

Decision	19/103/2023
<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 Waitete Rugby Football Club Inc 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. Waitete Rugby Football Club Inc is authorised to sell and supply alcohol, on the premises situated at 57 Waitete Road, Te Kuiti to any person attending the annual Low Buck Run 1-3 March 2024.
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:
Friday 1 March 2024, from 5.00pm to 11.30pm.
Saturday 2 March 2024, from 5.30pm to 12midnight
Sunday 3 March 2024, from 12noon to 4.00pm.
 - (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 District Licensing Committee on 7 December 2023 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.
 - i. All staff will be trained in their responsibilities under the Act;
 - ii. Evidence of age documents will be requested from any person appearing to be under the age of 25.
 - iii. There must be no consumption of alcohol by staff or managers immediately before or during their shifts.
 - (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: catering from The Night Owl Bar and Eatery.
- (a) 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.
- (b) 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 and the availability of sober drivers shall be promoted.
- (c) The entire premises is undesignated.
- (d) No BYO alcohol is permitted on the premises while alcohol is available for sale.

REASONS

1. This is an application by Waitete Rugby Football Club Inc for a special licence for Hot Rod Low Buck Run event to be held at their premises on the 1-3 March 2024. 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 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). 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 Waitomo District Local Alcohol Policy?
4. 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?

5. The event is an annual one, though due to Covid has not been able to take place for a couple of years. The applicant anticipates approx. 170 attending between the ages of 15 to 80. The event is over three days and most camp on site. Saturday is the focus of the event with 'games/competitions' during the day. The licenced hours commence once the games are over on Saturday and Sunday.
6. The licensing committee is satisfied that Waitete Rugby Football Club Inc 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. 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.
7. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
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. Waitete Rugby Football Club Inc and the Rod and Custom Club are reminded that it is a condition of the licence that no BYO alcohol is permitted on the premises while alcohol is available for sale.
9. 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.
10. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The club house comprises of a bar and a kitchen. The outdoor shelter and decking area is included in the licensed area. The applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will be provided.
11. The licensing committee is satisfied that the applicant will provide information about alternative forms of transport from the premises, including taxi services and Dial a Driver and a free phone for customers to call those services.

Conclusion

12. 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.
13. Therefore, the application for a special licence is granted.

Dated at this 16th February 2024

Tegan McIntyre
Commissioner
Waitomo District Licensing Committee

