

Application number: 036/SOL/046/2017

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by the Castlecliff Club Incorporated for a special-licence pursuant to section 138 of the Act on the occasion of the 'Polar Swim and Club Open Day'.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE



Chairperson
Mr Stuart Hylton

DECISION

1. Introduction

This is an application by the Castlecliff Club Incorporated for a special licence in regard to an event to be held at the Club's premises, 4 Tennyson Street, Whanganui. The nature of the event for which the licence is sought is the 'Polar Swim and Club Open Day'. The date and hours sought are the 25th June 2017, between 12.00 midday and 7.00pm.

2. Application

The application was received on 6th June 2017 and included a menu, floor plan and letter from club secretary/manager explaining statutory lateness for the application.

The Committee in considering the lateness of the application believes, on this occasion, the omission to apply in the precise timeframe is not wilful nor obstructs natural justice provisions so therefore a waiver in accordance with s. 208 is granted.

The application was not advertised and no objection or notice of desire to be heard has been received under section 141 of the Act. Accordingly we deal with the matter on the papers in accordance with section 202(1).

In considering the application for special licence the committee had regard to the following criteria under section 142 of the Act:

- (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](#).

3. Reporting Agencies

The following reports were received under section 141 of the Act.

Police Report – No opposition within report received on 14th June 2017.

Medical Officer of Health – No opposition within report received on 8th June 2017.

Licensing Inspector Report – Full report provided by the inspector including assessment of application against section 142 criteria. The Inspector concludes that the application is complete and will likely meet the criteria of the Act. Draft conditions are also offered by the inspector.

The inspector noted the following pertinent points in his report –

- The applicant has held a club licence for many years and has also from time to time held special licensed events.
- The applicant holds a Club Licence but needs a special licence to sell to non-members for the special occasion.
- The applicant has not come to the notice of enforcement agencies previously.
- Suitability is not challenged.
- The premise and club licence has been in existence for many years and an extra special licence should not reduce amenity and good order of the locality.
- The premise is suitable for the type of event and layout has been suitable in the past. The marked floor plan was included.
- The hours appear relevant for the event being undertaken.
- Three certified managers are nominated for the event including other staff. This is seen as sufficient to cover the function.
- A designation for the event is not required.
- Both the Police and MOH have no objections to the application

4. Decision

The application for Special Licence is **Approved** for issue subject to the conditions outlined in the inspectors report.

DATED at Whanganui this 20th day of June, 2017.



Secretary

Whanganui District Licensing Committee

