

Decision No. GREYDLC 009/2025

**IN THE MATTER**

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

**AND**

**IN THE MATTER**

of an application by **EMMA MARGARET DALY** pursuant to s.138 of the Act for an on-site Special Licence in respect of premises situated at 638 Nelson Creek Road, Nelson Creek and known as the "Nelson Creek Hall"

**BEFORE THE GREY DISTRICT LICENSING COMMITTEE**

Emma Margaret Daly has made an application for a special licence to sell and supply alcohol for an event at 638 Nelson Creek Road, Nelson Creek and known as the "Nelson Creek Hall".

The applicant is the holder of a current managers certificate number 55/CERT/040/2019.

We make the observation that applications for special licences are required by section 137 of the Act to be filed with the District Licensing Committee's secretariat at least 20 working days before the day on which the event concerned begins. In this case, that requirement has not been met, there being only 12 working days between the time of application and the proposed event. Section 137(2) of the Act allows us to consider an application for a special licence that is filed inside 20 working days prior to the event if we are satisfied that the need for a special licence could not have been foreseen earlier. This is the case for this event, with the failure to apply in the prescribed time appearing not to be a matter of neglect or omission. The secretariat and inspector, with the co-operation of Police and the Medical Officer of Health, have been able to complete the required reports at short notice. We are satisfied that the neglect or omission for those events was not wilful, so pursuant to section 208 of the Act waive the requirement relating to the prescribed time for lodgement of the application.

The event is a cabaret for the Nelson Creek Community 150th Jubilee. There is an estimated number of 99 people attending, with a probable age distribution of 60 years and over.

The proposed day and hours applied for are: **Saturday 8th February 2025 7.00pm to 2.00am the following day.**

The premise's principal entrance is from 638 Nelson Creek Road, Nelson Creek.

The whole of the premises is designated as Supervised, as per the plan submitted with the application.

## **DECISION**

The Grey District Licensing Committee Chairperson, acting pursuant to the Sale and Supply of Alcohol Act 2012 **grants** an application by Emma Margaret Daly for an on-site Special Licence for premises at 638 Nelson Creek Road, Nelson Creek known as the "Nelson Creek Hall", subject to the following conditions:

## **CONDITIONS**

1. Alcohol may be sold under the licence only on the following days during the following hours:
  - a. **Saturday 8th February 2025, 7.00pm to 2.00am the following day.**
2. The whole area of the premises is designated Supervised for the licence period and is shown on the plan attached to this licence.
3. A certified duty manager must be on duty at all times when the premises are open for the sale and supply of alcohol.
4. The licensee must take the following steps to ensure that the provisions of the Act relating to the sale or supply of alcohol to prohibited persons are observed:
  - Minors and intoxicated persons must not be served alcohol.
5. No BYO alcohol is to be permitted to be brought into the event.
6. The licensee must display signage as follows:
  - a. A sign at each principal entrance to the premises, so as to be easily read by patrons, stating the ordinary hours of business during which the premises will be open for the sale of alcohol;
  - b. At every point of sale detailing restriction on the sale and supply of alcohol to minors and intoxicated persons;
  - c. A copy of the licence attached to the premises so as to be easily read by persons attending the premises and;
  - d. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.
7. 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-alcoholic beverages.
8. Food, as listed by the applicant must be available for consumption on the premises during the licence hours.
9. Drinking water is to be provided free of charge from a water supply prominently situated on the premises.
10. The licensee must provide information, advice and assistance about alternative forms of transport available to patrons from the licensed premises.
11. Noise levels are to be monitored at all times.
12. Payment of the fee prescribed under the Sale and Supply of Alcohol (Fees) Regulations 2013.

**The premises licensed area is set out on the plan submitted with the application and date stamped 22 January 2025. A note to this effect is to be made on the licence.**

### **REASONS FOR THE DECISION**

The applicant has provided in their application host responsibility details which demonstrate that suitable measures will be undertaken to provide the following measures with regard to the responsible sales or supply of alcohol, and that harm will be minimised by:

- Food, in the form of savouries, sandwiches and cake, as per the email attached to the application, will be available on the premises during the licence hours.
- Free water will be available at the bar at no charge throughout the event.
- Non-alcoholic and low alcoholic beverages will be available.
- A courtesy bus will be available to transport patrons home.

The applicant, Emma Daly, is the only listed certified duty manager. She is an experienced manager with over 5 years experience in the industry.

The Inspector's report indicates that the amenity and good order of the locality will not be adversely affected by more than a minor extent and that the applicant is suitable to hold this licence. She does not oppose this application.

