

Application	SP1362
<u>IN THE MATTER</u>	the Sale and Supply of Alcohol Act 2012
<u>AND</u>	
<u>IN THE MATTER</u>	of an application by On Stage Te Kuiti 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. On Stage Te Kuiti Inc is authorised to sell and supply alcohol, on the premises situated at The Little Theatre, King Street West, Te Kuiti to any person attending “Swingers” Theatrical Show.
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 the following date between the following hours.
 - 10th November 2020 7.00pm to 11.00pm
 - 11th November 2020 7.00pm to 11.00pm
 - 12th November 2020 7.00pm to 11.00pm
 - 13th November 2020 7.00pm to 11.00pm
 - 14th November 2020 7.00pm to 11.00pm
 - (c) Alcohol may be sold or supplied to people present attending this event that the 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 Waitomo District Licensing Committee on 2nd October 2020 and no alcohol is to be taken out of this area.
 - (e) A properly appointed certificated, acting or temporary manager must be on duty and on the premises at all times when the premises is open for the sale and supply of alcohol. If a duty manager is not present, then there must be no alcohol sales and a notice displayed advising the public of this fact.
 - (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 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, or variations of a similar range and standard. Menus and the availability of food should be clear to customers and food should be actively promoted.
- (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. Telephone numbers for alternative forms of transport from the premises must be displayed.
- (k) The entire premises is undesignated.

REASONS

1. This is an application by On Stage Te Kuiti Inc for a special licence for the "Swingers" Theatrical Show to be held at The Little Theatre, King Street West, Te Kuiti on the 10th, 11th, 12th, 13th and 14th November 2020. This application was received more than 20 working days prior to the events as required by section 137 of the Act.
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 purpose of the Act is to put in place a new system of control over the sale and supply of alcohol (s 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).
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, this committee 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?

5. The licensing committee may refuse a special licence even if there was no objection to the application (s 144). Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

Should the special licence be granted?

- 6. The general nature of the event is Theatrical Show. Approximately up to 64 people are expected to attend each event. The licensing committee is satisfied that the proposed trading hours are reasonable.
- 7. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
- 8. The licensing committee is satisfied that On Stage Te Kuiti Inc is a suitable applicant to hold a special licence. On Stage Te Kuiti Inc Trust is entitled to hold an on-site special licence because they are incorporated under the Incorporated Societies Act 1908 and has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. There are two certificated Duty Managers who are responsible for ensuring compliance with the Act. All staff will receive training in the requirements of the Act.
- 9. The licensing committee is satisfied that suitable measures will be taken to ensure that alcohol is sold and supplied responsibly and that harm caused by inappropriate or excessive consumption of alcohol is minimised.
- 10. 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. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The entire premises is to be an undesignated area.
- 11. The licensing committee is satisfied that the applicant will provide sufficient food, low alcohol and non-alcoholic refreshments. Free water will be provided at the bar. The use of alternative transport or sober drivers will be promoted as a safe option for transport home from the event.
- 12. The conditions for this licence are consistent with licences issued since the commencement of the Sale and Supply of Alcohol Act 2012 and now include information about the statutory obligations to display signage.

Conclusion

- 13. 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.
- 14. Therefore, the application for a special licence is granted.

Dated at this 10th day of October 2020

A handwritten signature in blue ink, appearing to read 'Guy Whitaker', written in a cursive style.

Cr Guy Whitaker
Deputy Chair
Waitomo District Licensing Committee