

# Alcohol Game Plan for bar staff

Managing alcohol in clubs

February 2018



## Disclaimer

*The information contained in this Alcohol Game Plan is intended as a general guide. While reasonable measures have been taken to ensure that the information is current and accurate as at August 2017, the Health Promotion Agency cannot accept any liability for any inaccuracy, omission or deficiency in relation to the information. It is not legal advice and you should not rely on anything contained in the Alcohol Game Plan in any legal proceedings. The information provided does not replace or alter the laws of New Zealand, and you should consult the legislation and obtain your own legal and professional advice as appropriate. The Health Promotion Agency will not accept liability for any action taken in reliance on anything contained in the Alcohol Game Plan.*

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# Alcohol Game Plan – managing alcohol in clubs

*Responsible management of alcohol in clubs will help provide a safe and enjoyable environment for members, their families and the community. The alternative – intoxication and binge drinking – can lead to significant harms both to the individual and to others around them. These harms include injury, violence, crime, sexual assault, domestic abuse, road crashes and more.*

*Making sure your club is a responsible family environment where alcohol is only ever consumed in moderation requires a whole-of-club approach. The Alcohol Game Plan aims to help committees and bar staff develop the appropriate tools to support this.*

## The Law

The Sale and Supply of Alcohol Act 2012 (the Act) is the legislation governing how alcohol is sold and consumed in clubs (as well as other licensed premises). The object of this legislation is that the sale, supply, and consumption of alcohol is undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol is minimised.

The harm caused by the excessive or inappropriate consumption of alcohol includes—

- any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
- any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury.

Working behind the bar in a club can have its challenges:

- It is quite likely that you are a volunteer so any time you dedicate to working the bar is to support your club rather than for your financial gain.
- You may only work the bar occasionally and so keeping up to speed on everything you need to know about the law and your responsibilities can be hard work.
- Your customers are your team mates, family and friends; keeping them in line can be difficult when they may not take your responsibilities in this role seriously.

But help is available. This resource outlines some key information for you.

Two key things you are going to need to familiarise yourself with are Membership and Host Responsibility. In a club environment, you must serve alcohol only to members or guests of members. Host Responsibility outlines strategies and interventions to keep within the law.



## ServeWise Host Responsibility training

All bar staff are encouraged to complete the ServeWise online training. It covers important aspects of Host Responsibility and provides bar staff with the knowledge and skills to manage the service of alcohol and comply with their legal obligations.

See [ServeWise.alcohol.org.nz](https://servewise.alcohol.org.nz)

# Who can drink alcohol at our club?

The Act is clear that **only authorised customers (members and their guests) may be served alcohol**. Authorised customers do NOT include the general public. Bar staff must know who they are serving to ensure they are not breaching the Act.

Authorised customers include:

- **club members**
- **guests of club members** (guests must be accompanied by the sponsoring member at all times and must leave the premises when the member leaves)
- **members of clubs with reciprocal visiting rights** (these clubs should each be named in the club's rules or constitution, or this can be administered by Clubs NZ)
- **a guest of a member of a club with reciprocal visiting rights** (this must be a specific condition on your licence; you must request it. See s60(1)(b)).

A member, in relation to a club, is a person who:

- has expressly agreed in writing to comply with the club rules; and
- is recognised as a member of the club by those rules.

Bar staff must sight a current membership card or an affiliate's current membership card. All guests (non-members) should either complete a sign-in slip and be accompanied by their sponsoring member, or bar staff should ask questions to satisfy themselves that non-members are authorised customers. These questions may include:

- Are you a member of this club?
- Are you a member of another club?
- Are you here as a guest of one of our members?
- Are you here as a guest of a member of another club?



# Host Responsibility

Host Responsibility is about managing the service of alcohol and the clubrooms in a way that minimises the potential for harm.

A responsible host:

- Prevents **intoxication**
- Does not serve alcohol to **minors**
- Provides and actively promotes **low-alcohol and non-alcoholic drinks**
- Ensures members and guests have access to **food**
- Runs **acceptable promotions**
- Provides help with **transport** options.

