

Decision

19 047 2024

IN THE MATTER

the Sale and Supply of Alcohol Act 2012

AND
IN THE MATTER

of an application by
Piopio Cosmopolitan Club Inc
for a special licence
pursuant to section 138 of the Act

DECISION OF THE DISTRICT LICENSING COMMITTEE

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| <p>I am satisfied as to the matters to which I must have regard as set out in s 142 of the Act and I grant the applicant an on-site special licence.</p> |
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APPLICATION

1. This is an application by Piopio Cosmopolitan Club Inc for an on-site special licence in respect of premises situated at 42 Moa Street PIOPIO, known as "Piopio Cosmopolitan Club". The application is sought to allow the sale or supply of alcohol, for consumption there, to people attending the following event/s:

"Funeral Food and Drinks for Laurence Butler".

2. The days and hours sought for the licence are:

Saturday 1 June 2024 1.00pm to 9.00pm

3. The application was not required to be notified in accordance with s 139(b) of the Act. No objection has been received under s 140 of the Act. Reports from the Police, Medical Officer of Health (MOH) and an Inspector do not raise any matters in opposition to the application. Accordingly, the application is determined on the papers.

WAIVER FOR LATE FILING

4. The application was filed on 30 May 2024, less than 20 working days prior to the event, and was therefore filed late.
5. Section 137(2) of the Act allows the Committee to grant a waiver "if satisfied that the need for a special licence could not reasonably have been foreseen earlier". I am satisfied that a funeral is an unforeseen event, and I grant the waiver under s 137(2).

CRITERIA FOR DETERMINING THE APPLICATION

6. In deciding whether to issue a special licence the committee must have regard to the matters detailed in s 142 of the Act. These are:
 - (a) The object of the Act;
 - (b) The nature of the particular event for which the licence is sought;
 - (c) The suitability of the applicant;
 - (d) Any relevant local alcohol policy;
 - (e) Whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent by the effects of the issue of the licence;
 - (f) The days on which and the hours during which the applicant proposes to sell alcohol;
 - (g) The design and layout of the premises concerned;
 - (h) Whether the applicant has appropriate systems, staff and training to comply with the law;
 - (i) Any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas;
 - (j) Any steps the applicant proposes to take to ensure that the requirements of the Act in relation to the sale and supply of alcohol to prohibited persons are observed;
 - (k) The applicant's proposals relating to the sale and supply of non-alcoholic drinks, low-alcohol drinks and food and to the provision of help with or information about alternative forms of transport from the premises; and
 - (l) Any matters dealt with in any report from the Police, the Medical Officer of Health or an Inspector made under section 141).

7. Section 143 of the Act details further criteria that must be given regard in respect of a large scale event. I do not consider the event to be a large scale event to which s 143 of the Act applies.

REASONS AND DECISION

8. The nature of the event is not likely to lead to real risk of excessive or inappropriate consumption of alcohol. The applicant has experience hosting events, and has held many special licences previously with no adverse issues noted. The proposal complies with the provisions of section 4 of the Waitomo District Local Alcohol Policy relating to special licences. The event is low profile and small scale, and will be unlikely to reduce the amenity and good order of the locality, to more than a minor extent. The days and hours applied for, and the design and layout of the premises, are appropriate for an event of this nature. The applicant has appropriate systems and training in place. They have appropriate processes in place to avoid the sale and supply of alcohol to prohibited persons, and non-alcoholic drinks, low-alcohol drinks and an appropriate range of food will be available. Reports of an Inspector, Police and MOH did not raise any matters in opposition to the application.

9. The applicant has nominated two certificated managers to monitor the sale and supply of alcohol for the duration of the event.

10. The applicant has sought for the premises to be undesignated, which is in line with the Club's club licence. I determine that this is appropriate.

11. The object of the Act is that the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

12. Overall, and as outlined in paragraphs 8 to 11 above, I am satisfied with the matters to which I must have regard as set out in s 143 of the Act, and that the application is capable of meeting the object of the Act. Accordingly, I grant the applicant an on-site special licence.

CONDITIONS

Sections 146 to 148 of the Act detail compulsory and discretionary conditions that may be imposed on a special licence.

The licence will be 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 1 June 2024, from 1.00pm to 9.00pm**.
- (c) Alcohol may be sold or supplied to people present participating in the event this licence is issued for.
- (d) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the District Licensing Committee on 30 May 2024 and no alcohol is to be taken out of this area.
- (e) The holder of a manager's certificate or a properly notified manager shall be on duty and on the premises at all times alcohol is sold.
 - i. All staff will be trained in their responsibilities under the Act;
 - ii. Evidence of age documents will be requested from any person appearing to be under the age of 25.
 - iii. There must be no consumption of alcohol by staff or managers immediately before or during their shifts.
- (f) The entire premises is undesignated, with the exception of the gaming area, which is restricted.
- (g) 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.
- (h) 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.
- (i) 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 options submitted with the application for this licence, or variations of a similar range and standard.
- (j) A range of low-alcohol (less than 2.5% alcohol by volume) 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. Telephone numbers for alternative forms of transport from the premises must be displayed and a courtesy vehicle or sober driver services available.

The licensee must ensure a copy of the licence and the conditions subject to which it is issued shall be attached to the interior of the premises so as to be easily read by people using the premises.

Dated at Te Kuiti on 31 May 2024

A handwritten signature in blue ink, appearing to read "Michael Cameron". The signature is written in a cursive style with a large initial 'M'.

Michael Cameron
Commissioner
Waitomo District Licensing Committee