



Host Responsibility Guide

Disclaimer

The information contained in this Guide is intended as a general guide. While reasonable measures have been taken to ensure that the information is current and accurate as at June 2020, Health Promotion, Health New Zealand – Te Whatu Ora 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 this Guide 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. Health Promotion will not accept liability for any action taken in reliance on anything contained in this Guide.

At the time of printing, the legislation in this Guide is current. As changes to legislation and regulations can occur at any time, please check the current obligations with the relevant statutory organisation or authority.

Contents

Introduction	2
1 Staff training.....	4
2 Intoxication	5
3 Minors.....	12
4 Drink options.....	16
5 Food.....	17
6 Promotions	18
7 Transport.....	19
8 Penalties, fines and offences	20

Introduction

Hospitality venues can be fun and dynamic places to work, offering customers food, drinks, entertainment and an environment where they can relax and socialise. One of the key aspects of working in a bar is serving alcohol. The role carries a lot of responsibility as alcohol consumption can lead to intoxication and negative consequences.

Intoxication is the community's greatest concern when it comes to alcohol consumption. The harms resulting from intoxication cause massive distress to our community, as well as significant cost. These harms include drink driving, assault, unsafe sex, domestic violence and personal injury.

Alcohol harm

Many people view alcohol as a drink that causes no apparent harm. However, even low alcohol use carries health and social risks and can lead to injury, drunk-driving offences, assaults (including sexual assaults), and whānau/family violence.

Alcohol is a contributing cause to over 60 different diseases and health conditions and, for almost all, heavier alcohol use means higher risk. These include cancers and conditions affecting the liver, stomach, food pipe, intestines, heart, blood, immune system, nervous system and sex organs. Alcohol also harms the developing baby in their mother's womb which may result in lifelong disability.

As a server of alcohol you are required under the Sale and Supply of Alcohol Act 2012 to minimise the harm caused by the excessive or inappropriate consumption of alcohol. You also have a vital role to play in communicating safe and responsible drinking messages to your customers.

Host Responsibility

The Sale and Supply of Alcohol Act 2012 (the Act) sets out certain requirements on holders of on-licences and club licences such as providing low-alcohol and non-alcoholic beverages, providing food and providing information on transport options. (ss.51-54)

These and other requirements fall under the term 'Host Responsibility' and are intended to minimise alcohol harm and help create safer drinking environments. Host Responsibility aims to prevent intoxication and its associated harms by:

- a) empowering the server of alcohol to intervene appropriately
- b) creating an environment where intoxication is not tolerated.

Host Responsibility incorporates seven key strategies:

1. Staff training.
2. Preventing intoxication.
3. Denying service to minors.
4. Responsible promotion of alcohol.
5. Offering low and non-alcoholic options.
6. Providing food.
7. Helping customers with transport options.

Using Host Responsibility as a framework, this guide outlines your legal obligations as well as providing practical advice on how to stay inside the law when you're behind the bar. This is important as Police and regulatory agencies regularly monitor bars to ensure they are acting within the law.

Breaking the laws around alcohol service can be expensive for you personally as well as for your manager, the owner of the bar and even others working there, if the premises are closed down for a period.

1 Staff training

As bar staff, it is important that you are aware of both your legal obligations and your role in minimising alcohol-related harm.

Good training will clearly outline your roles and responsibilities, and provide an understanding of basic interventions to help manage the sale and supply of alcohol.

All licensed premises should have a staff training policy in place. It is strongly recommended that all new staff undertake basic training before selling alcohol behind the bar AND that all staff complete refresher training at the start of each season.

ServeWise

ServeWise is a free online training tool for bar staff that provides a basic understanding of the Act. It has a strong focus on intoxication, minors, server intervention and Host Responsibility.

All bar staff should hold the ServeWise certificate of completion as a prerequisite to working behind the bar.

ServeWise offers you:

- increased knowledge of legislation and personal liability
- development of practical competencies and interventions
- free training – no cost to you or your bosses
- access to training when it suits you
- increased compliance with the Act.

