

Application number: 036/SOL/080/2016

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

AND

IN THE MATTER of an application by Station Basketball Club for a special-licence pursuant to section 138 of the Act on the occasion of a 'Station Summer Basketball League Fundraisers'.

BEFORE THE WHANGANUI DISTRICT LICENSING COMMITTEE



Chairperson
Mr Stuart Hylton

DECISION

1. Introduction

This is an application by Station Basketball Club for a special licence in regard to a series of events to be held at the Springvale Stadium, GF Moore Drive, Whanganui. The nature of the events for which the licence is sought is a 'Station Summer Basketball League Fundraisers'. The date and hours sought are every Thursday from 27 October until 8 December 2016, and every Thursday from 16 February until 16 March 2017 between 6.30pm and 10.00pm i.e.

- 27 October 2016
- 3 November 2016
- 10 November 2106
- 17 November 2016
- 24 November 2016
- 1 December 2016
- 8 December 2016
- 16 February 2017
- 23 February 2017
- 2 March 2017
- 9 March 2107
- 16 March 2017

2. Application

The application was received on 23rd August 2016 and included a floor plan and letter from the owner of the Hall giving permission for the use.

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 – The Police have not reported within the statutory timeframe therefore according to the Act it's presumed the police have no objection to the application.

Medical Officer of Health – No objection within report received on 29th August 2016.

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 application is for twelve occasions.
- The applicant is a basketball Club with a manager experienced in running licensed events.
- Suitability is not challenged.
- The premise is a community hall. The granting of the special licence should not reduce the amenity and good order of the locality.
- The premise and area is suitable for the type of event and layout has been suitable in the past. The marked floor plan shows the area to be licensed and the application includes a letter from the venue manager giving permission.
- The hours appear reasonable for the event being undertaken.

- A certified manager is nominated for the event to ensure compliance.
- Non designation for the event is supported.
- 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 with the following amendments.

- The second bullet point be amended to read "*alcohol may be sold under the licence to persons playing, attending or supporting the summer basketball league on the following*"
- That the need for a s. 213 (2) waiver as suggested by the inspector is not required as the application has nominated Alan Kenny, a certified manager as the person who will be present and responsible. The fourth bullet point can be amended to read "*...observed: That Alan Kenny be present at all times to ensure compliance...*"

DATED at Whanganui this 19th day of September, 2016.



Secretary
Whanganui District Licensing Committee

