

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 Whataroa
Community Association in respect of
premises known as The Whataroa Hall
at 57 Main Road, Whataroa.

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.

Background:

On 21 July 2020 a decision was made to grant this application for an event to be held on Friday 28 August 2020. The decision was subject to Lisa Maree Stevenson being appointed as the Manager. Subsequently, the proposed Manager was unable to attend the event on the night granted and so the Whataroa Community Association has asked for the date to be changed to Friday 25 September 2020. What appears to be a straight forward request is not necessarily going to be supported by a commonsense statutory approach under the Act. I am satisfied however that section 187(d) of the Act can apply in that there is authority for the Westland District Licensing Committee to Vary a Special Licence. I don't think that it is routine for a Licence Holder to apply for the Variation of a licence but in this case it seems to be a sensible way forward. I am treating the application as a new application rather than an amended application as Section 283 would usually be used for a variation but in this case that section is not relevant.

The circumstances that now exist do not dissuade me from the context of the original decision and the rational identified at that time. I note that the reporting parties all agree that the change sought should be agreed to. I do not know if the application has been advertised; it was not initially and so I presume that the change would not in itself alter the need or otherwise for advertising. It is, after all a community event and I have no doubt that the community of Whataroa is well aware of the change.

Summary of Evidence

A special licence is sought for the purposes of providing an Alcohol Service at the Whataroa community Hall on Friday 25 September 2020 for the purposes of a fundraising event.

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

I note that it is intended to have a qualified Manager supervise the event.

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

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

The event is to be held on Friday 25 September 2020 between the hours of 6.00pm and midnight.

The Inspector has, clearly, considered the measures to be taken by the applicant to ensure that the applicant has a range of strategies to ensure responsible sale and supply of alcohol.

I also note that the applicant is no stranger to holding Special Licenses. The application places the management of the event in the hands of Lisa Maree Stevenson who is the holder of a manager's certificate.

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 **093-2020** and I direct that a licence be issued pursuant to s.64 of the Act.

Pursuant to s. 213(1) of the Sale and Supply of Alcohol Act 2012, the licensee shall appoint Lisa Maree Stevenson to be the manager.

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 Saturday 25 September 2020 from 6.00PM through to Midnight.

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.

Dated at Hokitika this 8th day of September 2020



Chairman, Westland District Licensing Committee

