

LICENSING COMMITTEE

Application	018-0080
<u>IN THE MATTER</u>	the Sale and Supply of Alcohol Act 2012
<u>AND</u>	
<u>IN THE MATTER</u>	of an application by Kio Kio United Rugby Football Club Incorporated 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. Kio Kio United Rugby Football Club Incorporated is authorised to sell and supply alcohol, on the premises situated at Kio Kio United Rugby Football Club Incorporated to any person attending the Birthday Celebration for Magda Jordan or Pete Addison.
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 the following days and during the following hours:

Magda Jordan's 50th Birthday Party
Saturday 19 May, between the hours of 7.00pm and 1.00am the following day

Pete Addison's 60th Birthday Celebration
Saturday 2 June, between the hours of 7.00pm and 1.00am the following day
 - (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 10 April 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.
 - (f) 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.

- (g) 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.
- (h) 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.
- (i) 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.
- (j) The availability of the courtesy van to transport patrons home from the premises shall be promoted.
- (k) The entire premises is undesignated.

REASONS

1. This application has been brought in the name of Kio Kio United Sports Club. This may be the trading name for the club, but it is not the correct legal entity for the club. The certificate of incorporation shows that the correct legal entity is Kio Kio United Rugby Football Club Incorporated. In future all club applications need to be made by the correct legal entity or the application will be likely to be returned for an amendment.
2. Given the short time available before the first event, the licensing committee accepts that it is likely that a genuine error was made, and that the intention was for the application to be made by Kio Kio United Rugby Football Club Incorporated.
3. Kio Kio United Rugby Football Club Incorporated seeks a special licence for the Birthday Celebrations for Magda Jordon and Pete Addison. The application was filed more than 20 working days prior to the first event as required by section 137 of the Act.
4. 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).
5. 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).
6. 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?

7. 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?

8. It is expected that up to 90 people of all ages will attend each private birthday event.
9. The licensing committee is satisfied that Kio Kio United Rugby Football Club Incorporated 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.
10. Kio Kio United Rugby Football Club Incorporated advises that the club only has one duty manager, Joanne Fox, who will be on the premises for the duration of these events. Joanne Fox and two bar staff have undertaken the Servewise course and Joanne Fox has attended the recent Club Champs training course. The licensing committee accepts that the club has a very good Host Responsibility Policy and staff training programme. Good clear information is provided to people wish to hire the club for licensed events.
11. Kio Kio United Rugby Football Club Incorporated has requested that in the event that Joanne Fox is ill or absent, a waiver be granted to allow a nominated person, Dayna Fox to be the nominated person responsible for ensuring compliance with the Act at these events. Dayna Fox has been working at the club for three years and will undertake the License Controller's qualification and apply for a manager's certificate later this year.
12. The licensing committee is not prepared to grant an exemption from the requirement to appoint a duty manager (s 213). The licensing committee expects any club of this type to have at least two certificated duty managers available to ensure adequate coverage at all times. Both events run for six hours and with 90 people present celebrating a birthday for this length of time, there is a strong risk of intoxication. Therefore, it is important that a certificated duty manager or a properly notified manager is present for the entire duration of the event. The club may wish to consider employing a second duty manager until Dayna Fox is fully qualified.
13. The Licensing Inspector reports that the application does comply with the Otorohanga District Local Alcohol Policy because the hours do not exceed the hours of the club.
14. 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.
15. 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.
16. 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

17. 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.
18. Therefore, the application for a special licence is granted.

Dated at this 17th day of May 2018

A handwritten signature in black ink, appearing to be 'S. Grayson', written in a cursive style.

Sara Grayson
Commissioner
Otorohanga District Licensing Committee