

**OTOROHANGA DISTRICT LICENSING COMMITTEE**

<b>Application</b>	<b>018-0070 / SP 1518</b>
<b><u>IN THE MATTER</u></b>	the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b>	of an application by
<b><u>IN THE MATTER</u></b>	Otorohanga Sports Club Inc for a special licence pursuant to section 138 of the Act

**DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The application for a special licence is granted. The special licence may issue immediately.
2. Otorohanga Sports Club Inc is authorised to sell and supply alcohol, on the premises situated at Island Reserve, Orahiri Terrace, Otorohanga to any person attending the Carr Family 50<sup>th</sup> Birthday party on Friday 30<sup>th</sup> March 2018.
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 only on Friday 30<sup>th</sup> March 2018 between the hours of 6.00pm and 12 midnight.
  - (c) Alcohol may be sold or supplied to people present participating in the event 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 District Licensing Committee on 21<sup>st</sup> February 2018 and no alcohol is to be taken out of this area.
  - (e) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
    - 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 staff or managers immediately before or during their shifts.

- (f) In the event that the duty manager is unable to be present due to illness, the person nominated to manage the conduct of the sale and supply of alcohol at all times the premises is open for the sale and supply of alcohol is Graham Wilshier and a sign shall be prominently displayed inside the premises which identifies by name the person responsible for the management of the sale and supply of alcohol under the licence.
- (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 at all times the premises is open for the sale of alcohol 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.
- (l) The entire premises is undesignated.

## **REASONS**

1. This is an application by Otorohanga Sports Club Inc for a special licence for a surprise 50<sup>th</sup> birthday party to be held at their premises on the 30<sup>th</sup> March 2018. This application was filed on 21st February 2018 with the secretary of the District Licensing Committee, and was received 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. The general nature of the event is a birthday party. Approx. 80 people are expected to attend this private event. The event is being held on Good Friday (a sacrosanct day). However, a special licence will allow the club to sell and supply alcohol (section 47 (1) (a)).
- 7. The licensing committee is satisfied that Otorohanga Sports Club Inc is a suitable applicant to hold a special licence. The club currently holds a club licence and has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The issue of a special licence for these events will allow the applicant to sell alcohol to non-members of the club attending the event. A Duty Manager will be present on the premises for the duration of the proposed event to ensure compliance with the Act. The licensing committee is satisfied that proposed hours are reasonable.
- 8. The Otorohanga Sports Club Inc has requested that, in the event that the sole duty manager is unable to be present due to illness, an exemption be provided from the requirement of having a duty manager. This is a small private function and the licensing committee is satisfied that the Otorohanga Sports Club is capable of managing it. In this instance Graham Wilshier will take responsibility for the management of the event and ensure that it complies with the Act.
- 9. The Committee wishes to advise that in future applications, in the event of the duty manager being unavailable due to ill health, the person nominated will be required to hold a manager's certificate. An exemption is granted in this instance however it is not appropriate for this trend to be continued. The club is strongly advised to apply for a second duty manager for future events requiring a special licence.
- 10. The Licensing Inspector reports that the application does comply with the Otorohanga District Local Alcohol Policy.
- 11. 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.
- 12. Given the nature of the events and the venue it is not likely that the issue of the special licence will adversely affect neighbouring properties.
- 13. 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.

14. The licensing committee is satisfied that the applicant will provide information about alternative forms of transport from the premises, including taxi services and Dial a Driver and a free phone for customers to call those services.

**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 at this 21<sup>st</sup> day of March 2018

A handwritten signature in black ink, appearing to read 'R. M. Johnson'.

Roy Johnson  
Deputy Chair  
District Licensing Committee