

LICENSING COMMITTEE

Application	018-0151
<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 Kiwitown Cruisers Incorporated for a special licence pursuant to section 138 of the Act

DECISION OF THE DISTRICT LICENSING COMMITTEE

1. The application for a special licence is granted. The special licence may issue immediately.
2. Kiwitown Cruisers Incorporated is authorised to sell and supply alcohol, on the premises situated at Otewa Hall, 929 Otewa Road, Otorohanga to any person attending the Kiwitown Cruisers Annual Hot-Rod Weekend event.
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:
Friday 26 April 2019, from 6.00pm to 12.00 midnight
Saturday 27 April 2019, from 5.00pm to 1.00am the following day
 - (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 12 March 2019 and signage shall be installed on the outside fence advising the patrons that no alcohol is to be taken out of the licensed 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. In the event that the duty manager is unavailable at any time due to unforeseen circumstances, or needs to have a break, the person nominated to manage the conduct of the sale and supply of alcohol is Nigel Rawlings. 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.
 - (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) A telephone must be freely available for customers to call for transport and staff must assist if required. The availability of a sober driver to transport patrons home from the premises shall be promoted.
- (k) The entire premises is undesignated.

REASONS

1. This is an application by Kiwitown Cruisers Incorporated for a special licence for the Kiwitown Cruisers Annual Hot-Rod Weekend event. The application was filed 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 Sale and Supply of Alcohol Act 2012 (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 Otorohanga 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 KIWITOWN Cruisers Annual Hot-Rod Weekend is a social event for members of the group who all share an interest in classic and hot rod type cars. Approximately 80 people are expected to attend this private event. There will be a range of activities including DJ entertainment on the Saturday, games and fundraising for the local playcentre. All meals are provided and most people camp on site on the Otewa Hall grounds. The hall and a 55m² outside area will be licensed. The outside area will be surrounded by a 2 metre fence and will include a 12m² gazebo. The licensing committee accepts the Medical Officer of Health's recommendation that signage be erected on the fence advising that alcohol cannot be taken beyond the fence. This will ensure that alcohol sold does not stray into the camp area.
7. The licensing committee is satisfied that KIWITOWN Cruisers Incorporated is a suitable applicant to hold a special licence. KIWITOWN Cruisers Incorporated have been granted a number of special licences in the past and no adverse reports have been received about these events. An experienced duty manager has been appointed to manage the bar for the whole event. However, the club has requested that an exemption be granted from the requirement to appoint a duty manager (s 213), in the event that the duty manager is called away due to unforeseen circumstances. Mr Nigel Rawlings is the person the club has elected to be the nominated person. He is the club Vice-President and has fulfilled this role in the past without incident. This request is granted as this is a small private function and Mr Rawlings is a responsible person who is able to stand in for the duty manager if required.
8. The Licensing Inspector reports that the application does comply with the Otorohanga District Local Alcohol Policy. The licensing committee is satisfied that suitable measures will be taken to ensure that alcohol is sold and supplied responsibly, and that harm caused by inappropriate or excessive consumption of alcohol is minimised. 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.
9. The licensing committee is satisfied that the design and layout of the premises is suitable given the temporary nature of the licence. The applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will be provided. Sober driver services will be promoted as a safe option for transport home from the event, for those not camping on site.

Conclusion

10. 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 at this 28th day of March 2019



Sara Grayson
Commissioner
Otorohanga District Licensing Committee