

IN THE MATTER

of the Sale and Supply of Alcohol Act.

AND

IN THE MATTER

of an application by **Association of Friends of The Cathedral Grammar School** for an On-Site special licence pursuant to s.22 of the Sale and Supply of Alcohol Act 2012 in respect of premises situated at, **26 Park Terrace, Christchurch**, known as **The Cathedral Grammar School**.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

DECISION ON THE PAPERS

Chairperson Mr P.R. Rogers

Members Mr A. Lawn
Mr R.J. Wilson

[1] This is an application by **Association of Friends of The Cathedral Grammar School** for an On-site special licence for the premises at **26 Park Terrace , Christchurch**, known as **The Cathedral Grammar School** to hold an annual back to school picnic on Friday 9 February 2018 between the hours of 4.30 pm to 8.00 pm.

[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 (MOH) has however reported in opposition. Such opposition does not necessarily require a public hearing to be held pursuant to s202 of the Act, only public objections require this. The Committee may choose to decide the matter on the papers although this 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.

[3] The Medical Officer of Health has consistently opposed applications for Special Licenses for events such as this which he has previously described as “child focused”. In 2014 we heard evidence presented on behalf of the Medical Officer of Health at a public Hearing:

St Patrick’s School Parents, The Friends’ Association of Cathedral Grammar School and Cashmere Primary School, Christchurch District Licensing Committee, Decision No. 60B [2014] 137.

Since that time there have been other applications considered on the papers and on each occasion we have taken careful note of the arguments put forward by the MOH.

[4] In this application he has not made mention of “child focused” events and has referred in his letter of opposition dated 27 November 2017, to his position and this matter has been put to the Committee previously. He goes on to quote a new October 2017, Scottish study entitled “Like Sugar for Adults” with the key points being “*These findings suggest that parents who drink, or are hungover, around children may influence the child’s views regarding alcohol or effect their child in more direct way.*”

[5] This may well be true but the Committee notes the authors of the study have used the word ‘*suggest*’ indicating that there is no degree of certainty in their findings. The other quote from the report is the comment that schools should ‘*seriously*’ consider what message is sent by involving alcohol in events attended by parents and their children. This event has been held for a number of years and the MOH position is well known to the applicants and he has undertaken dialogue with them over this matter. The Committee has taken the view that the applicants have seriously considered this matter and have chosen to take a different view from that of the MOH. The new study, when placed alongside all the evidence placed before us in this and other oppositions, leads the Committee to the conclusion that we are not swayed to change our stance on the granting of these types of applications.

[6] The Committee has made the comment before, that the Ministry of Education have commented that it is a matter for the individual school’s to make their own mind up on the issue of alcohol at school events on school grounds and the Ministry is not prepared to ban such events.

[7] 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. The applicant appears to be catering to school staff and parents with the intent of raising funds for this private school. The proposed licensed area is isolated from the main area of the ‘Entertainment and kids activity zone’ and is unlikely to be a point of attraction for children.

[8] 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 note that the Act talks of ‘harm’ in s.4, but not the words ‘potential harm’.

[9] At page 14, para 5 of the previously mentioned St Patrick’s Decision, the MOH referred to what he called incorrect or inappropriate “parental modelling”. The Committee commented at page 15, para 2, parental modelling is not listed as one of the harms under s.4:- The object of the Act.

[10] We also 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.

[11] 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, including the matters in the latest study, put forward by the Medical Officer of Health outweighs 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.

[12] We are satisfied after standing back and evaluating all the matters placed before us that the application fulfils the criteria as set out in s.142 of the Act and does not offend against either the purpose or object of the Act. Pursuant to s.211(1)(c) the Committee’s attitude to

this application is therefore that it should be granted. We hereby grant the application for a special licence pursuant to s.104(1).

[13] The licence will not issue until all relevant clearances have been obtained. The applicant is not entitled to sell alcohol until the licence issues.

[14] The applicant's attention is drawn to s.259 of the Act which makes it an offence to not comply with certain requirements and restrictions imposed by or under s.46 to 63 and s.150.

[15] The applicant must comply with all conditions specified on a licence.

[16] A **waiver** has been granted pursuant to s.213(2) of the Act exempting the applicant from the requirement to appoint a duty manager. Angela Reed has been nominated as the person responsible for managing the conduct of the sale of alcohol under the licence.

[17] The licence will be subject to the following conditions –

Compulsory conditions – section 147(3)

The following conditions are compulsory:

a) Alcohol may only be sold under the licence only on the following days and during the following hours:

Friday 9 February 2018, between the hours of 4.30 pm to 8.00 pm

b) Drinking water will be freely available on the premises as specified in the application.

Discretionary conditions – section 147(1) the following discretionary conditions:

a) 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.

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-alcohol 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) Members of the public must be excluded from the premises in the following circumstances: Entry is restricted to ticket holders only.

Restricted and supervised area – section 147(2) and section 119(2)

The premises are undesignated.

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

- Noise should be controlled so as not to disturb neighbouring residents.
- Alcohol must only be sold, supplied and consumed within the premises as per plan provided.
- A copy of the licence, together with signs showing the age restriction must be clearly displayed on the premises.
- The Alcohol Management Plan, as provided with the application and the undertaking within, are to be read as conditions of the licence and must be adhered to.

Other restrictions and requirements to be noted on the licence

The following restrictions and requirements are to be noted on the licence:

Section 57 – Display of licences

Section 214 – Manager to be on duty at all times and responsible for compliance

A copy of the licence setting out the conditions to which it is subject is attached to this decision.

THE LICENSED PREMISES

The premises are identified on the plan provided with the application for a licence.

DATED this 4th day of December 2017

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

P R Rogers

Chairperson

Christchurch District Licensing Committee