

Application	SP1440
<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 Kathryn Morrison on behalf of the Piripiri School Board of Trustees 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 when the Licencing Inspector confirms evidence has been received that Kathryn Morrison and Simeon Gilbert have successfully completed the Serve Wise online training.
2. Kathryn Morrison on behalf of Piripiri School Board of Trustees is authorised to sell and supply alcohol, on the Coast Community Recreational Hall and Sports Centre premises situated at Marokopa Hall, Carley Reeve Drive, Marokopa to any person attending the Marokopa Fishing Competition 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 28th January 2023 from 1.00pm to 8.00pm.
 - (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 received via email by the Waitomo District Licensing Committee on 6 December 2022 and no alcohol is to be taken out of this area.
 - (e) The persons 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 are Kathryn Morrison and Simeon Gilbert and a sign shall be prominently displayed inside the premises which identifies by name the persons responsible for the management of the sale and supply of alcohol under the licence.

- a. All staff will be trained in their responsibilities under the Act;
 - b. Evidence of age documents will be requested from any person appearing to be under the age of 25.
 - c. 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, 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. Sober drivers must be made available to transport patrons from the premises and this assistance must be displayed in a notice to patrons.
- (k) The entire premises is undesignated.

REASONS

1. This is an application by Kathryn Morrison on behalf of Piripiri School Board of Trustees for a special licence for the annual Marokopa Fishing Competition to be held at the Coast Community Recreational Hall and Sports Centre premises 28th January 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 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 an annual fishing competition. Approximately 100 people expected to attend the entry only 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 Kathryn Morrison is a suitable applicant to hold a special licence. Kathryn Morrison is entitled to hold an on-site special licence because she has attained the age of 20 years of age (s 28(a)) and the Piripiri School Board of Trustees has demonstrated compliance with the Sale and Supply of Alcohol Act 2012.
9. Kathryn Morrison 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) on the basis that Kathryn Morrison and Simeon Gilbert successfully complete the Serve Wise online training. This was recommended by the Licensing Inspector and is supported by the Licensing Committee as Ms Morrison's bar experience is limited to working behind the bar when a special licence has been in force either at dog trials or for Piripiri School Board of Trustees. Mr Gilbert has no experience in the service of alcohol.
10. This is a small private function and Kathryn Morrison is capable of managing it without a certificated duty manager. The licensing committee is satisfied that the applicant will have trained bar staff on the premises that are aware of their responsibilities and obligations under the Act. Finally, Kathryn Morrison and Simeon Gilbert will take responsibility for the management of the event and ensure that it complies with the Act.
11. 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. There will be reliable volunteers checking ID, the bar will be closed at a sensible time and there will be a number of volunteers who will be keeping watch on the day.
12. 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. This is a change from previous years to allow minors to have access to toilets and water from the kitchen. In previous years the hall has been a supervised area and the bar a restricted area. The licensed area includes an outdoor verandah.

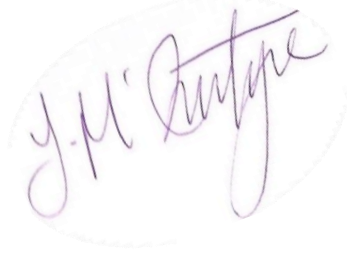
13. The licensing committee is satisfied that the applicant will provide sufficient food, low alcohol and non-alcoholic refreshments. Free water will be provided at the bar. The use of taxi services will be promoted as a safe option for transport home from the event.

Conclusion

14. 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.

15. Therefore, the application for a special licence is granted.

Dated at this 22nd day of December 2022



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee