

OTOROHANGA DISTRICT LICENSING COMMITTEE

Application	018-0014
<u>IN THE MATTER</u>	the Sale and Supply of Alcohol Act 2012
<u>AND</u>	of an application by
<u>IN THE MATTER</u>	Karen Flay 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. Karen Flay is authorised to sell and supply alcohol, on the premises situated at Bledisloe Avenue, Otorohanga to any person attending the Friends of Otorohanga College Sports Committee Community Ball.
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 under the licence on Saturday 29 July 2017, from 7.30pm to 12.00 midnight.
 - (c) 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 30 June 2017 and no alcohol is to be taken out of this area.
 - (d) The holder of a manager's certificate shall be on duty. In the absence of a certificated duty manager, the person nominated to manage the conduct of the sale and supply of alcohol is Karen Flay. A sign shall be prominently displayed at each point of sale identifying by name the duty manager or nominated person responsible under the licence.
 - i) All staff will be trained in their responsibilities under the Act;
 - ii) Evidence of age documents will be requested from any person appearing to be under the age of 25.
 - iii) There must be no consumption of alcohol by bar staff immediately before or during their shifts.
 - (e) The licensee and certificated duty manager must ensure compliance with the host responsibility policy submitted with the application and must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.

- (f) The entire premises is designated as a restricted area (no persons under 18 can be in the area).
- (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 from the water stations in the hall, this must be clear to customers while the premises is open for the sale and supply of alcohol.
- (i) A minimum of four types of food choices should be available in accordance with the menu provided. 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) Sober drivers must be made available to transport patrons from the premises and this assistance must be displayed in a notice to patrons.

REASONS

1. This is an application by Karen Flay for a special licence for the Friends of Otorohanga College Sports Committee Community Ball to be held at Otorohanga College Hall, Bledisloe Avenue, Otorohanga. The application was filed more than 20 working days prior to the event as required by section 137.
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 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 Otorohanga 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 the special licence be granted?

6. The Friends of Otorohanga College Sports Committee Community Ball is a bi-annual fundraising event for the Otorohanga College Sports Committee. Less than 100 people are expected to attend the event. The licensing committee is satisfied that the proposed hours are reasonable. The licensing committee is satisfied that Karen Flay is a suitable applicant to hold a special licence on behalf of the Otorohanga College Sports Committee. Karen Flay is a registered teacher and has taught at Otorohanga College for 18 years. She has had experience in managing this event for two of the past three years and also has bar experience as a manager of the Otorohanga Soccer Club.
7. The application complies with the Otorohanga District Local Alcohol Policy. 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. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. This is an R18 event and the main hall will have a restricted designation (no persons under 18 can attend).
8. A certificated duty manager has been arranged for the event. However, she is recovering from an injury and may need to take a break from her duties. Karen Flay has requested that she be appointed as a nominated person in the absence of the duty manager. The licensing committee is satisfied that an exemption may be granted from the requirement to appoint a duty manager at all times (s 213). The function is relatively small and Karen Flay is capable of overseeing the event from time to time without a certificated duty manager. The licensing committee is satisfied that Karen Flay will take responsibility for the management of the event and ensure that it complies with the Act.
9. The licensing committee is satisfied that the applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will also be provided. Sober drivers will be promoted as a safe option for transport home from the event.

Conclusion

10. 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.
11. Therefore, the application for a special licence is granted.

Dated this 27th day of July 2017



Sara Brown
Commissioner