

Alcohol-related harm prevention, monitoring and enforcement strategies

Table of Contents

Table of Contents	2
Policy statement and principles	4
What	4
Why	4
How	4
Alcohol-related intelligence gathering for frontline staff	5
Police intelligence model (4i model)	5
The value of alcohol-related intelligence gathering	5
Key approaches for alcohol intelligence gathering	5
Alcohol Harm Mapping Tool	6
What is the Alcohol Harm Mapping Tool used for?	7
Partnerships	8
Developing effective partnerships	8
Section 295 Duty to collaborate	8
Regulatory partners	8
Regulatory member defined	8
Licensing Inspectors	8
Police	9
Medical Officer of Health	9
Māori wardens	9
Other key partners	10
Combining strategies and activities	11
Key roles for Police	11
Research	11
Principles for effective policing of licensed drinking environments	11
Prevention, monitoring and enforcement activities	12
Enforcement activities	13
Licensed premises monitoring	13
Randomised or targeted?	13
Risk assessing	13
Areas of focus	13
What is involved?	13
Matters to keep in mind	14
Implications	14
Covert Police operations	14
Advantages	14
Implications	14
Supporting and monitoring voluntary programmes for licensed premises	15
Implications	15
Inter-agency regulatory approach	15
Implications	15
Police investigation campaigns	15
Implications	15
Combining different enforcement activities	15
Implications	16
Alcohol/licensing accords	16
Implications	16
Community action projects	16
Implications	17
Graduated Response Model (GRM)	18
Introduction	18
GRM drivers	18
GRM diagram	18
Situations when a graduated response may not be appropriate	19
Combined Police and multi-agency responses	20
Licensed premises: low risk	20

Licensed premises: medium and high risk	20
Initial Police responses	20
Multi-agency graduated responses	20
Appendix 1 - Sample letter for low risk licensed premises	24
Appendix 2 - Risk mitigation action plan template	25

Policy statement and principles

What

Alcohol is a significant contributor to crime, disorder and road trauma. Alcohol is also a key contributor to many cases of criminal damage, street fights, family violence and sexual assault.

Alcohol-related harm is clearly a significant issue for Police and it directly impacts on our ability to prevent crime and crashes and improve community safety.

Why

Prevention activity, monitoring of licensed environments, and enforcement of the Sale and Supply of Alcohol Act 2012 (and other relevant legislation) can reduce the demand from alcohol harm on Police and the burden on our communities.

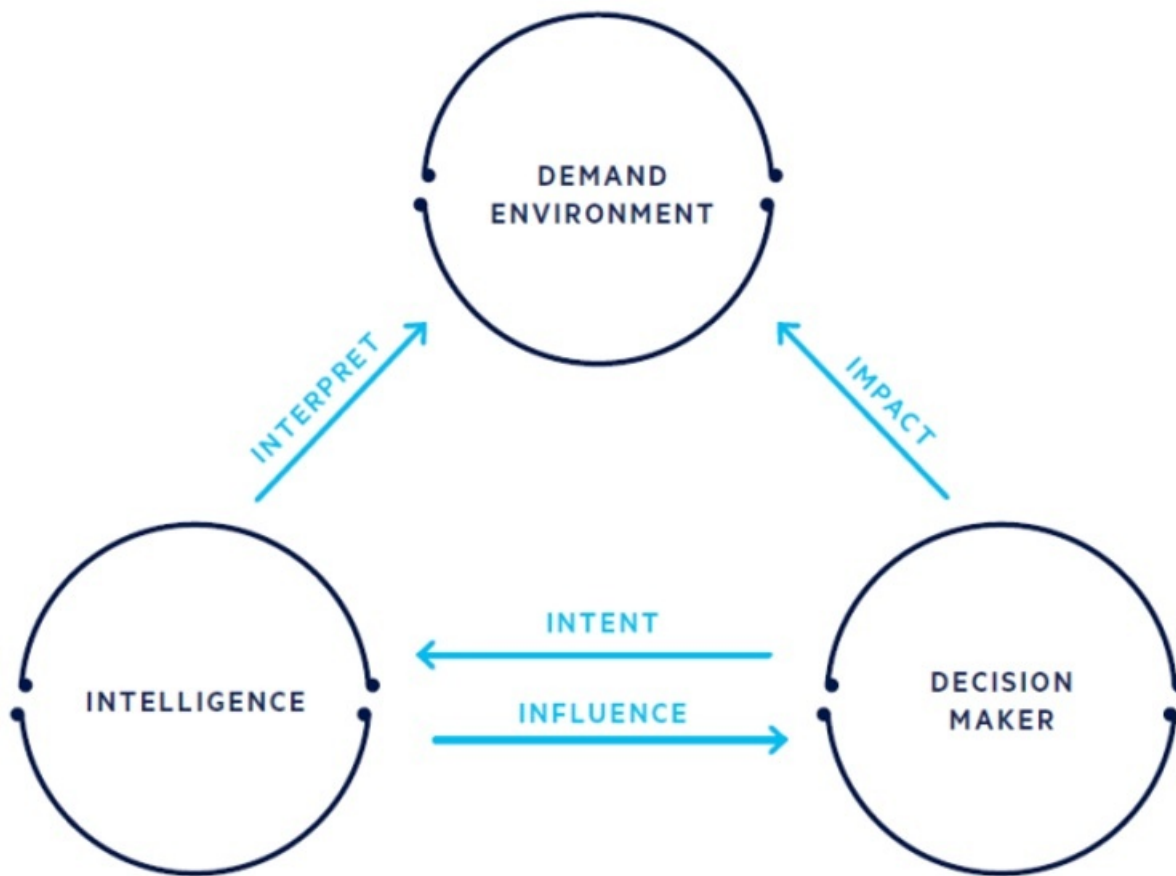
How

- alcohol-related intelligence gathering
- developing effective partnerships
- monitoring licensed premises and events
- enforcement activities
- using the Graduated Response Model

Alcohol-related intelligence gathering for frontline staff

Police intelligence model (4i model)

The 4i Model is used for interpreting the demand environment, supporting decision-maker intent and influencing decisions, and enabling an impact on the demand environment.



