

**APPLICATION NO.**

**36/SOL/115/2016**

**IN THE MATTER**

of the Sale and Supply of Alcohol Act  
2012

**AND**

**IN THE MATTER**

of an application by River City Rollers  
Incorporated for a special-licence  
pursuant to section 138 of the Act on  
the occasion of a 'Roller Derby  
Competition'.

**BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE**

Chairperson  
Mr Stuart Hylton

  
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**DECISION**

1. Introduction

This is an application by River City Rollers Incorporated for a special licence in regard to an event to be held at the Jubilee Stadium, Springvale Park, London Street, Whanganui. The nature of the event for which the licence is sought is for a Roller Derby Competition. The dates and hours sought are the 3rd December 2016, between 5.00pm and 10.00pm.

2. Application

The application was received on 15th November 2016 and included a site plan, letter from building manager giving permission for use of the premise and event flyer.

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 objection within report received on 18<sup>th</sup> November 2016.

**Medical Officer of Health** – No objection within report received on 16<sup>th</sup> November 2016. The report does recommend no more than two drinks sold per person a one time. There is no reason given for this request or suggestion that this recommendation has been discussed by the reporting agency with the applicant.

**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 her report –

- The applicant is a sporting organisation that apparently holds incorporation status.
- The stadium has been a venue for similar special licences before with no known non-compliance issues.
- Suitability is not challenged.
- The hall is part of a large sporting complex in the right location. Issuing a special licence should not reduce amenity and good order of the locality.
- The hall is suitable for the type of event and layout has been suitable in the past. The area to be licensed is the "first level of the stadium from the bar by the stairs".
- The hours appear reasonable for the event being undertaken.
- An experienced and certified manager has been engaged to manage the licence.
- No designation for the event has been requested and this is supported with the proviso the spectator areas within the licence are well monitored.
- Both the Police and MOH have no objections to the application.

### 4. Decision

There is no opposition to the application although the Medical Officer of Health report is recommending a condition limiting the number of drinks at each purchase. Whilst this recommendation may have merit there is no reason supplied to justify the request. Additionally there is no suggestion in the report whether the applicant has been advised of the recommendation. In terms of natural justice the applicant should have the right to hear any recommended condition and make comment.

The Police and Inspectors reports are silent on the matter.

With the event to be held this weekend time precludes this Committee convening publicly to hear this matter. Therefore on this occasion the recommendation will not be included based on the lack of reasoning and natural justice provisions.

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

**DATED** at Whanganui this 21st day of November, 2016.



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Secretary  
Whanganui District Licensing Committee