

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of rehearing of an application by
**Whangarei District Council Social
Club** for a special licence pursuant to
s.137 of the Act in respect of premises
situated at **Whangarei District Council
Lunchroom, Level 1, Walton Plaza, 4
Albert Street, Whangarei** for **Social
Club Nights**

BEFORE THE WHANGAREI DISTRICT LICENSING COMMITTEE

Chairman: Councillor John Williamson

DECISION (ON THE PAPERS)

This is a rehearing of an application by **Whangarei District Council Social Club** for an on-site special licence in respect of the premises of the **Council Lunchroom**, situated at **Level 1, Walton Plaza, 4 Albert Street, Whangarei** for a series of **Social Club Nights**

The day and hours sought for the events are as follows:

1. 4.30 pm – 10.30 pm : 27 June 2014, 25 July 2014, 29 August 2014, 26 September 2014, 31 October 2014, 28 November 2014, 30 January 2015 and 13 February 2015.

Whangarei District Council Social Club applied to the Whangarei District Licensing Committee for a Special Licence under Section 137 of the Act for a series of "Social Club Bar Nights" to be held at the Whangarei District Council lunchroom on level 1 of Walton Plaza, 4 Albert Street, Whangarei. This application was granted by the Committee on 11 March 2014 with Injoo Prentice (GM/007/930/2009) as the manager on duty for the after-work social events. Since the Committee meeting further information has come to light about the resignation of Injoo Prentice as from the end of June 2014 and the Committee now needs to reconsider the application. This can be undertaken in accordance with section 201(4) of the Act which provides as follows:

In addition to its powers under the Commission of Enquiry Act 1908, the licensing authority or the licensing committee has the power at any time if it thinks fit to rehear any matter that it has determined.

The matter for consideration relates to a condition placed on the special licence which specified the manager appointed by the holder of the licence. The original inspector's report to the Committee was made on the understanding that the duty manager was responsible for compliance. The current duty manager will finish her employment at the Whangarei District Council at the end of June 2014.

Two Social Club Committee members have been nominated by the Social Club to manage the rest of the scheduled events who do not hold manager's certificates and the committee is satisfied that either of these two people will be able to manage the sale of alcohol at the events. These people are Nick Karlovsky and Diane Stavely. It is expected that that should the Social Club apply for any further special licences then a holder of a managers certificate will manage the sale of alcohol at future events.

Section 213 of the Act provides the appointment of manager for special licences, it states:

- (1) *Every holder of a special licence must appoint at least 1 manager in accordance with this Part.*
- (2) *The licensing committee may exempt the holder of any special licence from the requirements of subsection (1) if it is 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.*

The two nominees have assisted the current manager in managing the special licence events in the past years and the conditions of the special licence were fully complied with.

The committee has received reports on this recent 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 the committee deals with the matters on the paper.

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

The committee is satisfied as to the matters to which it must have regard as set out in s.142 of the Act.

Under s213(2) the committee grants an exemption from having a certified manager.

The committee grants 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:
**On each of the following days between 4.30 pm to 10.30 pm:
27 June 2014, 25 July 2014, 29 August 2014, 26 September 2014, 31 October 2014, 28 November 2014, 30 January 2015 and 13 February 2015.**
2. Alcohol may be sold or supplied to the following types of people: **Persons attending the event.**
3. The fees payable for the licence concerned are: **\$207.00 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 documents must 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: **Nominees to be on duty at all times and responsible for compliance, duty manager's name displayed.**
6. Free drinking water must be readily available at the following places while the premises are open for business: **At the bar and from a water cooler in the lunchroom.**
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: **BBQ, sausages, chips and dips, sandwiches and cheese platters.**
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: **Juice, soft drinks, 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: **Taxi and pro-drive numbers are displayed at the bar, phone is available.**
12. Members of the public must be excluded from the premises in the following circumstances: **Private events, members of public are excluded.**
13. Alcohol may be sold in the following types of container only: **Standard glasses/bottles.**
14. **The series of events 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.**
15. **The licensee is exempt from the requirements of section 213 (1) of the Act and nominated persons namely, Nick Karlovsky or Diana Stavely will manage the conduct of the sale of alcohol pursuant to the licence.**

DATED at Whangarei this 17th day of June 2014

Chairman
Whangarei District Licensing Committee