



THE BAR CODE

:: FRONTLINE BAR STAFF AND THE LAW ::



The information in this booklet is based on the National Host Responsibility Guidelines. These have been prepared by ALAC in conjunction with a range of agencies as a tool for being a responsible server and ensuring compliance with the Sale of Liquor Act.

For further information about Host Responsibility and the Sale of Liquor Act, opportunities for training about these issues in your area, and various resources that are available, contact your local council's District Licensing Agency.

Or you can visit ALAC's website www.alac.org.nz or call our freephone 0508 258 258.

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“ It’s all going nicely. Cheerful chat. Happy laughter. A good vibe. When whammo, some idiot tips the balance. They get loud, argumentative, stroppy. Or they go the other way and become slurry, stumbly, rubber-legged and spill-prone.

Maybe either you, their mates or security staff persuade them to move on, but who knows what they’ll do to themselves – or others – outside?

If you work behind a bar, you’ll have seen all of this and much, much more. You’ll appreciate what a problem intoxication can be. ”

Introduction

Staying inside the law behind the bar

Intoxication is probably the community's biggest concern when it comes to serving liquor, and enforcement agencies like the Police are taking an increasingly tough line. To reduce intoxication and all the problems it brings, the Sale of Liquor Act requires bars and bar staff to follow a set of guidelines called 'Host Responsibility'. They cover six areas.

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

These guidelines affect you. Whether you're a casual just filling in for the night or a long-serving full-timer, you're a host as far as the law is concerned.

And even though some of the responsibilities are controlled by your management, you have a role in each of them. For instance – ensuring 'substantial food' (eg. hot chips) is available is mainly management's job. Ensuring customers get it is yours. You can't just say "sorry, the microwave's on the blink or the kitchen is closed..."

This booklet outlines what you're required to do and provides practical advice on how to stay inside the law when you're behind the bar.

Otherwise... fines

Breaking the laws around serving alcohol could be very expensive for you personally. It can also affect your immediate boss, 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

Your licensee could be fined up to \$10,000

The bar could be closed for up to 7 days.



01

Intoxication:

Recognising it and dealing with it



Preventing intoxication

This is one of the most important of your responsibilities. 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

When is someone 'intoxicated'?

Intoxication comes in various shades and there is no single definition. But you can usually recognise someone who has crossed the line and had too much. We've all seen it. And your manager and your house policy should give you a guide on what is acceptable behaviour on your premises.

A definition the police use is "being noticeably affected... to the extent that speech, balance, coordination or behaviour is clearly impaired".

If they find someone in that condition on your premises the manager will be fined and the liquor licence for your bar may be suspended.

Why you need to prevent intoxication

Most times, people drink and enjoy alcohol without incident. But a couple of drinks can lead to a couple more... which can lead to intoxication and a whole range of possibilities, generally bad: crime, violence, drink-driving and crashes, physical assault and health problems.

It's not just the intoxicated person who suffers. Mates, partners, kids, innocent bystanders can all be affected often with shocking, sometimes fatal consequences.

It's a serious problem which is why the law says you are part of the solution.

Act early

You're required by law to keep an eye on your customers' consumption of alcohol and use commonsense to ensure they stop being served alcohol before they reach the point of intoxication.

It's best to get in early – all experienced bar people would agree. It is far easier and smarter to spot trouble and limit someone's intake before they get intoxicated. You'll find that out if you ever have to reason – or try to – 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.

Recognising the signs

There are various stages on the road to intoxication which you need to be able to recognise.

① Getting started

The customer is alert, orders clearly, stands normally and looks at you directly.

Don't assume new customers are at this level – they may have already been drinking elsewhere.

② In the comfort zone

The customer is happy and cheerful, but more easily distracted, with eyes that may wander a little. They are not talking or ordering as clearly, and may be more extrovert than before.

Try and keep your customers in the comfort zone.

③ On the edge

The customer is noisy and losing focus. Their reactions are slowing, but they're drinking faster and maybe complaining. They may be very happy and friendly in an exaggerated way, or withdrawn.

Put the brakes on and slow their drinking down.

- Take the initiative. Suggest they take time-out with something non-alcoholic, or food
- Play for time. Wait for a glass to be empty before refilling. Don't offer refills – wait till they ask. Be busy serving other customers

- Serve their next drink with water on the side
- Get talking to the customer
- Alert other staff
- You may be able to use the customer's friends to rein in their drinking.
- Remember, it is easier to step in now rather than later when you're having problems and the customer is less rational

④ Out of line

The customer is talking loudly but having trouble getting words out clearly. They are flushed, glazed, and can't focus. They may be less coordinated, knocking things over, droopy-headed and stopy.

Call a halt. By law you must stop serving the customer alcohol and remove them from the premises.

- Make sure management and other staff know what's happening, so they can back up your actions and provide support
- Point out the signs about the law and your house policy on serving intoxicated people. Having them displayed prominently can make your job a lot easier
- Avoid confrontations. Don't imply that you know what is best for the customer or come down too heavy on them. Don't use language that will inflame them like 'drunk' or 'pissed'. Beware of your body language

“Some people get really stroppy when you tell them you can’t serve them any more. That’s tough – I’m just doing my job. We don’t want trouble here.”

- Be firm. Don’t bargain or negotiate. They may be argumentative and irrational. You are simply doing your job. Clearly state what is acceptable and what is not and your intention to remove them from the premises
- Don’t embarrass the customer. Always treat people with respect and keep your discussion as private as reasonably possible
- Once again, use friends to encourage the drinker to leave if that’s what is necessary

Extra hazards: drink spiking

A relatively new danger is drink spiking – drugs or strong alcohol like vodka being 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, but 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 drugs

If customers are combining alcohol with other drugs they can become intoxicated much faster than they would otherwise. It can also magnify

the effects, making them more unpredictable than if they had just drunk alcohol.