Access ServeWise training at [ServeWise.alcohol.org.nz](https://www.serve-wise.co.nz)
Certificates of completion can be printed off and copies placed on file in the staff training register.

2 Intoxication

Preventing and managing intoxication is one of your most important responsibilities.

If Police or regulatory agencies find someone intoxicated on your premises, you as the server could be fined, as well as the manager and owner, and the alcohol licence for your bar may be suspended.

You are required by law to:

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

Intoxicated individuals may be vulnerable targets as well as problematic offenders. Licensed premises must either remove intoxicated customers from their premises or take the intoxicated customer to **a place of safety** on the licensed premises until they are able to be removed. Ask your manager for further information.

A **place of safety** should be

- an alcohol-free area
- away from the bar
- away from friends / other patrons who are drinking
- where staff can keep an eye on them.

You should know where your **place of safety** is as you may be asked by the regulatory agencies when they visit your premises.

Contact the Police if there is any threat to the personal safety of staff or customers.

When is someone intoxicated?

The law says someone is intoxicated when they are observably affected by alcohol, or other drugs or substances, 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.

These indicators 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, 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 customers.

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.

Indicators may include but are not limited to:

	Sober	Influenced	Intoxicated
Speech	Coherent, clear speech, normal tone/volume, may be talkative.	May be overly talkative, opinionated and interrupts, may stumble over words, becoming loud, inappropriate language, jokes, comments.	Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible.
Coordination	Coordinated, balanced, standing without help or support.	Slowed or delayed reactions, swagger or occasional staggers or sways.	Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand unaided or sit straight.
Appearance	Tidy, clear eyes, alert.	Vacant or blank expression, smell of alcohol on breath, may look untidy.	Bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
Behaviour	Behaving sensibly but may be more relaxed.	Overly friendly or withdrawn, inappropriate or risky actions, argumentative, annoying, fading attention, increased consumption rate.	Seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers.
	Monitor & serve responsibly	Intervene	Deny & remove

Why you need to prevent 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 harms, including, violence, drink driving and crashes, physical assault, sexual assault, and injury. It's not just the intoxicated person who suffers. Friends, partners, kids and innocent bystanders can all be affected, often with shocking consequences. It's a serious problem. The law says you are part of the solution.

Knowing what to do

You should keep an eye on your customers' alcohol consumption and prevent them from becoming intoxicated. **The Intoxication Prevention Tool** (see page 10) provides 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 the 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 customers and to yourself.

Drink spiking

Drink spiking is when other drugs or spirits are added to someone's drink without their knowledge. These additives may be colourless, tasteless and odourless, meaning the victim may not be aware of any difference to their drink. It's often done to assist sexual assault. Drink spiking is a crime.

In a busy, noisy bar or club, it can happen quite easily. If you suspect someone of dropping something into a drink that is not their own, alert the owner of the drink and report the incident immediately to your manager. Consider calling the Police and watching the suspect until they arrive.

The *Who Are You?* campaign (<https://www.youtube.com/watch?v=iUj2OHLAG3w>) offers further information on how to prevent sexual assault by being an active bystander.

Drinking and other drugs

If customers are combining alcohol with other drugs, they can become intoxicated much more quickly than they would otherwise. Drugs can also magnify the effects, making customers more unpredictable than if they had just consumed alcohol.

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.

