

Decision No. GREYDLC033/2020

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012 (the Act)

AND

IN THE MATTER

of an application by **THE BLACKBALL INN & 08 CAFÉ ON HILTON LIMITED** trading as The Blackball Inn & 08 Cafe pursuant to s.138 of the Act for a Special Licence in respect of premises situated at 8 Hilton Street, Blackball known as "The Blackball Inn & 08 Cafe"

BEFORE THE GREY DISTRICT LICENSING COMMITTEE

The Blackball Inn & 08 Café on Hilton Limited has made an application for a special licence to sell and supply alcohol in respect of premises situated at 8 Hilton Street, Blackball known as "The Blackball Inn & 08 Cafe".

The event is being described as a music event with a live band called "Shakey Ground".

The licence hours applied for are 7.30pm to midnight on the following date:

Sunday	12 April 2020 Easter Sunday	Music Event - Live Band
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The whole of the premises is designated as an undesignated area.

It is anticipated that there will be approximately less than 100 people attending each of the events.

The applicant has provided a list of substantive food options from a menu and the low alcohol and non-alcoholic refreshments that are available at all times the premises is open for the sale and supply of alcohol.

Water is always available from the bar, and from a drinking fountain.

DECISION

The Grey District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012 **grants** an application by The Blackball Inn & 08 Café on Hilton Limited trading as The Blackball Inn & 08 Cafe for a Special Licence for the premises situated at 8 Hilton Street, Blackball, for an event subject to the following conditions:

Conditions:

1. Alcohol may be sold under the licence only on the following day and during the hours of **7.30pm to 12midnight:**

Easter Sunday	12 April 2020	Music Event - Live Band
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2. The premises be classed as undesignated for the licence period and includes an outdoor area as per plan provided.
3. The licensee must display signage as follows:
 - a. At every point of sale detailing restriction on the sale and supply of alcohol to minors and intoxicated persons;
 - b. A copy of the licence attached to the premises so as to be easily read by persons attending the premises; and
 - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.
4. A certificated manager must be on duty at all times when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed at the premises.
5. The licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages.
6. Drinking water is to be provided to patrons free of charge from a water supply prominently situated on the premises.
7. Food must be available for consumption on the premises at all times the premises are open for the sale and supply of alcohol, in accordance with the sample menu supplied with the application for this licence or menu variations of a similar range and standard. Menus must be visible and food should be actively promoted.
8. Noise levels to be monitored at all times by the duty manager.
9. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
10. Payment of the fee prescribed under the Sale and Supply of Alcohol (Fees) Regulations 2013.

The Premises area as set out on the plan submitted with the application and date stamped 6 March 2020. A note to this effect is to be made on the licence.

Relevant sections of the Act

The purpose of the Sale and Supply of Alcohol Act 2012 (the Act) is to put in place a system of control over the sale and supply of alcohol (section 3). The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly and the harm caused by excessive or inappropriate consumption of alcohol is minimised (section 4).

Section 22 of the Act allows holders of on-licences to obtain extended trading hours by obtaining a special licence for times when the licensee is not otherwise allowed to sell alcohol. Section 47 of the Act provides that no alcohol is sold or supplied on the premises on Good Friday or Easter Sunday to any person other than a person who is on the premises to dine or is a lodger. Accordingly, there needs to be an 'event' to justify the issue of the on-site special licence outside the normal trading hours. An 'event' is defined in the Act as 'including any occasion and a gathering, and any series of events'.

REASONS FOR THE DECISION

The applicant has made application for an on-site special licence to allow the sale and supply of alcohol at a music event on Easter Sunday.

The event is taking place at the applicant's licensed premise known as The Blackball Inn & 08 Café. The applicant holds an on-licence for this premises with hours of 10am to 11pm Monday to Sunday. It is a condition of this licence that no alcohol is sold or supplied on the premises on Easter Sunday to any person other than a person who is on the premises to dine in accordance with Section 47 of the Act. A special licence is therefore required to allow the sale of alcohol at this event and for the extended hours.

The event is described as a Music Event with a live band playing at the Blackball Easter Sunday Market in the park which is across the road from the applicants' premises. The band will shift onto the premises from the market therefore the music event takes place from 7.30pm.

The premise area is set out in the plan attached to the application dated 28 January 2020 and includes an outdoor area. Noise is to be closely monitored.

It is expected the numbers attending will be up less than 100 patrons.

The application was not required to be publicly notified and no opposition or notice of desire to be heard has been received. Accordingly I deal with the matter on the papers.

The Inspectors report indicates that the amenity and good order of the locality will not be adversely affected by more than a minor extent.

The reports of the Police and Medical Officer of Health raise no matters in opposition.

I am satisfied as to the matters to which we must have regard as set out in s.142 of the Act.

DATED at GREYMOUTH this 11th day of March 2020



Rachel M Van der Geest
Chairperson/Commissioner

