

<b>Application</b>	SP1296
<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 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 of the Marokopa Community Recreation Hall and Sports Centre situated at Carley Reeve Drive, Marokopa to any person attending the Coast Sports and Athletics Club Annual Community Event.
3. This licence is subject to the following conditions:
  - (a) Alcohol may be sold under the licence only on Saturday 19<sup>th</sup> January 2019 between the hours of 1.00pm and 9.00pm.
  - (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 19<sup>th</sup> November 2018 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 Christopher Charles Irons 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 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, 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.

- (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. Sober drivers will be made available.
- (i) The entire premises is to be undesignated.

## REASONS

1. This is an application by Kinohaku Primary School Board of Trustees for a special licence for the Coast Sports and Athletics Club Annual Community Event to be held at Marakopa Community Recreation Hall & Sports Centre, Carley Reeve Drive Marokopa on 19<sup>th</sup> January 2019. 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 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).
6. Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

**7. Should the special licence be granted?**

8. The general nature of the event is a Coast Sports and Athletics Club Annual Community Event. Approximately 99 people are expected to attend the event. The licensing committee is satisfied that proposed hours are reasonable.
9. The Licensing Inspector reports that the application does comply with the Waitomo District Local Alcohol Policy.
10. 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 have been granted a number of special licences in the past and have demonstrated compliance with the Act.
11. 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.
12. 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 designated as an undesignated area.
13. Kinohaku Primary School Board of Trustees 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 function and Kinohaku Primary School Board of Trustees 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, Christopher Charles Irons will take responsibility for the management of the event and ensure that it complies with the Act.
14. 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 drivers will be promoted as a safe option for transport home from the event.

**Conclusion**

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

Dated at Te Kuiti this 16th day of December 2018



Guy Whitaker  
Deputy Chair  
Waitomo District Licensing Committee