The value of alcohol-related intelligence gathering

Monitoring, engagement, education and enforcement of licensed premises depends on effective intelligence gathering systems and processes that deliver robust, reliable information about actual and potential problems.

Intelligence informs the basis of collaborative problem-solving strategies for regulatory agencies. Collaboration is the cornerstone of good practice in efforts to reduce alcohol-related incidents and harm associated with licensed premises.

For guidance on sharing alcohol-related information held by Police, see the Police Manual chapter - [Alcohol information sharing guidelines](#).

Key approaches for alcohol intelligence gathering

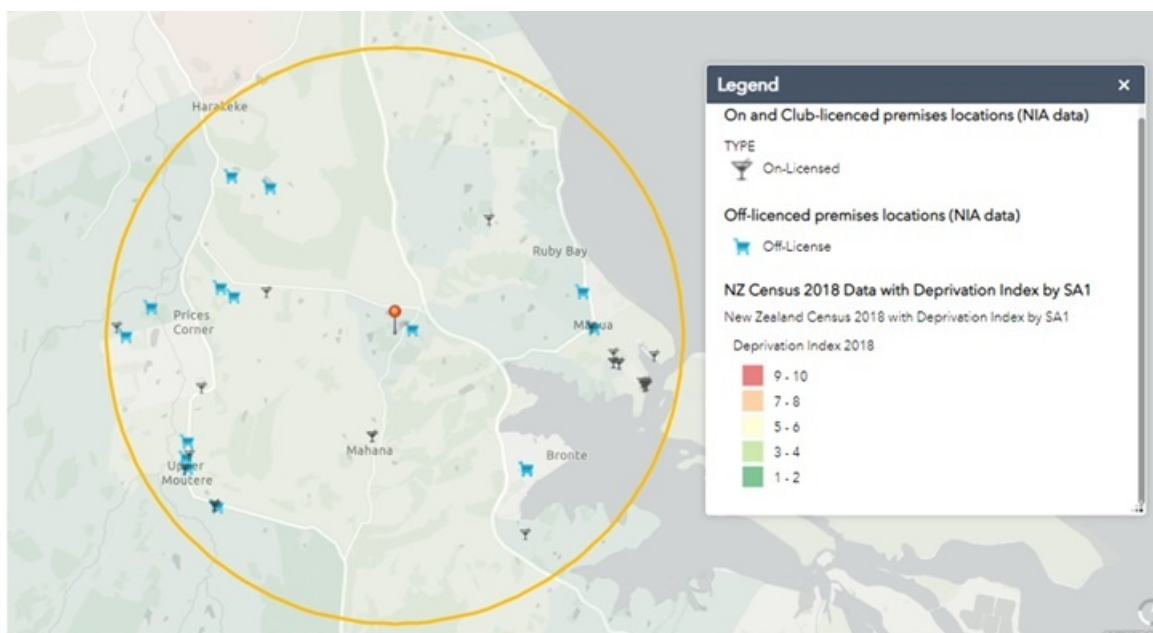
Police adopt two key approaches for alcohol-related intelligence gathering:

- internally sourced information:
 - **NIA** and Card data - the [Alcohol Harm Mapping Tool](#) is a key resource for viewing and exporting the alcohol contributory factor (ACF) data from these data sets
 - speaking with community constables, **PST** and other frontline staff
 - [licensed premises' compliance checks](#)
 - licensed premises compliance checks (form is available in On Duty)
 - licensed premises patron reports (form is available in On Duty)

- gathering intelligence on licensed premises
- controlled purchase operations
- minors
- alcohol infringement offence notices (form is available in On Duty)
- intelligence notings
- externally sourced information:
 - Medical Officer of Health
 - Licensing Inspector's
 - Māori Wardens
 - Community organisations e.g. local NGOs, schools, health providers
 - Neighbours
 - Iwi, rūnanga, hapū.

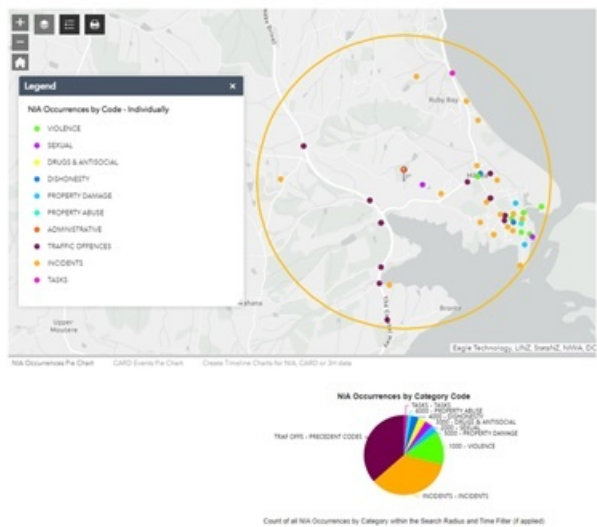
Alcohol Harm Mapping Tool

This tool displays ACF data from NIA and CARD using geospatial mapping. For example:



