsibility of the applicant to apply for a renewal manager's certificate before the expiry date. You can do this via the District Licensing Committee of your district council.**

On the following pages you will find a sample Register of Certified Managers, and a Register for Temporary and Acting Managers. Complete the registers and insert into this section of the folder so that it is readily accessible to the Police or a Licensing Inspector at the time of a compliance visit.

Please insert the following documents:

- Copies of Manager's Certificates and/ or Renewal Certificate for each Certified Manager
- Register of Certified Managers
- Register for Temporary and Acting Managers
- Copies of any notifications made under S231

For further information visit:

www.mstn.govt.nz

www.swdc.govt.nz

www.cartertondc.co.nz

Responsibility of the Duty Manager

A manager on duty is responsible for the compliance with and enforcement of:

- the act, and
- the condition of the licence
- the conduct of the premises with the aim of contributing to the reduction of alcohol-related harm

The licensee must take all reasonable steps to enable them to carry out their responsibilities.

4. Host Responsibility

The Sale and Supply of Alcohol Act 2012 aims to improve New Zealand's drinking culture and to reduce the harm caused by excessive drinking.

Host Responsibility is a set of strategies to help create safer drinking environments. It aims to reduce intoxication and its associated harms by focusing on the server of alcohol and the environment in which alcohol is consumed.

Host Responsibility is based on six key concepts

A responsible host:

1. prevents intoxication
2. does not serve alcohol to minors
3. provides and actively promotes low and non-alcoholic alternatives
4. provides and actively promotes substantial food
5. serves alcohol responsibly or not at all
6. arranges safe transport options.

The Licensing Inspector, Police and Regional Public Health will want to see a copy of your Host Responsibility Policy and a plan of how you are going to implement it, at licensing and renewals.

All staff must receive ongoing and regular training to ensure that the policy is working effectively at your premises.

For further information visit

www.alcohol.org.nz/legislation-policy/host-responsibility

Host Responsibility policy displayed

Please insert the following documents:

Copy of your Host Responsibility policy

Copy of your Host Responsibility policy implementation plan



5. Dealing with Intoxication

It is your responsibility as the Licensee or Duty Manager of a licensed premises to make sure no person at any time is sold or supplied alcohol if they are intoxicated. You must make sure that no person becomes intoxicated while on your premises or enters the premises intoxicated.

The Sale and Supply of Alcohol Act definition of 'intoxicated' states –

“Observably affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:

- a) appearance is affected
- b) behaviour is impaired
- c) co-ordination is impaired
- d) speech is impaired”

Alcohol affects people differently. There are observable signs of impairment that are usually displayed by someone who is intoxicated. These are outlined in the Intoxication Assessment Tool on the following page.

It is recommended your staff understand the Intoxication Assessment Tool so they can use it to help them assess a person's level of intoxication before serving them.

**Alcohol will
not be served
to anyone who
is intoxicated**

6. Dealing with Minors

Alcohol misuse by minors is a major issue facing New Zealand.

It is an offence under section 239 of the Sale and Supply of Alcohol Act to sell or supply alcohol to people under the purchase age of 18 (minors).

You must identify and make sure that underage drinkers are not served. If in doubt ask to see proof of the age of the person.

It is good practice to check ID for anyone who looks under the age of 25.

The term "evidence of age document" means a document that is:

- a New Zealand passport; or
- an overseas passport; or
- a driver's licence issued under the Land Transport Act 1998; or
- an 18+ card issued by Hospitality New Zealand (HNZ).

Note: An overseas driver's licence is not an evidence of age document.

A Licensee, manager or staff member who sells to someone under 18 may be subject to:

in the case of the licensee; either or both of the following:

- fine of not more than \$10,000
- the suspension of the licence for a period of not more than seven days

The Manager a fine of up to \$10,000 and any other person, a fine of up to \$2,000.

Designated Areas

At the time of your alcohol licence application your venue may be designated to place controls on minors in certain parts of your premises.

Restricted

Only persons 18 years or older may be in this area of your venue.

Supervised

A person under the age of 18 may consume alcohol only if supplied by a parent or legal guardian and accompanied by that parent or legal guardian. An aunty, uncle, brother, coach or extended family member are not a legal guardian. (Unless legally designated as such).

It is an offence to allow minors into areas of your venue not designated to allow minors.

Please insert in this section your:

- Policy for managing minors
- Copies of ID noting forms



7. False Identification

Every effort must be made to prevent the use of fake or fraudulently presented evidence of age documents (ID) to gain illegal entry to licensed premises and access to alcohol.

