

Decision	19/107/2024
<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 Ashleigh Renee Foreman 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. Ashleigh Renee Foreman is authorised to sell and supply alcohol, on the premises situated at 183 Ngapaki Road, Aria to any person attending the annual sheep dog trial competition.
3. This licence is subject to the following conditions:
 - (a) Alcohol may be sold under the licence only on the following days and during the following hours:
Friday 14 February 2025, from 12noon to 10.00pm
Saturday 15 February 2025, from 12noon to 10.00pm
 - (b) 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 25 January 2025 and no alcohol is to be taken out of this area.
 - (c) 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 Ashleigh Renee Foreman 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.
 - (d) 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
 - (e) Drinking water must be freely available from the bar and kitchen areas and this must be clear to customers while the premises is open for the sale and supply of alcohol.
 - (f) 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.
 - (g) 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.

- (h) A telephone must be freely available for customers to call for transport and staff must assist if required. The availability of sober drivers shall be promoted.
- (i) The entire premises is undesignated.

REASONS

1. This is an application by Ashleigh Renee Foreman for sheep dog trials to be held on their premises situated at 183 Ngapaki Road, Aria on 14 and 15 February 2025. 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 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). 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?
4. Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

Should the special licence be granted?

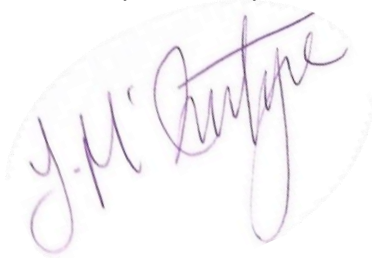
5. The Sheep Dog Trails is an annual competition. It starts at 7:00am, with catered food being available from 10:00am-4:00pm and the bar opening at 12:00noon. Finishing time of the competition will be between 4:00pm-6:00pm depending on entry numbers with a BBQ starting at 5:00pm. Post trial there will be speeches, results and a bark up competition. We are satisfied that proposed hours are reasonable.
6. The licensing committee is satisfied that Ashleigh Renee Foreman is a suitable applicant to hold a special licence and has previous alcohol management experience. All staff will receive training in the requirements of the Act.
7. The application does comply with the Waitomo District Local Alcohol Policy and 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.

8. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The premises is formed from a woolshed shed, which is privately owned and permission received. The 'licensed area' comprises the shed where the kitchen and dining areas are located, and a partially covered outdoor area. The entire licensed area will be fenced. As it is a low-risk event which will have some minors in attendance with their families, the licensed area is to be undesignated. The committee is satisfied that this is appropriate.
9. Ashleigh Renee Foreman 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). This is a small low risk competition and Ashleigh Renee Foreman is capable of managing it without a certificated duty manager. Ashleigh has completed a servewise course and will brief all volunteer bar staff on their responsibilities under the Act and the conditions of this licence prior to the event.
10. The licensing committee is satisfied that the applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will also be provided. The use of sober driver 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 29 day of January 2025



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee