

Decision No. GREYDLC001/2020

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012 (the Act)

AND

IN THE MATTER

of an application by the **PATRICK
THOMAS McBRIDE** pursuant to
s.138 of the Act for an on-site
Special Licence in respect of
premises situated at the Omoto
Racecourse 249 State Highway 7,
Kaiata, known as the "Greymouth
Jockey club Race Meeting"

BEFORE THE GREY DISTRICT LICENSING COMMITTEE

Patrick Thomas McBride has applied for an on-site Special Licence in respect of premises situated at the Omoto Racecourse, 249 State Highway 7, Kaiata Greymouth to cater for a race event that will be open to the public.

The event was set to be held at the Kumara Race Track but unfortunately due to weather and the track having been dug over by animals (pigs), they have cancelled the Kumara Races and have transferred to the Greymouth Jockey Club to hold the event at the Omoto Race Track.

This is unfortunate and obviously out of their control but because of the late decision to shift to the Grey District area a new application for a special licence with waiver for the late notice has been applied for by the applicant.

We make the observation that applications for special licences are required by section 137 of the Act to be filed with the District Licensing Committee's secretariat at least 20 working days before the day on which the event concerned begins. In this case, that requirement has not been met, there being only 3 working days between the time of application and the proposed event. Section 137(2) of the Act allows us to consider an application for a special licence that is filed inside 20 working days prior to the event if we are satisfied that the need for a special licence could not have been foreseen earlier. The secretariat and inspector, with the co-operation of Police and the Medical Officer of health, have been able to complete the required reports at short notice. We are satisfied that the neglect or omission was not wilful, so pursuant to section 208 of the Act waive the requirement relating to the prescribed time for lodgement of the application.

The event applied for are for the following:

Omoto Race Meeting	Saturday 11 January 2020	11am to 6pm.
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The event is classed as medium events for 250 to 400 people who are expected to attend the event with probable age distribution of between the ages of 5-90 years of age.

The premise licence area applied for is as per plan submitted and includes restricted for the TAB gaming area, undesignated for the bar areas, and an outside area which is clearly defined with a physical barrier.

Security will be in place at each entrance and exit areas.

The principle main entrance for the downstairs bar will be the door from under the grandstands which looks out on to the track as per plan provided.

Reporting Agencies have no objections to the application.

DECISION

The Grey District Licensing Committee Chairman, acting pursuant to the Sale and Supply of Alcohol Act 2012 grants an application by Patrick Thomas McBride for an on-site Special Licence for the premises at the Omoto Racecourse, Greymouth known as the "Omoto Races", subject to the following conditions:

Conditions:

1. Alcohol may be sold or supplied for consumption on the premises only on the following days and hours:

Omoto Race Meeting	Saturday 11 January 2020	11am to 6pm.
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2. The licensed area as per plan is designated as a restricted for the TAB gaming area and undesignated for the bar area.
3. The outdoor area must be clearly defined with fencing or similar materials.
4. Information and advice about forms of transport to be made available to patrons from the licences premises.
5. A certified manager must be on duty and on the premises at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed on the premises.
6. The Licensee must display signage as follows:
 - a. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises.

7. The licensee must take the following steps to ensure that the provisions of the Act relating to the sale or supply of alcohol to prohibited persons are observed: minors and intoxicated person must not be served alcohol.
8. Drinking water is to be provided to patrons free of charge from across the bar.
9. Food as advised by the applicant to be available during the licence hours.
10. The Licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable ranges of non-alcoholic and low-alcohol beverages.
11. Security is to be provided at each of the premises entrance/exit ways.
12. Payment of the fee prescribed under the Sale and Supply of Alcohol (Fees) Regulations 2013.

The Premises area as set out on the two plans submitted with the application and date stamped 8 January 2020. A note to this effect is to be made on the licence.

REASONS FOR THE DECISION

The event is being held at the Omoto Racecourse due to the Kumara Racecourse not up to standard therefore changing the venue to Omoto. The applicant has experience in operating licensed premises. The principle purpose of this event is horse racing which is part of the West Coast racing circuit.

The applicant has met with the reporting agencies and discussed what measures will be put in place with regard to responsible sales or supply of alcohol and that harm will be minimised.

Food will be available throughout the day from various on-site caterers and also the bar. Food available will be pies, sandwiches, savouries, hot chips and hotdogs available. Non alcoholic beverages will be available in the way of water, tea coffee and soft drink. Substantive food options and low and non-alcoholic drinks will be available throughout the event.

The Inspector's report indicates that the amenity and good order of the locality will not be adversely affected by more than a minor extent for this event.

The bar area is to be undesignated with the only available toilets being located close by and food being sold from caterers and across the bar. There to be strict monitoring by bar staff and no taking of licensed alcohol off the premise area. Another door is available from the side area which provides access to the toilets.

I am satisfied that the applicant has sufficient staff and adequate training to manage this event safely and in accordance with the Act.

The application was not required to be publicly notified. Accordingly I deal with the matter on the papers.

The reporting agencies raise no matters in opposition.

The sale and consumption of alcohol will be monitored and anyone showing signs of intoxication will not be served.

I am satisfied as to the matters to which we must have regard as set out in s.105 and s.142 of the Act.

DATED at GREYMOUTH this 9 day of January 2020



Alan T O'Connell
Chairman/Commissioner