It would be useful to note any incidents of suspected presentation of fraudulent ID in the 'Incident Log' contained in this manual.

Fake or Fraudulent evidence of age documents

If you are suspicious that ID has been tampered with or is fraudulently presented, you may follow the steps outlined below:

1. Ask the person if they have another form of identification

(In many instances a person will only have one form of false ID and should they produce another form of ID, it may help to verify the person's identity)

2. If the ID presented has a signature:

- invite the person who has presented the ID to sign a blank piece of paper and
- compare the signature to the one on the ID.

3. Record the details of the suspected false ID and any other ID that may be produced.

4. Record particulars from the person presenting the ID and their next-of-kin (home address and phone number(s)).

5. Tell the person who has presented the ID that the ID appears to be fraudulently presented and:

- note their explanation
- ask them if they are willing to wait until the Police are contacted to arrive and inspect the ID
- refuse entry to your venue

6. Hold on to the ID and wait with the person until Police arrive.

If the person will not wait for Police but agrees to abandon the ID follow the steps below:

- complete an ID noting form and issue receipt
- insist the person obtains an authentic ID before any future entry into the venue and service will be considered.

If the person demands the return of the ID then:

- you have no statutory power to seize the ID and you should return the ID to the person
- make contact with other licensed premises in your area and alert them of the suspected false or fraudulently presented ID and a description of the person
- record the circumstances and person's description and forward on to the Police (Alcohol Harm Reduction Officer).

Note: Do not use force to retain the ID.

If the person presenting the ID leaves the licensed premises abandoning the document in the possession of yourself or one of your staff members, then you must:

- secure the ID (for handover to the Police)
- note and record the time, date and circumstances surrounding the abandonment of the ID for the information of Police on the ID noting form and deliver the ID to the Police (Alcohol Harm Reduction Officer) for further enquiries.

This section is based on the Police Best Practice Manual.



8. Venue Signage

The District Licensing Committee has imposed conditions on your licence. One of them is requiring you to display signage including restrictions on the sale of alcohol to minors and the complete prohibition on sales to intoxicated persons.

Signage to be displayed.

- Alcohol will not be served to anyone who is intoxicated
- Alcohol will not be served to minors
- No ID, No Service, No Exceptions
- Duty Manager
- Licence (with conditions)
- Host Responsibility Policy
- Trading Hours

'Gone too far?' posters may also be appropriate for your premises.

All posters can be ordered directly from the Health Promotion Agency (formally ALAC) or from the Licensing Inspector or Public Health Advisor.

You may choose to create your own signage that suits your décor.

For more information visit
www.alcohol.org.nz/legislation-policy/signage-resources-vendors

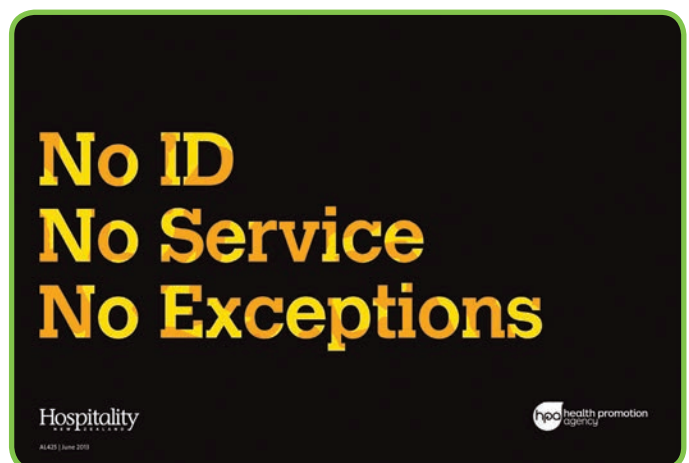
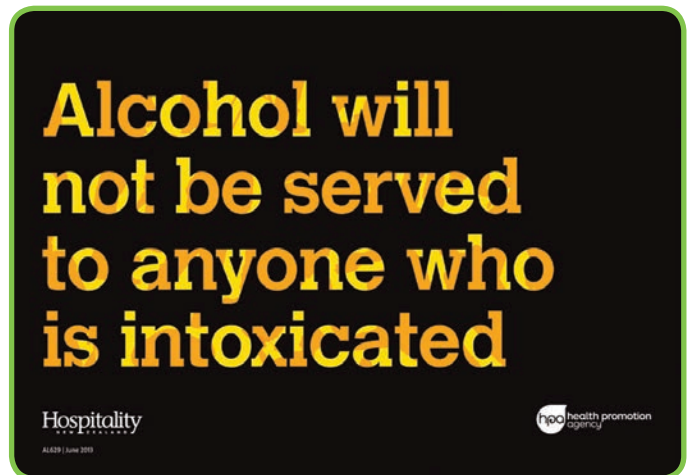
Duty Manager

The full name of the manager must be displayed inside the premises so it can be easily read by people using the premises.

