

Application	SP1221
<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 Coast Community Recreational Hall & Sports Centre Incorporated for a special licence pursuant to section 138 of the Act

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for a special licence is granted. The special licence may issue immediately.
2. Coast Community Recreational Hall & Sports Centre Incorporated is authorised to sell and supply alcohol, on the premises situated at Carly Reeve Drive, Marokopa to any person attending the Annual Trail Bike Ride and Side by Side Ride.
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:

Annual Trail Bike Ride
Saturday 15 April 2017, from 3.00pm to 9.00pm

Side by Side Ride
Saturday 29 April 2017, from 3.00pm to 9.00pm
 - (c) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Waitomo District Licensing Committee on 8 March 2017 and no alcohol is to be taken out of this area.
 - (d) The persons nominated to manage the conduct of the sale and supply of alcohol at all times the premises is open for the sale and supply of alcohol is Colin McQuilkin and a sign shall be prominently displayed inside the premises which identifies by name the person responsible for the management of the sale and supply of alcohol under the licence.
 - (e) The area behind the bar is designated as a restricted area (no persons under 18 can be in the area) and the main hall is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian).
 - (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, 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) Evidence of age documents must be requested from any person appearing to be under the age of 25.

(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) Sober drivers must be made available to transport patrons from the premises and this assistance must be displayed in a notice to patrons.

REASONS

1. This is an application by Coast Community Recreational Hall & Sports Centre Incorporated for a special licence for the Annual Trail Bike Ride and Side by Side Ride to be held at Carly Reeve Drive, Marokopa. The application was filed more than 20 working days prior to the event as required by section 137.
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 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 Waitomo 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?

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 the special licence be granted?

6. The Annual Trail Bike Ride and Side by Side Ride (two person all-terrain vehicle) are fundraising events for the maintenance and upgrade of the community hall where they are held. The licensed event is held at the end of each ride to provide a meal and time to socialise. Less than 100 people will attend each event. The licensing committee is satisfied that the proposed hours are reasonable.
7. The licensing committee is satisfied that Coast Community Recreational Hall & Sports Centre Incorporated is a suitable applicant to hold a special licence. Coast Community Recreational Hall & Sports Centre Incorporated has been granted a number special licences in the past and has demonstrated compliance with the Act.
8. The application complies with the Waitomo District Local Alcohol Policy.
9. 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.
10. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The main hall is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian) and the area behind the bar is restricted (no persons under 18 can be in the area).
11. Coast Community Recreational Hall & Sports Centre Incorporated does not propose to have a certificated duty manager at this event. However, the licensing committee is satisfied that an exemption may be granted from the requirement to appoint a duty manager (s 213). Both functions are relatively small and Coast Community Recreational Hall & Sports Centre Incorporated is capable of managing them without a certificated duty manager. Colin McQuilkin will take responsibility for the management of the event and ensure that it complies with the Act. The Licensing Inspector reports that Mr McQuilken has managed 15 previous special licences in the hall; the events have been well managed, he has no convictions and is a respected member of the community who is a first-responder with St John Ambulance.
12. The licensing committee is satisfied that the applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will also be provided. Sober drivers will be promoted as a safe option for transport home from the event.

Conclusion

13. 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.

14. Therefore, the application for a special licence is granted.

Dated this 23rd day of March 2017

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

Sara Brown
Commissioner