

Decision No. 60C [2017] 2370

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

AND

IN THE MATTER of an application by the
CASHMERE PRIMARY
SCHOOL PTA for an On Site
Special Licence pursuant to
s22 of the Act in respect of
premises known as the
Cashmere Primary School
situated at 135 Hackthorne
Road, Christchurch.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

Chairperson Mr R.J.Wilson
Members Mr P.Rogers
Mr G.Buchanan

INTRODUCTION

[1] This is an application by the Cashmere Primary School PTA for an On Site Special Licence for premises known as the Cashmere Primary School situated at 135 Hackthorne Road, Christchurch. The occasion is a School Twilight Fair to be held on 10th November 2017. This is an annual event and there have been no problems with similar events in the past.

[2] There has been no objection or wish to be heard expressed by members of the public and neither has the application been opposed by the Licensing Inspector or the NZ Police. The Medical Officer of Health has however reported in opposition. Such opposition does not necessarily require a public hearing to be held, s202 of the Act providing that only public objections require this. The Committee may choose to decide the matter on the papers although s191(2) requires a full quorum of three members sitting. The Committee has given careful consideration to the matter and has decided that a public hearing is not necessary. We therefore proceed to determine the matter on the papers.

THE OPPOSITION OF THE MEDICAL OFFICER OF HEALTH

[3] The Medical Officer of Health has consistently opposed applications for Special Licences for events such as this which he describes as “child focussed”. In 2014 we heard evidence presented on behalf of the Medical Officer of Health at a public hearing and in other applications considered on the papers since we have taken careful note of the arguments put forward. We record that we respect the position of the Medical Officer of Health but equally with respect we have not been sufficiently moved by the evidence to refuse the licence. In this particular application we have not been able to find anything in the papers before us to satisfy us that the description of the event as “child focussed” is appropriate. The applicant appears to be catering for a much wider group comprising school staff, parents and the general public with the intent of raising funds for the school. The proposed licensed area is isolated from the main area of the fair and is unlikely to be a point of attraction for children.

[4] The role of the Committee is to satisfy itself that the application before it meets the requirements of the Act. As we have said in previous decisions we do not set ourselves up as experts on the harm which might be caused to society generally or to the community directly or indirectly (s4(2)(b) refers) by the granting of the licence. We do however believe that we have to be satisfied that such harm is likely to or may well occur before we would refuse a responsible group of citizens from exercising a lawful right. The consumption of alcohol in the presence of children is not illegal, indeed it is commonplace in other licensed venues. The applicants are a responsible group of citizens who have run similar events without problem in the past. We are simply not satisfied that the arguments put forward by the Medical Officer of Health outweigh the entitlement of the applicants to apply for and be granted a licence provided they proceed within the law and abide by the conditions of the licence as imposed by the Committee.

[5] The application is granted pursuant to s104(1). The licence will be subject to the following conditions:

Compulsory Conditions

The following conditions are compulsory:

- (a) Alcohol may only be sold under the licence on the following day and during the following hours:
Friday 10th November 2017 between the hours of 4.30 pm and 7.30 pm**
- (b) Drinking water will be freely available on the premises as specified in the application.**

Discretionary Conditions

The following discretionary conditions will apply:

- (a) The licence holder must display appropriate signs adjacent to every point of sale detailing the statutory requirements on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.
- (b) Food must be available for consumption on the premises as specified in the application.
- (c) Low alcohol beverages must be available for sale and supply on the premises as specified in the application.
- (d) Non alcoholic beverages must be available for sale and supply on the premises as specified in the application.
- (e) The licensee must provide assistance with or information about alternative forms of transport from the premises as specified in the application.
- (f) A copy of this licence together with signs showing the age restriction must be clearly displayed.
- (g) Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application.

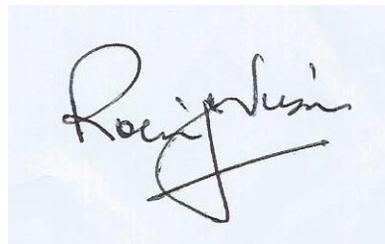
The licence is also subject to the following conditions which in the Committee's opinion are not inconsistent with the Act

- (a) Noise should be controlled so as not to disturb neighbouring residents.

The premises are not designated.

The applicant has requested an exemption from the requirement in s213(1) that at least one duty manager be appointed. This is granted.

Dated at Christchurch this 27th day of September 2017.

A handwritten signature in black ink, appearing to read 'R.J. Wilson', is written over a light blue rectangular background.

R.J.Wilson
Chairperson,
Christchurch District Licensing Committee