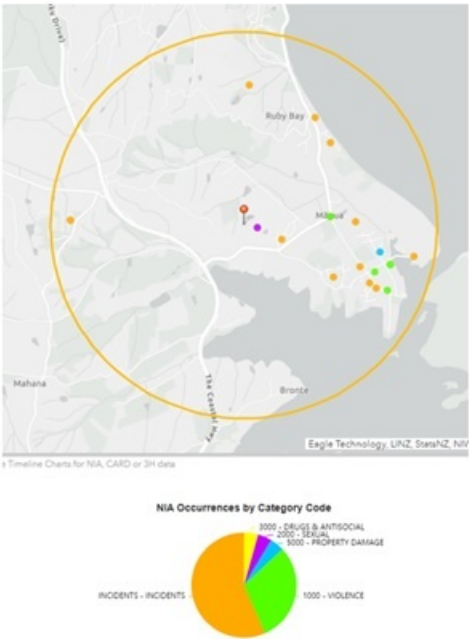
It creates basic graphs of this data and also allows it to be exported for further analysis. This tool can show the location of alcohol-related harm in relation to specific premises e.g., within a set distance from the address, or in a specific location. For example:

Police recorded alcohol harm in Mapua, three years to October 2022, in locality of proposed premises (NIA only)



Incident Type	Count	Sub Category	Count
Violence	9	Grievous Assaults	3
		Serious Assaults	3
		Minor Assaults and Intimidation	3
Sexual	2	Indecent Assault	1
		Indecent Act	1
Dishonesty	2		
Property Damage	2		
Incidents	23	Traffic	6
		Suicide Threat or Attempt	5
		Family Harm or Child Protection	12
Traffic Offending	24	Drink Driving related	19
		Dangerous or Careless Driving	4

Police alcohol-related family harm Mapua three years to October 2022



Offence or incident type	Count
Family Harm Incident (no offence disclosed)	11
Strangulation	3
Serious Assault	3
Assault	1
Indecent Assault	1
Total	23

What is the Alcohol Harm Mapping Tool used for?

Drawing on this information and other alcohol-related intelligence information assists with:

- identifying the risk and potential harm of licensed premises
- targeting those premises and activating the graduated response model (GRM)
- informing licensing decision makers (DLC & [ARLA](#)) of the harm that Police are recording around proposed licensed premises
- educating/motivating licensees and managers to (re)focus on management standards in their premises.

Partnerships

Developing effective partnerships

To reduce alcohol related-harm, Police must develop effective partnerships and collaboration channels with other organisations. Sharing knowledge, information, concerns, planning and resources is vital for a coordinated prevention, monitoring and enforcement approach of licensed premises to ensure compliance with the Sale and Supply of Alcohol Act 2012 (SASA).

SASA also establishes a duty to collaborate on the regulatory agencies.

Section 295 Duty to collaborate

The Police, inspectors, and Medical Officers of Health within each territorial authority's district must -

- (a) Establish and maintain arrangements with each other to ensure the ongoing monitoring of licenses and the enforcement of this Act; and*
- (b) work together to develop and implement strategies for the reduction of alcohol-related harm.*

Local regulatory groups should be established to affect coordinated strategies and share information. These regulatory groups are known by a variety of names, e.g. Counties Manukau's Joint Agency Meeting (JAM), and the Dunedin Alcohol Partnership. In addition to the reporting agencies, agencies involved with related legislation can be valuable members, such as the Labour Inspectorate from the Ministry for Business, Innovation and Employment.

Note: These partnerships do not prevent any of the parties taking individual action, or action together with any other party when the action falls within their agency's duties or responsibilities.

Involvement with community alcohol-related harm prevention groups and industry forums is also recommended.

Community groups address population level alcohol-related harm prevention, usually from an evidence-based approach. Membership that includes population health expertise, e.g. health promoters, will increase the likelihood that interventions most likely to reduce alcohol-related harm at the population level are developed and supported by these groups. Membership can pull from Te Whatu Ora's National Public Health Service, alcohol and other drug (AOD) services, territorial authorities, NGOs, iwi and/or rūnanga and Māori health and social services and others with expertise in preventing alcohol-related harm and the local community.

Industry forums allow for problems and potential solutions to be identified alongside premises owners and staff, and for learnings and experiences to be shared. They often enable issues to be nipped in the bud as they can be addressed through an established system rather than with multiple premises at one time. These forums are also an excellent source of information for Police and the other regulatory agencies, and they provide opportunities for the agencies to deliver ongoing education and share information and resources.

Regulatory partners

Regulatory member defined

A regulatory member throughout the '[Alcohol](#)' related chapters in the Police Manual means an authorised member of the following regulatory agencies or groups who have legislative powers with enforcing SASA compliance:

- New Zealand Police
- Licensing Inspectors
- Medical Officer of Health
- Māori wardens.

Licensing Inspectors

Each territorial authority appoints one or more alcohol licensing inspectors who:

- report on all alcohol licence applications

- monitor licensed premises
- enforcement and administer the [SASA](#).

If more than one inspector is appointed then the territorial must appoint one of them to be its chief licensing inspector, whose function is to foster consistency in enforcement of the Act.

