

Decision	19/094/2023
<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 Chris Irons on behalf of the Kinohaku 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 immediately.
2. Chris Irons on behalf of the Kinohaku 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 Annual Athletics Club Community Event.
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 20th January 2024 from 1.00pm to 9.00pm.
 - (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 13 November 2023 and no alcohol is to be taken out of this area.
 - (e) A properly appointed certificated must be on duty and on the premises at all times when the premises is open for the sale 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.
 - 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.
- (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 or a courtesy vehicle 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 Chris Irons on behalf of the Kinohaku School Board of Trustees for a special licence for the annual community event to be held at the Coast Community Recreational Hall and Sports Centre premises 20th January 2024. 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 the special licence be granted?

5. The applicant proposes to sell and supply alcohol at the abovementioned annual community sports event, to fundraise for the Kinohaku Primary School. Individuals pay an entry fee to attend or participate in the event. We note that the event has been undertaken for the past couple of years without any concerns raised. Approximately 100 people are anticipated to attend, and approval of this special licence will enable the applicant to sell and supply alcohol during the event.
6. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
7. The licensing committee is satisfied that Chris Irons is a suitable applicant to hold a special licence. He is entitled to hold an on-site special licence because he has attained the age of 20 years of age (s 28(a)) and the Kinohaku School Board of Trustees has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. There is a certificated Duty Manager who is responsible for ensuring compliance with the Act. All staff receive training in the requirements of the Act.
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. 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.
9. 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. The licensed area includes an outdoor verandah.
10. 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

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 4th day of January 2024


Tegan McIntyre
Commissioner
Waitomo District Licensing Committee