

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,
William Robert Brown and 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 18th annual rally of the West Coast Touring Motorcycle Club.

The days and hours that the licence will operate are Friday 26 January 2018 from 12 Noon through to 2.00AM the next day and Saturday 27 January 2018 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 applicant is Nigel Grant Irvine and William Robert Brown, and this is clear from the application. The three reports that I have from the statutory agencies also provide that Irvine and Brown are the applicants but go on to add that the West Coast Touring Motorcycle Club is, at least partly, the applicant either on a "trading as" basis or "for" and "of".

This was a matter that I have raised on a previous occasion with regard to a similar application. The fact that the Inspector, the Police and the Medical Officer of Health are in some joint state of confusion over the nature of the licensee is not a satisfactory basis on which to administer the application that has been lodged.

I have decided to proceed with the application on the basis of the contents of the application which clearly state that Messrs. Irvine and Brown are the applicants.

Realistically, I can understand how some confusion could exist. The applicants have referred to themselves erroneously as a body corporate and go on to note that section 28(3) of the Act allows a Club to hold a special licence. This is a tidy piece of confusion that should have been sorted out prior to the application getting this far. Be that as it may the applicant is either the partnership of Nigel Grant Irvine and William Robert Brown OR the West Coast Touring Motorcycle Club. The applicant, on the way the application is completed, can't be both entities.

For the avoidance of doubt I am of the view that the two individuals named are the applicant and is a partnership representing the Westcoast Touring Motorcycle Club. The partnership of Nigel Grant Irvine and William Robert Brown will be responsible for the effective operation and functioning of the licence and is an entity that is permitted to hold a special licence.

As a way of clarification for the future it may be appropriate for the Licensing Committee Secretary to review the Special Licence application form for compatibility with the Act and include the option of a Club being the applicant.

The Police have no objection to this application.

The Medical Officer of Health has no opposition to this application.

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.

The Inspector's report covers those matter that are essential for the consideration of a Special Licence with the exception of the clarity of the applicant. I have considered imposing specific conditions relating to the provision of low alcohol beverages, food and alternative transport options. However, Messrs. Irvine and Brown are no strangers to the event and have considerable experience from the previous Rallies. In addition the applicant partnership will be joined on the occasion by Kimble Upfold who also has past experience with previous Rallies and is the holder of a Manager's Certificate. Given the credibility of the applicant partnership and the appointed manager the need for a host of conditions is precluded and if the event finishes to the same standards as previous Rallies in recent years then that credibility will likely be intact for future years.

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 **199-2019** and I direct that a licence be issued to Nigel Grant Irvine and William Robert Brown, 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 26 January, 2018 from 12 Noon through to 2.00AM the next day and Saturday 27 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.

Dated at Hokitika this 18th day of December, 2019



Chairman, Westland District Licensing Committee