Note: The licensing inspector operates independently of the territorial local authority with reporting lines to the DLC and Alcohol Regulatory and Licensing Authority (ARLA).

The functions of the alcohol licensing inspector include:

- enquiring into and report on all applications for licences and managers certificates and renewals to the DLC
- monitoring licensed premises compliance within the requirements of the Act and reporting to the DLC and/or [ARLA](#)
- entering any licensed premises at any reasonable time (the inspector must carry a warrant and means of identification)
- applying to the [ARLA](#) for variation, suspension or cancellation of a licence ([s280\(1\)](#)), or suspension, cancellation of managers certificate ([s285\(1\)](#)).

Police

Police have a statutory role under the [SASA](#) to inquire into the suitability of all alcohol licence applications and monitor all licensed premises to ensure compliance with the Act. Functions of Police include:

- inquiring into all applications for licences, managers certificates and renewals
- reporting any matters of opposition to the DLC
- monitoring licensed premises compliance with the requirements of the Act and reporting any breaches to [ARLA](#)
- entering any licensed premises at any reasonable time, or at any time if there are reasonable grounds to suspect that an offence is being committed
- ordering the closure of the licensed premises in the case of riot or fighting, etc.
- applying to the [ARLA](#) for variation, suspension or cancellation of a licence [s280\(1\)](#) or suspension or cancellation of managers certificate [s285\(1\)](#)
- taking prosecutions to the district court.

Note: Police have 15 working days to respond to licence applications ([s103\(3\)](#) and [129](#)) and managers certificates ([s220\(3\)](#) and [225\(3\)](#))

Medical Officer of Health

The Medical Officer of Health (MOoH) for a specific area enquires into and reports on applications for on, off and club licences. The Medical Officer of Health may delegate their functions to any person, as per section [151](#). MOoH delegates are usually health promoters, health protection officers or technical officers.

The functions of the [MOoH](#) include:

- inquiring into applications for licences and renewals
- reporting any matters of opposition to the DLC
- monitoring and reporting on licensed premises' compliance with the requirements of the Act.

Note: [MOoH](#) have 15 working days to respond to licence applications ([s103\(3\)](#) and [129](#)).

Māori wardens

Māori wardens have powers under the [Māori Community Development Act 1962](#) for carrying out specific enforcement duties involving Māori patrons on licensed premises to:

- prevent riotous behaviour
- prevent drunkenness

- prevent disorderly behaviour
- order them to leave licensed premises
- retain car keys from drink drivers.

Other key partners

Other key partners that may have involvement with local regulatory and/or community groups:

- Accident Compensation Commission ([ACC](#))
- National Public Health Service - Health Promotion (Te Whatu Ora) members
- Department of Internal Affairs (**Note:** responsible for the operation of gaming machines on licensed premises and suitability of the licensee)
- iwi community groups
- local authority / council (**Note:** responsible for monitoring and enforcing compliance with legislation impacting on licensed premises, e.g. [Building Act 2004](#))
- Fire and Emergency NZ (**Note:** responsible for monitoring and enforcing compliance with legislation impacting on licensed premises, e.g. [Fire Safety and Evacuation of Buildings Regulations 1992](#))
- Labour Inspectorate, MBIE (**Note:** responsible for monitoring and enforcing minimum employment standards)
- Immigration, MBIE (**Note:** responsible for monitoring and enforcing immigration legislation)
- Te Puni Kōkiri (Ministry of Māori Development).

And industry forums:

- Hospitality New Zealand (HNZ)
- licensees/duty managers
- local business groups.

Combining strategies and activities

Key roles for Police

Police have key roles in the prevention, monitoring and enforcement of:

- licensed premises/duty managers
- alcohol harm
- alcohol related violence, crime, disorder and road trauma (arising from alcohol consumption).

Research

Research evidence suggests that prevention strategies combined with active monitoring and enforcement by regulators (including Police) achieve the greatest gains in alcohol-related harm minimisation.

Research in both local and overseas studies has shown that:

- High intensity, high visibility policing to be effective in reducing crime associated with 'problem' licensed premises.
- Lower intensity policing can also be very effective, such as:
 - 'educational' policing to help minimise alcohol-related problems in some settings
 - non-regulatory agreements (e.g. accords, banning orders, one way door, security standards etc.)
 - covert evidence gathering for subsequent prosecution.
- Police need a package of responses to apply according to varying circumstances (e.g., 'low risk' vs. 'high risk venues'; new 'problem' premises vs. willfully disobedient premises).

The [Graduated response model](#) (GRM) operates better when regulatory partners work with licensed premises to encourage them to identify alcohol related-harm problems emanating from their premises and implement prevention strategies and solutions to reduce the harm.

Differences in the wider environment are also important to factor in, such as the density of alcohol outlets, their trading hours, pricing of alcohol, public's accessibility to alcohol and the existence or otherwise of an alcohol ban by-law.

Principles for effective policing of licensed drinking environments

These principles¹ should be taken into account to maximise the effectiveness of Police monitoring, enforcement and prevention work.

