

LICENSING COMMITTEE

Application	018-0118
<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 Kinohaku Primary School Board of Trustees 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. Kinohaku Primary School Board of Trustees is authorised to sell and supply alcohol, on the premises situated at 614 Harbour Road, Hauturu to any person attending the Hauturu School Centenary.
3. This licence is subject to the following conditions:
 - (a) A copy of the licence with all of the conditions must be displayed in a prominent place so that 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 20 October 2018 between the hours of 5.00pm to 11.30pm.
 - (c) 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 18 September 2018 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 Christopher Irons 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) 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.
 - (f) Drinking water must be freely available from the bar and at each table and this must be clear to customers while the premises is open for the sale and supply of alcohol.
 - (g) 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.

- (h) 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.
- (i) 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.
- (j) The entire premises is undesignated.
- (k) No BYO alcohol on the premises while alcohol is for sale.

REASONS

1. This is an application by Kinohaku Primary School Board of Trustees for a special licence for the Hauturu School Centenary celebration to be held at Hauturu School, 614 Harbour Road, Hauturu on Saturday 20 October 2018, from 5.00pm to 11.30pm. 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 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 the special licence be granted?

6. Up to 100 people are expected to attend the Hauturu School Centenary. The evening will feature a guest speaker, dinner and live band for dancing. Hauturu School is celebrating the anniversary, however Kinohaku Primary School Board of Trustees has been asked to run the event due to their experience in managing the sale and supply of alcohol. The licensing committee is satisfied that the proposed hours are reasonable and comply with the Otorohanga District Local Alcohol Policy.
7. The event is to be held in a marquee located on the top field of Hauturu School. The Licensing Inspector reported that the proposed marquee was 300m², however the licensing committee has been advised that when building consent was granted, permission was given for a 200m² marquee. This is not of concern to the licensing committee because it has reduced the size of the licensed premises, it appears to be sufficient for the numbers attending, and it is expected that a similar layout will be used. The premises is undesignated which is appropriate given that some children are attending the event.
8. The licensing committee is satisfied that Kinohaku Primary School Board of Trustees is a suitable applicant to hold a special licence. Kinohaku Primary School Board of Trustees has good staff and systems in place to manage this event. Kinohaku Primary School Board of Trustees has applied for a waiver from the requirement to have a certificated duty manager at the event. The board states that there is a limited number of community members in the district that hold manager's certificates and that are available to attend the event. The licensing committee is satisfied that an exemption may be granted from the requirement to appoint a duty manager (s 213). This is a relatively small private function with less than 100 people attending and Kinohaku Primary School Board of Trustees is capable of managing it without a certificated duty manager. The board has nominated Christopher Charles Irons to manage the conduct of the sale and supply of alcohol. Mr Irons is a member of the board and holds a number of other community roles including branch chair of the Waitomo Federated Farmers. Mr Irons has four years' experience running the bar for the special licences held for the Marokopa Sports Day. In addition, the Licensing Inspector reports that Mr Irons attended Club Champs recently, the Waikato District Health Board initiative providing training for clubs in the requirements of the Sale and Supply of Alcohol Act 2012. Finally, the licensing committee is satisfied that Mr Irons will take responsibility for the management of the event and ensure that it complies with the Act. Two other volunteers will be assisting Mr Irons with the sale of alcohol. The SCAB Intoxication Assessment Tool will be displayed and used by bar staff.
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 applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will also be provided. The use of sober drivers will be promoted as a safe option for transport home from the event.

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 this 15th day of October 2018



Sara Grayson
Commissioner
District Licensing Committee