

## **Host responsibility and dealing with intoxicated persons**

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## Policy statement and principles

### What

Host responsibility is a strategy employed by licensed premises owners and staff and event managers and staff to minimise the risk of intoxication occurring and the service of alcohol to minors.

Intoxication is defined by the Sale and Supply of Alcohol Act 2012 (SASA) as “observable affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:

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

### Why

Police seek to minimise alcohol related harm associated with licensed premises and events where alcohol is being consumed.

### How

Police achieve this by:

- understanding the risks associated with intoxicated people and mitigating these
- understanding what best practice host responsibility looks like.

## Overview

Intoxication must be assessed using the Intoxication Assessment Tool (SCAB). SCAB is included within the patron assessment form (found in Checkpoint).

## Intoxication

For guidance in assessing intoxication refer to the '[Intoxication Assessment Tool](#)' chapter in the Police Manual.

Intoxication poses a risk to the intoxicated person themselves, and those around them including Police.

Intoxication may be a result of not only alcohol consumption, but also medication, illicit drugs or a combination of any or all three.

## Risks of intoxication

Someone who is intoxicated is at risk of a range of acute harms, including:

- injuries e.g., falling due to incoordination
- loss of consciousness
- inhaling or choking on vomit
- alcohol poisoning.

They also may experience poor decision making, reduced situational awareness and increased risk taking and find themselves at risk of, e.g.,

- physical hazards (e.g., walking on a railway line to get home)
- human conflict (e.g., domestic and civil disputes)
- committing criminal and traffic offences
- being victims of criminal offences, particularly sexual and general assaults.

The public and Police coming into contact and dealing with intoxicated persons face increased risk of:

- physical harm from:
  - being attacked by the intoxicated person and/or their associates
  - crashes (drink driving)
- becoming victims of offences committed by intoxicated persons and/or their associates
- emotional harm from verbal and behavioural abuse
- losing control of a situation that endangers public safety due to unexpected and irrational behaviour.

## Mitigating the risks of intoxication

Police have a range of tools and skills at their disposal, including:

- first aid
- de-escalation
- being tactful
- expressing concern for their safety and wellbeing e.g. getting home safely, not becoming a victim.

## Intoxicated persons on licensed premises

It is an offence for a licensee or manager to:

- sell alcohol to an intoxicated person ([s248](#))
- allow a person to become intoxicated ([s249](#))
- allow an intoxicated person to enter or remain on the premises ([s252](#))
- allow violent, quarrelsome, insulting or disorderly behaviour on licensed premises ([s253](#)).

Must prove:

- patron was intoxicated using [SCAB](#) and
- at time of sale they were showing those signs or
- if the manager or staff allowed the intoxicated person to enter or stay, ascertain what went wrong in their systems or training, including:
  - when they last received training
  - who trained them
  - was [SCAB](#) covered.

It is also an offence for a manager or an employee to be intoxicated while on duty (sections [250](#) and [251](#)).

Action required:

- ask the patron to accompany you away from the bar and service areas to provide them some privacy and minimise distraction and interference from other patrons
- complete patron assessment form (available in Checkpoint)
- have a second officer complete an independent patron assessment form (and/or have the Licensing Inspector and/or Medical Officer of Health delegate complete their own [SCAB](#) assessment/s)
- invite manager to independently assess
- include corroborating evidence (ascertain who served, when and with what)
- if patron assessments are being conducted on more than two patrons, the additional ones will need to be recorded in the officer's notebook, using [SCAB](#)
- forward to District/Area [AHPU](#).

These offences are dealt with by an [AHPU](#) who take appropriate action against the licence of the premises and/or the managers certificate of the duty manager.

A statutory defence under [252\(3\)](#) and [253\(3\)](#) if as soon as the manager became aware of the intoxicated patron, they:

- removed them, or
- put them in a place of safety.

### Note:

- An appropriate place of safety is a stepping zone to leaving the premises and is where the patron is supervised and cannot be served alcohol.
- The patron does not commit an offence by being intoxicated.
- Police have no powers under [SASA](#) to demand:
  - a patron leaves the bar and alcohol service areas for the purposes of undergoing an intoxication assessment
  - the patrons' particulars or that they submit to be interviewed solely on the basis of you believing they may be intoxicated.

## Intoxicated persons found in a public place or trespassing on private property

If you find an intoxicated person in a public place or trespassing on private property then you have these options.