Some alcohol-drug combinations can affect the body so severely it causes permanent damage or even death.

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, drugs, a combination – or for any other reason – call an ambulance immediately (ring 111).

Ask yourself

- ❓ 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?



02

Minors:

Who can drink, where

18+

Minors

You, your manager and the bar owner can be fined heavily for serving alcohol to minors or allowing them on the premises illegally.

Who you can serve, where they can drink

Licensed premises are divided into various areas where different conditions apply. Some bars have just one type of area: others have combinations. The three types are:

- 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

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

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're not obliged to allow them on the premises. In fact, you should not allow them in or serve them. By law, there are only four types of ID you can accept:

- New Zealand passport
- Overseas passport
- New Zealand driver's licence
- HANZ 18+ photo ID card

Many bars now have a house policy of asking for ID if anyone looks under 25. Don't be flexible or you will be targeted by minors - and the authorities.

“Men are hard to tell at times, but woman are particularly deceiving – you have to see that ID.”

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?
- ❓ 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 can be obtained free of charge from ALAC.



03

Drinking options:



Providing low or non-alcoholic choices

Drinking Options

Your bar is required to provide and promote a reasonable range of low- and non-alcoholic drinks. Having these options readily available makes it easier for customers when they choose not to drink alcohol, for whatever reason. They're also a good option to have on hand or suggest to customers who need to be slowed down before they reach a state of intoxication where you and your bar become liable under the law.

What you need to do

Your manager needs to arrange the supply of low or non-alcoholic drinks. It's over to you to make sure customers are aware of them, and to serve them willingly.

- As a basic step – make sure water is always available, preferably presented nicely with ice and where possible, lemon – and free
- For customers who look like they need slowing down, serve their drink with a glass of water to go with it
- You should also make sure you have a few suggestions up your sleeve for customers who want a non-alcoholic drink eg. lime, lemonade and bitters, coke with a splash of raspberry, spritzers etc.
- You might like to try some of your favourite cocktails without the alcohol – or get creative and invent some new ones

Ask yourself

- ❓ What low- and 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?

“You should also make sure you have a few suggestions up your sleeve for customers who want a non-alcoholic drink eg. lime, lemonade and bitters, coke with a splash of raspberry, spritzers, etc.”



04

Food:



Ensuring customers have access to food

Food

Ensuring customers have access to food is also part of your responsibility under the Sale of Liquor Act. With food on board, the bloodstream doesn't absorb alcohol as quickly so they're less likely – or slower – to become intoxicated. Nuts and crisps don't cut it. The food has to be bulky and filling – such as hot wedges, quiche, breads and dips, desserts. It also has to be available on the premises right through opening hours.

What you need to do

Your manager or owner will decide what type of food your bar will offer. Obviously, it will depend on what sort of clientele the bar is trying to attract, but you may have your own kitchen, a freezer and microwave combination, or an arrangement with a local food provider. 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 a bite

If you have menus, you should make sure they're distributed to every table or along the bar. If you have a menu board or food on display, you should draw attention to it and make sure everyone can see it. You should also make sure that when you display and serve food, it is well presented, appetising and appealing.

Many bar owners now realise that 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?

“Encourage customers approaching intoxication to take time out and have a bite.”



05

Promotions:



Special offers and house rules

Promotions

It's an offence to run any sort of promotion or have any 'house rule' on licensed premises that encourages people to drink excessively. This is mainly a problem for management, but if you contribute ideas for promotions or put the house rules into practice, you need to be aware of what's acceptable and what is not.

What's not acceptable

- Promoting alcohol in non-standard measures, and/or giving them names such as laybacks, shooters, slammers, test tubes, blasters so that it encourages irresponsible drinking
- Promotions or drink cards that offer multiple free drinks or big discounts for limited periods, which customers can stockpile or transfer to others. A promotion or drink card must not create an incentive for customers to consume liquor more rapidly than they otherwise might
- Giving promotions names that may encourage customers to drink irresponsibly or excessively
- Refusing to serve single measures of spirits on request or provide reasonably-priced non-alcoholic drinks
- Any promotion that encourages people to drink excessively (all you can drink offers; free drinks for women; two for one deals) and to drink it in an unreasonable time period
- Any promotion that compromises customer safety

What is acceptable

- The traditional 'happy hour' during or immediately following normal daytime working hours
- A complimentary drink (as long as it's a standard measure) upon arrival
- Promotions involving low alcohol beer where the advertising and posters etc. make it clear that low alcohol beer is involved
- Advertising a special, flat price for a brand, providing it's over a specified period and the price is not so low that it will encourage excessive drinking
- Providing incentives to purchase, such as prizes or special prices, so long as the incentives don't encourage people to drink more or faster than they normally would
- Competitions or promotions involving food, meal deals, meal and drink combos and other offers that reflect responsible drinking practices

Ask yourself

- ❓ Does your bar run any alcohol promotions?
- ❓ Would they fit into the 'acceptable' category?



06

Transport:



Helping customers access transport options

Transport

Your establishment is required to help customers (and staff) with access to transport alternatives. It's not a blank cheque that lets you top your customers up to the point they're legless and then wheel them home. It's a requirement designed to help ensure customers enjoy a safe, relaxed time in your bar – and particularly to minimise 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 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 – even offer to make the call yourself
- Make sure signs with taxi company numbers etc. are clearly visible
- Encourage groups to designate a non-drinking driver – give that person free non-alcoholic drinks

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?

“ Help with taxis or dial-a-driver. Show customers to a phone and give them a number to call – even offer to make the call yourself ”

