

Application

SP1308

IN THE MATTER

the Sale and Supply of Alcohol Act 2012

AND
IN THE MATTER

of an application by
Nikila Ritihia Maru
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. Nikila Maru is authorised to sell and supply alcohol, on the premises situated at Marokopa Recreational Ground, Carley Reeve Drive to any person attending the Te Anga 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 only on the following days and during the following hours:

Saturday 18 May 2019, from 2.00pm 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 9 April 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 Nikila Maru 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. A minimum of four choices of light meals should be available. The choices do not include nuts chips and the like.
- (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) A telephone must be freely available for customers to call for transport and staff must assist if required. 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 Nikila Maru for a special licence for the Te Angra Pig Hunting Competition to be held at Marokopa Recreational Ground, Carley Reeve Drive. 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 Te Anga Pig Hunting Competition is a biannual event organised by the Te Anga Pig Hunting Club. Up to 100 people of all ages will attend the event. The licensing committee is satisfied that the proposed hours are reasonable. The application complies with the Waitomo District Local Alcohol Policy.
7. The licensing committee is satisfied that Nikila Maru is a suitable applicant to hold a special licence. Nikila Maru has applied for the special licence on behalf of the club and will ensure that all proceeds from the sale of alcohol will go to the club. Nikila Maru is the Treasurer of the Te Anga Pig Hunting Club, a position she has held for the past seven years. Nikila has worked at Taharoa Mining Investments Limited for the past seven years and holds the position of Staff House Manager.
8. Nikila Maru does not propose to have a certificated duty manager at this event, due to the fact that there is only a limited number of community members in the district at the time of the event with a manager's certificate. 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 Nikila Maru is capable of managing it without a certificated duty manager and will ensure that it complies with the Act. The Licensing Inspector reports that Nikila Maru has operated the Te Waitere Boating Club bar on Friday evenings under the supervision of the certificated manager, for the past four years. Nikila Maru is a respected member of the community and also has experience working at special licence events. She has completed the Licence Controller Qualification and the online HPA Servewise course.
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. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. It is appropriate that the premises is undesignated for the event because all ages will be involved, and alcohol is a minor part of the event.
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 26th day of April 2019



Sara Grayson
Commissioner