



Hastings District Council

Civic Administration Building
Lyndon Road East, Hastings 4156
Phone: (06) 871 5000
Fax: (06) 871 5100
www.hastingsdc.govt.nz

DECISION – SPECIAL LICENCE SETTLEMENT HOLDINGS LIMITED

HASTINGS DISTRICT LICENSING COMMITTEE

Meeting Date: **Thursday, 5 November 2015**

DECISION NO: **HDC/SP/401/2015/**

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

AND

IN THE MATTER of an application by Settlement Holdings Limited for a Special Licence pursuant to s.127 of the Act in respect of premises situated at 2283 State Highway 2, Te Aute known as "**Te Aute Hotel**".

BEFORE THE HASTINGS DISTRICT LICENSING COMMITTEE AT A MEETING HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON THURSDAY, 5 NOVEMBER 2015 AT 1.10PM

LICENSING COMMITTEE Chair: Councillor Kerr
 Members: Mr W Bradshaw and Mr D Fellows

Committee Secretary: Mrs Carolyn Hunt

APPEARANCES:

Applicant Mr Ian Bernard Morse
In Support - Mr Rex Timu
 - Mr Richard Waerea
 - Mr Harley Armstrong
 - Mr Zac McQuarrie
 - Mr Nigel North

Licensing Inspector Mr John Lovatt
Police Sergeant Raymond Keith Wylie
Medical Officer of Health Dr Rachel Eyre

DECISION OF THE HASTINGS DISTRICT LICENSING COMMITTEE

1.0 INTRODUCTION

- 1.1 This was an application made by **Settlement Holdings Limited** for an on-site special licence in respect of an event described on the application as a "Motorcycle Memorial Run". The Memorial stage was five hours in duration and would visit a number of urupa/cemeteries.
- 1.2 Although the Memorial Run was not part of the licence it was intended that it would be undertaken in a safe and responsible manner.

- 1.3 This event is to be held on Saturday 7 November 2015 from 5.30pm to 2.00am the following day.
- 1.4 The event is designed to celebrate Mongrel Mob Hastings 50th Anniversary including a memorial ride to pay respects to whanau and members who had passed on.
- 1.5 Tickets had been sold to participants of this event which included alcohol and food which would be provided.
- 1.6 The Licensing Inspector, Police and Medical Officer of Health had lodged opposition to the application due to insufficient information being received in regard to management of the event, food and drinks and selling tickets for the event.
- 1.7 Evidence given by Sergeant Raymond Wylie, the Liquor Licensing Harm Prevention Sergeant indicated that the Alcohol Management Plan circulated at the hearing had alleviated a lot of concerns which should have been included in the application, particularly the one can per serve had increased his confidence.
- 1.8 Dr Rachel Eyre a Public Health Medicine Specialist gave evidence under the delegated authority of Dr Caroline McElnay MOH for Hawkes Bay. She read her brief of evidence which Dr McElnay had reviewed and approved as accurately reflecting the grounds of her opposition.
- 1.9 Dr Eyre advised that the new information received at the hearing in regard to the management of the event and that the Police would be present at the event had mitigated their concerns.
- 1.10 The Licensing Inspector, Mr Lovatt agreed that the management plan circulated at the hearing was the truth of the event and that the applicant had created subterfuge in his application stating that the event was for a "Motorcycle Memorial Run" whereas in reality it was for the 50th Anniversary of the Mongrel Mob incorporating a Memorial Run.
- 1.11 The Applicant confirmed that the Hotel would be closing early and that alcohol would be served on the basis of a single serve per person and that stock piling or boot partying at the venue would not be allowed.
- 1.12 Three courtesy vans would be available for transportation during the evening and Maori Wardens and senior members from the Club would monitor the behaviour and drinking during the evening.
- 1.13 The Committee noted that one of the neighbours who could be affected would be away for the weekend and the other neighbour had been invited to the event.
- 1.14 Mr Timu welcomed the Police presence at the event as they felt that this would indicate to all those present that they wished this to be a well run event

celebrating 50 years of Mongrel Mob members, a memorial run for those that had passed on, followed by a celebration of life.

- 1.15 Mr Timu, in support of the application, advised the Committee that he had the respect of other Chapters throughout New Zealand and they were aware that the Hastings Chapter were in control of this event and would defer to them in any issues.

2.0 CONSIDERATION

- 2.1 In considering an application for a Special Licence the Committee is directed by section 105(1) of the Act to have regard to the following criteria:

- a) The object of the Act
 - (1) *The object of this Act is that—*
 - (a) *the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
 - (b) *the harm caused by the excessive or inappropriate consumption of alcohol should be minimised”.*
 - (2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—*
 - (a) *any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
 - (b) *any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a)*

- 2.2 The Committee also had regard to Section 142(1).

2.3 **The suitability of the applicant**

The applicant, Mr Morse, Settlement Holdings Limited holds an on-licence for the Te Aute Hotel.

Mr Morse passed his Controlled Purchase Operation and he will manage this event with the Leaders of the Club.

2.4 **Any relevant local alcohol policy**

There is no Local Alcohol Policy at present.

2.5 **Existing amenity and good order of locality**

The Te Aute Hotel is situated in a rural area, on State Highway 2. The event is to be held in the paddock behind the hotel. Parking of vehicles including motorbikes would be in the grounds of the hotel.

2.6 **The design and layout of any proposed premises.**

A plan was circulated at the Hearing which outlined the setup for the Event.

