

# Decision for Special Licence

Licence Number SP15034

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

**AND**

**IN THE MATTER** of an application by St Bathans Collie Club for a special licence pursuant to section 138 of the Act in respect of premises situated on Fishpond Road, St Bathans known as the St Bathans Collie Club Bar Room for the St Bathans Collie Club Dog Trials.

## **BEFORE THE CENTRAL OTAGO DISTRICT LICENSING COMMITTEE**

Chairperson: Robert B McNeil  
Members: Neil Gillespie  
Dr Michael MacAvoy

**MEETING** at Alexandra on 12 March 2015

### **Reporting Agencies in attendance**

Applicant representative: Hamish Cavanagh  
Medical Officer of Health: Keith Reid  
Licensing Inspector: Suzanne Naylor  
Licensing Inspector (in assistance): Ray Applegarth  
NZ Police: Apology received

## **DECISION**

This is an application by the St Bathans Collie Club for a special licence in respect of premises situated on Fishpond Road, St Bathans, known as the St Bathans Collie Club Bar Room, for the St Bathans Collie Club Dog Trials.

Reports have been received from the Licensing Inspector, and Police with no opposition or notice of desire to be heard.

The Medical Officer of Health opposes the application, on the grounds that the hours requested are excessive.

The committee acknowledges that the application was received within 20 working days of the event, and appreciates the reporting agencies efforts in submitting their reports early and making themselves available for this meeting at short notice.

The application was not publicly notified and is not the subject of a public hearing as the application has not attracted objections from that sector.

### **Discussion**

The applicant has applied for a special licence to sell and supply alcohol at its annual sheepdog trials competition which are to be held on Monday 16<sup>th</sup> and Tuesday 17<sup>th</sup> March 2015. The hours requested are from 10:00am to 9:30pm each day.

The Medical Officer of Health regards these hours as being excessive and likely to increase the risk of alcohol related harm accruing from inappropriate and excessive consumption. He considered that the hours were not required for the successful running of the event or for the event to fulfil its purpose, and recommended that the hours should be from 11:00am to 2:00pm and from 4:00pm to 9:30pm on each day.

He has no objection to the event, and would support the event as licensed, but it was just the length of time that was that alcohol was available for consumption that was an issue.

The chairman drew Dr Reid's attention to the fact that the committee had previously approved special licences for six other dog trial events in this district with similar operating hours, without any opposition from the MOH having been received.

In response to the MOH opposition Mr Cavanagh submitted that supporters are arriving and departing throughout the day, some not having seen each other for years. With four competition courses running at the same time this "catch up time" is short and can happen at any time during the course of the day.

He noted that "it is a bar but the closest thing you'll get to a tea party with alcohol available. It's about the event and the dogs not the drinking." In respect to the availability of food, he stated that there would be morning tea, a substantial lunch, afternoon tea and a BBQ in the evening.

Mr Cavanagh commented that with the new drink driving laws the culture has changed and that by 9.30pm most people have left the venue.

The Committee has taken into account the lack of opposition from the Police who commented in their report that "As we have had no problems with the club and do not oppose this application Police will not be attending this afternoons hearing."

The District Licensing Inspector is satisfied with the ability of the applicant to manage this type of event, and the suitability of the premises in which it is to be held.

Given there appear to have been no previous incidents that raise concern, the Committee takes the view that the applicant has, and will continue to manage the event in a responsible manner. The committee also notes that there was a general agreement of all those represented at the meeting that, times have changed and events of this type may not warrant the reputation they have attracted in the past. It was also noted that as a licensed operation, there would be a greater ability to manage alcohol consumption than opting for a BYO situation, and therefore the granting of a special licence with appropriate conditions should be encouraged.

### **Decision and conditions**

This application is approved subject to the following conditions:

- (a) The licensee must have available for consumption on the premises, at all times when alcohol may be sold under the licence, a reasonable range of non-alcoholic refreshments, and low-alcohol beverages.
- (b) Free drinking water must be visibly available and promoted with signage.
- (c) Alcohol may be sold or supplied to competitors and supporters attending the dog trials.
- (d) Alcohol may be sold under the licence only on the following days and during the following hours:
  - Monday 16 March 2015 from 10.00am to 9.30pm
  - Tuesday 17 March 2015 from 10.00am to 9.30pm
- (e) Food shall be available as identified in the application.
- (f) A courtesy coach service shall be available and advertised accordingly.
- (g) The duty manager (Susan Ingram) shall instruct or otherwise provide information to bar assistants and servers to ensure that the object of the Act is upheld and must ensure that there are no alcohol sales to prohibited persons.
- (h) The duty manager or other person holding a current manager's certificate must be on duty at all times.
- (i) A copy of the licence shall be prominently displayed within the licensed premises, as well as the name of the manager on duty, in accordance with the Act.

## **Right of Appeal**

In accordance with section 154 of the Sale and Supply of Alcohol Act 2012 the applicant or any party to these proceedings may give notice of appeal to the Alcohol Regulatory and Licensing Authority against the decision or any part of the decision. Any appeal must be within 10 working days after the date on which notice of the decision is given to the appellant. The appeal must be in writing; and be accompanied by the prescribed fee; and sent to:

The Secretary  
Alcohol Regulatory and Licensing Authority  
Private Bag 32001  
Featherston Street  
Wellington 6146.

A copy of the notice of appeal must be served on each of the other parties to the proceedings and with the Secretary of the Central Otago District Licensing Committee.

Dated at Alexandra this 13th Day of March 2015

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Robert B McNeil  
Chairman  
Central Otago District Licensing Committee