

OTOROHANGA DISTRICT LICENSING COMMITTEE

Application

018-0096

IN THE MATTER

the Sale and Supply of Alcohol Act 2012

AND
IN THE MATTER

of an application by
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 Hauturu Hall, corner of Hauturu and Harbour Road, Kawhia to any person attending Awaroa Pig Hunting Club Pig Hunting Competition.
3. This licence is subject to the following conditions:
 - (a) Alcohol may be sold under the licence only on Saturday 14 July 2018 between the hours of 3.00pm and 11.00pm.
 - (b) 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 June 2018 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.
- (i) The entire premises is undesignated.

REASONS

1. This is an application by Peter Burgess on behalf of the Awaroa Pig Hunting Club for a special licence for a Pig Hunting Competition to be held at Hauturu Hall, corner of Hauturu and Harbour Road, Kawhia on Saturday 14 July 2018 between the hours of 3.00pm and 11.00pm. 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. The pig hunting competition is a family event with categories for children. The competition runs from Thursday 12 July to Saturday 14 July 2018. The special licence is sought for the “weigh in” on Saturday 14

July from 3.00pm. Awaroa Pig Hunting Club has arranged the competition to raise funds for the local school. Approximately 80 people are expected to attend the event. The licensing committee is satisfied that proposed hours are reasonable and that the event complies with the Otorohanga District Local Alcohol Policy.

7. The licensing committee is satisfied that Peter Burgess is a suitable applicant to hold a special licence. Peter Burgess does not have any convictions and there have been no adverse reports associated with this event in past years.
8. 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 entire premises is to be undesignated. This is appropriate given that given that children are attending the family orientated event.
10. Peter Burgess does not propose to have a certificated duty manager at this event. 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. The licensing committee is satisfied that the applicant will have trained bar staff on the premises that are aware of their responsibilities and obligations under the Act and will display an appropriate Host Responsibility Policy. 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. The menu includes BBQ steak and onion sandwiches, burgers, BBQ sausages and bread, hot dogs and chips. Free water will also be provided at the bar. A telephone will be available for patrons to ring someone to come and collect them or alternatively the club will arrange transport for people needing safe transport home. This service will be announced during the evening and prizegiving ceremony.

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 5th day of July 2018



Sara Grayson
Commissioner
District Licensing Committee