Principle	Description
Licensing	Ensure alcohol licensing decisions consider community and patron safety.
Management	Ensure management practices at licensed premises comply with legislative requirements and reduce risk of harm to staff and patrons.
Staff training	Ensure bar staff, security and management understand their legal obligations and are equipped to manage them.
Host responsibility policies	Ensure bar staff and management understand and engage in host responsibility practices.
Crime Prevention Through Environmental Design (CPTED)	Ensure licensed premises are designed in a way that minimises potential for harm, e.g. dark corners and poor lighting allow people to conceal their behaviour. This resource is available for licensed premises.
Responsible marketing strategies	Ensure the licensed premises are promoted in a way that does not encourage violence or excessive consumption and instead promotes availability and consumption of food and non-alcohol drinks.
Community education	Reduce alcohol-related social disorder by improving public awareness to alcohol laws (e.g. the display of clear signage relating to minors, production of identification and intoxicated persons).
Public transport	Ensure sufficient public and alternative transport is available and actively promoted, to disperse patrons quickly and prevent drink driving.
Collaborative crime reduction strategies	Establish co-operation between Police, licensees, alcohol authorities, local councils and the community and develop collaborative strategies to reduce alcohol-related incidents. For example, the wearing of highly visible yellow fluorescent vests by all regulatory partners leaves a lasting impression of ongoing authority and enforcement.
Enforcement	Ensure a visible Police presence at and around licensed venues, events and public places subject to alcohol bans to ensure action is taken for breaches of alcohol bans and other legislation. This includes an early response to public disorder.

Prevention, monitoring and enforcement activities

Prevention, monitoring and enforcement activities for licensed premises are not mutually exclusive. Often some or all activities may be used to enhance reduction of harm and violence related to drinking alcohol in licensed premises.

Note: The prevention, monitoring and enforcement activities should be aimed at ensuring licensees/managers enforce the [SASA](#) on their premises, rather than police alone attempting the enforcement of licensed premises staff and patrons. Police should be focused on:

- finding the problems that result in:
 - alcohol harm arising from licensed premises
 - breaches of the [SASA](#)
- pointing out these problems and breaches to licensees/managers
- suggesting solutions to alcohol misuse and breaches under the [SASA](#) to licensees/manager
- informing the licensees/managers of the consequences if they do not resolve the problems and breaches (e.g. opposing renewal of licence and/or managers certificate)
- checking that licensees/managers fix the problems arising from their premises
- if the problems continue, then commence [s280\(1\)](#) and/or [s285\(1\)](#) applications to the [ARLA](#).

Enforcement activities

Consider what it is you want to achieve and factor in one or more of these activities to assist you with determining the appropriate approaches for your area.

Licensed premises monitoring

See [Licensed premises' compliance checks](#) for an overview of 3H's.

Monitoring activity may be randomised or be targeted, focusing on high-risk premises. It is often done in partnership with the other regulatory agencies.

Agency partnerships will risk assess and identify premises to target (if a targeted operation) and decide on the areas to focus on.

Randomised or targeted?

Factors to consider:

- randomised makes it harder for licensed premises staff to limit compliance to the duration of inspections
- randomised makes it more likely to identify issues in lower risk premises before they become a bigger issue
- targeted means Police resource is focused where harm is more likely to occur.

Risk assessing

Risk assessment is completed by evaluating:

- alcohol harm data of the location using the Alcohol Harm Mapping Tool
- linked incidents and offences
- intel notings.

Areas of focus

Consider:

- Environmental factors (involving the physical features of the exterior and interior of a bar) including:
 - cleanliness
 - ventilation and temperature
 - reduction of intersecting pedestrian flows
 - minimum dress standards for servers
 - reducing noise levels (music and entertainment)
 - transport facilities
 - minimising the number of patrons waiting in queues and managing queues fairly and non-aggressively
 - lighting
 - [CCTV](#) monitoring
- [Host responsibility](#) relating to these domains:
 - displays required signage
 - does not serve alcohol to minors
 - prevents intoxication
 - provides and actively promotes low and non-alcoholic alternatives
 - provides and actively promotes substantial food
 - serves alcohol responsibly or not at all
 - arranges safe transport options
- Written [host responsibility policy](#), implementation plan and guidelines for responsible service
- Compliance with a local accord.

What is involved?

- Police and other regulatory agencies conduct inspections to the identified premises
- Agencies will identify together what the focus of these inspections are
- Conspicuous presence when checking for [minors](#) and intoxicated patrons
- Being amicable
- Spending sufficient time at premises to complete checking thoroughly and build rapport with staff and patrons
- Reporting all transgressions to the local alcohol harm prevention officer (AHPO) and ensuring appropriate follow-up action is supported (e.g. prosecution)
- Follow up Graduated Response Model meetings with licensees when problems have been identified
- Meetings, plans, feedback sessions must be documented in the national intelligence application system (NIA) and linked to the licensed premises, licensee and/or manager.

Matters to keep in mind

- Conducting thorough inspections and ensuring they are not rushed reduces the chances that offences are concealed.
- Being highly visible, licensed premises' staff and patrons are constantly reminded that there is a high risk of getting caught for any breaches.
- Thoroughness and visibility of inspections emphasises good orderly conduct is the responsibility of both licensed premises' staff and patrons.
- Keeping the inspections friendly and reminding licensed premises' staff and patrons of their licensing obligations helps gain:
 - rapport
 - full co-operation
 - agreement among all parties in facilitating the observance of the law
 - a resource of information.

Implications

Include:

- If not sustained then the deterrent effects can quickly wear off
- If frontline staff involved are not fully briefed and trained on the [SASA](#), there is a greater likelihood that [SASA](#) breaches continue undetected. **Note:** This can prove problematic for Police when making section 280 and 285 applications
- Forming partnerships
- Maintaining ongoing funding.

