

Application

SP1222

IN THE MATTER

the Sale and Supply of Alcohol
Act 2012

AND
IN THE MATTER

of an application by
Maurice Hickford trading as
Celestial Wines for a special
licence pursuant to section 138
of the Act

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for an off-site special licence is granted. The special licence may issue immediately.
2. Maurice Hickford is authorised to sell and supply alcohol, at section B of the stallholder's area at The Muster.
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 1 April 2017, from 9.30am to 3.30pm.
 - (c) The area where alcohol may be sold is described as the Celestial Wines stall in section B of the stallholder's area at The Muster. The licensee is to delineate the licensed area by roping it off.
 - (d) The licensee must display appropriate signage advising patrons that the alcohol sold may not be consumed on-site and that the area is covered by a permanent liquor ban.
 - (e) A holder of a manager's certificate must be on duty at the stand at all times alcohol is sold.
 - (f) There must be no sale or supply of alcohol to minors or intoxicated persons and there must be displayed at the stand appropriate signs detailing these restrictions.

- (g) Drinking water must be freely available from the stall whenever alcohol is being supplied by way of sample tastings.
- (h) Sample tastings are to be served in 35ml plastic vessels only. Each sample must fill no more than ½ of the cup. The total number of tastings consumed by each customer is three. Samples must be consumed in the licensed area. Sample tastings are limited to the products sold for off-site consumption.
- (i) The site is designated as a supervised area (no persons under 18 can be in the area unless with their parent or legal guardian).
- (j) All off-site sales of alcohol must remain sealed and placed in a bag tied in a knot.

Reasons

1. This is an application by Maurice Hickford trading as Celestial Wines for a special licence to sell fruit wines at The Muster for off-site consumption only. This application was received more than 20 working days prior to the event as required by section 137 of the Act.
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 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 a special licence be granted?

6. The Muster is a large annual event organised by the Waitomo District Council. It encompasses a range of activities, the most notable of which, is the driving of sheep through urban Te Kuiti. Maurice Hickford proposes to operate a stall in section B of the stallholder's area, between Rora Street (the main street of Te Kuiti) and the main trunk corridor, where he will sell bottled fruit wine from his winery. Maurice Hickford also proposes to provide wine tastings in 35ml tasting cups that are $\frac{1}{4}$ filled. There will be a limit of three per customer. The licensing committee considers this plan to be reasonable. The limits on sample tastings are included as a condition of the licence, with the requirement that the sample cup be no more than $\frac{1}{2}$ full.
7. A permanent Te Kuiti Liquor Ban covers the stallholder's area, therefore no alcohol can be consumed at the event. This is the only special licence application received for this event.
8. Maurice Hickford and his wife Christine Hickford, operate a boutique winery and hold an off-licence in the Whakatane District. As a manufacturer and distributor of alcohol Maurice Hickford is entitled to hold an off-site special licence pursuant to section 42(1) of the Sale and Supply of Alcohol Act 2012.
9. The licensing committee is satisfied that Maurice Hickford is a suitable applicant to hold a special licence. Maurice Hickford has held a number of special licences for similar events in the past and holds a manager's certificate.
10. A Duty Manager will be present at all times at the stall and will ensure the responsible sale and supply of alcohol. Given the nature of both the venue and the event, the licensing committee is satisfied that the amenity and good order of the locality will not be adversely affected by the issue of this special licence. It is a condition of the licence that the licensed area must be roped off. This will ensure that customers know where the licensed area is.
11. The licensing committee is satisfied that the proposed hours are reasonable. The application complies with the Waitomo District Local Alcohol Policy.
12. Given that free alcohol samples are being provided it is a condition of this licence that water be freely available at the stand at all times that alcohol is available for sampling. In addition, it is a condition of the licence that the alcohol sold for off-site consumption should be sealed and placed in a bag tied in a knot. This will reduce the likelihood of alcohol being opened and consumed on site.

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 23rd day of March 2017



Sara Brown
Commissioner