The Duty Manager is responsible for putting up their name at the start of their shift and removing it at the end.

Trading Hours

A sign must be displayed, that can be easily read by people outside the principle entrance, with the hours of business when the premises are open for the sale of alcohol (on licensed and off licensed premises only).



9. Alcohol Promotions

Measures in the Sale and Supply of Alcohol Act 2012 aim to regulate irresponsible alcohol promotions.

Under the Act it is an offence to:

- encourage excessive consumption of alcohol. This applies anywhere – not just on licensed premises
- promote or advertise discounts on alcohol of 25% or more, anywhere that can be seen or heard from outside the licensed premises
 - It is not an offence to promote or have a discount on licensed premises of over 25% if it cannot be seen from outside the premises.
 - It is not an offence to promote or have a discount that can be seen from outside the premises if it is less than 25%.
- promote or advertise free alcohol
 - This does not apply to product tasting in off-licences, or promotions in licensed premises if they cannot be seen or heard from outside.
- offer goods, services, or prizes on condition that alcohol is bought
 - This does not apply to offers made only on licensed premises relating to the buying of alcohol. Loyalty programmes where rewards or discounts are not primarily applied to the purchase of alcohol are allowed.
- promote alcohol in a way that has special appeal to minors.

Advertising Standards Authority

Code for Advertising and Promotion of Alcohol.

All advertising and promotions must also comply with the Advertising Standards Authority's (ASA) voluntary Code for Advertising and Promotion of Alcohol. The Act does not affect the self-regulatory system for alcohol advertising which remains in place.

The Advertising Standards Authority's 'Code for Advertising and Promotion of Alcohol' identifies principles by which the acceptability of alcohol advertising, promotions and sponsorship should be judged.

Alcohol advertising and promotions shall:

- observe a high standard of social responsibility
- be consistent with the need for responsibility and moderation in alcohol consumption and
- be directed at adult audiences both in content and placement.

Sponsorship advertisements shall promote the sponsored activity, team or individual. The sponsor may be featured only in a subordinate manner.

Advertising, promotions and sponsorship that are the subject of a complaint may breach these principles and may be referred to the Advertising Standards Complaints Board for a decision.

The Sale and Supply of Alcohol Act 2012 creates offences and penalties for certain irresponsible alcohol promotions or activities. Irresponsible promotions can result in fines and licence suspensions and can also damage the reputation and prospects of a business.

The determination of an acceptable promotion or event will always be decided on an individual basis.

10. Late Night Transport Options

Under section 54 of the Sale and Supply of Alcohol Act as a holder of an on or club licence you must ensure that there is readily available accurate information about the forms of transport that are available.

- Your staff must give any customer appropriate and free advice. It is therefore important that you have this information and that your staff are aware of the transport options available in your area.
- Please promote these options to your customers.



11. Staff Training

It is important your staff are fully trained on venue policies and procedures including host responsibility and hazards. This will help to make a safe environment for your staff and customers.

The behaviour of people resulting from the use of alcohol could be a potential source of harm. You are required to provide staff with training in dealing with such hazards.

You are required to have a staff training policy in place to indicate your obligations are being met.

Complete the staff training register on the following page at the time staff training is completed. This information may be requested by Police or a Licensing Inspector.

Please insert the following documents:

- Copy of your staff training policy
- Copy of your staff training register



12. Incident Recording

Any incidents that happen in your venue, whether significant or not, should be recorded.

Some examples of incidents that should be recorded are:

- minors found on premises
- interventions your staff make with intoxicated patrons
- asking intoxicated people to leave
- under age people attempting to buy alcohol
- turning away under age people
- suspected presentation of fraudulent ID.

The agencies who visit your premises will want to see a log of the incidents that you have dealt with. A good written record helps to indicate that you and your staff are actively managing incidents.

Over the page is an incident log that you can use to record incidents.



