

[2014] NZARLA 469-470

**IN THE MATTER**

of the Sale and Supply of  
Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application pursuant to s.280  
of the Act for variation of on-licence  
number 049/ON/9/2013 issued to  
**SPOTLESS FACILITY SERVICES  
(NZ) LIMITED** in respect of  
premises situated at 147 Waterloo  
Quay, Wellington, known as  
"Westpac Stadium"

**AND**

**IN THE MATTER**

of an application pursuant to s.285  
of the Act for suspension of General  
Manager's Certificate number  
049/GM/65/2008 issued to **DAVID  
ANTHONY SOMERS**

**BETWEEN**

**TERENCE BRYAN FRASER**  
(Police Officer of Wellington)

Applicant

**AND**

**SPOTLESS FACILITY SERVICES  
(NZ) LIMITED**

First respondent

**AND**

**DAVID ANTHONY SOMERS**

Second respondent

**BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY**

Chairman: District Court Judge J D Hole

Member: Mr D E Major

**DECISION (ON THE PAPERS)**

[1] We have before us applications by Sergeant T B Fraser of Wellington Police dated 10 March 2014, for variation of an on-licence and for suspension of a General Manager's Certificate.

[2] The grounds for the applications are: that the premises have been conducted in breach of the provisions of the following sections of the Act:

- (i) Section 239 – sale of alcohol to a person under 18 years of age;
- (ii) Section 248 – sale or supply of alcohol to intoxicated persons; and
- (iii) Section 249 – allowing persons to become intoxicated; and
- (iv) Section 252 – allowing intoxication on licensed premises; and

that the manager has failed to conduct the licensed premises in a proper manner.

[3] The applications stem from incidents that occurred during the Wellington round of the International Rugby Board Sevens World Series (Wellington Sevens) tournament on 7 and 8 February 2014.

[4] The grounds for the applications are not disputed. The first respondent has agreed to variation of the on-licence. As a consequence an application filed contemporaneously by Sergeant Fraser for suspension or cancellation of the on-licence has been withdrawn.

[5] In agreeing to this variation of its on-licence the first respondent acknowledges and recognises that:

- (i) A special licence as prescribed by s.22 of the Act will be required if alcohol is to be sold and supplied at the stadium during the Sevens; and
- (ii) A much more robust effort will be necessary in future Sevens events to prevent 'pre-loaded' prospective patrons from entering the stadium at all times in the first instance, and in monitoring levels of intoxication of patrons once admitted to the premises.

[6] Suspension of the manager's certificate is accepted by the second respondent. Accordingly, we make the following orders by consent:

- (a) On-licence number 049/ON9/2013, issued to Spotless Facility Services (NZ) Limited, is varied to provide for the following conditions:
  - “(b) Liquor may be sold only on the following days and during the following hours:  
**On such days and during such hours as the premises are being operated as a sports and entertainment venue but not other than on the following days and hours:  
 Monday to Sunday 8.00 am to 3.00 am the following day; EXCEPT THAT no liquor may be sold, supplied or consumed pursuant to this licence on the day(s) whilst the International Rugby Board Sevens World Series (Wellington Sevens) are being held.”**
- (b) General Manager's Certificate number 049/GM/65/2008, issued to David Anthony Somers, is suspended for 21 days from Monday 18 August 2014.

[7] In addition, by consent, pursuant to s.203 of the Sale and Supply of Alcohol Act 2012, there is an order prohibiting the publication of the three exhibits attached to the agreed statement of facts comprising:

- (i) The Event Management Plan; and
- (ii) The Alcohol Management Plan; and
- (iii) The Duty Managers' Briefing.

[8] This prohibition order applies in perpetuity.

**DATED** at WELLINGTON this 18<sup>th</sup> day of July 2014