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

The event was initially advertised as 'BYO' spirits and wine, with beer and low-alcohol products available with ticket purchase. The Inspector advises in her report that the prohibition of this under a special licence was explained to the applicant on 29 January 2025, with Police and the Medical Officer of Health present. It was agreed with the applicant that BYO advertising will be removed, and signs advising no BYO will be put in place at entry points to the event.

A stipulation prohibiting BYO at the event has been incorporated into the license conditions.

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.

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

Section 149(2) notes if a special licence issued is postponed to some other day, the licence is in force on the day on which the event or part takes place.

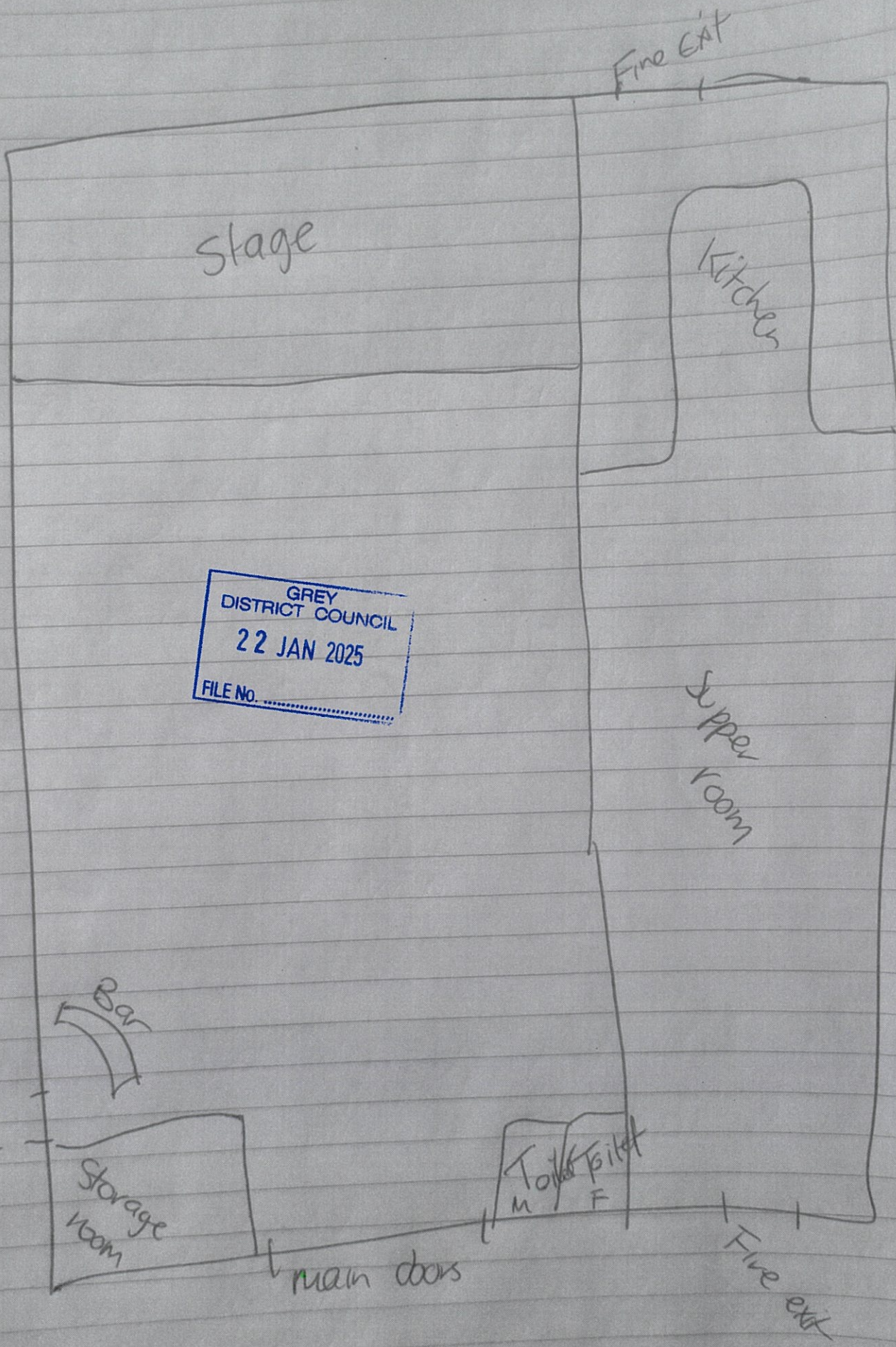
**DATED** at GREYMOUTH this 4th day of February 2025

*Randevest*



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Rachel M van der Geest  
Chairperson/Commissioner



GREY  
DISTRICT COUNCIL  
22 JAN 2025  
FILE NO. ....