

Application

SP1425

IN THE MATTER

the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of an application by
Lynette Monica Louise Adams
for a special licence pursuant to section 138
of the Act

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for an on-site special licence is granted. The special licence may issue immediately.
2. Lynette Adams is authorised to sell and supply alcohol, on the premises situated at the Mahoenui Memorial Hall to any person attending the Mahoenui 2022 Pig Hunting Competition.
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 on Saturday 3 September 2022, from 12.00 noon to 10.00pm.
 - (c) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Waitomo District Licensing Committee on 1 August 2022 and no alcohol is to be taken out of this area.
 - (d) The persons 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 Lynette Adams 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.
 - (e) The entire premises is undesignated.
 - (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) Evidence of age documents must be requested from any person appearing to be under the age of 25.

(j) 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.

(k) Sober drivers must be made available to transport patrons from the premises and this assistance must be displayed in a notice to patrons.

REASONS

1. This is an application by Lynette Adams for a special licence for the Mahoenui 2022 Pig Hunting Competition to be held at the Mahoenui Memorial Hall. 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 Waitomo 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). Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

Should the special licence be granted?

6. The Mahoenui 2022 Pig Hunting Competition is a fundraising event for the Mahoenui School Hall. Less than 100 people all ages will attend the event. The licensing committee is satisfied that the proposed hours are reasonable.
7. The licensing committee is satisfied that Lynette Adams is a suitable applicant to hold a special licence. She is the secretary of the Mahoenui Hall Committee and is a respected member of the community. Lynette Adams has been operating this fundraiser for the past 14 years and no concerns have been raised about the management of the event.
8. The application complies with the Waitomo District Local Alcohol Policy.
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.
10. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The entire area is undesignated. This is appropriate for a small family orientated event.
11. Lynette Adams 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). The function is relatively small, and Lynette Adams is capable of managing it without a certificated duty manager. Lynette will take responsibility for the management of the event and ensure that it complies with the Act. The Licensing Inspector reports that Lynette has managed 14 previous special licence events in the hall; the events have been well managed, she has no convictions and is a respected member of the community who is an Ambulance Officer with St John Mokau. Mavis Profit has a manager's certificate that will expire a few days before the event, and she will assist in managing the bar. Other hall committee members will also assist with the event, and appropriate signage about no ID no service and intoxicated persons will be displayed.
12. 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 licensing committee expects that sober drivers will be promoted as a safe option for transport home from the event.

Conclusion

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

Dated this 16th day of August 2022.



Sara Grayson
Commissioner