

Decision No. **343/2014**

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Whangarei Racing Club Incorporated** for an on-site special licence pursuant to s.137 of the Act in respect of premises situated at **Peter Snell Road, Ruakaka** for an event described as the **Race Meetings**

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 **Whangarei Racing Club Incorporated**, for an on-site special licence in respect of the **Whangarei Racing Club** premises situated at **Peter Snell Road, Ruakaka** for an event described as the **Race Meetings**.

The day and hours sought for the event are: 10.00am and 6.00pm on 13 September 2014 and 6 January 2015.

The two race meetings are the Fashion Fiesta race day on Saturday, 13 September 2014 with up to 1000 people attending and the International Summer Festival Ruakaka race day on Tuesday, 6 January 2015 with up to 4000 people attending. These are annual large-scale events which have operated under special licences from the Whangarei District Council over the last few years.

Visitors to the races are members of public (spectators), horse trainers, horse owners, racing officials, business people and holiday makers.

The Whangarei Racing Club Incorporated is an incorporated society formed in 1920. It is a non-profit organisation with the aims of promoting and assisting the sport of horse racing as well as aiding other sporting, benevolent and charitable organisations in the community. The volunteer Committee of twelve includes a mix of professions all with an interest in supporting the racing industry in Northland.

Mavis Agnes Wynyard (002/GM/10/2006) is the overall manager for the race meetings. The other certificated managers are Peter Leo Woods (002/GM/79/2011), Kathryn Anne Mase (002/GM/107/2012) and Jodie Francis Neill (002/GM/107/2012). Special licences have previously been issued to the applicant for similar events. No questions have been raised by the Police as to the suitability of the applicant to hold a special licence.

An extra 10 bar staff who are trained in host responsibility will assist in managing the sale of alcohol. Northern Districts Security is contracted to provide security service during the course of the race meetings. Licensed crowd controllers will monitor the entry and behaviour at all times.

An Alcohol Management Plan which details risk management, provision of food, low and non-alcoholic beverages, the certificated managers and bar staff requirements, transport options and accidents/incidents management was supplied in support of the application. The club has also adopted a host responsibility house policy which is displayed at all bars and the race day office. The bar staff (volunteers) are required to read and sign the acknowledgement of host responsibility form prior to first commencing work at the race course.

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. Furthermore the application did not require public notice. Accordingly the committee deals with the matters on the papers.

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 the committee's consideration under section 143 of the Act.

As noted above the applicant has provided an alcohol management plan detailing risk management, provision of food, low and non-alcoholic beverages, the certificated managers and bar staff requirements, transport options and accidents/incidents management.

The committee is satisfied with the liaison that has occurred between the applicant and the Council's liquor licensing department and with the Police on planning for the annual race day events.

Finally the committee comes to the matter of compliance with the Resource Management Act 1991 and the building code. The applicant has provided a valid Planning approval dated 20 August 1974, for a consent to construct a racecourse and associated facilities. Cowleys Hire Centres in Whangarei is contracted to erect the marquee on the lawn area adjacent to the race track. The licensing inspector provided evidence that the outstanding building act matter had been attended to by the applicant.

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: **Between the hours of 10.00am and 6.00pm on 13 September 2014 and 6 January 2015.**
2. Alcohol may be sold or supplied to the following types of people: **Persons attending the events.**
3. The fees payable 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 documents must be requested when deemed necessary. Licensed crowd controllers monitor entry to 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: **Managers to be on duty at all times and responsible for compliance. Names of duty managers to be displayed in each bar.**
6. Drinking water must be freely available at the following places while the premises are open for business: **From water dispensers in 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: **RTDs, spirits, wine and beer.**
8. Food must be available for consumption on the premises as follows: **A catered buffet meal and a wide range of finger food items are to be available at all times when the premises are open for sale of alcohol. Food menu is to be displayed and actively promoted on the premises.**
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: **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: **Free buses, pro-drive and taxi number displayed.**
12. Members of the public must be excluded from the premises in the following circumstances: **N/A.**
13. Alcohol may be sold in the following types of container only: **200ml plastic cups and standard glasses/bottles.**
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 Alcohol Management Plan supplied in support of the application**

DATED at Whangarei this 9th day of **September 2014**

Chairman
Whangarei District Licensing Committee
14/81774