PART B – People Safety

13. Local Amenity and Good Order

At the time of alcohol licence renewal, the District Licensing Committee will consider the effects of your licensed premises on local amenity and good order.

Amenity and good order of the locality is defined in the Sale and Supply of Alcohol Act as “the extent to which, and ways in which, the locality in which the premises concerned are situated is pleasant and agreeable”

Noise, litter, anti-social behaviour and patron congestion around licensed premises can detract from amenity and good order and cause concerns for the community.

As a licensee you have a responsibility and an interest in preventing anti-social behaviour in and around your premises. Reducing such behaviour contributes to making the premises more attractive to customers.

Crime Prevention through Environmental Design

Giving thought to the way you design your premises inside and out can lead to a reduction in criminal opportunity and helps to foster positive social interaction amongst the users of your premises.

The guidelines for Crime Prevention through Environmental Design (CPTED) for Licensed Premises cover such areas as bar layout, crowding, lighting, ventilation, closed circuit television, entrances, exits and outdoor drinking areas.

A copy can be found here:

www.alcohol.org.nz/sites/default/files/useruploads/Resourcepdfs/02859_CPTED_Guidelines_reduced.pdf

Please insert the following documents:

- Copy of your venue’s CPTED self-assessment

Closed Circuit Television

Closed circuit television (CCTV) has become cheaper and easier to use. The use of CCTV needs to be carefully thought through in terms of what is wanted from the system.

- if the purpose is to deter then it should be highly visible
- if it is to provide intelligence for identification purposes then it should be more discreet.

CCTV is particularly useful for observing areas that cannot be easily or naturally observed within and around licensed premises. CCTV can act as a deterrent to misbehaviour, particularly where the public are aware that they are monitored and action may be taken for deviance disclosed via this medium.

Staff must understand how to operate the equipment and how to view and download footage. CCTV captures images of people, which can be used, stored, manipulated and disseminated. Those who operate the systems need to be aware of how to manage privacy issues. This footage can be requested by Police or a Licensing Inspector.



14. Crowd Control

All Crowd Controllers (including door staff and security) must be licensed or certified (certificate of approval CCOA) under the Private Security Personnel and Private Investigators Act 2010 to be able to work in the industry.

If your venue engages a Crowd Controller without a Licence or COA you could be committing an offence and be liable to a fine of up to \$20,000.

Crowd Controllers will be issued with a unique ID badge and this must be visible at all times when working. Failure to do so is an offence and the Crowd Controller is liable to a fine of up to \$2,000.

Licensees are legally responsible for the venue and as such must provide clear guidelines and orientation to security personnel or sub-contractors who are hired as Crowd Controllers.

Venues should develop standard operating procedures which include the following elements:

- monitoring or controlling behaviour
- screening entry (including checking ID and screening for false ID and intoxication)
- removing person(s) procedures
- process for reporting incidents/incident log

This section assists licensees to have on hand all crowd controller information that may be requested by Police or a Licensing Inspector at the time they visit your premises.

For more information visit www.pspla.govt.nz

Please insert the following documents in this section:

- Crowd Controller register
- Venue crowd control standard operating procedure



15. Management of Incidents

The New Zealand Police have provided the following information as a guide on how to manage serious incidents. You and your staff must be familiar with the process outlined below.

1. Preventing a potentially serious incident by early removal of potential problems is always the preferred course of action. Remember that as a licensee you can close your premises at any stage.
2. In the event of a serious incident you must designate someone to call Police immediately. Emergency services need to be on the way as soon as possible to prevent any possible escalation.
3. If injury or serious harm has occurred, the injured party should receive medical attention from a sober person. Preferably this will be a staff member. If it is unsafe to give assistance at the immediate scene, remove the injured person to a safer area.
4. If a weapon is identified (glass, bottle, knife, other implement), this should be secured in the location it was discovered. However, if it is not safe to do so, or there is a chance it might go missing, then carefully store it in an area that is 'safe'.
5. Where possible, patrons should be separated into those who saw something, and those that say they did not. It is not imperative that staff get this exactly right. The following investigation will determine the accuracy of the statements made by either group.
6. If someone wants to leave try and dissuade them from doing so. If you cannot persuade people to stay, attempt to get the name and details of the people leaving and verify them where possible. Be aware there is NO legal justification for bar staff or the licensee to do this. In these circumstances if it's possible, try to obtain their facial images on a camera without them knowing. They can be identified during the following investigation.
7. If the scene can be kept clear, you should then apply the following steps to that scene; FREEZE – CONTROL – PRESERVE. It is probable that the scene will be heavily contaminated, therefore witnesses in this instance are possibly far more important evidentially.
8. Once the incident is over the licensee should be able to provide the full details of the staff present, and what they have been doing in relation to the incident to the attending Police on their arrival.
9. Finally, as the licensee, it is your responsibility to secure and preserve the video footage of ALL cameras in and around the premises. They will be uplifted at a later time by the Police inquiry team.



