

**Application**

SP1409

**IN THE MATTER**

the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by  
Graeme Anthony Brier  
for a special licence pursuant to section 138  
of the Act

**DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE**

1. The application for an on-site special licence is granted. The special licence may issue immediately.
2. Graeme Brier is authorised to sell and supply alcohol, on the premises situated at 184 Ngapaki Road, Aria to any person attending the Aria Sheep Dog Trials.
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 days and during the following hours:  
Friday 25 February 2021, from 12.00 midday to 10.00pm  
Saturday 26 February 2021, from 12.00 midday to 10.00pm
  - (c) 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 24 January 2022 and no alcohol is to be taken out of this area.
  - (d) 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 Graeme Anthony Brier 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.
  - (e) The entire premises is undesignated.
  - (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.
- (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) Sober drivers must be made available to transport patrons from the premises and this assistance must be displayed in a notice to patrons.

## REASONS

1. This is an application by Graeme Brier for a special licence for the Aria Sheep Dog Trials to be held at 184 Ngapaki Road, Aria. 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 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 Waitomo 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 Aria Sheep Dog Trials is an annual competition for the Aria Collie Club. Approximately 50 people are expected to attend the event. The licensing committee is satisfied that the proposed hours are reasonable.
7. The licensing committee is satisfied that Graeme Brier is a suitable applicant to hold a special licence. Graeme Brier is currently the President of the King Country Sheep Dog Trials Association. He has shared the responsibility for managing the bar for sheep dog trial events for over 20 years.
8. The application complies with the Waitomo District Local Alcohol Policy. 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.
9. 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 undesignated which is appropriate for this type of low-risk event.
10. Graeme Brier does not propose to have a certificated duty manager. However, the licensing committee is satisfied that an exemption may be granted from the requirement to appoint a duty manager (s 213). The event is small, and Graeme Brier is capable of managing it without a certificated duty manager. Graeme Brier will take responsibility for the management of the event and ensure that it complies with the Act. He has completed the on-line ServeWise host responsibility course and senior club members will assist him to monitor patrons. The licensing committee expects Graeme Brier to brief all volunteer bar staff on their responsibilities under the Act and the conditions of the licence before the event starts.
11. The licensing committee is satisfied that the applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will also be provided. Sober drivers will be promoted as a safe option for transport home from the event.

### **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. Therefore, the application for a special licence is granted.

Dated this 20th day of February 2022



Sara Grayson  
Commissioner