## 1. Preventing intoxication

Most times, people drink and enjoy alcohol without incident. But a few drinks can lead to a few more..., which can lead to intoxication and a whole range of other possibilities, including crime, violence, drink driving and crashes, physical assault, sexual assault, and injury. And it's not just the intoxicated person who suffers. Mates, partners, kids and innocent bystanders can all be affected, often with shocking consequences. It's a serious problem and the law says you are part of the solution.

The law requires you to:

- prevent anyone becoming intoxicated in your premises
- refuse service to anyone who is intoxicated
- ensure intoxicated persons leave the premises
- prevent intoxicated persons from entering the premises
- remove violent, quarrelsome, insulting or disorderly persons from the premises.

## Penalties and fines

If regulatory agencies (Police, a Licensing Inspector or a delegate of the Medical Officer of Health) find someone intoxicated in your club, you as the server could be fined up to \$2,000, and the manager could be fined up to \$10,000, plus the alcohol licence for your club may be suspended or cancelled.

*See page 8-9 for a list of fines, penalties and infringements.*

## When is someone intoxicated?

The law says that a person is intoxicated when observably affected by alcohol, other drugs, or other substances (or a combination of two or all of those things), to such a degree that two or more of the following are evident:

- **Speech** is impaired
- **Coordination** is impaired
- **Appearance** is affected
- **Behaviour** is impaired

Indicators of intoxication may include but are not limited to:

- **speech:** slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible
- **coordination:** spills drinks, trips, weaves, walks into objects, is unable to stand unaided or sit straight
- **appearance:** bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled
- **behaviour:** seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers.

See [Intoxication Assessment Tool](#) for further details. Available online at [alcohol.org.nz](http://alcohol.org.nz)

Certain medical conditions and disabilities may display characteristics similar to intoxication. Make sure you don't make assumptions, and be respectful and careful before pronouncing a customer intoxicated.

## Knowing what to do

You are required by law to keep an eye on alcohol consumption and prevent members and guests from becoming intoxicated. The [Intoxication Prevention Tool](#) (available online at [alcohol.org.nz](http://alcohol.org.nz)) outlines some strategies to help with this. If you're not sure whether or not someone is intoxicated, get a second opinion from your manager or senior bar staff.

## Act early

It's best to act early. It is far easier and smarter to spot potential for trouble and limit someone's drinking before they become intoxicated. You'll find that out if you ever try to reason with someone who is intoxicated and have them removed. By acting early, you minimise the embarrassment or potential discomfort to the drinker, to other members and to yourself.

## Drinking and drugs

If members or their guests are combining alcohol with other drugs, they can become intoxicated much more quickly than they would otherwise. It can also magnify the effects, making them more unpredictable than if they had just consumed alcohol. Drugs can include party pills and other synthetic cannabinoids.

As far as the law is concerned, the cause of the intoxication doesn't matter. Anyone who is intoxicated must be denied service and removed from the premises.

## Dealing with intoxication

If anyone collapses and is unconscious from alcohol, drugs, or a combination of these – or for any other reason – call 111 for an ambulance immediately.

Intoxicated individuals may be vulnerable targets as well as problematic offenders. Clubs must remove intoxicated members or their guests from the premises or manage and supervise them in a 'place of safety' until they can be removed safely from the premises. A 'place of safety' is not a chill out zone where marginal customers can be placed until sober and then allowed back to the bar. Your aim is to prevent members and their guests from becoming intoxicated. Ask your local Licensing Inspector for more information.

## 2. Denying service to minors

It is illegal to sell alcohol to any person under 18 years of age (a minor). In a club setting it can be common to have minors in the bar; however, you and your manager can be fined heavily for serving them alcohol. To avoid this, all members and guests who look under the age of 25 should

be asked for valid ID. Someone under 18 can drink alcohol at a club only if it is purchased for them by a parent or legal guardian, but under no circumstance can they purchase alcohol themselves.

## 18? You need proof

It's up to your members or their guests to prove they are old enough to buy alcohol. If they can't supply proof, you can't serve them. In a club situation, you may know the member at least by sight, if not their exact age. This can cause tensions if you deny service. Be prepared with how you will manage this. You must be sure that they are 18 if you serve them.

## Types of ID

By law, there are only three types of ID you can accept. All must be current:

- Passport (New Zealand or overseas)
- New Zealand driver licence
- An approved 18+ Evidence of Age card.

