

The Bar Code

FRONTLINE BAR STAFF AND THE LAW 2014



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INTRODUCTION



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

Recent changes to the law have seen the introduction of the Sale and Supply of Alcohol Act 2012, which aims to improve New Zealand's drinking culture and to reduce the harm caused by excessive drinking. The new law requires bars and bar staff to follow a set of guidelines called 'Host Responsibility', which covers six areas:

- Preventing intoxication.
- Service to minors.
- Offering low alcohol and non-alcoholic drink options.
- Providing food.
- Running acceptable promotions.
- Helping customers with transport options.

This booklet outlines what you are required to do by law, as well as providing practical advice on how to stay inside the law when you're behind the bar. While some responsibilities sit with management, you have a role to play. For instance – it's management's role to make sure substantial food is available; it's your role to promote it and ensure customers get it.

Otherwise... fines

Breaking the laws around serving alcohol could be very expensive for you personally. It can also affect your manager, the owner of the bar, even the other people working there, if the place is shut down.



For selling alcohol to someone who is intoxicated or a minor:

- you could be convicted and fined up to \$2,000
- your manager could be fined up to \$10,000
- the licensee could be fined up to \$10,000
- the licence could be suspended for up to seven days.

Host Responsibility training

All bar staff are encouraged to complete HPA's Host Responsibility on-line training ServeWise. The training covers all aspects of host responsibility and provides bar staff with the knowledge and skills to manage the service of alcohol and comply with the legal obligations of the Act.

Complete the training here: servewise.alcohol.org.nz





1

INTOXICATION

Recognising it and dealing with it

Intoxication is one of the most important of your 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, plus the liquor 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 persons 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 manage and supervise intoxicated customers in a 'place of safety' until they can be removed safely from the premises. Ask your manager for more information.

When is someone intoxicated?

The law says that a person is intoxicated when 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.

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, 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.

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.

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 possibilities, including crime, 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 are required by law to keep an eye on your customers' alcohol consumption and prevent them from becoming intoxicated. The table on pages 8-9 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.



Turn page over to see the
Intoxication Prevention Tool.

“...a few drinks can lead to a few more... which can lead to intoxication and a whole range of possibilities, including crime, violence, drink driving and crashes, physical assault, sexual assault, and injury.”

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 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 smell-free, and the victim may not be aware of any difference in 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.

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).

“It is far easier and smarter to spot potential for trouble and limit someone’s drinking before they become intoxicated.”



ASK YOURSELF

- *What would you do to slow someone's drinking?*
- *What's the house policy on getting customers to slow down their drinking?*
- *How do you deal with customers who are intoxicated?*
- *Do you have authority to ask customers to leave? If not, who does?*
- *Does your bar have signs about not serving people who are intoxicated?*
- *Can you afford the fine if you're caught serving an intoxicated customer?*

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

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INFLUENCED INTERVENE

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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

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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

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MINORS

Who can drink and where

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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 are 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 circumstance 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 three types of ID you can accept:

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

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

“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 circumstance can they purchase alcohol themselves.”



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.
- 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 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.

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

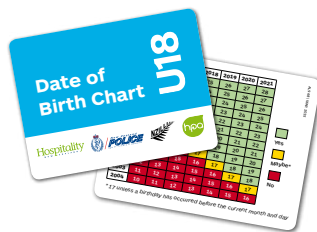
- complete an ID noting form and issue receipt
- insist the person obtains an authentic ID before any future entry into the venue and service will be considered.
- If the person demands the return of the ID then:
- you have no statutory power to seize the ID and you should return the ID to the person
- 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 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:

- 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 police (Alcohol Harm Reduction Officer) for further enquiries.

- False or fraudulent ID may be genuine and could be either stolen or supplied by an older sibling or friend. It is important to get these ID's to Police promptly as other offences maybe disclosed.



The biggest 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 under age.



