

<b>Decision</b>	SP1457
<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 Aria Cosmopolitan Club 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. Aria Cosmopolitan Club Inc is authorised to sell and supply alcohol, on the premises situated at 1 Kie Kie Street, Aria to any person attending the 21<sup>st</sup> birthday function for Heath Barnsdall on the 3 June 2023.
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 3 June 2023 from 6.00pm to 12midnight.
  - (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 27 February 2023 and no alcohol is to be taken out of this area.
  - (e) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
    - i. All staff will be trained in their responsibilities under the Act;
    - ii. Evidence of age documents will be requested from any person appearing to be under the age of 25.
    - iii. There must be no consumption of alcohol by staff or managers immediately before or during their shifts.
  - (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: Free food is to be provided including savoury finger food and more substantial food such as roast lamb, boil-up with fried bread and seafood.
- (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, including a courtesy vehicle or sober driver services, must be displayed and be promoted.
- (k) The entire premises is undesignated.

### **Reasons**

1. This is an application by Aria Cosmopolitan Club Inc for a special licence for a 21<sup>st</sup> birthday function to be held at their premises on the 3 June 2023. This application was received more than 20 working days prior to the event 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 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?

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

5. The special licence is sought for a 21<sup>st</sup> birthday function for a member of the club. The committee notes that the event is not to be advertised on social media but via a closed group post. It is estimated that 150 will attend the event, with a cross section of ages. A large number of club members have been invited.

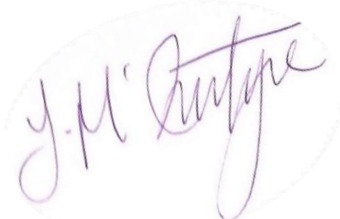
The function will commence at the Motiti Marae from 11.00 am until 2.00 pm when a meal will be served, no alcohol is to be served there. There is an interval between celebrations at the marae and the club. Music will be provided at the club via a boom box. A substantial dinner will be served at the club.

6. The licensing committee is satisfied that Aria Cosmopolitan Club Inc is a suitable applicant to hold a special licence. The club currently holds a club licence and has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The issue of a special licence for these events will allow the applicant to sell alcohol to non-members of the club attending the event. A Duty Manager will be present on the premises for the duration of the proposed event to ensure compliance with the Act. The licensing committee is satisfied that proposed 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 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. A 21st birthday can be a higher risk event due to uninvited guests gate crashing in numbers. In response, Mr Johnston advises that he will be supported by another 3 committee members and 3 bar staff. Two of the committee members are to act as security on the door for the whole event. Committee members have completed ServeWise training and 3 of them attended the Club Champs held in Te Kuiti in April 2023.
9. Given the nature of the events and the venue it is not likely that the issue of the special licence will adversely affect neighbouring properties.
10. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will be provided.
11. The licensing committee is satisfied that the applicant will provide information about alternative forms of transport from the premises. A courtesy van is to be available

### **Conclusion**

12. 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.
13. Therefore, the application for a special licence is granted.

Dated at this 30<sup>th</sup> day of May 2023



Tegan McIntyre  
Commissioner  
Waitomo District Licensing Committee