## Guide to checking ID

- Ask to see the customer's ID if they look 25 or under.
- The customer must remove the ID from their wallet or purse.
- DO NOT look at the picture first; look at the picture last.
- Check the date of birth (know the cut-off birth date at which you must deny customers access to your premises).
- Feel the surface and edges of the card with your thumb, checking for blemishes or tampering.
- FIRST, while talking to the customer, look for distinguishing features on their face, nose, chin and jaw.
- SECOND, look at the picture on the card – ensure this has the same features as the face.
- Shine a torch from behind the photo and the date of birth.
- If further validation is required, check their signature against the card (get them to sign).

The biggest mistake bar staff make is to calculate the age incorrectly from the date of birth provided. You should know today's date and subtract 18 years. Anyone born after that date is under age. See [Date of Birth Chart](#) for help (available online at [alcohol.org.nz](http://alcohol.org.nz)).

### 3. Providing low-alcohol and non-alcoholic choices

Your club is required to provide and promote a reasonable range of low-alcohol and non-alcoholic drinks. It is also required to have water freely available at all times. Having these options available makes it easier for members and their guests when they choose not to drink alcohol. They're also a good option to have on hand to offer to those who:

- need re-hydrating immediately post-game
- are minors
- don't drink alcohol
- are driving home
- need to slow down their consumption of alcohol.

With some really good mid- and low-strength drinks now available there are many more options, plus there is an enormous range of soft drinks and health drinks on offer.

#### What you need to do

Your club needs to ensure there is a range of low-alcohol and non-alcoholic drinks in stock. It's up to you to make sure members and guests are aware of them, and to actively promote them.

- Make sure water is always freely available (that means at no cost), preferably well presented with ice, lemon, mint etc.
- Keep low- and non-alcohol options in clear view of customers in the fridge
- For members or guests who look like they need to slow down, serve drinks with water on the side.

### 4. Ensuring customers have access to food

Ensuring members and guests have access to food is also part of your legal responsibility. Food will slow down the intoxicating effects of alcohol. While it's great to have nuts and crisps available, the law states you should also have more substantial food available at all times.

#### What you need to do

There should be a range of at least three substantial meal options available at all times. This can include such things as pizza, wedges, frozen meals and toasties. Your main responsibilities are to:

- make sure members and guests know food is available
- serve it willingly and happily at any stage of your shift (the kitchen never closes!)
- encourage anyone approaching intoxication to take time out and have something to eat.

#### Menus

If you have menus, make sure they are distributed to every table or along the bar. If you have a menu board or food on display, draw attention to it and make sure everyone can see it. Make sure food is well presented, appetising and appealing.





## Free bar snacks

Providing food adds to the experience for members and their guests. It encourages them to stay longer, provides extra revenue for the club, and helps avoid problems stemming from intoxication. Providing free bar snacks that look, smell and taste great is a proven way of steering people's thoughts to food. If your club has them, offer them about.

## 5. Running acceptable promotions

Under the Sale and Supply of Alcohol Act, it is an offence to:

- encourage excessive consumption of alcohol
- promote or advertise discounts on alcohol of 25% or more anywhere that can be seen or heard from outside the licensed premises
- promote or advertise free alcohol in a way that can be seen or heard from outside the premises
- 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)
- promote alcohol in a way that has special appeal to minors.

## Penalties and fines

Any promotion that encourages rapid or excessive consumption of alcohol is illegal and carries the following fines and penalties:

- You (the server), your manager or the club could be fined up to \$10,000.
- The club licence may be suspended for up to seven days.
- If multiple breaches occur, your manager's certificate or the club's licence can be cancelled.

It can also have a negative impact on the club's licence or a manager's certificate (eg. at renewal).

Under the Gambling (Prohibited Property) Regulations 2005, it is also an offence to offer or use alcohol as a prize for gambling activities (e.g. raffle prizes).

If you are unsure or need guidance on any promotional activities, you should contact your local Licensing Inspector, Police or public health service.

## 6. Providing help with transport options

Part of caring for your members and their guests is helping them to get home safely. Providing them with alternative transport options and helping them to arrange this minimises the risk that they will drink then drive.