ASK YOURSELF

- What does your house policy tell you to do when someone who may be under 18 asks for service?
- What forms of ID can you accept?
- Do you know how to calculate whether someone is over 18?
- Are your premises Restricted, Supervised or Undesignated – what does it mean?
- Does your bar have signs about not serving people who are under 18? These are available free of charge from the Health Promotion Agency's ordering resources website at alcohol.org.nz.

3

DRINKING OPTIONS

Providing low-alcohol and non-alcoholic choices

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Your bar is required to provide and promote a reasonable range of low-alcohol and non-alcoholic drinks. Having these options available makes it easier for customers when they choose not to drink alcohol. They are also a good option to suggest to customers who need to slow down their consumption of alcohol.

What you need to do

Your manager needs to ensure there is a range of low-alcohol and non-alcoholic drinks. It's up to you to make sure customers are aware of them, and to serve them willingly.

- Make sure water is always freely available (that means at no cost), preferably well presented with ice, lemon, mint etc.
- For customers who look like they need to slow down, serve their drink with water on the side.
- Try some of your favourite cocktails without the alcohol – or invent some new ones.

“...low-alcohol and non-alcoholic drinks [are] a good option to suggest to customers who need to slow down their consumption of alcohol.”



ASK YOURSELF

- *What low-alcohol refreshments can you offer?*
- *What non-alcoholic refreshments can you offer?*
- *How do customers know about them – are they included in signage and beverage menus?*
- *Is it house policy to make water readily available and free to customers?*



4

FOOD

Ensuring customers have access to food



Ensuring customers have access to food is also part of your responsibility under the Sale and Supply of Alcohol Act 2012. When food has been eaten, 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, you must also have more substantial food available at all times.

What you need to do

Your manager or the bar owner will decide what type of food your bar will offer and this will depend on what sort of clientele the bar is trying to attract. Your main responsibilities as a frontline employee 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.

“Providing food adds to the experience for customers. It encourages them to stay longer, provides extra revenue and helps avoid problems.”

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.

Providing food adds to the experience for customers. It encourages them to stay longer, provides extra revenue and helps avoid problems. 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.



ASK YOURSELF

- *Can everyone see and read your menu?*
- *Can you always tell customers what food is available?*
- *What's the house policy on providing substantial food at off-peak times?*

PROMOS

PROMOS

HAPPY
HOUR

5

PROMOTIONS

Special offers

BUY 1
GET 1
FREE

HAPPY
HOUR

PROMOS

BUY 1
GET 1
FREE

PROMOS



HAPPY
HOUR

HAPPY
HOUR

PROMOS

PUB

The Sale and Supply of Alcohol Act 2012 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 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

Irresponsible promotions can result in fines and licence suspensions. The penalty for breaching the Act relating to promotions is a fine of not more than \$10,000. In addition, the licence could be suspended for not more than seven days.

“The penalty for breaching the Act relating to promotions is a fine of not more than \$10,000.”

Other relevant regulations

- Under the Gambling Regulations 2005, it is an offence to offer or use alcohol as a prize for gambling activities eg, raffle prizes.
- False or misleading representations about goods or services are a breach of the Fair Trading Act 1986.

For further information about acceptable and unacceptable promotions, refer to alcohol.org.nz. If you are unsure or need guidance on any promotional activities, you should contact your local Licensing Inspector, police or public health service.



ASK YOURSELF

- *Does your bar run any alcohol promotions?*
- *Do they promote excessive or speedy consumption?*
- *Do they comply with the National Guidance on Alcohol Promotions?*



TAXI

**DIAL A
DRIVER**

6

TRANSPORT

Helping customers access transport options



TAXI

**DIAL A
DRIVER**



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

What you need to do

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:

- help with taxis or dial-a-driver – 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 – give that person free non-alcoholic drinks.

“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.”



ASK YOURSELF

- *What other forms of transport can customers take from your bar?*
- *What can you do to make sure customers know about these options?*
- *What’s your house policy about ensuring customers get home safely?*

Health Promotion Agency

Freephone: 0508 258 258

Email: enquiries@hpa.org.nz

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

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