

APPLICATION NUMBER: 032/SL/4477/2024

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

AND

IN THE MATTER of an application by **Audiology Touring Ltd** for a special-licence pursuant to section 138 of the Act on the occasion of a 'side event to the Ohakune Mardi Gras'.

BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE

Chairperson: Mr Stuart Hylton

DECISION

1. Introduction

This is an application by **Audiology Touring Ltd** for a special licence in regard to an event to be held at 'Hot Lava', 30 Thames Street, Ohakune. The nature of the event for which the licence is sought is a 'side event to the Ohakune Mardi Gras'.

The dates and hours sought are –

Friday 21 June 2024 9.00pm until 2.30am (bar closes at 1.30am)
Saturday 22 June 2024 11.30pm until 2.30am (bar closes at 1.30am)

2. Application

The application was received on the 16 May 2024 and included a site plan, premise photos, Fire Service report, AMP, event flyer and food list.

The application was not advertised and no objection or notice of desire to be heard has been received under section 141 of the Act. Accordingly we deal with the matter on the papers in accordance with section 202(1).

In considering the application for special licence the committee had regard to the following criteria under section 142 of the Act:

- (a) *the object of this Act;*
- (b) *the nature of the particular event for which the licence is sought and, in particular, —*
 - (i) *whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and*
 - (ii) *whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services;*
- (c) *the suitability of the applicant;*
- (d) *any relevant local alcohol policy;*

- (e) *whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:*
- (f) *the days on which and the hours during which the applicant proposes to sell alcohol:*
- (g) *the design and layout of the premises concerned:*
- (h) *whether the applicant has appropriate systems, staff and training to comply with the law:*
- (i) *any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:*
- (j) *any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed:*
- (k) *the applicant's proposals relating to—*
 - (i) *the sale and supply of non-alcoholic drinks and food; and*
 - (ii) *the sale and supply of low-alcohol drinks; and*
 - (iii) *the provision of help with or information about alternative forms of transport from the premises:*
- (l) *any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under [section 141](#).*

3. Reporting Agencies

The following reports were received under section 141 of the Act.

Police Report – No opposition within report received 22 May 2024.

Medical Officer of Health – No opposition within report received on 12 June 2024.

Licensing Inspector Report – Full report provided by the inspector including assessment of application against section 142 criteria. The Inspector concludes that the application is complete and will likely meet the criteria of the Act. The Inspector has no opposition to the issuing of the licence subject to the recommended conditions.

The inspectors report/file noted the following key matters –

- The Special Licence is sought for a side event to Ohakune Mardi Gras, which is an annual outdoor music festival event set to take place on Friday 21 and Saturday 22 June 2024. The premises 'Hot Lava' is located on the corner of Thames and Rimu Streets and is within the Junction area of the Mardi Gras main event. Customers will be able to purchase multi venue passes which will allow them to move between venues. They will not be able to take drinks from one venue to another.
- The applicant is the same company and set up for the main event although there is a dedicated team to manage this licence on this site. There is an alcohol management plan that worked well.
- An Alcohol Management Plan has been provided for Hot Lava and provides an in-depth description of how the event will be managing staffing, security, entry requirements, unacceptable behaviour, ID and personal searches, proposed signage, staff training, identification of intoxication and how they will deal with intoxicated persons, products for sale including prices (all beverages) provisions of food and transport options.
- This premise has not held an on licence for some time. The applicant has made the same arrangement with the building owner since 2018.
- Suitability is not challenged.

- To avoid the risk of glass bottles/drinking vessels dropping from the premises balcony to the street below, all alcohol will be served in either plastic cups or cans. The application provides that the amenity and good order of the area will be managed by the use of COA qualified security staff, extra lighting on the street and a full clean of the surrounding area following the events.
- The hours appear relevant for the event being undertaken.
- The premises is to be located on the site at 30 Thames Street, Ohakune. The premises is formed from a two-story building as illustrated in the plans provided with the application date stamped 16 May 2024.
- The Fire Safety Officer has verbally confirmed that the scheme is not current for the premises, however as this is a one-off event, they have requested that the licence is conditional on a successful trial evacuation prior to the event as has been the case for several years.
- Two certified managers are nominated to oversee the event along with other organising assistants.
- Both the Police and MOH have no opposition to the application

4. Decision

The application for Special Licence is **Approved** for issue subject to the following conditions.

5. Conditions

- a) Alcohol may only be sold under the licence to persons attending the '**Ohakune Mardi Gras Event at Hot Lava**', on the following days and during the following hours:

Friday 21 June 2024 from 9.00pm until 2.30am (bar closes at 1.30am)

Saturday 22 June 2024 from 11.30pm until 2.30am (bar closes at 1.30am)

- b) Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application date stamped as received by the District Licensing Committee on 16 May 2024.
- c) A copy of this licence with all the conditions, must be clearly displayed in a prominent place at each point of sale so all persons can read it (and all staff must be familiar with the conditions).
- d) The holder of a manager's certificate shall be on duty (and on site) at every point of sale at all times alcohol is sold and supplied.
- e) The duty manager's name must be prominently displayed at all points of sale.
- All staff will be trained in their responsibilities under the Act;
 - Evidence of age documents will be requested from any person appearing to be under the age of 25.
 - Intoxication checks to be maintained with every purchase.
 - Visual intoxication assessments are to be carried out by security/event staff for every patron entering the event at the main gate and any person deemed intoxicated is refused entry.
 - There must be no consumption of alcohol by staff or managers immediately before or during their shifts.
 - Signage shall be prominently displayed at each point of sale, which identifies by name the person responsible under the licence.
 - Managers must be easily identifiable.

- f) The entire premises is designated as a restricted area (No persons under 18 are permitted).
- g) The event must be glass free with all beverages served in cans or plastic cups.
- h) No alcohol or glassware is to be allowed to be brought into the site or leave the site.
- i) Drinking water must be freely available and actively promoted through signage displayed at each bar and all water stations must be regularly checked and restocked as required.
- j) The licensee (and Duty Managers) must ensure compliance with the Alcohol Management Plan submitted with the application.
- k) The licence holder must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- l) Food must be available for consumption within the licensed areas as specified in the application.
- m) Low-alcohol beverages must be available for sale and supply within the licensed areas as specified in the application.
- n) Non-alcoholic beverages must be available for sale and supply within the licensed areas as specified in the application.
- o) The licensee must provide assistance with or information about transport options for the event as specified in the application.
- p) A successful trial evacuation must be held, witnessed and approved by FENZ prior to the first opening. If the trial evacuation is not successful and subsequently approved by FENZ, the event will not be able to proceed.
- q) The building owner, Justin King, is not to be on site at the premises throughout the duration of the events.

DATED at Taumarunui this 14th day of June, 2024.



Stuart Hylton
Commissioner
Ruapehu District Licensing Committee