

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **Absolute Caterers Limited** for an on special licence pursuant to s.137 of the Act in respect of premises situated at **Toll Stadium, Okara Drive, Whangarei** for an event described as a **series of football and rugby games**

**BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE**

Chairman: Councillor John Williamson

**DECISION (ON THE PAPERS)**

This is an application by **Absolute Caterers Limited** dated 2 May 2013, for an on-site special licence in respect of premises situated at **Okara Drive, Whangarei** for an event described as **Football and Rugby Games**.

The days and hours sought for the event are:

1. 19 June 2014 - 2.30pm to 7.00pm
2. 17 August 2014 - 2.00pm to 6.30pm
3. 23 August 2014 - 12.00 midday to 6.30pm
4. 5 September 2014 - 5.00pm to 11.00pm
5. 18 September 2014 - 5.00pm to 11.30pm
6. 3 October 2014 - 5.00pm to 11.30pm

The committee has received reports on the application from the Police, the Medical Officer of Health and the Licensing Inspector and none have raised matters in opposition. Further more the application did not require public notice. Accordingly we deal with the matters on the papers.

This is an application for a rugby and soccer sporting event series held over multiple days between June and October 2014. This year an estimated 2,500 to 5,000 people are expected to attend each game on the nominated days.

Absolute Caterers Limited is a private company incorporated on 28 April 2010 and holds an On-licence and a Caterers Off-licence for the Northland Event Centre - Toll Stadium. Dwight Shepherd and Richard David Taylor are the directors of the company.

Dwight Shepherd is the Managing Director of the company and the proposed "Food & Beverage Manager" for the event. Dwight Shepherd is also the holder of a General Manager's Certificate (002/GM/48/2010) and one of two principal duty managers for the event. Deborah Langford being the second.

The applicant company employs at least 17 additional certificated duty managers. Both directors of the applicant company and all aforementioned certificated managers have been vetted by Police and no matters of concern have been raised in this regard.

Special licences have previously been issued to this applicant, for similar events and there are no questions as to the suitability of the applicant to hold a special licence by the Police.

Suitable and appropriate entry and alcohol control measures have been put in place, as specified in the Event Management Plan. This includes security by "Kia Tupato Security".

Nineteen (19) experienced and certificated duty managers will be in charge of alcohol sales outlets. In addition to the nominated duty managers, the applicant has available eight additional staff members who have obtained their LCQ training and are experienced enough to ensure that the object of the Act and specific licensing conditions are adhered to. New bar staff, although suitably trained, would always operate under supervision of LCQ trained staff and/or certificated managers.

The Event Management Plan specifies that all five external bars will close 15 minutes prior to the final whistle of the game. It is at that stage that most spectators would generally exit the venue. Following on from that there is staggered closing of first the Level 3 lounge and finally the level 2 and corporate suites.

In addition, the applicant has limited beer and RTD sales to four (4) servings per sale and two (2) servings per person of wine. The applicant with assistance from Police and security personal will have ultimate control over alcohol supply in all areas and this may include reduction in the number of serves per person; a switch to low alcohol products; a partial or total bar closure, depending on circumstances.

In deciding whether to issue a special licence, the District Licensing Committee must have regard to the criteria set down in section 142 of the Sale and Supply of Alcohol Act 2012. Section 143 further requires the Committee to have regard to the additional requirements for large-scale events. Read together these matters are as follows:

### **Section 142 Criteria for issue of special licences**

*(1) In deciding whether to issue a special licence, the licensing committee concerned must have regard to the following matters:*

*(a) the object of this Act:*

*(b) the nature of the particular event for which the licence is sought and, in particular,—*

*(i) whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and*

*(ii) whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*

*(c) the suitability of the applicant:*

*(d) any relevant local alcohol policy:*

*(e) whether (in its opinion) 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 this Act in relation to the sale and supply of alcohol to prohibited persons are observed:*

*(k) the applicant's proposals relating to—*

*(i) the sale and supply of non-alcoholic drinks and food; and*

*(ii) the sale and supply of low-alcohol drinks; and*

*(iii) 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 Additional requirements for large-scale events**

(1) *If, in the opinion of the licensing committee concerned, an application for a special licence relates to a large-scale event, the committee may do any or all of the following:*

- (a) *require the applicant to provide the committee with a management plan describing how the applicant proposes to deal with matters such as security, monitoring, interaction with local residents, and public health concerns:*
- (b) *require the applicant to provide the committee with a certificate by the territorial authority that the proposed use of the premises meets the requirements of the [Resource Management Act 1991](#) and of the building code:*
- (c) *require the applicant to liaise with the Police and the territorial authority on planning for the event.*

