

Decision No: DLC 3205

COPY

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by Paekakariki Sports Club pursuant to s142 of the Act for the grant of a Special Licence in respect of premises situated at the basement of the Paekakariki Memorial Hall, Paekakariki, known as 'The Dugout'.

BEFORE THE KAPITI COAST DISTRICT LICENSING COMMITTEE

Chairperson: Cr Diane Ammundsen
Members: Mr Michael Dodson
Ms Samantha Sharif

HEARING at Paraparaumu on 14 March 2014

PROCEDURAL MATTERS

The Chairperson chose to convene a public hearing of the full District Licensing Committee to consider and determine this application. Notice of the hearing was given to the following parties:

- The applicant
- The Licensing Inspector
- The Police
- The Medical Officer of Health

APPEARANCES

Mr P Hardstaff – for applicant
Ms J Lloyd – Licensing Inspector – to assist
Sgt S Sargent – NZ Police – to assist

RESERVED DECISION OF THE COMMITTEE

Introduction

1. This is an application by Paekakariki Sports Club for the grant of a Special Licence to enable the applicant to sell and supply alcohol in its rented Clubrooms to members, guests and affiliated teams during after-match social gatherings on a Saturday and Sunday between the hours of 1 – 9pm.
2. The application was forwarded to the Police, Medical Officer of Health and the Licensing Inspector for comment and no opposition to the application was received. However the reports received from the agencies did highlight some issues for consideration with respect to s41 of the Act.

Committee's Decision and Reasons

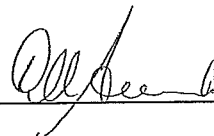

3. The Committee is satisfied the Paekakariki Sports Club is a suitable applicant for a Special License. No complaints or objections have been received in relation to the Club's operations, and the applicant appears to understand and appreciate the increased obligations which the new legislation imposes on sellers and suppliers of alcohol.

4. The Committee addressed the matters referred to in s41. None of the Reports which were submitted to us objected to the grant of a Special Licence on this occasion but all of them stressed that this was an application which would have been more appropriate as an application for a Club Licence. Mr Hardstaff, for the applicant, advised that, like a number of other Sporting bodies, the Paekakariki Sports Club closed down at the end of the football season – in October, 2013, and did not meet again as a Club until February 2014, when the Committee became fully aware of the changes that had occurred in the legislation, and of their need to address the new situation urgently. This happened when he discussed the Club's proposed application for a License for this year, with the Council, as had been done in past years, and it was realised that time and circumstances had presented the Club with an impossible situation. Mr Hardstaff assured the Committee that the club will apply for a Club Licence as soon as possible. The Licensing Committee accepts the reasons given by Mr Hardstaff and is of the opinion that the application for a Special Licence, in these particular circumstances was not inappropriate. We made it clear to the applicant however this was the last time a Special Licence was likely to be issued.
5. The Committee considered the hours of trading, during which alcohol could be sold. The applicant requested the hours 1pm – 9pm. Given that the purpose of the licence was to sell and supply alcohol at after-match social functions, and that football games seldom started before midday, an opening time of 1pm was deemed too early. The Committee also felt that a closing time of 9pm was too late, and would allow consumption of alcohol for many hours after games had finished. The requested hours were also longer than those granted in previous special licences for the club. For this reason the Committee considered that the hours of trading asked for were excessive. It was noted that suitable non-alcoholic and low-alcohol drinks were available.
6. The Committee considered the matter of food to be made available. The Inspector noted free food was provided immediately after games but there was no substantial food available later in the afternoon or early evening. She advised that crisps and sweets are not considered substantial. The applicant acknowledged there were times when there was no substantial food available, and stated the Club's willingness to rectify this. The Committee indicated that substantial food must be readily available at any time alcohol was being sold, although there was no requirement this food be free of charge.
7. The Committee discussed the issue of alcohol being consumed on the football field sidelines. They reminded the applicant that the special licences issued in the past had only been valid for the clubrooms and therefore prohibited the consumption of alcohol on the sidelines, (as also do the regulations of the regional body - Capital Football) and the applicant would be in breach of the terms of its licence should this occur. It was stressed that the applicant must take responsibility for ensuring such a breach does not occur and to this end, signage must be installed to advise patrons that alcohol must not be taken outside the clubrooms.
8. The Committee accepted that there is currently no certified bar manager appointed by the Club, but we were satisfied that the current bar staff understood the requirements for supervising licensed premises and used 'The Bar Code' as a guideline. A condition of the granting of the Special Licence will be that the applicant provides to the Committee a list of at least three people designated as bar supervisors, who understand the above requirements and are capable of providing the supervision required of Managers.
9. The Committee also accepted the assurance of the applicant that at least two people would undertake the necessary bar supervisor training as soon as possible.
10. For the reasons outlined in paragraphs 8 and 9 above, the Committee exempted the applicant from the requirements of Section 213(1) of the Act.

The decision:

11. The District Licensing Committee has considered the purpose of the 2012 legislation, and has had regard to the provisions of Section 142, and to the Regulations, and has taken in to account the directions issued by the Alcohol Regulatory and Licensing Authority, and, from the Reports and the evidence given in this matter, is satisfied that the granting of a Special Licence is warranted.
12. The Committee considers that the applicant is a suitable person to hold a Special Licence and that, in its opinion, the amenity and good order of the locality would not be likely to be reduced, except to a minor extent, by the effects of the issue of a licence.
13. Accordingly, the District Licensing Committee grants the application by the Paekakariki Sports Club for a Special Licence for premises situated at the Paekakariki Memorial Hall, Paekakariki, known as 'The Dugout' to sell or supply alcohol to members and their guests at after-match functions of the Club on the conditions mentioned below.
14. Pursuant to s147 of the Act the Committee imposes the following additional conditions:
 - (a) Hours during which alcohol can be sold is restricted to 2pm – 8pm;
 - (b) Days on which alcohol may be sold are the Saturdays and Sundays at which home games are played at Paekakariki;
 - (c) A notice stating "No alcohol beyond this point" must be clearly displayed at all exit points;
 - (d) A list is to be provided to the Licensing Inspector of at least three people designated as bar supervisors, who understand the requirements of the Bar Code and for supervising licensed premises;
 - (e) Substantial food must be available at all times the bar is open (there is no requirement this food is to be provided free of charge);
 - (f) The licence is issued subject to the provision of a suitable menu, which must be approved by the Licensing Inspector; and
 - (g) The licence takes effect from the date the conditions specified have been met to the satisfaction of the Licensing Inspector, and will be valid until 29 June 2014 unless a Club Licence is issued before then.

DATED at Paraparaumu on 21st day of March 2014



Diane Ammundsen
 Chairperson
 Kaipiti Coast District Licensing Committee