

Application	SP1307
<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 Jonathan Leinweber 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. Jonathan Leinweber is authorised to sell and supply alcohol, on the premises situated at The Woolshed, 542 Ahuroa Road, RD1, Rangitoto, Te Kuiti to any person attending the Dog Trial 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 only on Saturday 13 April 2019, from 10.00am 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 18 March 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 Johnathan William Leinweber 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 bar area is designated as a restricted area (no persons under 18 can be in the area) and the dining room 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) 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) 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 Jonathan Leinweber for a special licence for the Dog Trial Competition to be held at The Woolshed, 542 Ahuroa Road, RD1, Rangitoto, Te Kuiti on 13 April 2019. The application was filed less than 20 working days prior to the event as required by section 137, therefore it was filed late. However, Mr Leinweber amended the application to exclude Friday 12 April and therefore the application is now considered to be filed on time.
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 Dog Trial Competition is being run by the Te Kuiti Collie Club and it is expected that between 70 and 99 people will attend. Mr Leinweber has applied for the special licence on behalf of the club, because the club is not a legal entity entitled to hold a special licence. However, Mr Leinweber will ensure that the proceeds of the sale of alcohol go to the club. Mr Leinweber is the Secretary and Treasurer of the club and has been a club member for over 13 years. He is a farm manager and an elected parent representative on the Rangitoto School Board of Trustees. The licensing committee is satisfied that Jonathan Leinweber is a suitable applicant to hold a special licence because he is a responsible club member.
7. The application complies with the Waitomo District Local Alcohol Policy. 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.
8. The event is being held in a woolshed and the club has elected to have the main dining room undesignated and the bar area restricted. This will be easier to enforce for the club because children will be permitted in the dining area, but not in the bar. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence.
9. Jonathan Leinweber 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 alcohol is a minor part of the event. Jonathan Leinweber has experience managing the special licence for this event for the past two years and is capable of managing it without a certificated duty manager. He will take responsibility for the management of the event and ensure that it complies with the Act.
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. Sober drivers 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. Therefore, the application for a special licence is granted.

Dated this 28th day of March 2019



Sara Grayson
Commissioner