16. Banned and/or Trespassed Persons

There will be many different reasons why you might want to have someone trespassed from your premises.

This may be due to people committing offences on your property, being disorderly, violent or intoxicated or simply having no right to be there.

As the licensee and occupier, you have the right to control access and deny entry to anyone at any time.

How to serve a trespass notice

There is no legal requirement to give a trespass notice in writing. Section 5 of the Trespass Act 1980 says that Trespass Notices *"shall be given to the individual concerned either orally, or by notice in writing delivered to [the individual concerned] or sent to [the individual concerned] by post in a registered letter at [that person's] usual place of abode in New Zealand."*

A written document reinforces the situation for the person given the trespass notice, so that they cannot say they did not know of the notice and the requirement to leave and not return.

The completed trespass notice can be served by the occupier (licensee) or an agent of the occupier with the occupier's authority.

Written trespass

If you give a written notice, duplicate the notice and provide one copy to the trespasser and keep one for your records. A good place to keep your copies of any trespass notices is in this folder.

To serve a notice you simply hand it to the person concerned. If they refuse to accept it and drop it on the floor, it is still considered served. Keep that copy and note down that the person refused to accept the notice.

You may wish to keep a register of the people you have served a trespass notice to, along with a copy of the notices. A log sheet is available on the following page for you to use.

Please try to get the person's date of birth. This is important for the Police to identify the correct person.

Verbal trespass

If you deliver a trespass notice verbally, record the matter on a trespass notice and record that it was given verbally.

In either case, the person issuing the trespass notice must record their full personal details, including a contact phone number, on the back of the copy kept with the premises. This is so that at a later date that person can be contacted by Police should it be necessary to validate the trespass notice.

Forward a copy of the trespass notice to your nearest Police station as soon as possible.

If the person to be trespassed cannot be identified enquiries should be made in attempt to identify the person. Record the incident in the incident log. The person may be identified later and still be trespassed.

Action after serving a trespass notice

You are required to give reasonable time for the trespasser to leave. If the person remains in or outside your venue, or is taking unreasonable time to comply, call 111 and ask for the Police.

If a person previously trespassed returns at any time after having been given a trespass notice, either written or verbally, they will have committed an offence. You should call 111 and ask for the Police.

It is advisable that no one representing the licensee (including security staff) should physically attempt to remove the trespasser. Instead the Police should be called.

On the following pages is an example of a trespass notice.

TRESPASS NOTICE

Warning under the Trespass Act 1980 Sections 4(1) or (2) and Section 4(4)

TO:

Name of person being warned: _____

Address of person being warned: _____

Date of birth: _____

In accordance with the above Act and Section you are hereby warned to stay off the place known as:

Address of Location which Person is banned from: _____

It is an offence punishable by a fine not exceeding \$1,000.00 or imprisonment not exceeding 3 months to enter the above address within 2 years from the date you receive this warning.

The occupier of the above address is:

Full Name of Occupier: _____

This warning is given by the *occupier / *person authorised by the occupier of the above address:

**Signature of Occupier or Person
authorised by the Occupier:** _____

**Print Full Name of Occupier or Person
authorised by the Occupier:** _____

DETAILS OF SERVICE OF TRESPASS NOTICE

Read instructions below and then complete details immediately service is effected.
If the person who served the notice is not the occupier but an agent of the occupier -
the full name and address of the person who served the notice is also required.

This Notice (photocopy attached) was served:

on **Name of Person served:** _____

on **Day:** _____ **Month:** _____ **Year:** _____ **Time:** _____

at **Place where service was effected:** _____

by **Full Name of Person effecting service:** _____

I served the Trespass Notice personally:

on **Name of Person served:** _____

by *handing it to them /*dropping it at their feet, when they refused to accept service of the notice.

They *acknowledged / *did not acknowledge that they are the person named in the notice.

They *are / *are not personally known to me.

I believe their ***date of birth** is _____ / *approximate age is _____ years.