Emergencies

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

Intoxication Prevention Tool

1 SOBER MONITOR



2 INFLUENCED INTERVENE



3 INTOXICATED DENY AND REMOVE



1 SOBER MONITOR



Customer behaviour

- Coherent, clear speech, normal tone and volume, may be talkative
- Coordinated, balanced, standing without help or support
- Clear eyes, tidy, alert
- Behaving sensibly

SERVER'S ROLE

Monitor customer consumption

- All staff have a role in monitoring the effect of alcohol on patrons
- Talk with the customer – this will build rapport and give insight into their condition
- Use unobtrusive monitoring techniques such as glass collection

Establish clear and consistent standards

- Management and staff are responsible for setting the tone of the premises
- Create a sociable, friendly atmosphere where intoxication will be out of place and unacceptable

Identify customer intentions

- Recognise that a minority of customers on your premises intend becoming intoxicated
- Identify and actively manage those who appear to be high risk
- Be aware that high-risk people include those celebrating, ordering in quick succession, and ordering shots

Offer low-alcohol and non-alcoholic drinks and food options

- Provide a range of alternatives to alcohol
- Actively promote and encourage other products as part of the broader customer experience

2 INFLUENCED INTERVENE



Customer behaviour

- May be overly talkative, opinionated, stumble over words, loud, inappropriate language or comments
- Slowed or delayed reactions, swagger or occasional staggers or sways
- Vacant or blank expression, smell of alcohol on breath, may look untidy
- Overly friendly or withdrawn, inappropriate or risky actions, argumentative, fading attention, increased consumption rate

SERVER'S ROLE

Communicate with team

- Inform your manager and team about what's going on and anyone to keep an eye on
- Maintain communication and regularly follow up on those identified

Slow or stop alcohol service

- Talk to the customer – intervene early and tactfully
- Offer non-alcoholic drinks and food options
- Don't offer refills – wait till they ask; be busy serving other customers
- Serve their next drink with water on the side
- If possible, use the customer's friends to rein in their drinking

Be assertive, not aggressive

- Make your requirements clear and allow customers the chance to comply without losing face
- Never respond to provocation; stay calm and employ calming strategies

3 INTOXICATED DENY AND REMOVE



Customer behaviour

- Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical
- Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand unaided or sit straight
- Eyes glazed or bloodshot, inability to focus, tired, asleep, dishevelled
- Seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers

SERVER'S ROLE

Communicate with team and manager

- Inform your manager and team of issues so they can support an intervention
- House policy will determine who should remove the customer from the premises

Remove customer from premises

- Remove the audience effect
- Consider your own personal safety
- Enter the incident in the logbook
- Consider customer safety – mates or a taxi
- Customers are not allowed to remain on the premises except in a place of safety

3 Minors

A minor is a person under 18 years of age.

You, your manager and the bar owner can be fined heavily for serving alcohol to minors or allowing them on the premises illegally. To avoid this, all customers who look under the age of 25 should be asked for valid ID.

Who you can serve and where they can drink

Licensed premises may be divided into various areas where different conditions apply. Some bars have just one designation; others have combinations. These include:

- **Restricted:** an area where no one under 18 is allowed.
- **Supervised:** an area where no one under 18 is allowed unless they are accompanied by **their** parent or legal guardian.
- **Undesignated:** an area where anyone of any age can be.

Someone under 18 can drink alcohol within a supervised or undesignated area if it is purchased for them by a parent or legal guardian, but under no circumstances can they purchase alcohol themselves.

A legal guardian is not just an older friend, coach or family member. It is a legal status and customers are responsible for establishing proof of this relationship.

It is also an offence to employ a minor to sell alcohol in a restricted area.

18? You need proof

It's up to the customer to prove they are old enough to buy alcohol or be on your premises. If they can't supply proof, you should not allow them on the premises.

By law, there are only four types of ID you can accept:

- Current New Zealand or overseas passport.
- Current New Zealand driver's licence.

- Approved 18+ Evidence of Age card.
- Kiwi Access card.

Many bars now have a house policy of asking for ID if anyone looks under 25 and in this case you should ask for ID every time. Don't be flexible or you could be targeted by minors, as well as the authorities.

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 so it can be properly vetted.
- Check the date of birth (know the cut-off birth date at which you must deny customers access to your premises).
- **Do not** look at the picture first; look at the picture last.
- 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).
- Can you **prove** to Police you have ID-ed them? (Cameras/ Notebook/Stamp.)

