

LICENSING COMMITTEE

Application	018-0112
<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 Kawhia Boating and Angling 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. Kawhia Boating and Angling Club Incorporated is authorised to sell and supply alcohol, on the premises situated at 124 Omimiti Street, Kawhia to any person attending 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 under the licence only on the following days and during the following hours:

Labour Weekend Fishing Competition

Saturday 20 October 2018, from 5.00pm to 8.00pm

Sunday 21 October 2018, from 6.00pm to 9.00pm

Kasha Snapper Fishing Competition

Thursday 22 November 2018, from 8.00pm to 10.00pm

Friday 23 November 2018, from 5.00pm to 11.00pm

Saturday 24 November 2018, from 6.00pm to 9.00pm

New Year's Eve Celebration

Monday 31 December 2018, from 8.00pm to 1.00am the following day

Kawhia Rowing Regatta

Tuesday 1 January 2019, from 3.00pm to 8.00pm

Anniversary Weekend Sweepstake Fishing Competition

Saturday 26 January 2019, from 5.00pm to 8.00pm

Sunday 27 January 2019, from 6.00pm to 9.00pm

Quota Club Fishing Competition

Thursday 28 February 2019, from 5.00pm to 9.00pm

Friday 1 March 2019, from 5.00pm to 11.00pm

Saturday 2 March 2019, from 8.00pm to 11.00pm

- (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 Otorohanga District Licensing Committee on 22 August 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 appropriate signs detailing these restrictions at every point of sale.
- (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. Menus and the availability of food should be clear to customers and food should be actively promoted.
- (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 entire premises is undesignated.
- (k) There must be no BYO alcohol on the premises while alcohol is for sale.

REASONS

1. This is an application by Kawhia Boating and Angling Club Incorporated for a special licence for a series of events (fishing and rowing competitions and New Years Eve celebration) be held at their premises. This application was received more than 20 working days prior to the event as required by section 137 of the Act.
2. The Liquor Licensing Inspector and Police have no objection to this application for a special licence (s 141). No report has been received from the Medical Officer of Health, within the required 15 working day period, therefore it may be assumed there is no opposition (s 103(4)). 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 first event is for the Labour Weekend Sweepstake Fishing Competition. It is expected that up to 60 people of all ages will attend the ticketed fishing competition. The second event is for the Kasha Snapper Competition. It is expected that up to 90 people of all ages will attend the ticketed fishing competition. The third event is for a New Year's Eve celebration with a live band. It is expected that up to 90 people will attend. The fourth event is the New Year's Day Kawhia Rowing Regatta. It is expected that up to 60 people will attend the regatta between Kawhia, Oparau and Te Waitere Rowing Clubs. These clubs do not have reciprocal visiting rights and therefore a special licence is required for the event. The fifth event is the Anniversary Weekend Sweepstake Fishing Competition. It is expected that up to 90 people of all ages will attend the fishing competition. The final event is the Quota Club One Base Fishing Competition. It is expected that up to 90 people of all ages will attend the fishing competition. Each event will be open to minors and therefore all events will be undesignated. This will allow minors to participate, in keeping with the family orientated nature of the club.
7. The licensing committee is satisfied that Kawhia Boating and Angling 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. Two duty managers will be present on the premises for the duration of each event to ensure compliance with the Act. In addition, there will be a third staff member serving on the bar and nine committee members overseeing the consumption of alcohol. The licensing committee is satisfied that the proposed hours are reasonable when taking into consideration the nature and length of each event.
8. The Licensing Inspector reports that the application does comply with the Otorohanga District Local Alcohol Policy.

9. 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.
10. 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.
11. 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.
12. The licensing committee is satisfied that alternative forms of transport from the premises are not required because all accommodation at Kawhia is within walking distance from the club.

Conclusion

13. 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.
14. Therefore, the application for a special licence is granted.

Dated at this 15th day of October 2018



Sara Grayson
Commissioner
Otorohanga District Licensing Committee