First option	Second option	Third option
<p>Take the person to their home, <b>unless:</b></p> <ul style="list-style-type: none"> <li>- address not obtainable, or</li> <li>- not safe (e.g. no one is at home to look after the person), or</li> <li>- impractical (e.g. the person's home is too far away)</li> <li>- they are unresponsive (do not respond to any stimuli) in which case call an ambulance</li> <li>- partially responsive - responds to pain only (e.g. nail-bed pressure) Treat this as a medical emergency and arrange for the person to be taken to hospital.</li> </ul>	<p>Take the person to a temporary shelter, <b>unless:</b></p> <ul style="list-style-type: none"> <li>- closed, or</li> <li>- not available.</li> </ul>	<p>Take them to a Police custody unit.</p> <p>If the person is detained in a Police custody unit, they must be actively managed to ensure their safety and wellbeing. <a href="#">S36(2) and (3)</a> Policing Act must be adhered to.</p>
<p>If:</p> <ul style="list-style-type: none"> <li>- '<a href="#">CARD</a>' event and no trespass involved, then:                             <ul style="list-style-type: none"> <li>- clear job code '1H' (drunk home) as '<a href="#">K1</a>' (police attendance was sufficient); and</li> <li>- submit an intelligence noting for recording in the national intelligence application system (<a href="#">NIA</a>)</li> </ul> </li> <li>- not a '<a href="#">CARD</a>' event and no trespass involved, then:                             <ul style="list-style-type: none"> <li>- person in public place, clear job code '1H' as 'K5'</li> </ul> </li> <li>- person is trespassing on private property, then see the '<a href="#">Trespass</a>' chapter in the Police Manual.</li> </ul>	<p>If:</p> <ul style="list-style-type: none"> <li>- '<a href="#">CARD</a>' event and no trespass involved, then:                             <ul style="list-style-type: none"> <li>- clear job code '1K' (drunk custody/temporary shelter) as '<a href="#">K1</a>' (Police attendance was sufficient); and</li> <li>- submit an intelligence noting for recording in <a href="#">NIA</a></li> </ul> </li> <li>- not a '<a href="#">CARD</a>' event and no trespass involved, then:                             <ul style="list-style-type: none"> <li>- person in public place, clear job code '1K' as 'K5'</li> </ul> </li> <li>- person is trespassing on private property, then see the '<a href="#">Trespass</a>' chapter in the Police Manual.</li> </ul>	<p>If:</p> <ul style="list-style-type: none"> <li>- '<a href="#">CARD</a>' event and no trespass involved, then:                             <ul style="list-style-type: none"> <li>- clear job code '1K' (drunk custody/Police station) as '<a href="#">K1</a>' (Police attendance was sufficient); and</li> <li>- submit an intelligence noting for recording in <a href="#">NIA</a></li> </ul> </li> <li>- not a '<a href="#">CARD</a>' event and no trespass involved, then:                             <ul style="list-style-type: none"> <li>- person in public place, clear job code '1K' as 'K5'</li> </ul> </li> <li>- person is trespassing on private property, then see the '<a href="#">Trespass</a>' chapter in the Police Manual.</li> </ul>

### Note:

- Power for Police to detain and take intoxicated person into custody is contained under section [36](#) of the Policing Act 2008.
- Any intoxicated person detained under section 36 must be given their rights of being detained under section [23](#) of the New Zealand Bill of Rights 1990.
- Armed services personnel should be delivered into the custody of the relevant service.
- Section [36](#) also applies to children and young persons under the age of 17 years found intoxicated. Any concerns for the child or young person's well-being should be directed to your station's Youth Aid office.

## Host responsibility for licensed premises

The former Health Promotion Agency ((now the Health Promotion part of Te Whatu Ora's National Public Health Service)) is the lead agency in the development of host responsibility guidelines for licensed premises. Awareness of their host responsibility guidelines will give you a better understanding of the legal obligations set for licensees, managers and licensed premises staff.

### What is host responsibility?

'Host responsibility' is a strategy employed by a range of stakeholders to address the issue of [intoxication](#) and service of alcohol to [minors](#) in licensed premises. It aims to prevent the service of alcohol to minors and prevent patrons from becoming intoxicated.

### The six concepts of host responsibility

Host responsibility has six key concepts designed to help create safer drinking environments that reduce the risk of intoxication and its associated harms. These are that a responsible host:

- does not serve alcohol to minors
- prevents intoxication
- provides and actively promotes free water, low-alcohol and non-alcoholic alternatives
- provides and actively promotes substantial food
- serves alcohol responsibly or not at all
- arranges safe transport options.

In addition, drinking water is required to be available.

**Note:** Every licensee, manager and server has legal obligations under the [SASA](#) pertaining to host responsibility.

### Developing host responsibility

Licensees and managers are encouraged to seek guidance from their local regulatory agencies with developing host responsibility at their licensed premises. The starting point for host responsibility is the preparation of their premises' host responsibility policy and implementation plan.

### Host responsibility policy and implementation plan

The six concepts of host responsibility are reinforced in the licensed premises via:

- host responsibility policy: guidance and a template are available in resources such as the "On-licensed premises toolkit" and "The Manager's Guide"; and
- implementation plan: guidance is available in resources such as the "On-licensed premises toolkit".

The Host Responsibility Guide (link to order or download below) is also a useful resource for developing these documents.

### Host responsibility tools

A range of resources are available for order at [Te Hiringa Hauora/Health Promotion Agency resource store | Alcohol | filtered by Hospitality and industry \(hpa.org.nz\)](#). These include:

- Intoxication Prevention Tool
- Intoxication Assessment Tool
- National guidance on alcohol promotions
- On-licensed, Off-licensed and clubs toolkits
- Signage
- The Managers Guide
- Host Responsibility Guide.

