

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

?>AND

IN THE MATTER of an application for a special licence pursuant to s. 137 by the Bruce Bay community Hall Inc in respect of premises known as The Bruce Bay Community Hall at 4670 Haast highway, Bruce Bay on the occasion of the Bruce Bay Sports Day and Ball.

DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON AN UNCONTESTED APPLICATION

Authority:

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 and a Council resolution dated 28 November 2013, the functions, powers and duties of the Westland District Licensing Committee are delegated to the committee chairperson where no objection has been filed, and no matters of opposition have been raised by the Police, the Medical Officer of Health or an Inspector. There is no Local Alcohol Policy in place for the District.

Summary of Evidence

A special licence is sought for the purposes of providing an Alcohol service at The Bruce Bay Community Hall on the occasion of the Bruce Bay Sports Day and Ball to be held on Sunday 23 October 2022 between the hours of 10.00AM and 4.30PM the same day for the Sports Day and from 8.00PM until 3.00AM the following day for the Ball. The application includes details of the food service available during both events, the provision of non-Alcoholic refreshments and an alternative transport option.

A report from the Inspector concludes that the applicant is suitable to operate the event under a special licence.

A report from the Police has no objection to the grant of the licence.

A report from the Medical Officer of Health has no opposition to the grant of a licence.

Evaluation of Evidence

I have considered the application on the basis of the uncontested reports received and the complete file which has been made available to me. The application was not publicly notified. The matter can, therefore, be dealt with on the papers.

There has obviously been correspondence and discussion between the Council and The Community Hall committee as to the hours of operation. It appears to me that the Application initially sought continuous hours of 10.00AM until 3.00AM the following day; and then amended the application to break the event into two portions being the Sports Day and the Ball. The Sports Day will have an alcohol service from 10.00AM until 4.30PM and the alcohol service for the Ball will commence at 8.00PM and conclude at 3.00AM the following day. This sounds totally reasonable but I note that the Inspector's report has the time for the Ball service to commence as 9.00PM. I think that it is reasonable to recommence an alcohol service at 8.00PM for the Ball.

The event is a major fundraising event for the Bruce Bay Hall Committee and the Committee has had a lot of experience over the years, with the exception of the "Covid-affected years" at running the Sports Day and Ball without adverse incident. My understanding from the contents of the file is that the Hall Committee wanted to manage the sale and supply of alcohol for the entire day by themselves and without the input of appropriately qualified staff. On the basis of *track record* it is likely that such an approach would have worked but the thrust of the Sale and Supply of Alcohol Act 2012 is that events requiring special licenses

are more appropriately managed by individuals who have demonstrated specific skills relating to the sale and supply of alcohol. I am aware that there was some email correspondence with the Council concerning the need or not to appoint a manager for the event. In the end the Hall Committee chose to appoint Joanne Louise Clarke who is the holder of a manager's certificate and, in my opinion, this is the sensible outcome to the discussion.

Any Special Licence is required to be managed by an appropriate person. In this case Joanna Louise Clarke who is the holder of a Manager's certificate has been nominated to be the Manager for the event. She will be assisted by members of the Bruce Bay Community Hall Committee. My recollection is that the Bruce Bay sports Day and Ball has been an annual event since about 1990 and I have no doubt that a great deal of experience has been gained by the Hall Committee over the years. I observe that if the Sports Day and Ball are managed in accordance with the undertakings in the application then the day will be memorable for all the right reasons. I take this approach knowing that the Bruce Bay Community Hall Committee is no stranger to operating Special Licences and that the applicant can be relied on to exercise the licence responsibility as anticipated and required.

Designations were proposed which would have seen the area of the hall and the adjacent marquee (where the bar is to be located) being designated as supervised. The application has been amended to have the hall and marquee designated as restricted areas between 8.00PM and 3.00AM the following day and the hall designated as supervised between 10.00AM and 4.30PM. I am comfortable with this arrangement which appears to have been agreed after a period of discussion between the applicant and the Council. I do observe, however, that this arrangement will take some policing by the Manager and her committee assistants. I am not entirely convinced that there is a need for designations.

Decision and Reasons

I am satisfied as to those matters provided for in s.142 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **099-2022** and I direct that a licence be issued pursuant to s.64 of the Act.

The terms and conditions will be:

- Pursuant to s. 213(1) of the Sale and Supply of Alcohol Act 2012, Joanna Louise Clarke is appointed to be the manager for the event to which the application refers.
- The Licence may be exercised for the sale and supply of alcohol to any person lawfully attending the premises on Sunday 23 October 2022 between the hours of 10.00AM and 4.30PM the same day and between the hours of 8.00PM and 3.00AM the following day
- The whole of the hall and marquee are to be designated as supervised. The extent of the licensed area is that which is shown on a plan accompanying the application.
- Pursuant to section 147(3)(b) of the Act drinking water shall be freely available at the bar to all customers at all times that the licence is being exercised.

Dated at Hokitika this 8 day of October 2022.



Richard Simpson
Chairman, Westland District Licensing Committee

