

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 Nigel Grant Irvine
and Robert William Brown in respect of
premises known as the Woodstock
Domain at Back Creek Road,
Woodstock.

**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 a bar service at the Woodstock Domain for the 17th annual rally of the West Coast Touring Motor Cycle Club.

The days and hours that the licence will operate are Friday 25 January 2019 from 12 Noon through to 2.00AM the following day and Saturday 26 January 2019 from 11.00AM through to midnight the same day.

A report from the Inspector concludes that the applicant is suitable to hold a special licence.

The Police have no objection to the grant of the licence.

The Medical Officer of Health has no opposition to the grant of the licence.

Evaluation of Evidence

I have considered the application on the basis of the uncontested report 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.

I note that the application nominates Kimble J Upfold to be a manager. Mr upfold is the holder of a manager's Certificate.

The Inspector has briefly discussed the need for designations and suggests that the bar area should be designated a supervised area. I am not entirely sure that the designation is warranted but I do concede that the inspector has enquired into the application and has identified a need for a designation; I accept the recommendation of the Inspector on the basis that he has a more intimate knowledge of the site and the procedures than I do.

The Medical Officer of Health report does raise a concern that is worth commenting on. The report makes specific reference to a flyer detailing the event that refers to "unbeatable alcohol prices". The concern expressed is that the phrase conjures up suggestions of discounted alcohol prices and is not in keeping with the object of the Act. The words are in bold font and my immediate reaction was to have some sympathy with the concerns expressed by the Medical officer of Health.

The relevant section of the Act is Section 237 which prohibits the irresponsible promotion of alcohol by anyone in the course of carrying on a business conditional on one or more legislative parameters being met. I have looked at those parameters and I am not the least bit convinced that the Flyer is out of order. Although the words "unbeatable alcohol prices" are in a bold font, it is not a font that is outstanding in comparison with the rest of the flyer. Regardless none of the six prerequisites for the words to be regarded as irresponsible promotion of alcohol are met.

On the face of it, I think it was a fair call by the Medical officer of Health to draw attention to the flyer and the assertion of unbeatable alcohol prices but that is as far as the matter can go in relation to this application and the conditions that the licence will be issued under.

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 **007-2019** and I direct that a licence be issued pursuant to s.64 of the Act.

The terms and conditions will be:

The Licence may be exercised for the sale and supply of alcohol to any person lawfully attending the premises on Friday 25 January 2018 from 12 Noon through to 2.00AM the next day and Saturday 26 January 2018 from 11.00AM through to midnight the same day.

Pursuant to section 147 (3)(b) of the Act drinking water shall be freely available to all customers at all times that the licence is being exercised.

Pursuant to s. 213(1) of the Sale and Supply of Alcohol Act 2012, Kimble J Upfold is appointed to be the manager for the occasion of the event to which the application refers.

The Bar area delineated on the plan accompanying the application is designated a supervised area.

Dated at Hokitika this 11th day of January 2019



Chairperson, Westland District Licensing Committee

