

<b>Decision</b>	19/031/2024
<b><u>IN THE MATTER</u></b>	the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b> <b><u>IN THE MATTER</u></b>	of an application by Te Kuiti and District Highland Pipe Band Inc for a special licence pursuant to section 138 of the Act

#### **DECISION OF THE DISTRICT LICENSING COMMITTEE**

1. The application for a special licence is granted. The special licence may issue immediately.
2. Te Kuiti and District Highland Pipe Band Inc is authorised to sell and supply alcohol, on the Les Munro Centre premises situated at 8 King Street East, Te Kuiti to any person attending the 75 year concert event and dinner.
3. This licence is subject to the following conditions:
  - (a) A copy of this licence with all the conditions must be displayed in a prominent place so all persons can read it and all staff must be familiar with the conditions.
  - (b) Alcohol may be sold under the licence only on:  
Saturday 25 May 2024, from 6.00pm to 11.00pm
  - (c) Alcohol may be sold or supplied to people present participating in the event this licence is issued for.
  - (d) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the District Licensing Committee on 2 May 2024 and no alcohol is to be taken out of this area.
  - (e) The person nominated to manage the conduct of the sale and supply of alcohol at all times the premises is open for the sale and supply of alcohol is Martinique Drake and a sign shall be prominently displayed inside the premises which identifies by name the person responsible for the management of the sale and supply of alcohol under the licence.
  - (f) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be displayed at every point-of-sale appropriate signs detailing these restrictions

- (g) Drinking water must be freely available from the bar area and this must be clear to customers while the premises is open for the sale and supply of alcohol.
- (h) Food must be available for consumption on the premises at all times the premises is open for the sale of alcohol in accordance with the menu submitted with the application for this licence: A buffet dinner including hot roast beef, glazed ham, chicken fettucine
- (i) A range of low-alcohol and non-alcoholic drinks must be available at all times when the premises is open for the sale of alcohol.
- (j) A telephone must be freely available for customers to call for transport and staff must assist if required. The availability of sober drivers or a courtesy van shall be promoted.
- (k) The bar area is restricted and the remainder of the premises is undesignated.

## REASONS

1. This is an application by Te Kuiti and District Highland Pipe Band Inc for a concert marking 75 years of the band followed by a dinner. The application was filed more than 20 working days prior to the event as required by section 137.
2. The Liquor Licensing Inspector, Police and Medical Officer of Health have no objection to this application for a special licence (s 141). Accordingly, this application is decided on the papers (s 202).
3. The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4). In deciding whether to grant a special licence the District Licensing Committee must have regard to the criteria in s 142 of the Act. Therefore, we must consider the following questions within the framework of the purpose and object of the Act:
  - a) What is the nature of the event? Does the applicant propose to engage in the sale of goods or provision of services other than those directly relating to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?
  - b) Is the applicant suitable?
  - c) Will the amenity and good order of the locality be reduced to more than a minor extent by the effects of the issue of the licence?
  - d) Are the days and hours during which the applicant proposes to sell alcohol reasonable?
  - e) Is the design and layout of the premises suitable? Are any areas of the premises designated restricted or supervised areas?
  - f) Does the applicant have appropriate systems, staff and training to comply with the law? What steps will the applicant take to ensure that alcohol is not sold to prohibited persons?
  - g) What proposals does the applicant have in relation to the sale and supply of non-alcoholic drinks and food, low-alcohol drinks and the provision of help with or information about alternative forms of transport from the premises?
  - h) Have the Inspector, Police and Medical Officer of Health raised any relevant considerations?
  - i) Does the application comply with the Waitomo District Local Alcohol Policy?
4. Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

### **Should the special licence be granted?**

5. Te Kuiti and District Highland Pipe Band Inc proposes to host a 75th year Anniversary celebration from the Les Munro Centre premises on Saturday 25th May 2024. The event will start from 4:30pm however the proposed hours for the sale of alcohol are from 6:00pm until 11:00pm. Approximately 100 people (mixed age group) are anticipated to attend. This is a ticketed event, there will be door sales and tickets are also available online. The concert will cost \$20 for adults and \$5 for a child (under 18 years of age) and for both concert and dinner it will cost \$60 per person. The concert involves a Cèilidh. The licensing committee is satisfied that proposed hours are reasonable.
6. The licensing committee is satisfied that Te Kuiti and District Highland Pipe Band Inc is a suitable applicant to hold a special licence. Te Kuiti and District Highland Pipe Band Inc is entitled to hold a special licence because the organisation is incorporated under the Incorporated Societies Act 1908. The club has successfully managed this type of event in previous years and is aware of its obligations under the Sale and Supply of Alcohol Act 2012. All staff receive training in the requirements of the Act.
7. The application does comply with the Waitomo District Local Alcohol Policy and given the nature of the event and the venue it is not likely that the issue of the special licence will adversely affect neighbouring properties.
8. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The bar area is to be a restricted area but the remainder of the premises is to be undesignated.
9. Te Kuiti and District Highland Pipe Band Inc does not propose to have a certificated duty manager at this event. However, the licensing committee is satisfied that an exemption may be granted from the requirement to appoint a duty manager (s 213). This is a small low risk event and Te Kuiti and District Highland Pipe Band Inc is capable of managing it without a certificated duty manager. Martinique Drake will take responsibility for the management of the event and ensure that it complies with the Act. The licensing committee expects Mrs Drake will brief all volunteer bar staff on their responsibilities under the Act and the conditions of this licence prior to the event.
10. The licensing committee is satisfied that the applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will also be provided. The use of sober driver services will be promoted as a safe option for transport home from the event.

### **Conclusion**

11. The licensing committee is satisfied that the grant of the special licence with the appropriate conditions will ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol.
12. Therefore, the application for a special licence is granted.

Dated at this 15th day of May 2024



Tegan McIntyre  
Commissioner  
Waitomo District Licensing Committee