### Police

Police collect information from drink drive offenders about where they were last served alcohol. This information has the potential to negatively impact on your club's licence if it is established that drink drivers are regularly emerging from your club.

### What you need to do

There will be several alternative ways for your members and their guests to get home from your club. It's the job of bar staff to make sure they know what's available and to help them make whatever arrangements are necessary. You need to:

- offer them a ride home in the club courtesy van, if one is available
- help with taxis or dial-a-driver – show them to a phone and give them a number to call or offer to make the call yourself
- make sure signs with taxi company numbers are clearly visible
- encourage groups to designate a non-drinking driver – give that person free non-alcoholic drinks.

Helping members and their guests with transport home is a legal requirement. You need to ensure that free, comprehensive and accurate information about the forms of transport available is readily accessible at all times, and you must be readily accessible to provide this information.

# Appendix 1

## Penalties and fines

There are serious penalties for breaches of the Sale and Supply of Alcohol Act. Licensees, managers and bar staff can all be prosecuted.

Offence	Section	Licensee or manager	Bar staff
Irresponsible promotions	237	\$10,000. The licence may also be suspended for up to seven days	\$10,000
Sale of a banned alcohol product	238	\$20,000	\$20,000
Sale or supply of alcohol to minors	239 241	\$10,000. The licence may also be suspended for up to seven days.	\$2,000
Employment of a minor in a restricted area	242	\$2,000	
Allowing minors to be in a restricted or supervised area contrary to the Act	245	\$2,000	
Unauthorised sale or supply	247	\$20,000. The licence may also be suspended for up to seven days	
Sale or supply to an intoxicated person	248	\$10,000. The licence may also be suspended for up to seven days	\$2,000
Allowing a person to become intoxicated	249	\$10,000. The licence may also be suspended for up to seven days	
Being intoxicated on duty	250/251	\$4,000	\$2,000
Allowing intoxication on a licensed premises	252	\$5,000	
Allowing disorderly conduct on a licensed premises	253	\$10,000	
Sale of spirits in a vessel exceeding 500 ml	254	\$2,000	\$2,000
Allowing a person on licensed premises outside licensing hours	256	\$10,000	
Failure to appoint a manager, have a manager on duty at all times, or to notify appointments and terminations to the Licensing Committee and the Police (if the conditions of the licence require a manager)	258 259(1)(a)	\$5,000	
Failure to comply with certain requirements or restrictions	259	\$5,000	
Refusal or failure to produce licence, documentation or to provide assistance or information to Police/Inspector	267 (5)	\$2,000	\$2,000
Refusal or failure to supply licence and assistance to Police	269	\$2,000	\$2,000

## Infringement notices

Where a member of the Police observes a person committing an infringement offence or has reasonable cause to believe that an infringement offence is being or has been committed by that person, the officer may serve an infringement notice on that person for an amount not exceeding \$1,000.

All offences for which infringement notices may be issued may instead be prosecuted through the courts and on being found guilty the offender is liable for up to the maximum fine.

The following table summarises infringement offences:

Offence	Section	Maximum fine	Infringement fee
Underage purchase	243	\$2,000	\$250
Underage presence in restricted or supervised areas not accompanied by a parent or guardian	244	\$1,000	\$250
Permitting minors to be in restricted or supervised areas	245	\$2,000	\$250
Manager intoxicated on duty	250	\$4,000	\$500
Employee intoxicated on duty	251	\$2,000	\$500
Spirit sales in vessels over 500 ml	254	\$2,000	\$250
Other requirements and restrictions:	259	\$5,000	\$250
Sale outside trading hours or days (ss.46, 47, 48)			
Non-availability of non-alcoholic and low-alcohol drinks, food, or information about transport (ss.51, 52, 53, 54)			
Signage not displayed: name of manager, hours, licence and conditions (ss.58(1) (b), 56, 57)			
Club selling to unauthorised people (s.60)			
Club with no secretary or secretary not advised to DLC, or proceeds not belonging to club (s.61)			
Consumption in clubs of alcohol not sold by the club (s.62)			
Breach of any licence condition (s.63)			

## Health Promotion Agency

Freephone: 0508 258 258

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To order resources visit [alcohol.org.nz](http://alcohol.org.nz)

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