Covert Police operations

Covert police operations on licensed premises involve the focus on service of alcohol to:

- [minors](#) through operating [Licensed premises' compliance checks](#)
- [intoxicated persons](#) through undercover Police observations
- observe management practice.

Consider use of covert observations combined with a high visibility Police check once minors, intoxicated patrons and licensed premises' staff have been identified by covert staff.

This strategy may involve:

- pre-inspections (to describe the planned enforcement activities) and post-inspections (to advise the results of the enforcement activities) to licensees/managers and documenting for [NIA](#) entry and notifying your [AHPO](#)
- sending reports to licensees/managers of licensed premises inspected where no breaches discovered
- media publicity.

Advantages

Advantages include:

- minors, intoxicated patrons and licensed premises' staff committing [SASA](#) breaches are better identified.

Implications

Implications include:

- Lack of visual deterrence.

Supporting and monitoring voluntary programmes for licensed premises

Agencies support evidence-based voluntary programmes organised from within the alcohol industry (e.g. through [HNZ](#)) and utilising advisory groups (like HPA) to inform and train staff with preventing violence, related to drinking in licensed premises.²

Implications

Implications include:

- Relatively high turnover of licensed premises staff can reduce the impact of voluntary programmes and they therefore need to be ongoing.

Inter-agency regulatory approach

The inter-agency regulatory approach involves:

- collaborating with partner agencies to share information and work together
- Police conducting licensed premises' inspections either:
 - jointly with health staff and licensing inspectors; or
 - separately, but supported by educative, compliance-oriented inspections from health and licensing inspectors
- conducting CPOs and intoxication operations with assistance from health staff and licensing inspectors
- evaluating and resolving environmental risk factors.

Note: [ARLA](#) and the Auditor General expect a joint regulatory approach with monitoring and enforcement activities of licensed premises.

Implications

Implications include:

- To reach agreement, approach involves:
 - negotiation
 - resolution of professional conflicts
 - compromise.

Police investigation campaigns

For example a campaign focused on investigating the use/manufacture of [fake and fraudulently-presented evidence of age documents](#) by minors attempting to access alcohol.

Implications

Implications include:

- Single focus investigation campaigns may help to address a particular problem (e.g. minors accessing alcohol), but have less impact overall on reducing and preventing violence related to drinking in licensed premises.

Combining different enforcement activities

Working together different enforcement activities to produce greater effect, for example:

- An enforcement campaign targeting intoxication on licensed premises can reinforce the work of a taskforce set up to reduce inner-city violence and disorder.
- Deployment of Mobile Road Safety Bases at particular times and places could act to reinforce efforts by the specialist alcohol

licensing team to discourage intoxication-related offences on licensed premises.

- Impairment Prevention Teams focused on reducing drink driving also involving themselves in targeted enforcement of problematic licensed premises by being proactive and encouraging compliance with host responsibilities.

Implications

Implications include:

- When combining enforcement activities avoid splitting resources among two or more activities otherwise the effectiveness of the overall strategy may be diluted.

Alcohol/licensing accords

Alcohol or licensing accords are voluntary agreements among licensees and Police, local government, community groups, health agencies and other interested parties.

Note: Police should not be the driver of alcohol accords, but may support and contribute towards such an initiative. Leave it for other agencies to be the driver of accords.

Accords can be used as a written record to focus licensed premises on:

- a code of practice to:
 - maintain proper and ethical conduct within licensed premises
 - promote host responsibility service of alcohol
- a preparedness of Police to get tough on non-compliant licensees through strict enforcement of even minor infringements on licensed premises' inspections
- addressing safety and nuisance issues
- eliminating unacceptable [alcohol promotions](#)
- 'one way door' at a set time for all premises in an area is one of the best methods to limit migration
- prevent overcrowding
- resolving environmental risk factors.

Implications

Implications:

- The biggest weakness of accord-type partnerships may be their reliance on voluntary compliance with good management practices by licensees and managers. **Note:** A strong regulatory team remaining involved will create a greater perception of risk and overcome this weakness.
- Accords may be issue driven rather than having a wider strategic vision of reducing alcohol misuse or evolve into a 'tit for tat' arrangement. For example, allowing extended hours, if licensed premises have a lockdown policy.

Community action projects

This approach involves community intervention to prevent alcohol-related harm. Community action projects may involve:

- creation of community forum
- development of community-based task groups
- implementation of a safety audit
- publicity campaigns
- social marketing initiatives through various media (e.g. television, radio, billboards, posters, alcohol industry merchandising) for example:
 - "Best Bar ..." award
 - "Safer by ..." initiatives
 - Safer/responsible drinking messages

- local task force activities include development and implementation of:
 - risk assessments in licensed premises by project personnel
 - a code of practice by licensees/managers
- various training programmes and guidelines for the:
 - community-based project steering committee
 - the project officer
 - licensees, managers, servers and security staff
- refresher training (alcohol-related harm, SASA, host responsibility and good practice) for licensing inspectors, Health, Police, Fire and Māori wardens
- increased levels of enforcement with respect to alcohol related accidents and crimes (emphasis being on preventative rather than reactive strategies)
- establishment of permanent community safety officer positions at local councils with particular responsibility for licensed premises
- evaluating and resolving environmental risk factors
- self-regulation, through the establishment of licensees and managers' associations (helps with resolving major professional conflicts between Police and licensees)
- informal regulation, where a variety of methods to pressure licensees to address problems and improve their practices, methods include:
 - fostering public forums
 - media publicity
 - using compliant managers to persuade and bring pressure to bear on non-compliant managers
 - employ project officers with interpersonal and persuasive skills to ensure managers implement improved practices
 - informal community-based monitoring committee to discuss and resolve problems at venues with licensees/managers
- formal regulation with regulatory agencies conducting random and highly visible inspections to licensed premises.

