

LICENSING COMMITTEE

Application	018-0130
<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 Sports 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 Sports Club Incorporated is authorised to sell and supply alcohol, on the premises situated at Island Reserve, Orahiri Terrace, Otorohanga to any person attending the Birthday Celebration for Annie Jones on Saturday 17 November 2018, from 4.30pm to 12.00 midnight.
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 Saturday 17 November 2018, from 4.30pm to 12.00 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 Otorohanga District Licensing Committee on 18 October 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) 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 sober driver services and the availability of a courtesy vehicle, must be displayed and promoted.
- (k) The entire premises is undesignated.

REASONS

1. This is an application by Otorohanga Sports Club Incorporated for a special licence for the Birthday Celebration for Annie Jones to be held at their premises on Saturday 17 November 2018, from 4.30pm to 12.00 midnight. 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 general nature of the event is a surprise birthday 50th party for Annie Jones. Approximately 80 to 90 people are expected to attend the family celebration, including minors. The licensing committee is satisfied that the proposed hours are reasonable.
7. The licensing committee is satisfied that Otorohanga 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. The club has a duty manager, Janna Gray, who will be present on the premises for the duration of the proposed event to ensure compliance with the Act.
8. However, Otorohanga Sports Club Incorporated has applied for a waiver, to be exempted from having a certificated duty manager on the premises, should Janna Gray, the club's duty manager, be unavailable due to illness. The Licensing Inspector notes that in a decision dated 21 March 2018, the licensing committee did grant a waiver of this nature but advised that it is not appropriate for this trend to continue.
9. The licensing committee is not prepared to grant an exemption from the requirement to appoint a duty manager (s 213). It is expected that all organisations holding a club licence will have sufficient duty managers to appropriately staff all licensed club activities and special licence events being held at the premises. Therefore, it is a condition of this special licence that a 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. The licensing committee agrees with the recommendation of the Licensing Inspector that Sian van der Heyden (who recently gained an LCQ qualification) could be appointed an Acting Manager. Alternatively, if she has lodged her application for a manager's certificate, she could be appointed as a temporary manager, should the duty manager Janna Gray become unavailable due to illness.
10. It is concerning that the club still only has one certificated duty manager. It is highly recommended that the club takes urgent steps to employ more certificated duty managers to ensure adequate coverage at all times.
11. The Licensing Inspector reports that the application does comply with the Otorohanga District Local Alcohol Policy.
12. 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.
13. 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.
14. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The premises will be undesignated and this is appropriate given this is a family event. The applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will be provided.
15. The licensing committee is satisfied that the applicant will provide information about alternative forms of transport from the premises, including a courtesy vehicle, and a free phone for customers to call those services.

Conclusion

16. 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.
17. Therefore, the application for a special licence is granted.

Dated at this 8th day of November 2018

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

Sara Grayson
Commissioner
Otorohanga District Licensing Committee