(2) *In deciding whether to issue a special licence, the licensing committee concerned may have regard to the following matters (in addition to the matters stated in [section 142\(1\)](#)):*

- (a) *whether, and how well, the applicant has complied with any requirement under subsection (1)(a):*
- (b) *whether, and how well, the applicant has complied with any requirement under subsection (1)(c), and whether the Police and the territorial authority are satisfied with any liaison that has taken place.*

The committee is satisfied as to the matters to which it must have regard as set out in s.142 of the Act and also those matters requiring consideration under section 143 of the Act. The applicant has provided a detailed "Event Management Plan" as required under s.143(a) of the Act for each of the events / days that this application relates to, which satisfy this requirement, as this relates to security, monitoring etc.

The committee is satisfied with the liaison between the Police and licensing inspector in the planning of this event that has taken place. The applicant and the licensing inspector, with input from the Police have since last years event progressively worked towards achieving improvement measures, reflected in this year's Event Management Plan, to reduce alcohol related harm to patrons attending the event.

Finally we come to the matter of compliance with the Resource Management Act 1991 and the building code. The facility holds an existing resource consent for its purpose and a valid code compliance certificate for the building and therefore satisfies this requirement.

The committee is satisfied with the matters to which it must have regard and grants an on site special licence to the applicant subject to the following conditions:

1. Alcohol may be sold under the licence only on the following days and during the following hours:

**Ferns vs. Brazil - 19 June 2014 - 2.30pm to 7.00pm**  
**Northland vs. Manawatu - 17 August 2014 - 2.00pm to 6.30pm**  
**Northland vs. Wellington - 23 August 2014 - 12.00 midday to 6.30pm**  
**Northland vs. Hawkes Bay - 5 September 2014 - 5.00pm to 11.00pm**  
**Northland vs. Taranaki - 18 September 2014 - 5.00pm to 11.30pm**  
**Northland vs. North Harbour - 3 October 2014 - 5.00pm to 11.30pm**

2. Alcohol may be sold or supplied to the following types of people: **Persons attending the event generally.**

3. The fees paid for the licence concerned are: **\$575.00 GST inclusive.**

4. The licensee must take the following steps to ensure that the provisions of this Act relating to the sale or supply of alcohol to prohibited persons are observed: **No sales to minors or intoxicated persons, appropriate signage displayed, evidence of age document will be requested when deemed necessary, certificated security personnel to monitor entry and behaviour at all times.**

5. The licensee must take the following steps to ensure that the provisions of this Act relating to the management of premises are observed: **Manager to be on duty at each bar, at all times and responsible for compliance, names of duty managers to be displayed at each bar.**

6. Drinking water must be freely available at the following places while the premises are open for business: **At each bar.**

7. Where the principal business carried out on the premises is not the manufacture or sale of alcohol, the kinds of alcohol that may be sold or delivered on or from the premises are: **Beer, wine and RTD's.**
8. Food must be available for consumption on the premises as follows: **From each of the food stalls at the venue, as per the menus provided with the application, such as Hot chips; Hot dogs; Pork belly roll; American hot dog; Hamburgers; Chicken wings; Butter chicken & rice etc. or catered platters within the Corporate areas.**
9. Low-alcohol beverages must be available for sale and supply on the premises as follows: **Low alcohol beer.**
10. Non-alcohol beverages must be available for sale and supply on the premises as follows: **Coke & Schweppes products, pump water and orange juice, coffee and tea.**
11. The licensee must take the following steps to provide assistance with or information about alternative forms of transport from the premises: **Taxi service number displayed at all bars; courtesy phones available.**
12. Members of the public must be excluded from the premises in the following circumstances: **Ticketed public event.**
13. Alcohol may be sold in the following types of container only: **Cans and plastic glasses.**
14. The licence is also subject to the following conditions, which in the committee's opinion are not inconsistent with the Act:
- **All aspects of the event must be managed in accordance with the steps prescribed in the Event Management Plans supplied in support of the application.**
  - **The series of event dates will be monitored by enforcement agencies and where non compliance with licence conditions is found, the committee will expect to receive an application from the Licensing Inspector or the Police for the suspension or cancellation of the licence under section 283 of the Act.**

**DATED at Whangarei this 17<sup>th</sup> day of Month 2014**

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Chairman  
**Whangarei District Licensing Committee**  
14/50098