

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by **Andrew David Sworn** for a special licence pursuant to s.137 of the Act in respect of Marsden Yacht and Boat Club premises situated at One Tree Point for two events as part of **the Whangarei Harbour Splash.**

**BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE**

Chairman: Councillor John Williamson  
Member: Lee Andrewes  
Member: Mervyn Williams

**DECISION (ON THE PAPERS)**

This is an application by **Andrew Davi Sworn** for an on-site special licence in respect of Marsden Yacht and Boat Club premises situated at the One Tree Point , for two events as part of the **Whangarei Harbour Splash**

The days and hours sought for the events is the 2<sup>rd</sup> May 2014 and the 3<sup>rd</sup> May 2014, 4.00 pm until 12.00 midnight.

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

The Whangarei Harbour Splash is a fund raising event by the Northland Variety Bashers involving boating activities around the Whangarei Harbour. Funds raised go towards disadvantaged children as part of the 25<sup>th</sup> Variety Bash 2015.

The event is based at the Marsden Yacht and Boat Club and a special licence is required to allow the sale of alcohol at dinner functions at the club on the nights of Friday 2 May and Saturday 3 May, between 4.00pm and 12 midnight on each night.

The point of sale is from the bar in the club room of the Marsden Yacht and Boat Club.

The applicant is a private individual who holds a manager's certificate (002/CM/5/2009). Special licences have previously been issued to the applicant for similar events and there are no questions as to the suitability of the applicant to hold a special licence by the Police.

Section 142 of the Sale and Supply of Alcohol Act 2012 provides that in deciding whether or not to issue a special licence, the licensing committee 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.*

## DECISION

We are satisfied as to the matters to which we must have regard as set out in s.142 of the Act and we grant the applicant an on-site special licence subject to the following conditions.

1. alcohol may be sold under the licence only on the following days and during the following hours:  
**2 May and 3 May 2014 between 4.00 pm and 12.00 midnight**
2. alcohol may be sold or supplied to the following types of people: **Persons attending the event.**
3. the fees paid for the licence concerned are: **\$63.25 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 documents to be requested when deemed necessary.**
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 all times and responsible for compliance, name of duty manager displayed.**
6. Drinking water is to be freely available to customers at the following places while the event described in it is taking place: **At each table where diners are seated and at the bar of the club room.**
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: **RTD's, wine and beer.**
8. food must be available for consumption on the premises as follows: **Menu food such as BBQ meats, potatoes, salads and dessert will be provided for dinners. Pre diner snack food items such as nuts, chips and dips, cheese and crackers, smoked fish and mussels will be served at all time when the bar is open for alcohol sales.**
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: **Orange juice, soft drinks, ginger beer, tea, coffee and water.**
11. the licensee must take the following steps to provide assistance with or information about alternative forms of transport from the premises: **Free shuttle service available to and from the premises.**
12. members of the public must be excluded from the premises in the following circumstances: **Private event by supplied name badge only, members of public excluded.**

13. alcohol may be sold in the following types of container only: **Standard glasses or bottles.**

**DATED** at Whangarei this **29** day of **April 2014**

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Chairman  
**Whangarei District Licensing Committee**

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