

<b>Decision</b>	19/014/2024
<b><u>IN THE MATTER</u></b>	the Sale and Supply of Alcohol Act 2012
<b><u>AND</u></b> <b><u>IN THE MATTER</u></b>	of an application by Waitomo Club Inc 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. Waitomo Club Inc is authorised to sell and supply alcohol, on the premises situated at King Street East, Te Kuiti to any person attending the ANZAC Day commemorations on the Thursday 25<sup>th</sup> April 2024.
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 Thursday 25 April 2024, from 8.00am to 1.00pm.
  - (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 the clubs usual licenced area and no alcohol is to be taken out of this area.
  - (e) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
  - (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:  
Complimentary breakfast from 8am to 11am to include sausages, bacon, spaghetti, baked beans, hash browns, scrambled eggs, and toasts.

- (a) A telephone must be freely available for customers to call for transport and staff must assist if required. Telephone numbers for alternative forms of transport from the premises must be displayed and a courtesy vehicle or sober driver services available.
- (b) The entire premises is undesignated.

## **REASONS**

1. This is an application by Waitomo Club Inc for a special licence for an ANZAC Day event to be held at their premises on 25 April 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). In deciding whether to grant a special licence the District Licensing Committee must have regard to the criteria in s142 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?
4. Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

### **Should a special licence be granted?**

5. The general nature of the event is an annual ANZAC Day commemoration. Up to 200 people are expected to attend this event, staggered throughout the day.
6. The licensing committee is satisfied that Waitomo Club Inc is a suitable applicant to hold a special licence. The club currently holds a club licence and has demonstrated compliance with the Sale and Supply of Alcohol Act 2012. The issue of a special licence for this event will allow the club to sell alcohol for a longer time than the clubs normal licensed hours (and beyond the scope of the Waitomo District Local Alcohol Policy (LAP) and to non-members of the club attending the event. The LAP states that where an applicant for a special licence already holds an on-licence, off-licence or club licence with the maximum hours permitted for that type of licence under this policy, a special licence with greater hours will only be issued


in exceptional circumstances as determined by the District Licensing Committee. This is an application for an event to specifically commemorate Anzac Day. The Committee considers that the nature of this event qualifies as an exceptional circumstance under this provision of the LAP.

7. A Duty Manager will be present on the premises for the duration of the proposed event to ensure compliance with the Act. The licensing committee is satisfied that proposed hours are reasonable.
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.
9. Given the nature of the events and the venue it is not likely that the issue of the special licence will adversely affect neighbouring properties.
10. 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 bar with a large club room with a sizeable dining area and dance floor. There is also a large area with snooker tables, TAB facility and gaming room. The applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will be provided.
11. The licensing committee is satisfied that the applicant will provide information about alternative forms of transport from the premises, will operate its courtesy van and offer a free phone for customers to call those services.

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

Dated at this 20th day of March 2024



Tegan McIntyre  
Commissioner  
Waitomo District Licensing Committee