Implications

Implications include:

- Community action projects are time, human resource and funding intensive.
- If there is general apathy in the community it may be difficult to organise action projects.
- Organisations need a long time frame to make the strategic changes for long-term sustainability.

Graduated Response Model (GRM)

Introduction

The GRM is an operating framework that:

- provides Police a greater degree of consistency with alcohol licensing good practice
- enables Police to prioritise its monitoring and enforcement efforts among licensed premises
- is a useful tool for alcohol harm prevention officers (AHPO) to:
 - calculate the risk and potential harm categories of licensed premises; and
 - target medium and high-risk licensed premises.

GRM drivers

There are two major drivers towards applying GRM:

- While many licensed premises comply with the SASA, there are a small number linked to alcohol-related problems. Subsequently, only the problem premises need to be the target of Police attention. **Note:** Because alcohol-related harm is not evenly spread amongst licensed premises, an effective use of Police resources is to target the highest risk venues.
- Compliance with SASA requirements can be encouraged through dialogue with licensed premises, as well as through the negative reinforcement that comes if sanctions are imposed when breaches are punished following enforcement action. **Note:** This can be a more constructive approach to take, rather than immediately resorting to legal proceedings, given the delays and sometimes uncertain outcomes inherent in judicial hearings.

GRM diagram

According to the assessed level of risk and potential harm posed by individual licensed premises, the GRM recommends a range of Police responses that will typically be appropriate. The basic model can be summarised in this diagram.

Graduated Response Model

1. Engage, Encourage, Educate

- Awareness is key to prevention
- Proactive engagement and community presence should be delivered across all regulating agencies through their BAU
- All agencies can play a role in educating and encouraging compliance when specific instances of non-compliance are identified

Most premises will be at this level

2. Warn

- When breaches and/or offences continue despite education, a warning is issued

Some premises will be at this level

3. Enforce

- S280/S285 application to ARLA
- District Court prosecution
- Opposition to licence application/renewal

A few premises will be at this level

**Compliance starts with awareness
We will enable this by:**

- Providing clear messages regarding what is expected for compliance and what to expect in cases of non-compliance
- Ensuring recurring compliance issues inform ongoing communications

Situations when a graduated response may not be appropriate

There will be situations when it may not be appropriate to use the graduated response model to improve licensed premises performance.

Examples include:

- controlled purchase operations;
- sales of alcohol to minors;
- trading (in breach of licence conditions) on Good Friday, Easter Sunday, Anzac Day and Christmas Day;
- where several patrons at licensed premises are:
 - intoxicated;
 - fighting or behaving in a disorderly, offensive or riotous manner.
- fatal crashes involving drink driving and the occupant(s) of the vehicle(s) have recently been drinking on licensed premises.

Combined Police and multi-agency responses

Police response to licensed premises will vary depending on the level of risk and harm. As short periods (such as one month) can give a misleading view of how individual premises are performing, it is recommended that the monitoring of premises and assessing risk be based on three months data gathering.

Licensed premises: low risk

Follow these suggested steps for low risk licensed premises.

Step	Action
1	Invite to training being organised by the regulatory partnerships and share information regarding other training opportunities.
2	Share information regarding local issues that would assist licensees and staff to manage their risk.
3	Keep records for all licensed premises, including action taken with all individual premises. Note: An electronic file entered in NIA is sufficient.
4	Check new and renewal of license applications.
5	Continue to monitor alcohol harm mapping tool.

Licensed premises: medium and high risk

Medium and high risk premises are those viewed as troublesome and problematic respectively.

Initial Police responses

The initial Police response involves:

- Checking the alcohol harm mapping tool
- Checking occurrences in [NIA](#)
- Discussing with intelligence and frontline staff
- Conducting licensed premises inspection(s)

Note: Alcohol harm mapping tool data should be treated as an indicator only.

- Verify the risk level by conducting licensed premises inspection(s) establishes whether the premises:
 - are complying with [SASA](#)
 - breaching conditions of the licence
 - have good host responsibility procedures in place.

Note: If no issues are detected and the premises appear to be operating in a responsible manner then consider the action identified for [low risk](#). If issues are detected, then commence action at step 1 for [multi-agency graduated responses](#).

- If the risk level is verified through licensed premises inspection(s), then analyse the Alco-Link data, licensed premises inspection(s) information and crime prevention through environmental design audit (CPTED) of the external environs of the premises and streets to identify any specific problem areas requiring to be addressed.

For example, driving with excess breath/blood alcohol in the area may indicate that alternative forms of transport are not available or being promoted.

Multi-agency graduated responses

Depending on the circumstances (case by case) these multi-agency graduated response steps can be applied separately, concurrently or cumulatively to medium and high risk licensed premises in an endeavour to reduce their level for potential harm.

Step	Graduated response description
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1	<p>Arrange a meeting with multi-agency partners to:</p> <ul style="list-style-type: none"> - share and discuss the alcohol harm mapping tool data and the result of inspection(s) gathered on the licensed premises and subsequent analysis of that information - decide on the coordinated approach following the graduated response model, this may include: <ul style="list-style-type: none"> - sending a letter to licensee/manager - organising a combined meeting with licensee/manager - working with agreeable licensee/manager to improve performance and review conditions of licence - coordination of enforcement, monitoring and compliance checks - targeting Police enforcement action - issuing formal warning for specific breaches of the <u>SASA</u> - applications to the <u>ARLA</u> - prosecution in the district court.
2	Contact the licensee/manager of the licensed premises.

