

Application	SP1322
<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 Colleen Patricia Gulliver 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. Colleen Gulliver is authorised to sell and supply alcohol, on the premises situated at Te Kuiti Primary School, 1 Rora Street, Te Kuiti to any person attending the TKP Quiz Night.
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 from 6.00pm to 12.00 midnight on Friday 16 August 2019.
 - (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 23 July 2019 and no alcohol is to be taken out of this area.
 - (d) 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 Colleen Gulliver 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. Colleen Gulliver must ensure that all bar staff receive a pre-event briefing that includes the SCAB Intoxication Assessment Tool and the conditions of the licence.
 - (e) The entire premises is designated as a restricted area (no persons under 18 can be in the area).
 - (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) Safe transport options must be promoted. The use of a telephone and assistance with transport options must be given to patrons if required.

REASONS

1. This is an application by Colleen Gulliver for a special licence for the TKP Quiz Night to be held at Te Kuiti Primary School, 1 Rora Street, Te Kuiti. 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 TKP Quiz Night is a fundraising event for Te Kuiti Primary School. Less than 100 people will attend the event. The licensing committee is satisfied that the proposed hours are reasonable.
7. Colleen Gulliver is a teacher at Te Kuiti Primary. The licensing committee is satisfied that Colleen Gulliver is a suitable applicant to hold a special licence. Colleen Gulliver is a responsible and respected member of the community and has previous experience working in the hospitality industry for a number of years. Colleen Gulliver will ensure that all funds raised will go to Te Kuiti Primary School. The application complies with the Waitomo District Local Alcohol Policy.
8. 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 school hall is suitable given the temporary nature of the licence. The entire premises is designated as a restricted area (no persons under 18 can be in the area) because the event is being promoted as an over 18 event.
9. Colleen Gulliver has not been able to find a certificated duty manager from the community to work at the 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 Colleen Gulliver is capable of managing it without a certificated duty manager. Colleen Gulliver will take responsibility for the management of the event and ensure that it complies with the Act. She has had 8 years experience working at the bar at the Waipa Workingman's Club and understands the responsibilities and obligations that come with the holding of a special licence. In addition, alcohol is a minor part of the event and the licensed area is small and can be monitored easily.
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. Safe transport options will be promoted by the MC of the event along with the use a phone to make arrangements.

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 this 1st day of August 2019



Sara Grayson
Commissioner