

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by
Turangawaewae Rugby League
Sports And Cultural Club
Incorporated pursuant to s.138
of the Act for a special licence in
respect of premises situated at
35 B River Road NGARUAWAHIA
known as "Turangawaewae
RLSCC".

BEFORE THE WAIKATO DISTRICT LICENSING COMMITTEE

Commissioner: Andrew Baker

DECISION

This is an application by Turangawaewae Rugby League Sports And Cultural Club Incorporated for an On Site special licence in respect of premises situated at 35 B River Road NGARUAWAHIA, known as "Turangawaewae RLSCC". The application is sought to allow the sale or supply of alcohol, for consumption there, to people attending the following event/s:

The application is to allow

an existing licensed premises to sell or supply alcohol at a time when the sale of alcohol on the premises would otherwise be unlawful.

the sale of alcohol at a particular occasion or event where there is no existing licence in force.

The days and hours sought for the licence are:

Insert days and hours (Day Date Time) (Event description if more than one event)

Eg Saturday 4 May 2014

2.00pm to 12.00 midnight

The application was **not** required to be notified in accordance with s.139(b) of the Act. **No objection has been received under s.140 of the Act.** Reports from the Police, Medical Officer of Health and an Inspector do not raise any matters in opposition to the application. Accordingly the application is determined on the papers.

In deciding whether to issue a special licence the committee must have regard to the matters detailed in s.142 of the Act. These are:

- (a) The object of the Act:
- (b) The nature of the particular event for which the licence is sought:
- (c) The suitability of the applicant
- (d) Any relevant local alcohol policy
- (e) Whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent by the effects of the issue of the licence:
- (f) The days on which and the hours during which the applicant proposes to sell alcohol:
- (g) The design and layout of the premises concerned
- (h) Whether the applicant has appropriate systems, staff and training to comply with the law:
- (i) Any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:
- (j) Any steps the applicant proposes to take to ensure that the requirements of the Act in relation to the sale and supply of alcohol to prohibited persons are observed:
- (k) The applicant's proposals relating to the sale and supply of non-alcoholic drinks, low-alcohol drinks and food and to the provision of help with or information about alternative forms of transport from the premises:
- (l) Any matters dealt with in any report from the Police, the Medical Officer of Health or an Inspector made under section 141.

Section 143 of the Act details further criteria that must be given regard in respect of a large scale event. The event is not considered a large scale event to which s.143 of the Act applies.

OR

The event is considered a large scale event to which s.143 of the Act applies. The criteria that must be given regard are:

- (a) Whether and how well the applicant has complied with any requirement in s.143(1)(a) of the Act relating to the provision of a management plan for the event:
- (b) Whether and how well the applicant has complied with any requirement under s.143(1)(c) of the Act relating to liaison with the Police and territorial authority on planning for the event and whether the Police and territorial authority are satisfied with any liaison that has taken place.

I am satisfied with the matters to which I must have regard as set out in s.143 of the Act.

The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

The Inspector has noted that the applicant is the licensee of established licensed premises and has held many special licences in the past. No issues have been raised in respect of the operation of the licensed premises or of the special licence events held by the applicant.

Insert any general comment on specific matters for any of the criteria, comments, recommendations of the Police, Inspector or MOH.

Having inquired into this application the Inspector is satisfied that the application is in keeping with the object and the requirements of the Act.

I am satisfied as to the matters to which I must have regard as set out in s.142 of the Act and I grant the applicant an On Site special licence.

Section 213 of the Act provides that the holder of a special licence must appoint at least one manager. The licensing committee may exempt the holder of the licence from this requirement if satisfied that the licensee, or some other person nominated by the licensee, will manage the conduct of the sale of alcohol pursuant to the licence.

Having regard to the nature of the events and that they are open to the general public it is not considered appropriate that an exemption is granted. The Inspector notes that several certificated managers have been identified by the applicant.

The Inspector notes that it is expected that approximately xx people will attend the event and that there have been no issues with the event in the past. He/She recommends that given the nature of the event and its historical management, the committee exempt the licence holder from the requirement to appoint a manager in accordance with the Act. I agree with the recommendation and consequently an exemption is granted.

Conditions

Sections 146 to 148 of the Act detail compulsory and discretionary conditions that may be imposed on a special licence.

The licence will be subject to the following conditions:

- (a) Alcohol may be sold under the licence only on the following days and during the following hours:

Insert days and hours (Day Date Time) (Event description if more than one event)

Eg Saturday 4 May 2014 2.00pm to 12.00 midnight

- (b) A one way door policy applies during the following times:
- (c) The licensee must take the following steps to ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed:
- (i) Display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons;
 - (ii) (Other as appropriate)
- (d) Alcohol may be sold or supplied to the following types of people:
Detail types of people
- (e) The licensee must take the following steps to ensure that the provisions of the Act relating to the management of the premises are observed:
- (i) The person nominated to manage the conduct of the sale and supply of alcohol at all times the premises are open for the sale and supply of alcohol is NAME (ONLY to be included if an exemption has been granted from the requirement to appoint a manager in accordance with Subpart 7 of Part 2 of the Act).
 - (ii) All staff will be trained in their responsibilities under the Act;
 - (iii) A sign shall be prominently displayed inside the premises, which identifies by name the manager on duty or of the person responsible for the management of the sale and supply of alcohol under the licence.

- (f) Drinking water must be freely available at the following places while the premises are open for business:
Detail location
- (g) Drinking water must be freely available to customers at the following places while alcohol is being supplied free as a sample on the premises: **(Off-site special licence)**
Eg - In the body of the premises near to where the samples are being provided. OR eg At the stall where the samples are being provided.
- (h) The licensee must have available for consumption on the premises, at all times when alcohol may be sold under the licence, a reasonable range of non-alcoholic and low-alcohol beverages.
- (i) Food must be available for consumption on the premises as follows:
A range of food choices must be readily available at all times that the premises are open. (Menus must be visible and food should be actively promoted). A minimum of three types of food should be available. The range or style of food will be as shown on any menu submitted and should include such items as **(detail food types indicated in application)** or variations of a similar range and standard. (Alternatively the range of food should include such items as paninis, pizzas, lasagna, toasted or fresh sandwiches, wedges, pies, filled rolls, and/or salads.)
- (j) The licensee must take the following steps to provide assistance with or information about alternative forms of transport from the premises:
- (i) Provide a free telephone for use by patrons to call for alternative transport from the premises ; and
 - (ii) Display telephone numbers and information for alternative forms of transport such as taxis and dial-a-driver services;
 - (iii) Provide a courtesy vehicle to transport patrons from the premises.
- (k) The xxxx area is designated as a Supervised/Restricted Area.
- (l) Members of the public must be excluded from the premises in the following circumstances:
Detail circumstances
- (m) Alcohol may be sold in the following types of container only:
Detail types of container
- (n) Alcohol serves are limited to a maximum of two serves at a time.
- (o) The licensee must file with the District Licensing Committee returns relating to the sale of alcohol as follows:

The licensee must ensure a copy of the licence and the conditions subject to which it is issued shall be attached to the interior of the premises so as to be easily read by people using the premises.

DATED at Auckland this



Andrew Baker
Commissioner
Waikato District Licensing Committee