

OTOROHANGA DISTRICT LICENSING COMMITTEE

Application	018-0049
<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 OTOROHANGA DISTRICT LICENSING COMMITTEE

1. The application for an on-site 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 151 Otewa Road, Otorohanga to any person attending the Kiwitown Cruisers Annual Hotrod Weekend.
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 and during the following hours:

Friday 20 April 2018, from 5.00pm to 1.00am the following day
Saturday 21 April 2018, from 4.00pm to 1.00am the following day
 - (c) The area where alcohol is to be sold and consumed is described in the plan date stamped as received by the Otorohanga District Licensing Committee on 11 December 2017 and no alcohol is to be taken out of this area.
 - (d) A holder of a manager's certificate shall be on duty and on the premises at all times alcohol is sold. If a duty manager is unavailable due to illness, 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 Nigel Winston Rawlings and Julie Marie Burgess. 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.
 - (e) The entire premises is undesignated.
 - (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. The availability of food should be clear to customers and food should be actively promoted.
- (i) Evidence of age documents must be requested from any person appearing to be under the age of 25.
- (j) 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.
- (k) A courtesy shuttle must be made available to transport patrons from the premises and this assistance must be displayed in a notice to patrons.

REASONS

1. This is an application by Kiwitown Cruisers Incorporated for a special licence for the Kiwitown Cruisers Annual Hotrod Weekend to be held at 151 Otewa Road, Otorohanga. 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 Otorohanga 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. Kiwitown Cruisers Incorporated is a club that offers support and guidance to owners of classic and collectable vehicles and is a social hub for interested parties. The club has a membership of 38. The Kiwitown Cruisers Annual Hotrod Weekend is an annual event organised by the club for people with a common interest in classic and hotrod type cars. It is based at a rural property and the bar is sited in a shed. Food will be provided next to the bar area and registration covers breakfast, lunch, dinner and supper. Participants must register to attend, and the event is not open to the general public. It is expected that approximately 80 people will attend the event. Participants will mostly be camping on site and portable showers and toilets will be provided.
7. The licensing committee is satisfied that Kiwitown Cruisers Incorporated is a suitable applicant to hold a special licence. Kiwitown Cruisers Incorporated has been granted a number of special licences in the past and no adverse incidents have been reported.
8. The application complies with the Otorohanga District Local Alcohol Policy.
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 proposed hours are reasonable. The design and layout of the premises is suitable given the temporary nature of the licence. The premises will be undesignated. This is appropriate given that the event is family orientated.
10. In previous years Kiwitown Cruisers Incorporated did not have a certificated duty manager at this event. This year, Shane Carr, has agreed to be employed as a duty manager for the event. Mr Carr is currently employed as a duty manager at the Thirsty Weta Tavern in Otorohanga. In addition, Kiwitown Cruisers Incorporated has also asked for an exemption from the requirement to appoint a duty manager. The licensing committee is satisfied that an exemption may be granted from the requirement to appoint a duty manager (s 213), only if Mr Carr is unavailable due to illness. It is preferable that a duty manager be on site at all times. This will ensure that the event is compliant with the Act at all times. However, given that the event is relatively small and not open to the general public, the licensing committee accepts that if Mr Carr was not available due to illness, Kiwitown Cruisers Incorporated is capable of managing the event without a certificated duty manager. Nigel Rawlings (Club Vice President) and Julie Burgess (Club Secretary) will take responsibility for the management of the event and ensure that it complies with the Act. Nigel Rawlings and Julie Burgess were responsible for the management of the event last year and no adverse reports were received about their event. Alcohol is a minor part of the event and the licensed area is small and can be monitored easily. Kiwitown Cruisers Incorporated has provided a Host Responsibility Policy which shows that suitable steps will be taken to minimise alcohol related harm.
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 shuttle will be provided from the event to local motels if required.

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.

13. Therefore, the application for a special licence is granted.

Dated this 16th day of March 2018

A handwritten signature in black ink, appearing to be 'S. Grayson', written in a cursive style.

Sara Grayson
Commissioner
Otorohanga District Licensing Committee