

OTOROHANGA DISTRICT LICENSING COMMITTEE

Application	018-0015
<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 Sports Club Incorporated 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. Kawhia Sports Club Incorporated is authorised to sell and supply alcohol, on the premises situated at 201 Hoturoa Street, Kawhia to any person attending the funeral for Andrew Stewart.
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 on Friday 14 July 2017, from 12.00 noon to 12.00 midnight
 - c) Alcohol may be sold or supplied to people present participating in the events 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 24 March 2017 and no alcohol is to be taken out of this area.
 - e) The entire premises is undesignated.
 - f) The holder of a manager's certificate shall be on duty and on the premises at all times alcohol is sold. A sign shall be displayed identify the duty manager.
 - 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 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. The availability of the courtesy van to transport patrons home from the premises shall be promoted.
- l) No BYO alcohol on the premises while alcohol is available for sale.

REASONS

1. This is an application by Kawhia Sports Club Incorporated for a special licence for the funeral for Andrew Stewart to be held at their premises. The application was filed on 11 July 2017, less than 20 working days prior to the event, and was therefore filed late (section 137). However, a waiver is granted from the requirement to file a special licence more than 20 working days before the event, because a funeral is an unforeseen event (sections 137(2) & 208).
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. It is expected that up to 200 people will attend this funeral. The licensing committee is satisfied that Kawhia Sports 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 this event 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 application is compliant with the Otorohanga District Local Alcohol Policy.
7. The licensing committee has considered the relatively long trading hours of 12.00 noon to 12.00 midnight. The Inspector reports that the funeral starts at midday and bar facilities are unlikely to be used at 12.00 noon, however this start time will ensure that a duty manager is on the premises throughout the function and is available when patrons arrive. As the funeral is followed by a private cremation, it is expected that friends and family may leave, and then return later, and others may leave and return to work after the funeral, and return to meet with the family later in the evening. Having regard to all of these factors, the licensing committee is satisfied that the proposed trading hours are reasonable.
8. 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. 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. 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

9. 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.
10. Therefore, the application for a special licence is granted.

Dated this 13th day of July 2017



Sara Brown
Commissioner