Occupier's full name: _____

Occupier's address: _____

Phone number: _____

More relevant details:

(For example, "Issued because of alleged disorderly behaviours" or "Issued because of alleged theft".)

Record here the authorisation if the person who served the notice was a person authorised by the occupier and not the occupier, and attach a copy of the authorisation to this form, if applicable.)

Signed

Signature of person who served the Trespass Notice: _____

Full name and address of Person signing Notice: _____

Date of completion of this form: _____

Instructions

Photocopy completed Trespass Notice before serving on the person warned off. Be clear who the occupier is – company, person, partnership etc. Complete this form (DETAILS OF SERVICE OF TRESPASS NOTICE) after service and attach it to the photocopy of the completed TRESPASS NOTICE. Retain for possible court proceedings.

17. Emergency Management

The best thing you can do in the event of an emergency is be prepared before it happens.

As a Licensee and under the Health and Safety in Employment Act 1992, businesses have an obligation to develop procedures for all types of emergencies so that your staff and customers are safe. Your staff need to be trained in these procedures.

It is a good idea to have all emergency numbers displayed so staff and customers can see them.

Emergencies you need plans for include:

- evacuating people safely from the building
- power failure – make sure you have emergency lighting such as torches available
- robbery
- assault
- medical emergency
- earthquake and tsunami
- fire
- floods and storms.

Fire

- check daily that all exits are clear and unlocked
- make sure your staff know how to use fire extinguishers
- make sure your staff know how to get people out of the building.

If you require guidance to develop an emergency procedure for your premises, the New Zealand Fire Service is available to assist you.

For more information visit www.fire.org.nz

Earthquake

Develop an Emergency Plan. Put together and maintain your emergency survival items at work as well as a portable getaway kit. Getting ready before an earthquake strikes will help reduce damage to your home and business and help you survive.



- identify safe places at your venue where you, your staff and customers can seek cover
- once the shaking has stopped check yourself, your staff and customers for injuries
- listen to your local radio station, electricity could be out
- if your venue is damaged try to get outside
- if you smell gas; open a window, turn the gas off if you can, get everyone out and turn off the electricity at the mains if it is safe to do so.

You can find more useful information at:

www.getthru.govt.nz

Please insert into this section:

- Copy of your workplace emergency plan
- Staff emergency contact phone numbers
- Venue emergency evacuation plan
- Copy of your venue's floor plan showing all exits, fire equipment etc.

18. Useful Contacts

Regional Public Health

PO Box 96

Masterton 5840

Phone: (06) 946 9800

www.rph.org.nz

New Zealand Fire Service

Region 3 – Hutt/Wairarapa Fire Area

PO Box 9346

Wellington 6141

Phone: 0800 347 346

Email: region3.evac@fire.org.nz

www.fire.org.nz

Hospitality New Zealand

Level 2, Radio Network House

Corner Abel Smith and Taranaki Streets

PO Box 503

Wellington 6011

Phone: 0800 500 503

www.hospitalitynz.org.nz

Ministry of Justice

Information on the Sale and Supply of Alcohol Act

<http://www.justice.govt.nz/policy/sale-and-supply-of-alcohol>

Queries can be directed to alcohol@justice.govt.nz

District Licensing Committee

Masterton District Council

Carterton District Council

South Wairarapa District Council

Health Promotion Agency

Level 4, ASB House

101 The Terrace

PO Box 2142

Wellington 6140

Phone: (04) 917 0060

Fax: (04) 473 0890

Email: enquiries@hpa.org.nz

www.hpa.org.nz

Other relevant legislation

Trespass Act 1980

Crimes Act 1961

Smoke-free Environments Act 1990

Food Hygiene Regulations 1974

The Resource Management Act 1991

Fire Safety and Evacuation of Buildings Regulations 2006

Health and Safety in Employment Act 1992

Hazardous Substances and New Organism Act 1996

www.legislation.govt.nz

Masterton District Council

64 Chapel Street
P.O. Box 444, Masterton 5840
Ph: 06 370 6300
Email: alcohol@mstn.govt.nz
www.mstn.govt.nz

Carterton District Council

Holloway Street
P.O. Box 9, Carterton 5743
Ph: 06 379 4030
Email: info@cdc.govt.nz
www.cartertondc.co.nz

South Wairarapa District Council

19 Kitchener Street
PO Box 6, Martinborough 5741
Ph: 06 306 9611
Email: enquiries@swdc.govt.nz
www.swdc.govt.nz