Fake and fraudulent ID

Every effort must be made to prevent the use of fake or fraudulently presented ID to gain illegal entry to licensed premises.

Note any incidents of suspected presentation of fraudulent ID in the INCIDENT LOG. This is generally kept along with other forms, policies and procedures in your **Licensed Premises Toolkit**. If you suspect that an ID has been tampered with or is fraudulently presented, follow these steps outlined below:

1. Ask the person if they have another form of identification (often a person will have only one form of false ID and if they produce another form of ID it may help to verify their identity).

2. If the presented ID 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 on the ID NOTING FORM. Record particulars from the person presenting the ID and their next of kin (home address and phone number(s)).
4. Tell the person who has presented the ID that it appears to be fraudulently presented and:
 - note their explanation
 - ask them if they are willing to wait until the Police are contacted and arrive to inspect the ID
 - refuse entry to your venue.
5. 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:

- complete an ID noting form and issue a 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:

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

- treat the false or fraudulent ID like lost property
- secure the ID (for handover to 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 promptly deliver the ID to the Police (Alcohol Harm Reduction Officer) for further enquiries.

Genuine IDs could be fraudulently presented if they have been stolen or supplied by an older sibling or friend. It is important to get these IDs to the Police promptly as other offences may be disclosed.

You must not dispose (throw away) retained ID, as this could give rise to a complaint of theft by the ID owner, and you may be liable for the cost of its replacement.

The most frequent mistake 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 underage.

Date of Birth Chart

18
U
18

YEAR	2024	2025	2026	2027	2028	2029	2030
2001	22	23	24	25	26	27	28
2002	21	22	23	24	25	26	27
2003	20	21	22	23	24	25	26
2004	19	20	21	22	23	24	25
2005	18	19	20	21	22	23	24
2006	17	18	19	20	21	22	23
2007	16	17	18	19	20	21	22
2008	15	16	17	18	19	20	21
2009	14	15	16	17	18	19	20
2010	13	14	15	16	17	18	19
2011	12	13	14	15	16	17	18
2012	11	12	13	14	15	16	17
2013	10	11	12	13	14	15	16

 Yes
 Maybe*
 No

*17 unless a birthday has occurred before the current month and day



4 Drink options

Providing low-alcohol and non-alcoholic choices

Licensed premises are required to provide a reasonable range of non-alcoholic drinks and low-alcohol drinks for sale and consumption, at reasonable prices, at all times. Low alcohol means less than 2.5% alcohol content. While not low alcohol as legally defined, consider stocking and offering lower alcohol wine (eg, 9% ABV) as an option.

People choose to drink low-alcohol or non-alcoholic drinks for various reasons, including because they want to be sociable without getting intoxicated, sport and fitness, weight loss, driving, a non-drinking policy, religion, pregnancy, intolerance, or because they are taking medication.

Having a good range of options to offer customers makes good business sense. Low-alcohol drinks, including light beers, diet drinks and alcohol-free drinks, are now widely sought after and readily available. You should actively promote them through menus and recommendations and as a way of slowing down intoxication.

Water must be made available free of charge at all times and be easily accessible with clean drinking vessels. Having water that is chilled and attractively presented with ice, lemon, mint etc is more likely to encourage customers to drink it, helping to avoid intoxication.

5 Food

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

Ensuring customers have access to food is part of your responsibility. With food in the system, the bloodstream doesn't absorb alcohol as quickly, so people are less likely – or slower – to become intoxicated.

While it's great to have nuts and crisps available, the law states that you must also have more substantial food available at all times. A reasonable range of different types of food must be available in portions suitable for a single customer.

As a frontline employee your key responsibilities are to:

- make sure customers know food is available
- serve it willingly and happily at any stage of your shift
- encourage customers approaching intoxication to take time out and have something to eat.

If you have menus, make sure they're 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 that when you display and serve food it is well presented, appetising and appealing.

As food must be available at all times, it is not acceptable to claim that 'the kitchen is closed'. Instead, refer customers to your late-night menu or snack menu.

