

Application	SP1321
<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 Melissa Julia Jones for a special licence pursuant to section 138 of the Act

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for an on-site special licence is granted. The special licence may issue immediately.
2. Melissa Jones is authorised to sell and supply alcohol, on the premises situated at Tainui Rugby Football Club, State Highway 3, Mokau Road, Mokau to any person attending the Tainui Rugby Club Social Rugby Games.
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:

Saturday 17 August 2019, from 3.00pm to 10.00pm
Saturday 31 August 2019, from 3.00pm to 10.00pm
Saturday 14 September 2019, from 3.00pm to 10.00pm
 - (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 17 July 2019 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 are **Melissa Jones** and **William Davis** and a sign shall be prominently displayed inside the premises which identifies by name the persons responsible for the management of the sale and supply of alcohol under the licence.
 - (e) All bar staff must receive training in their responsibilities under the Act and must attend a pre-event briefing that includes the conditions of the licence and the SCAB Intoxication Assessment Tool.
 - (f) The entire premises is undesignated.
 - (g) 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.

(h) 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.

(i) 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. A minimum of four types of food choices must be available (excluding nuts, chips and the like).

(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 if required and this assistance must be displayed in a notice to patrons.

REASONS

1. This is an application by Melissa Jones for a special licence for three Tainui Rugby Club Social Rugby Games to be held at Tainui Rugby Football Club, State Highway 3, Mokau Road, Mokau. 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 special licence application covers the Tainui Rugby Club Social Rugby Games events hosted at the Taunui Rugby Club. Up to 100 people will attend each game and after match function. The licensing committee is satisfied that the proposed hours are reasonable.
7. The licensing committee is satisfied that Melissa Jones is a suitable applicant to hold a special licence. Melissa Jones has been the Secretary of the Tainui Rugby Club for the past four years and has been involved in this event for the past five seasons. No concerns have been raised about the suitability of Melissa Jones to hold a special licence.
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 licensed area includes the club room, deck and adjacent fenced off grass area. The entire licensed area will be undesignated. This is appropriate given that the events are family focused and alcohol is a minor part of the after-match function. A full meal will be provided free of charge to anyone still at the function after 4.00pm.
11. Melissa Jones has applied for an exemption from the requirement to have a certificated duty manager at these events. This is because the Tainui Rugby Club does not hold a club licence and does not have any certificated duty managers. In addition, the club is located in a small isolated community and it has not been able to find a certificated duty manager to work at the events.
12. The licensing committee is satisfied that an exemption may be granted from the requirement to appoint a duty manager (s 213). The events are relatively small, and family focused, and the licensed area is small and can be monitored easily. Melissa Jones and William Davis will take responsibility for the management of each event and ensure that they comply with the Act. Melissa Jones and William Davis are capable of managing the events without a certificated duty manager. The Licensing Inspector reports that Melissa Jones is a well respected member of the community, is the Secretary of the club, and has successfully served behind the bar for the past five seasons. William Davies has held the post of Treasurer of the club for the past three years.
13. 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

14. 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.

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

Dated this 9th day of August 2019

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

Sara Grayson
Commissioner