

LICENSING COMMITTEE

Application	018-0150
<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 Otorohanga 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. Otorohanga Club Incorporated is authorised to sell and supply alcohol, on the premises situated at Maniapoto Street, Otorohanga to any person attending the Steam Punk Ball or the Davis Family Reunion.
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:
Steam Punk Ball
Saturday 23 March 2019, from 7.00pm to 11.30pm

Davis Family Reunion
Saturday 20 April 2019, from 6.00pm to 11.30pm
 - (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 14 February 2019 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) The licensee must ensure compliance with the Host Responsibility Policy and must ensure all staff receive training in their responsibilities and obligations under the Sale and Supply of Alcohol Act 2012.

- (g) 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.
- (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.
- (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, including the availability of a courtesy vehicle, must be displayed and promoted.
- (l) The entire premises is undesignated.

REASONS

1. This is an application by Otorohanga Club Incorporated for a special licence for the Steam Punk Ball and the Davis Family Reunion to 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, 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 Steam Punk Ball is an event hosted by the club and will include supper and dancing. Otorohanga town has an association with the “Steam Punk” movement and hosted a festival in 2017 in association with “Steam Fest”, a vintage steam and railway event.
7. The Davis Family Reunion is a family event for the whanau of Maude Mori Taariki Te Kaare (Davis) and will include welcome speeches, a buffet dinner and dancing, for people of all ages.
8. Up to 95 people of all ages are expected to attend both events, therefore it is appropriate that the premises is undesignated.
9. The licensing committee is satisfied that Otorohanga 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. The Licensing Inspector has canvassed the issue raised by Police in an objection regarding of the number of special licenses sought by the club, which was raised at a recent hearing for the renewal of the club licence. It was submitted that the club had been granted 22 special licences for approximately 26 special licence events over the previous year. The Licensing Inspector has explained that the Otorohanga Club Incorporated is the only venue in the district that is able to host larger events. These events would either not occur or would be likely to occur in unlicensed environments if they were not hosted by this club. The majority of events are hosted by external parties using the club facility and a few, including the Steam Punk Ball, are arranged by the club. In most cases the events run alongside normal club activities. This means that club members use the club as normal and the special licence events take place in the Southern Lounge. A large portion of the attendees for special licence events would be expected to be members or affiliated members.
11. The Licensing Committee accepts the recommendation of the Licensing Inspector that the issue of 22 special licences over 265 days (6% of the year), many in conjunction with normal club use, does not appear excessive. Given that the club is not eligible to hold an on-licence, a special licence is required for genuine events, that are not events organised for club members within the parameters of the purpose of the club. The licensing committee is satisfied that the Steam Punk Ball and the Davis Family Reunion are genuine events that require a special licence.
12. 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.
13. The Licensing Inspector reports that the application does comply with the Otorohanga District Local Alcohol Policy.
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.
17. The licensing committee is satisfied that the applicant will provide information about alternative forms of transport from the premises, including the availability of the courtesy van.

Conclusion

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

Dated at this 6th day of March 2019



Sara Grayson
Commissioner
Otorohanga District Licensing Committee