

OTOROHANGA DISTRICT LICENSING COMMITTEE

Application	018-0016
<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 Leigh Peglar 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. Leigh Peglar is authorised to sell and supply alcohol, on the conveyance known as the Dinner Train to any person attending the Steamfest Festival 2017 train excursion.
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 Saturday 19 August 2017, from 4.30pm to 5.30pm and from 9.30pm to 10.30pm.
 - (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 13 July 2017 and no alcohol is to be taken out of this area.
 - (d) The holder of a manager's certificate and nominated responsible person David Dowd shall be on duty and on the premises at all times alcohol is sold and their name shall be on display.
 - (e) The entire conveyance 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 drinks trolley 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 conveyance 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 is required. Telephone numbers for alternative forms of transport must be displayed.

REASONS

1. This is an application by Leigh Peglar for a special licence for the Steamfest Festival 2017 train excursion to be held on Saturday 19 August 2017, from 4.30pm to 5.30pm and from 9.30pm to 10.30pm. 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 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. The application has been made by Leigh Peglar on behalf of “Always Connected”, an Otorohanga based not for profit community group, which raises funds for free public events throughout the year for residents of the Otorohanga District. The Steamfest Festival 2017 Dinner Train is a train excursion for 230 people from Otorohanga Railway Station to Hamilton Railway Station. At Hamilton all patrons will be taken by bus to Narrows Landing (licensed restaurant) for dinner. They will then return to the train for the ride home to Otorohanga. The journey will take an hour between each destination. The train is made up of six carriages. All patrons will be served from a trolley that will traverse the carriages. Each guest will

receive a glass of beer, wine or soft drink when embarking and will be able to purchase a maximum of two more drinks while in transit to Hamilton. There will be no sale of alcohol on the bus and a maximum of two more drinks per person on the return leg. It is appropriate that the train will be undesignated as it is possible some children will attend. The licensing committee is satisfied that the proposed hours are reasonable.

7. The Licensing Inspector and Police have not reported any concerns about the ability of Leigh Peglar to hold a special licence on behalf of "Always Connected".
8. The application complies with the Otorohanga District Local Alcohol Policy.
9. Joanne Kete, a certificated duty manager will be on the conveyance for the duration of the event. However, David Dowd, who does not hold a managers certificate, will also be available to assist with ensuring that the event complies with the Act at all times. Mr Dowd has experience in the hospitality industry train journeys.
10. The licensing committee is satisfied that the applicant will provide sufficient food, low-alcohol and non-alcoholic refreshments. Free water will also be provided. Assistance with transport will be provided at the conclusion of the event.

Conclusion

11. 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.
12. Therefore, the application for a special licence is granted.

Dated this 18th day of August 2017



Sara Brown
Commissioner