6 Promotions

The Act creates offences and penalties for certain irresponsible alcohol promotions or activities.

Under the 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 anywhere 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.

Irresponsible promotions can result in fines and licence suspensions. The penalty for breaching the Act in relation to promotions is a fine of up to \$10,000. In addition, the licence could be suspended for up to seven days.

For further information about *acceptable and unacceptable promotions*, refer to *resources*. alcohol.org.nz.

7 Transport

Part of caring for your customers is helping them to get home safely. Providing them with transport options, and helping them to arrange this, minimises the risks of them drinking then driving.

There will be several alternative ways for your customers to get home from your bar. It's the job of frontline bar staff to make sure customers know what's available and to help them make whatever arrangements are necessary.

You need to:

- encourage customers to use ride shares or taxis
- show customers 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 and give that person free non-alcoholic drinks
- offer to drop customers home if your bar offers a courtesy coach.

8 Penalties, fines and offences

There are serious penalties for breaching the Sale and Supply of Alcohol Act 2012. As the following charts indicate, licensees, managers and bar staff can

all be prosecuted under the Act. It is essential for all staff to be familiar with the requirements of the legislation and understand its importance to their job.

Offence	Section	Licenses or manager	Bar staff
Inappropriate promotions (see <i>section on Responsible Promotion of alcohol for detail</i>)	237	\$10,000. The license may also be suspended for up to seven days.	\$10,000
Sale of banned alcohol product	238	\$20,000	\$20,000
Sale or supply of alcohol to minors	239	\$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	245	\$2,000	
Unauthorised sale or supply	247	\$20,000. The licence may also be suspended for up to seven days.	

Offence	Section	Licenses or manager	Bar staff
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.	
Allowing intoxication on licensed premises	252	\$5,000	
Allowing disorderly conduct on 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	
Being intoxicated on duty	250, 251	\$4,000	\$2,000
Failure to comply with licence restrictions or conditions	259	\$5,000	
Failure to appoint a manager, have a manager on duty at all times, or notify appointments and terminations	258, 259(1)(a)	\$5,000	
Refusal or failure to supply licence and assistance to Police	269	\$2,000	\$2,000

Infringement notices

An infringement notice is an on-the-spot fine. Where the authorities see a person committing an infringement offence or have 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. All offences for which infringement notices may be issued may instead be prosecuted through the courts and, if the person committing the offence is found guilty, they are liable for up to the maximum fine.

Offence	Section	Maximum fine	Infringement fee
Underage purchase	243	\$2,000	\$250
Underage purchase in restricted areas, or supervised areas not accompanied by a parent or guardian	244	\$1,000	\$250
Permitting minors to be in restricted or supervised areas	245	\$1,000	\$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
Manufacture, supply or presentation of fake, falsified or inapplicable evidence of age documents	257	\$2,000	\$250
Consumption/possession or purchasing of alcohol in an alcohol banned area	147 (Local Government Act 2002)		\$250

Offence	Section	Maximum fine	Infringement fee
<p>Other requirements and restrictions:</p> <ul style="list-style-type: none"> • Sale outside trading hours or days (ss.46, 47, 48) • Non-compliance with one-way door restriction (s.50) • Non-availability or non-alcoholic and low-alcohol drinks, food or information about transport (ss.51, 52, 53, 54) • Inappropriate sale and supply from off-site special licensed premises (s.55) • Signage not displayed: name of manager, hours, licence and conditions (ss.258[1][b], 56, 57) • Sale of alcohol at a supermarket or grocery store that is not permitted (s.58) • Remote sellers delivering between 11pm and 6am, failing to verify age or purchaser, not providing required information (s.59) • 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) 	259	\$5,000	\$250

**Health Promotion, Health New Zealand
– Te Whatu Ora**

Email: enquiries@hpa.org.nz

To order resources visit

<https://order.hpa.org.nz/collections/alcohol>