

**File number:** 3705.01\2015-2016

**Approved for agenda** ☒
**Report to:** District Licensing Committee

**Meeting date:** 27 October 2015

**Subject:** Application for Special Licence – Charlotte Sarah Ella Draper on behalf of Matakohe School

**Date of report:** 20 October 2015

**From:** Rachel Sheppard  
Chief Licensing Inspector

**Report purpose** ☒ **Decision** ☐ **Recommendation** ☐ **Information**
**Assessment of significance** ☐ **Significant** ☒ **Non-significant**

### Summary

In the matter of the Sale and Supply of Alcohol Act 2012 and an application pursuant to s.138 of the Act for the granting of a Special licence to Charlotte Sarah Ella Draper on behalf of Matakohe School to sell and supply alcohol on the premises known as the Matakohe War Memorial Hall, Church Road, Matakohe, Kaipara District for consumption by those people attending the Matakohe School Quiz Night to be held on Saturday 14 November 2015 from 6.30pm until 10.00pm. The application was received on 16 September 2015 with the application sent for reporting on 25 September 2015. All reports from the agencies were received by 20 October 2015 apart from a report from the Police. As it has been more than 15 working days since the agencies were provided the information in relation to this application it may now progress for determination to the District Licensing Committee hearing scheduled for 27 October 2015.

### Recommendation

*That the District Licensing Committee:*

- 1 *Receives the Chief Licensing Inspector's report titled 'Charlotte Sarah Ella Draper on behalf of Matakohe School' dated 20 October 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Grants the application made by Charlotte Sarah Ella Draper on behalf of the Matakohe School to sell and supply alcohol for consumption to people attending the Matakohe School Quiz Night to be held on Saturday 14 November 2015 from 6.30pm until 10.00pm.*

### Reason for the Recommendation

All reports received from the Medical Officer of Health and the Licensing Inspector appointed under the Act are satisfactory and do not oppose the issue of a Special licence. The Police have not submitted a report. Pursuant to section 141(5) of the Act, if no report is received from the Police or

Medical Officer of Health within 15 working days after sending a copy of the information to them, the Licensing Committee may assume they do not oppose the application. As it is over 15 working days that the Police have had to respond the Committee can proceed as if the Police do not oppose the application therefore no opposition to the issue of this Special licence is given. It is appropriate that the application be determined on the papers pursuant to s.138 of the Act.

### **Reason for the Report**

Application under s.138 of the Sale and Supply of Alcohol Act has been made by Charlotte Sarah Ella Draper on behalf of Matakohe School for the granting of a Special licence to sell and supply alcohol on the premises known as Matakohe War Memorial Hall, Church Road, Matakohe, Kaipara District, to those people attending the Matakohe School Quiz Night to be held on Saturday 14 November 2015 from 6.30pm to 10.00pm.

### **Background**

The application is for a Quiz Night fundraiser and is considered a small event with approximately 50-100 people expected to attend. Similar events have taken place in the past with no known issues being brought to the attention of the Territorial Authority. The applicant has addressed all concerns with regard to host responsibility, supervision of entry, provision of food and freely supplied potable water for the duration of the event, supervision of minors, alcohol consumption, monitoring levels of intoxication and a courtesy van is available as an alternative transport option.

### **Experience**

The applicant is hiring the venue known as the Matakohe War Memorial Hall for the duration of the occasion. There will be one certified manager on duty along with two other responsible people to help with the running of the event. This is considered adequate for the monitoring and management of alcohol sales for the duration of the occasion.

Section 213(1) of the Act requires that a certified manager be appointed for the duration of a Special Licence, unless exempted under subsection 213(2) where alternatively, a responsible person/s may be appointed.

Section 137 of the Act provides for an application for a Special licence to be lodged with the Territorial Authority for the consideration of the District Licensing Committee to grant such licence for the sale and supply of alcohol to those present at a specific occasion or event. Provided such licence is in force, s.149 allows for the duration of Special licences.

### **Issues**

If the applicant wishes to sell and supply alcohol they must first obtain a Licence or be in breach of the Act.

Reports received from the agencies detail no formal objection and cover off the following matters:

- The Inspector's report offers no objection to the application. On interview with the applicant any concerns with regard to host responsibility, provision of food and freely supplied potable water for the duration of the event, supervision of minors, alcohol consumption, monitoring levels of

intoxication and alternative transport options have been covered off to the Inspector's satisfaction.

- The Police did not file a report therefore offer no objection to the application. The Medical Officer of Health report offers no objection to the application, nor highlights any issues of concern that require further enquiry.

Based on the information provided with the application and consequent follow-up discussion with the applicant, it is considered that any matters of concern as identified by the reporting agencies have been adequately addressed. The applicant has demonstrated knowledge of their host responsibility requirements with regard to the provision of food whilst alcohol is being served, providing free potable water, promoting non-alcoholic and low-alcoholic beverages, the responsible consumption of alcohol, alternative forms of transport and no sale or supply of alcohol to prohibited persons.

It is not considered that the granting of this licence would offer any substantial risk.

## **Factors to Consider**

### ***Community Views***

The community expects that only fit and proper persons are granted licences or certificates for any matter concerning the sale of alcohol. Others in the community will expect Council to deal with these matters in the most efficient and effective manner.

### ***Policy Implications***

The decision has no impact on Council policy.

### ***Financial Implications***

There are no financial implications attached to this decision.

### ***Legal/Delegation Implications***

The Sale and Supply of Alcohol Act 2012 provides for all decisions on applications to be made by Council's District Licensing Committee. For unopposed applications the Chair alone may determine the application based on the information provided in the papers.

## **Options**

The District Licensing Committee has two options; it may either grant the application with conditions or decline the application.

**Option A:** Grant the application with conditions

**Option B:** Decline the application

## **Assessment of Options**

There are no grounds that officers are aware of that would substantiate a declining of the application. Based on the reports received by the Police, the Medical Officer of Health and the Licensing Inspector, there is no good reason to impose conditions on the licence other than those required under the Act. The applicant has provided all information thus satisfying the reporting agencies who have responded

with no opposition being raised to the issuing of a Special licence.

Option A satisfies all requirements of s.138 of the Sale and Supply of Alcohol Act 2012 allowing the unopposed application to issue once determined by the District Licensing Committee.

### **Assessment of Significance**

A decision in accordance with the recommendation is not considered to have a high degree of significance because it does not involve any Council expenditure or impact financially on any ratepayers.

### **Recommended Option**

The recommended option is **Option A**.

### **Next Step**

The decision by the District Licensing Committee will be publicised on Council's website.

### **Attachments**

- Reports for Special Licence application from C S E Draper for Matakohe School (Attachment 1).
- Draft Decision by District Licensing Committee (to be finalised on letterhead when approved) (Attachment 2).
- Draft Licence (to be finalised on letterhead when approved) (Attachment 3).