

OTOROHANGA DISTRICT LICENSING COMMITTEE

Application

018-0009

IN THE MATTER

the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Oparau Community & Districts Club
Incorporated for a special licence
pursuant to section 138 of the
Act

DECISION OF THE OTOROHANGA DISTRICT LICENSING COMMITTEE

1. The application for an on-site special licence is granted. The special licence may issue immediately.
2. Oparau Community & Districts Club Incorporated is authorised to sell and supply alcohol, on the premises situated at 33 Rotoiti Road, Oparau to any person attending the special events listed below.
3. This licence is subject to the following conditions:
 - a) A copy of this licence with all the conditions must be displayed in a prominent place so all persons can read it and all staff must be familiar with the conditions.
 - b) Alcohol may be sold on the following days and during the following hours:

Karaoke Night: 18 August 2017, from 6.30pm to 1.00am the following day
Quiz Night: 15 September 2017, from 6.30pm to 1.00am the following day
Fundraising Battens Up & Horse Trek, 20 October 2017, from 6.30pm to 1.00am the following day
Social Wind Down Function: 17 November 2017, from 6.30pm to 1.00am the following day
Christmas Party: 15 December 2017, from 6.30pm to 1.00am the following day
Speed Shear: 16 February 2018, from 6.30pm to 1.00am the following day
Pool Competition: 16 March 2018, from 6.30pm to 1.00am the following day
 - c) Alcohol may be sold or supplied to people present participating in the events this licence is issued for.
 - d) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Otorohanga District Licensing Committee on 9 June 2017 and no alcohol is to be taken out of this area.

- e) The entire premises is undesignated.
- f) The holder of a manager's certificate shall be on duty and on the premises at all times alcohol is sold. A sign shall be displayed identifying the duty manager.
- g) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be displayed at every point of sale appropriate signs detailing these restrictions.
- h) Drinking water must be freely available from the bar and this must be clear to customers, while the premises is open for the sale and supply of alcohol.
- i) Food must be available for consumption on the premises in accordance with the menu submitted with the application for this licence, or variations of a similar range and standard. Menus and the availability of food should be clear to customers and food should be actively promoted.
- j) A range of low-alcohol and non-alcoholic drinks must be available at all times when the premises is open for the sale of alcohol.
- k) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed. The availability of the courtesy van to transport patrons home from the premises shall be promoted.
- l) No BYO alcohol on the premises while alcohol is available for sale.

REASONS

1. This is an application by Oparau Community & Districts Club Incorporated for a special licence for a series of community events to be held at their premises. The application was filed more than 20 working days prior to the event as required by section 137 of the Act.
2. The Liquor Licensing Inspector, Police and Medical Officer of Health have no objection to this application for a special licence (s 141). Accordingly, this application is decided on the papers (s 202).
3. The purpose of the Sale and Supply of Alcohol Act 2012 (the Act) is to put in place a new system of control over the sale and supply of alcohol (s 3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
4. In deciding whether to grant a special licence the District Licensing Committee must have regard to the criteria in s 142 of the Act. Therefore this committee must consider the following questions within the framework of the purpose and object of the Act:
 - a) What is the nature of the event? Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
 - b) Is the applicant suitable?
 - c) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of the licence?

- d) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
 - e) Is the design and layout of the premises suitable? Are any areas of the premises designated restricted or supervised areas?
 - f) Does the applicant have appropriate systems, staff and training to comply with the law? What steps will the applicant take to ensure that alcohol is not sold to prohibited persons?
 - g) What proposals does the applicant have in relation to the sale and supply of non-alcoholic drinks and food, low-alcohol drinks and the provision of help with or information about alternative forms of transport from the premises?
 - h) Have the Inspector, Police and Medical Officer of Health raised any relevant considerations?
 - i) Does the application comply with the Otorohanga District Local Alcohol Policy?
5. The licensing committee may refuse a special licence even if there was no objection to the application (s 144). Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

Should a special licence be granted?

6. Oparau Community & Districts Club Incorporated has applied for a special licence for seven events open to the general public including; Karaoke Night, Quiz Night, Fundraising Battens Up & Horse Trek, Social Wind Down Function, Christmas Party, Speed Shear and Pool Competition. The original application also included a Pig Hunting Competition on 5 August 2017, however the club realised that the event is a closed event for the Awaroa Hunting Pig Club, which is a reciprocal club, and therefore competitors could attend the event under the club's usual licence.
7. Clubs are permitted to hold a special licence to authorise the sale of alcohol outside of the normal licence conditions, one of which is to make alcohol available to people who are not authorised customers who are "*attending an event*" (section 22). The definition of an event includes "*an occasion, a gathering and any series of events*" (section 5). There must be something special about the event that makes it different from a normal club activity.
8. The licensing committee initially had some concerns about whether the community events were bonafide events or normal club activities opened up to the public. However, the Licensing Inspector has made some enquires with the club and reports that the events applied for are not normal events. The club meets on the 3rd Friday of every month, and 'member only' activities generally occur on these nights. However, members have access to the club during licensed hours.
9. Most of the events do occur on a club night, however this for the convenience of club members who want to attend the public event and planned to be there anyway. The Licensing Inspector reports that if a special licence was not issued, the events would not happen. The club membership is in the region of 60 people, making it financially unsustainable to arrange large events. The club hosts large events, both as a service to the community, but also in the hope of attracting new members. In this case there are seven events over an eight-month period. The club is in a remote rural location and is 14km from the nearest compatible venue (Kawhia Sports club). The licensing committee accepts the Licensing Inspector's opinion that the events applied for are genuine special events that are outside the club's normal activities.
10. The licensing committee is satisfied that Oparau Community & Districts Club Incorporated is a suitable applicant to hold a special licence. The club currently holds a club licence and there have been no adverse reports about how special licence events are run. The club has

one certificated duty manager who will be in attendance at every event. The issue of a special licence for this event will allow the applicant to sell alcohol to non-members of the club attending the event. The licensing committee is satisfied that the proposed hours are reasonable and are compliant with the Otorohanga District Local Alcohol Policy.

11. The club has requested a waiver from the requirement to have a duty manager present. The club would like permission to have a Carey Thom act as a nominated person, if their duty manager is not available. This Licensing Inspector reports that Carey Thom has been volunteering at the club for a number of years at similar events.
12. However, the waiver is not granted in this instance. These events are public events, as opposed to a private event where the organisers usually know all attendees. Children will be attending and the premises will not have any designation. Lengthy trading hours have been applied for, up to 1.00am the following day in every instance, which increases the opportunity for intoxication and alcohol related harm. Therefore, having regard to these factors, it is important that a duty manager, who is properly trained, is at the club for the duration of each special licence event. If the duty manager employed by the club is unavailable, the club will need to appoint another duty manager and ensure their name is on the club's managers register, and is notified to the secretary of the licensing committee.
13. The licensing committee is satisfied that suitable measures will be taken to ensure that alcohol is sold and supplied responsibly and that harm caused by inappropriate or excessive consumption of alcohol is minimised. Given the nature of the event and the venue it is not likely that the issue of the special licence will adversely affect neighbouring properties.
14. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will be provided. A courtesy vehicle will be available to transport patrons home is required.

Conclusion

15. The licensing committee is satisfied that the grant of the special licence with the appropriate conditions will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.
16. Therefore, the application for a special licence is granted.

Dated this 27th day of July 2017



Sara Brown
Commissioner