

LICENSING COMMITTEE

Application	018-0309
<u>IN THE MATTER</u>	the Sale and Supply of Alcohol Act 2012
<u>AND</u>	of an application by
<u>IN THE MATTER</u>	Peter Burgess 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. Peter Burgess is authorised to sell and supply alcohol, on the premises situated at the Hauturu Hall to any person attending the Pig Hunting Competition.
3. This licence is subject to the following conditions:
 - (a) Alcohol may be sold under the licence only on Saturday 24 July 2021 between the hours of 1.30pm to 12.00 midnight.
 - (b) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Ōtorohanga District Licensing Committee on 24 June 2021 and no alcohol is to be taken out of this area.
 - (c) 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 Faye Gilbert and Tim Gilbert 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.
 - (d) 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
 - (e) 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.
 - (f) 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.
 - (g) 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.
 - (h) A telephone must be freely available for customers to call for transport and staff must assist if required. A courtesy vehicle shall be available and promoted for safe transport home from the premises.
 - (i) The entire premises is to be undesignated.

REASONS

1. This is an application by Peter Burgess for a special licence for a Pig Hunting Competition to be held at the Hauturu Hall. 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 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 Ōtorohanga District Local Alcohol Policy?
5. The licensing committee may refuse a special licence even if there was no objection to the application (s 144).
6. Sections 146 – 149 of the Act outline the compulsory and discretionary conditions for a special licence.

Should the special licence be granted?

7. The general nature of the event is a family orientated hunting competition that is raising funds for the local school. Approximately 100 people are expected to attend the event. The licensed hours are reasonable having regard to the activities planned for the day. The weigh-in of animals starts at 12.00 noon and the sausage sizzle is to commence at 1.30pm when the licensed hours start. The main meal will be approximately 5.30pm to 6.30pm, followed by the prize giving. The majority of families with children will leave the event after the prize giving. The rest of the evening will an opportunity for adults in the rural area to socialise.
8. Peter Burgess has applied for the special licence on behalf of the Awaroa Pig Hunting Club. The group is not incorporated therefore it cannot apply for a special licence. The licensing committee is satisfied that Peter Burgess is a suitable applicant to hold a special licence. He has been granted a special licence for this event in 2018 and 2019 and there have been no recorded incidents, complaints or breaches of the Act related to Mr Burgess or this event.
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. The entire premises is to be designated as an unsupervised area. This is appropriate given that given that children are attending the event. The application complies with the Ōtorohanga District Local Alcohol Policy.
10. Peter Burgess does not propose to have a certificated duty manager at this event because it has not been possible to find a certificated duty manager for this rural location. However, the licensing committee is satisfied that an exemption may be granted from the requirement to appoint a duty manager (s 213). This is a small function and Peter Burgess and his fellow club members are capable of managing it without a certificated duty manager. Eight volunteers will be helping to run the event. Peter Burgess will ensure that all bar staff receive a briefing on the conditions of the licence and the SCAB Intoxication Assessment Tool and other key requirements of the Act before the event. A Host Responsibility Policy will be displayed. Faye Gilbert and Tim Gilbert will take responsibility for the management of the event and ensure that it complies with the

Act. Faye Gilbert has over 15 years' experience with the Oparau Club, including working at the bar. Tim Gilbert also has experience serving alcohol at the Oparau Club and is a previous Club President. Given this role, the licensing committee would expect that Tim Gilbert has a good understanding of the requirements of the Act.

11. The licensing committee is satisfied that the applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will also be provided. A courtesy vehicle will be available for transport home from the event.

Conclusion

12. 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 13th day of July 2021



Sara Grayson
Commissioner
Ōtorohanga District Licensing Committee