

Decision	19/096/2024
<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 Kinohaku Primary 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. Kinohaku Primary School Board of Trustees is authorised to sell and supply alcohol, on the premises situated at 31 Carley Reeve Drive, Marakopa to any person attending the Coast Sports and Athletics Club Annual Community event on 18 January 2025.
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 18 January 2025, 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 6 December 2024 and no alcohol is to be taken out of this area. The entire premises is undesignated.
 - (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: steak, egg and onion sandwiches, sausages and bread, sandwiches, filled rolls and pies for the duration of the licence.
- (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) No BYO alcohol on the premises while alcohol is available for sale.

REASONS

1. This is an application by Kinohaku Primary School Board of Trustees for a special licence for an annual community sports event to be held at the the Coast Community Recreational Hall in Marakopa on 18 January 2025. This application was received more than 20 working days prior to the event as required by s137 of the Act.
2. The 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, we 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 operate a sports and athletics community event from the Marokopa Recreation hall and grounds. Less than 100 people are expected to attend, with the primary purpose of the event being a fundraiser for Kinohaku School to assist children with learning and extra extracurricular activities. The licensing committee is satisfied that the proposed trading hours are reasonable.
6. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
7. The licensing committee is satisfied that Kinohaku Primary School Board of Trustees is a suitable applicant to hold a special licence. Kinohaku Primary School Board of Trustees has demonstrated compliance with the Sale and Supply of Alcohol Act 2012 in the past. There is 1 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. Staff assisting at the bar on the day will complete the ServeWise Host Responsibility online training prior to the event. Two additional staff members will be "floor staff" and monitor attendees and ensuring they do not leave the licensed area with alcohol. Bar staff will also notify attendees of licensed area and signage will be displayed.
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 licenced area includes the hall, kitchen, toilets, bar, and an external paved area with seating. The outside licensed area is demarcated by a post and rail fence and garden border. The entire premises is to be an undesignated area including the outdoor area.
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 9th day of December 2024

Tegan McIntyre
Commissioner
Waitomo District Licensing Committee