3	<p>Organise multi-agency partners' combined enforcement meeting with the licensee/manager to discuss:</p> <ul style="list-style-type: none"> - alcohol harm mapping tool data - issues arising from licensed premises - training possibilities - information published by Te Whatu Ora relating to the SASA <ul style="list-style-type: none"> - "The Manager's Guide" - "Alcohol Game Plan for bar staff - Managing alcohol in clubs" - "Alcohol Game Plan for club committees - Managing alcohol in clubs" - "Clubs toolkit" - "Off-licensed premises toolkit" - "On-licensed premises toolkit" - "ServeWise" e-learning package - attendance at alcohol accord meeting(s) - standards of conduct and management expected at licensed premises - consequences for failing to meet the multi-agency's standards - set time-frame for compliance issues - outline of proposed enforcement action - warnings. <p>At the meeting ask the licensee/manager:</p> <ul style="list-style-type: none"> - how they intend to reduce the: <ul style="list-style-type: none"> - risk of alcohol related-harm emanating from their premises; and - breaches under the SASA - what plan they intend to formulate for: <ul style="list-style-type: none"> - reducing alcohol related-harm; and - ensuring compliance with the SASA <p>Note: Licensees/managers who find their own solutions are more likely to implement them.</p> <p>Note:</p> <p>The meeting should:</p> <ul style="list-style-type: none"> - record oral warnings given to the licensee/manager and their explanations for the purposes of evidence gathering should section 280 and 285 applications be later made to the ARLA (individual agency's responsibility - for Police the warning must be entered in NIA) - share the tasks arising from the meeting among all the multi-agency partners - prepare a risk mitigation action plan for the partners to ensure the "talk" is translated into "action" (template available at appendix 2).
4	<p>Work with agreeable licensees and managers to improve their performance and voluntarily reviewing the conditions of their licence, for example:</p> <ul style="list-style-type: none"> - developing/reviewing a host responsibility policy - preparing licensed premises host responsibility implementation plan - applying a curfew - participating in "lockout" (where no new patrons are permitted entry after a certain time, but remains open for those inside until the arranged closing time).

5	<p>Coordinate monitoring, evaluation and compliance checks with other partner agencies (e.g. health agency may conduct host responsibility audit of licensed premises).</p> <p>Note: Licensed premises should be given regular feedback.</p>
6	<p>Enter all "contacts" (inspections, meetings, etc) with licensed premises into NIA.</p> <p>Note: This can be helpful in the event that the premises file cannot be located or other staff want to access the information. For example where:</p> <ul style="list-style-type: none"> - an on-licence applicant operates premises in other areas and you want to see if there are any issues with those premises; or - a manager moves to new premises that becomes problematic and you want to check how the manager operated licensed premises previously.
7	<p>Target Police enforcement action, including:</p> <ul style="list-style-type: none"> - high visibility policing in and around licensed premises - covert operations in and around licensed premises (e.g. controlled purchase operations/intoxication operations/EBA operations).
8	<p>Issue a formal warning for specific breaches of the SASA and enter information into NIA.</p>
9	<p>Consider negotiating suspension by consent when licensed premises sell alcohol to minors in a CPO for low and medium risk premises.</p> <p>Note:</p> <ul style="list-style-type: none"> - Do not negotiate suspensions for high risk (problematic) premises. Instead make application direct to ARLA, so stricter conditions can be applied for under a variation as well as a shorter renewal period of the licence. - All negotiated suspensions must be submitted with section 280 and 285 applications to the DLC for consideration and their determination with setting the date and period of suspension.
10	<p>Make application to the ARLA for cancellation or suspension of license and/or manager's certificate.</p>
11	<p>Commence a prosecution preparing a charging document for the District Court.</p> <p>Note: The ARLA:</p> <ul style="list-style-type: none"> - is the most appropriate judicial body for determining SASA breaches by licensees and managers only - avoid if possible using the district court - will not hear applications until the District Court process is completed; Remember to send a report to the ARLA immediately after the licensee or manager has been convicted in the District Court of certain SASA offences (s280 refers).
12	<p>Monitor premises and alcohol harm mapping tool data to establish whether or not the licensed premises continue to pose any risk.</p>

Appendix 1 - Sample letter for low risk licensed premises

DATE

NAME

ADDRESS OF LICENSEE

Dear NAME,

Recently Police have been made aware that your premises has been operating contradictory to your obligations under the Sale and Supply of Alcohol Act 2012.

Please accept this letter as an official warning under the graduated response model that Police are obligated to follow in such matters.

Any further offending against the Act will be proceeded by way of an application to the Alcohol Regulatory and Licensing Authority to suspend or cancel the On/Off Club Licence held by

Regards

YOUR NAME

DESIGNATION

Appendix 2 - Risk mitigation action plan template

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 Risk mitigation action plan template - 2023	24.82 KB
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[1](#) S. J. Doherty and A. M. Roche, *Alcohol and Licensed Premises: Best Practice in Policing*, 2003

[2](#) Graham, K. and Homel', R., (2008)*Raising the Bar: Preventing aggression in and around bars, pubs and clubs*, Devon, Willan Publishing