2.7 Whether the applicant has appropriate systems, staff, and training to comply with the law:

- The applicant advised that “liquor managers” will be Ian Bernard Morse, Helen Malia Von Koppel (029/GM/081/2006), and Sarah Elizabeth Taylor (29/CERT/121/09).
- Mr Morse held a managers certificate in 2006, but not since.
- The applicant advised that five Maori Wardens would be in attendance and Rex Noel Timu, Richard Waerea, John (Harley) Armstrong, Nigel North and Zack Makoare will assist with managing the security of the event.

3.0 CONCLUSION

3.1 The Committee acknowledged the event will go ahead with or without this Special Licence and therefore focussed on the Purpose and Object of the Act specifically minimising harm and being reasonable.

3.2 The Purpose of the Act refers to a system “that is reasonable” and the Object of the act includes that “the harm caused by excessive or inappropriate consumption of alcohol should be minimised”.

3.3 The committee focussed strongly on ensuring the risks around alcohol consumption by such a large group were minimised as much as possible by this decision.

3.4 Consideration was given to whether this location was the most suitable or if another venue would be appropriate.

3.5 The Committee also gave serious consideration to who should manage this event and the security available. In balance the Committee supported the proposed group of senior club members being the best people to manage the security of this event with the support of **five experienced** Maori wardens.

3.6 The Applicant and supporters spoke of a respectful day, followed by a fun friendly event. It was repeatedly acknowledged by the Applicant and supporters that this was to be safe event.

3.7 Neighbours are either away or attending the event. The hotel will be closed for alcohol sales when this event commences.

3.8 The Committee considered Section 237 Irresponsible Promotion of Alcohol and felt it was a fine line, but on balance noted that this is a Memorial run visiting urupa (cemeteries) followed by a celebration of life.

3.9 Messrs Timu and Morse both strongly promoted consumption of alcohol in a safe and friendly environment. Mr Timu as Club president confirmed he will

not be consuming alcohol during the event and takes his responsibility seriously as he does not want any accidents or harm to the attendees of this event.

3.10 Mr Zack Makoare of the Te Tai Timu Trust spoke in support of this event. He will stay overnight at the event and will be part of the Management Group. Mr Makoare has worked with Police Gang Liaison, and Council in the past. This Trust works with local youth of which many are whanau of gang members.

3.11 After considering the application as lodged and the evidence provided on behalf of the Applicant and by the objectors, the Committee is satisfied that the statutory criteria which the Committee is bound to consider can be met and the application is hereby granted, subject to the conditions set out below.

4.0 CONDITIONS

4.1 This licence is issued subject to the following conditions:

- a) Alcohol may be sold under the licence only on the following days and during the following hours:**
 - Saturday 7 November 2015 5.30pm to 1.30am the following day with the venue cleared 30 minutes later by 2.00am.
- b) The licensee must take the following steps to ensure that the provisions of this Act relating to the sale or supply of alcohol to prohibited persons are observed:**
 - i. There shall be no sale or supply to minors or intoxicated people.
 - ii. That the applicant fully complies with the undertakings set out in the application submitted on the day of the Hearing, being 4 November 2015 and called Plan for “50th Anniversary and Memorial Run 2015”.
 - iii. One drink per serve policy to be enforced.
- c) The Te Aute Hotel must be closed for the sale of alcohol from 5.30pm on Saturday, 7 November 2015.**
- d) A minimum of five experienced Maori Wardens are to be in attendance.**
- e) A maximum of 400 people permitted at this event and attendance is by ticket or invitation only.**
- f) The licensee must take the following steps to ensure that the provisions of this Act relating to the management of premises are observed:**

- Ian Bernard Morse, Helen Malia Von Koppel (029/GM/081/2006), and Sarah Elizabeth Taylor (29/CERT/121/09); Rex Noel Timu, Richard Waerea, John (Harley) Armstrong, Nigel North and Zack Makoare (Management Team) will manage this event.
- g) Drinking water* must be freely available at the following places while the premises are open for business:
- At the bar or any other place where alcohol is served.
- *Drinking water must be obtained from a source approved by the Napier Public Health Unit.
- h) Food must be available for consumption on the premises at all times as follows:
- Hangi, salads, and light snacks.
- i) Low-alcohol beverages must be available for sale and supply at all times on the premises as follows:
- Low alcohol beer.
- j) Non-alcohol beverages must be freely available at all times
- Soft drinks, juices, tea and coffee.
- k) The licensee and Management Team must take the steps to provide assistance with or information about alternative forms of transport from the premises.
- Provision of three courtesy vans.
 - Repeated information over loud speakers regarding courtesy vans and promotion of sober drivers.
- l) The licensee must file with the District Licensing Committee returns relating to the sale of alcohol as follows:
- Nil.
- m) The operation of this licence is subject to random inspection by the Hastings Police and/or Inspector of the Hastings District Council.
- n) Members of the public and invited guests shall be excluded from the premises in the following circumstances:
- On the request of any member of the New Zealand Police or Inspector of the Hastings District Council.

- o) The whole (or each of the following parts) of the premises is designated as:**
- i A restricted area: The entire premises**
 - ii A supervised area: N/A**

DATED at Hastings this 5th day of November 2015

A handwritten signature in black ink, appearing to read "M. E. M." or a similar variation, is placed here.

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CHAIRMAN
HASTINGS DISTRICT LICENSING COMMITTEE