

Application	SP1314
<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 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 Mahoenui Hall, State Highway 3, Mahoenui to any person attending the 2019 Mahoenui 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 on Saturday 7 September 2019, from 12.00midday 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 21 June 2019 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 are Lynette Adams and Dion Adams and a sign shall be prominently displayed inside the premises which identifies by name the persons responsible for the management of the sale and supply of alcohol under the licence. Lynette Adams and Dion Adams must hold a pre-event briefing with all bar staff that includes the SCAB Intoxication Assessment Tool and the conditions of the licence.
 - (e) The bar servery area is designated as a restricted area (no persons under 18 can be in the area), the BBQ area is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian) and the rest of the premises and the outdoor area 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 if required 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 2019 Mahoenui Pig Hunting Competition to be held at Mahoenui Hall, State Highway 3, Mahoenui. 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 2019 Mahoenui Pig Hunting Competition is a fundraising event for Mahoenui Hall and less than 100 people are expected to 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. Lynette Adams is a respected member of the community and was involved in a similar event in 2018 and no adverse issues have been reported.
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 bar servery area is designated as a restricted area (no persons under 18 can be in the area), the BBQ area is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian) and the rest of the premises and the outdoor area is undesignated. These proposed designations are quite complicated, and the bar staff will need to be vigilant when ensuring that minors are not in prohibited areas. If this event runs again next year, the organising committee may wish to consider having the whole premises unsupervised, if the main focus of the event is not alcohol and the event has a family focus.
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 and Dion Adams are capable of managing it without a certificated duty manager. Lynette Adams and Dion Adams will take responsibility for the management of the event and ensure that it complies with the Act. The Licensing Inspector reports that Lynette and Dion are both well respected members of the community. Lynette Adams is a school bus driver and teacher-aide and has been the treasurer of the Mahoenui Hall Committee for the past four years. Dion Adams has been a Mahoenui Hall committee member for the past five years and is a Fire Officer. Both Lynette and Dion have previous experience working as bar staff at similar events in the past. The event is small and well supported by the Mahoenui Hall Committee. Finally, the Licensing Inspector reports that alcohol is a minor part of the event.
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. 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.

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

Dated this 1st day of August 2019

A handwritten signature in black ink, appearing to be 'S. Grayson', written in a cursive style.

Sara Grayson
Commissioner